

Mildura Disability Support Services| **Violence, Abuse, Neglect, Exploitation and Discrimination Policy**

1. Introduction

1.1. Purpose

This policy aims to guide Mildura Disability Support Services in applying the Violence, Abuse, Neglect, Exploitation and Discrimination NDIS Practice Standard. It serves to create a safe environment free from violence, abuse, neglect, exploitation, and discrimination for all Participants, outlining preventive measures, incident response, and Participant advocacy. The Policy also establishes a culture of accountability and continuous improvement, fulfilling our commitment to uphold Participants' rights and wellbeing in line with the Violence, Abuse, Neglect, Exploitation and Discrimination NDIS Practice Standard.

1.2. Scope

This Policy is applicable to all Workers affiliated with Mildura Disability Support. It is the responsibility of every individual, regardless of their employment status, to fully comprehend and comply with the commitments outlined in this policy. All Workers must acknowledge that they have read, understood and will comply with the contents of this Policy.

1.3. NDIS Indicators (Objectives)

Violence, Abuse, Neglect, Exploitation and Discrimination

Outcome: Each Participant accesses supports free from violence, abuse, neglect, exploitation or discrimination. To achieve this outcome, the following indicators should be demonstrated:

- a) Policies, procedures and practices are in place which actively prevent violence, abuse, neglect, exploitation or discrimination.
- b) Each Participant is provided with information about the use of an advocate (including an independent advocate) and access to an advocate is facilitated where allegations of violence, abuse, neglect, exploitation or discrimination have been made.
- c) Allegations and incidents of violence, abuse, neglect, exploitation or discrimination, are acted upon, each Participant affected is supported and assisted, records are made of any details and outcomes of reviews and investigations (where applicable) and action is taken to prevent similar incidents occurring again.

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2. Policy Statement

Mildura Disability Support Services is committed to providing a safe, respectful and inclusive environment for all Participants. Our services aim to uphold the human rights of each Participant and promote their wellbeing, freedom, and dignity. We strive to protect every Participant from any form of violence, abuse, neglect, exploitation, or discrimination.

2.1. Relevant legislation

All relevant legislation to this Policy is outlined in the Legislation Register.

2.2. Related documents

- a) Incident Management Policy
 - b) Incident Report Form
 - c) Incident Management Register
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3. Responsibilities and Roles

- a) Narelle Margaret Fraser is responsible for the development and review of this policy. It is expected that Narelle Margaret Fraser ensures this Policy remains compliant with all applicable laws, regulations and standards.
 - b) Key Management Personnel play a vital role in ensuring the effective implementation of this Policy throughout Mildura Disability Support. It is the responsibility of all Key Management Personnel to not only assist Workers in understanding and complying with this policy but also to comply with it themselves. By leading by example, they demonstrate the importance of adherence to the policy and foster a culture of compliance within the organisation.
 - c) Workers are responsible for understanding the contents of this policy and complying with all procedures applicable to them.
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4. Definitions

Mildura Disability Support Services means AUS DISABILITY SUPPORT PTY LTD ABN 61 684 083 574.

Key Management Personnel means Narelle Margaret Fraser and other key management personnel involved in Mildura Disability Support Services from time to time.

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Director means Narelle Margaret Fraser.

Worker means a permanent, fixed term or casual member of staff, a contractor or volunteer employed or otherwise engaged by Mildura Disability Support Services and includes the Director.

Abuse refers to the infringement of an individual's rights via actions or inactions by another individual or group. The categories of abuse include:

- a) Chemical abuse - This involves misuse of prescribed medications, or withholding resources of another individual, usually in a relationship that implies trust.
- b) Cultural abuse - This form of abuse primarily targets a person's cultural background. It can result from discrimination or harassment, leading to emotional, psychological, or social abuse.
- c) Financial abuse - This form of abuse involves illegal or inappropriate use of another's property or finances, or withholding resources, typically in a relationship of trust.
- d) Harm - This refers to any significant detriment to an individual's physical, psychological, or emotional wellbeing, irrespective of the cause. Harm can result from physical, psychological, or emotional abuse or neglect or sexual abuse or exploitation.
- e) Physical abuse - This involves non-accidental physical trauma or injury. It may not always leave visible marks and can include acts like hitting, shaking, throwing, burning, biting, poisoning.
- f) Psychological/emotional abuse - This form of abuse damages or threatens an individual's social, emotional, or intellectual development. It can include constant rejection, teasing or bullying, yelling, criticism, or exposure to domestic or family violence.
- g) Sexual abuse - This encompasses any form of forced or unwanted sexual activity. Perpetrators may use physical force, threats, or take advantage of individuals unable to give consent.

