

# Violence, Abuse, Neglect, Exploitation and Discrimination

## Violence, Abuse, Neglect, Exploitation and Discrimination Policy and Procedure

### Purpose

TassieCare services recognises the right of all participants to feel safe and to live in an environment that protects them from assault, neglect, exploitation, discrimination, or any other form of abuse. People with disabilities, children and young people are some of the most vulnerable groups in our society. TassieCare services must identify, consult, and respond to instances where persons with disabilities, children or young persons are at risk of significant harm.

TassieCare has zero-tolerance towards abuse and neglect of children and young people. We are committed to the rights of all children and young people to feel safe and be safe when participating in our organization's activities, services, and programs.

Common reasons for people with disabilities, children, and young people to be at risk of significant harm include:

- domestic and family violence
- physical, sexual, and emotional abuse
- neglect.

The purpose of this policy is to prevent and mitigate the effects of violence, abuse, and neglect on participants through training and implementing processes to inform Team Members and protect participants who are at risk of significant harm.

### Scope

TassieCare services will encourage and support any person who has witnessed the abuse of a service user or, who suspects that abuse has occurred, to make a report and be confident of doing so without fear of retribution.

### Definitions

| Term                     | Definition  |
|--------------------------|---|
| <b>Abuse and neglect</b> | Any behaviour outside the norms of conduct entails a substantial risk of causing physical or emotional harm to a person. Such behaviours may be intentional or unintentional and can include acts of omission (i.e. neglect) and commission (i.e. abuse). |
| <b>Discrimination</b>    | Discrimination is the treating or proposing to treat someone unfavourably because of a personal characteristic protected by the   |

|                     |  |
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|                     | law, including bullying someone because of a protected characteristic.   |
| <b>Exploitation</b> | Exploitation is the action or fact of mistreating someone to benefit from their work or the action of making use of and benefiting from resources. |
| <b>Violence</b>     | Violent behaviour by a person towards another can include abusive behaviour that is physical, sexual, intimidating, and forceful.                  |

### Types of abuse

| <b>Term</b>                               | <b>Signs and symptoms</b>   | <b>Causes</b>  |
|---|---|--|
| <b>Physical abuse</b>                     | Bruising, lacerations, welts, rashes, broken or healing bones, burns, weight loss, facial swelling, missing teeth, pain, or restricted movements, crying, acting fearful, agitation, drowsiness, hair loss or poor physical well-being  | Hitting, slapping, pushing, punching, or burning entails an incident that is non-accidental, resulting in pain or injury.  |
| <b>Psychological/<br/>emotional abuse</b> | Loss of interest in self-care, helplessness, withdrawal, apathy, insomnia, fearfulness, reluctance to communicate openly, choosing not to maintain eye contact, paranoia, and confusion.  | Intimidation, humiliation, harassment, threatening, sleep deprivation, withholding affection, or not allowing them to maintain their decision-making powers leads to a repeated pattern.   |
| <b>Sexual abuse</b>                       | Unexplained sexually transmitted disease, vaginal/anal bleeding, fear of specific people or places, bruising to genital areas inner thigh or around breasts, anxiety, torn or bloody underclothes, difficulty walking or sitting, change in sleep pattern repeating nightmares. | Rape (penetration or oral-genital contact), interest in older person's bodies, inappropriate comments and sexual references, inappropriate (possibly painful) administration of enemas or genital cleansing, indecent assault, sexual harassment are mainly about violence and power over another person, rather than sexual pleasure. |
| <b>Neglect</b>                            | Neglect is poor hygiene or personal care, unkempt appearance, lack of personal items, absence of health aids,   | Neglect is the intentional failure to provide basic life necessities.  |

|                                  |  |  |
|----------------------------------|--|--|
|                                  | weight loss, agitation, inappropriate clothing, or lack of food.   |  |
| <b>Domestic and family abuse</b> | Any controlling, bullying, threatening or violent behaviour between people in a relationship, including emotional, physical, sexual, financial, or psychological abuse.  | Many experts believe in psychopathology. Witnessing abuse as the norm, or being abused, destroys the child's ability to trust others and undermines their ability to control emotion.  |
| <b>Financial abuse</b>           | Unexplained money loss, Lack of money to pay for essentials such as rent, bills and food, Inability to access or check bank accounts and bank balance, Changes, or deterioration in standards of living, e.g., not having items or things they would usually have, Unusual or inappropriate purchases in bank statements, Isolation and withdrawal from friends and family, Lack of things you'd expect someone to be able to afford, e.g., TV, grooming items, clothing | Financial abuse is when someone takes away access to money, manipulates their financial decisions, or uses their money without consent. It occurs when someone uses money or things relating to money to hurt, scare or control someone. |

### Policy

This policy aims to:

- take a preventative, proactive and participatory approach to participant safety
- value and empower the participant to contribute to decisions that affect their lives
- foster a culture of openness that supports all persons to disclose the risks of harm to participant safety
- respect diversity in cultures and child-rearing practices while keeping the participant's safety paramount
- provide training to team members on appropriate conduct and behaviour towards participants
- engage only the most suitable people to work with participants and ensure superior quality team members, volunteer supervision and professional development
- ensure participants know who to talk to if they are worried or feeling unsafe and that they are comfortable and encouraged to raise any issues.
- report suspected abuse, neglect, or mistreatment promptly to the appropriate authorities.
- share information appropriately and lawfully with other organisations where the safety and wellbeing of the participant is at risk
- value the input of families and advocates and communicate regularly with them.