Neglect refers to the failure to provide the necessary care, aid, or guidance to dependent individuals by those responsible for their care. Types of neglect include:

- a) Physical neglect - The failure to provide adequate food, shelter, clothing, protection, supervision, medical and dental care, or placing individuals at undue risk through unsafe environments or practices.
- b) Passive neglect - The failure to fulfil caretaking responsibilities due to lack of caregiver knowledge, infirmity, or failure to implement prescribed services.
- c) Wilful deprivation - The intentional denial of access to medication, medical care, shelter, food, a therapeutic device, or other physical assistance, thereby exposing individuals to risk of physical, mental, or emotional harm.
- d) Emotional neglect - The failure to provide the necessary nurture or stimulation for the social, intellectual, and emotional growth or wellbeing of an individual.

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- e) Crimes of omission - This means negligence, i.e., the failure to act with the appropriate duty of care.

Exploitation involves taking advantage of a vulnerable individual's situation to use them or their resources for another's profit or advantage.

Discrimination happens when an individual or group is treated unfavourably due to a protected personal attribute. This can occur:

- a) directly, when a person or group is treated less favourably due to their attribute; or
- b) indirectly, when a system, procedure, or requirement treats everyone the same but results in disadvantage to a person or group with a protected attribute. Protected attributes include:
 - 1) age,
 - 2) breastfeeding,
 - 3) disability,
 - 4) employment activity,
 - 5) gender identity,
 - 6) industrial activity,
 - 7) irrelevant criminal record,
 - 8) lawful political belief or activity,
 - 9) lawful sexual activity,
 - 10) marital status,
 - 11) medical record,
 - 12) physical features,
 - 13) pregnancy,
 - 14) religious belief or activity,
 - 15) sex,
 - 16) sexual orientation,
 - 17) social origin,
 - 18) status as a parent or carer, and
 - 19) personal association or relation to another person with any of the above attributes.

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5. Procedures

5.1. Prevention

- a) Mildura Disability Support Services promotes a culture that actively prevents violence, abuse, neglect, exploitation, and discrimination. We prohibit these harmful actions in all forms, regardless of the perpetrator.
- b) We strive to provide services and supports within a safe, ethical environment that is free from discrimination, financial, sexual, physical, or emotional abuse, neglect, and exploitation.
- c) Our approach respects each Participant's rights and responsibilities, including their right to live free from violence, abuse, neglect, exploitation, and discrimination.
- d) Participants undergo regular assessments of potential risk factors related to violence, abuse, neglect, exploitation or discrimination.
- e) The results of these assessments will inform the creation and implementation of risk management plans that target these specific risks.
- f) Potential sources of risk will be identified through direct observation, consultation with Workers and Participants, and by reviewing incidents and near-misses.
- g) We seek Participants' consent regarding the involvement of other individuals such as family, guardians, or chosen community in their assessment or support planning stage, particularly when there is a known history of violence, abuse, neglect, exploitation, or discrimination.
- h) Identified risks will be evaluated based on the likelihood of occurrence and the potential impact on Participants. This will help prioritise risks and focus resources effectively.
- i) Risk control strategies will be developed and implemented. These may include changing procedures or working practices, physical alterations to the environment, additional training for Workers, or improved supervision.
- j) Risk Assessments and strategies will be regularly reviewed and updated as necessary. This includes following up on implemented control measures to ensure they are effective and updating them as necessary.

5.2. Worker Training and Education

- a) All Workers receive induction training that covers understanding and identifying instances of violence, abuse, neglect, exploitation and discrimination, and responding effectively. This includes:
 - 1) Recognizing potential warning signs;

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- 2) Understanding their responsibilities; and
 - 3) Learning how to respond and report incidents.
- b) Refresher courses will be provided periodically to ensure that the Workers remain vigilant and updated about the latest best practices.

5.3. Participant Communication and Access to Advocacy

- a) Workers will ensure Participants will be educated about their rights and how to identify and report any inappropriate behaviour.
- b) They will be informed about the signs of violence, abuse, neglect, exploitation or discrimination and will be encouraged to report any concerns immediately.
- c) Each Participant will be provided with clear, comprehensive, and accessible information about their right to engage an advocate. This will include explanations about the role of an advocate, how an advocate can support them, and the various types of advocates available (e.g., professional advocates, peer advocates, legal advocates).
- d) Information about advocates will be presented in multiple formats to cater to the diverse needs of Participants. This includes, but is not limited to, written handouts via the Participant Information Booklet, digital content, and verbal briefings. These materials will be made available in different languages or formats (e.g., large print, easy-read, Braille) where needed.
- e) If a Participant expresses interest in engaging an advocate or if a situation arises where an advocate could be beneficial, Mildura Disability Support Services will support the Participant in accessing an advocate. This could include providing a list of potential advocates, assisting with contact or appointment scheduling, or supporting the Participant during advocate meetings.
- f) Mildura Disability Support Services will maintain a respectful, collaborative relationship with the advocate selected by the Participant. We will work with the advocate to ensure they have all the information and access needed to support the Participant effectively.
- g) Participants are to be informed there will be no negative repercussions for those who choose to use advocates, and efforts will be made to ensure that advocates can perform their roles without interference.
- h) Mildura Disability Support Services will regularly seek feedback from Participants and their advocates to ensure that our advocacy support procedures are working effectively. This feedback will be used to improve our advocacy support and to enhance Participant outcomes.

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5.4. Incident Reporting

- a) All Workers are required to report any allegations, suspicions, or incidents of violence, abuse, neglect, exploitation, or discrimination immediately to the Incident Manager in accordance with the Incident Management Policy.
- b) Workers must provide as much detail as possible, including the nature of the incident, individuals involved, date, time, and location.
- c) All details related to the incident will be meticulously documented in a secure and confidential system. This includes the nature of the incident, individuals involved, actions taken, outcomes, and future prevention strategies.
- d) Mildura Disability Support Services will fully cooperate with external authorities during any investigation, providing access to all necessary records and supporting the participation of the affected Participant as required.
- e) During interactions with external authorities, the Participant will be supported by their advocate, where applicable, to ensure their rights are upheld.
- f) Participants will be encouraged and supported to report any incidents or concerns directly.
- g) Multiple reporting channels will be available to ensure ease of reporting. These may include in-person reporting, phone or email. Anonymous reporting will also be available for individuals who may feel uncomfortable with revealing their identity.
- h) Based on the nature of the incident and the needs of the Participant, immediate or ongoing assistance such as therapy, counselling, or long-term changes to service delivery may be provided.
- i) The Participant will be involved in decisions about their support and recovery process wherever possible, respecting their autonomy and personal preferences.

5.5. Child Safety Mandatory Reporting Provisions

For any reported incident involving a child suspected to be at risk of significant harm, adhere to the procedures outlined below for each applicable state and the incident reporting procedures in the Incident Management and Reporting Policy.

a) New South Wales

- 1) Should there be any suspicion of a child at risk of significant harm, it is a requirement to report it.

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- 2) [The Mandatory Reporter Guide \(MRG\)](#) is a resource designed to aid mandatory reporters in determining if concerns regarding possible child abuse or neglect warrant a report to the NSW Child Protection Helpline or Child Wellbeing Unit.
- 3) The MRG can also guide reporters on supporting vulnerable children and their families outside the formal child protection system.
- 4) Reporters should employ the MRG and their professional judgement, or seek the counsel of Key Management Personnel in decision-making situations, particularly when assessing suspected risk of significant harm. The MRG is highly recommended except in clear cases of significant harm.
- 5) Report to the NSW Child Protection Helpline at 132 111, which is available 24/7.

b) **Victoria**

- 1) Suspicions of a child at risk of significant harm must be reported.
- 2) [The Child Protection Manual \(CPM\)](#) assists reporters in determining if concerns about possible child abuse or neglect should be reported to the Child Protection Intake Service.
- 3) The CPM should be used in combination with professional judgement or guidance from Key Management Personnel in making decisions, especially when significant harm is suspected. The MRG is highly encouraged except in clear cases of harm.
- 4) Reports can be made during business hours (8.45am - 5.00pm, Monday - Friday) to the Child Protection Intake Service for the local government area where the child resides:
 - (i) North Division intake: 1300 664 977
 - (ii) South Division intake: 1300 655 795
 - (iii) East Division intake: 1300 360 391
 - (iv) West Division intake (metropolitan): 1300 664 977
 - (v) West Division intake (rural and regional): 1800 075 599
- 5) After business hours, contact Child Protection Services at 13 12 78.
- 6) For cases not reaching the threshold of significant harm but still raising concerns for a child's wellbeing, refer to Child FIRST or The Orange Door. Contact the number corresponding to the local government area where the child resides.

6. *Policy Review and Updates*

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This Policy is to be amended and updated according to the requirements to comply with the applicable law.

Approval Authority: Narelle Margaret Fraser

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