If the situation meets the criteria of a reportable incident, then the Reportable Incident, Accident and Emergency Policy and Procedure will apply.

### Statement of commitment to safety

TassieCare services is committed to the safety and wellbeing of all participants. This commitment is the primary focus of our support and decision making. TassieCare services is committed to providing a safe environment where participants are safe, and their voices are heard and included in decisions that affect their lives. Attention is paid to the cultural safety of participants from culturally or linguistically diverse backgrounds.

TassieCare is committed to ensuring the safety and wellbeing of all children and young people who access our activities, programs, services and/or facilities. Our policies and procedures seek to address risks to child safety and to establish a safeguarding culture and practices.

All Team Members have a responsibility to understand the critical and specific role they play, both individually and collectively, to ensure the wellbeing and safety of all participants and young people are at the forefront of all they do and every decision they make.

### Safe Code of Conduct

TassieCare services is committed to the safety and wellbeing of participants. Our business recognises the importance of, and responsibility for, ensuring our environment is a safe, supportive, and enriching environment that respects and fosters the dignity and self-esteem of all people, enabling them to thrive.

The Safe Code of Conduct aims to protect our employees and participants and reduce abuse or harm opportunities. It also assists in understanding how to avoid or better manage risky behaviours and situations. It is intended to complement child protection legislation, disability legislation, policies and procedures, and professional standards and codes of ethics apply to all staff.

TassieCare services management supports the implementation and monitoring of the Code of Conduct. We will plan, implement, and monitor arrangements to provide inclusive and safe environments.

All team members, volunteers, and other community members involved in participant-related work must comply with the Code of Conduct by observing expectations for appropriate and acceptable behaviour (see Acceptable behaviours' below). The Code of Conduct applies in all situations, including planned activities and the use of digital technology and social media.

### Acceptable behaviours

Team Members or any other persons involved with participant-related work are responsible for supporting and promoting the safety of participants by:

- upholding TassieCare service's Statement of Commitment for the participant's safety

- treating the participant, their family, and advocates with respect within the environment and during outside activities as part of everyday social and community activities
- listening and responding to the participant's views and concerns, particularly if:
  - they are reporting that they or another person have been abused; or
  - that they are worried about their safety or the safety of another participant
  - promoting cultural safety, participation, and empowerment of Aboriginal and Torres Strait Islander people through interactions with their community leaders and members
  - promoting the cultural safety, participation, and empowerment of people with culturally or linguistically diverse backgrounds through engagement with the community accessing the service
  - promoting the safety, participation, and empowerment of people with disabilities
  - reporting any allegations of abuse or personal safety concerns to management
  - understanding and complying with all reporting or disclosure obligations (including mandatory state reporting), as they relate to protecting the participant from harm or abuse.
  - maintaining the right to live in a safe environment by promoting and informing the participants of their rights.
  - ensuring participants are safe and protected from harm as quickly as possible once abuse is suspected.
  - identifying themselves to a participant upon entering premises and show any required identification.

Any failure to observe our behavioural guidelines is taken seriously, and we are committed to taking appropriate disciplinary and legal action wherever necessary.

### Unacceptable behaviours

As front-line workers, volunteers and community members involved in participant-related work, our Team Members will not:

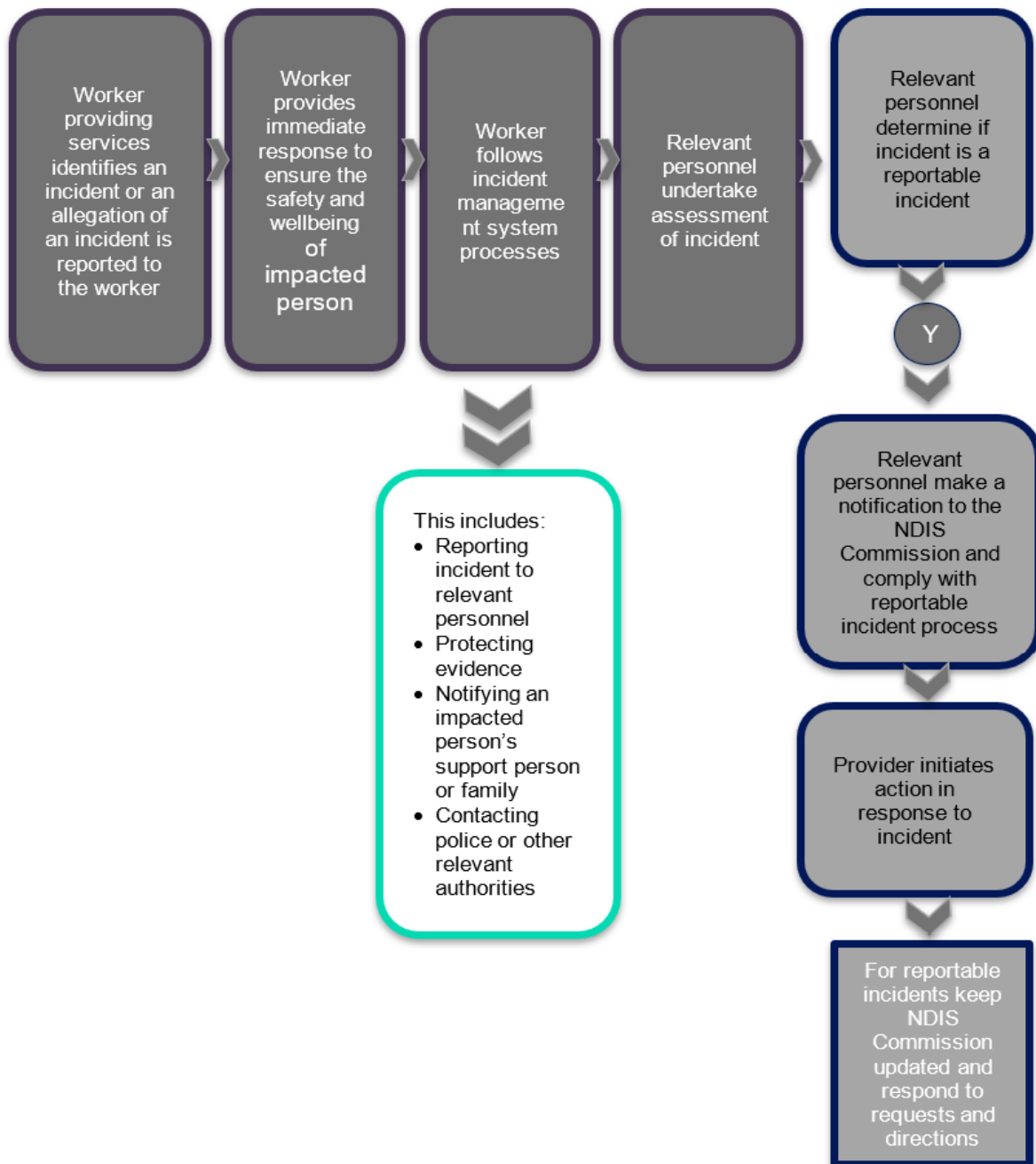
- ignore or disregard any concerns, suspicions, or disclosures of abuse
- develop a relationship with any participant that could be viewed as favouritism or grooming behaviour, e.g., offering gifts.
- exhibit behaviours or engage in activities with participants that can be interpreted as abusive and unjustifiable in an educational, therapeutic, or service delivery context.
- ignore behaviours by other adults towards young participants when they are overly familiar or inappropriate
- discuss the content of an intimate nature or use sexual innuendo with participants, except where it occurs relevantly in the context of parental/advocate guidance or a therapeutic setting
- treat a participant unfavourably because of their disability, age, gender, race, culture, vulnerability, sexuality, or ethnicity.
- communicate directly with an underage participant through personal or private contact channels, e.g., social media, email, instant messaging, or texting, except where that communication is reasonable in all the circumstances, related to work or activities, or a safety concern other urgent matter.

Screening, supervising, training, and human resource practices to reduce risk.

Our Team Members will be required to undertake checks, including disability worker checks, relevant police, and working with children checks and the mandatory NDIS Worker Orientation Module. All records will be maintained in their personnel file.

Procedure

Figure 1 Steps in Incident Management (Incident Management Systems – detailed guidance for NDIS Providers June 2019





### Strategies to identify and reduce or remove the risk of harm

TassieCare services recognise that creating a safe organisation begins with a clear understanding of the potential risks to the participant and staff in our organisation's setting. TassieCare services will identify possible issues and problems and plan to reduce or remove these risks.

To reduce the likelihood of harm, TassieCare services will consider, define, and act against its organisational risks. These strategies include:

- considering the organisation, activities and services provided to participants.
- reviewing and planning how to make all activities as safe as possible.
- developing a safety plan for participants who require additional supports.
- supporting participants with disabilities to understand plans and safety procedures using appropriate communication methods.
- informing participants that they have the right to live in a safe environment.
- acting proactively to reduce the likelihood of any risks.

### Reporting violence, abuse, neglect, exploitation, and discrimination

A report must be made if:

- a participant shows a change in behaviour or mood, which may indicate they are being abused.
- someone is observed behaving towards a participant in a way that makes others feel uncomfortable.
- a participant advises another person is abusing them.
- a person advises that they are abusing another participant.
- a participant or visitor informs that they have observed abusive acts.
- a participant advises that they feel discriminated against, e.g., language and actions.
- a participant presents as unkempt or seeking food.
- there is evidence of unexplained bruising or similar.
- an action or inaction is witnessed that may be considered abusive.
- when an individual, for any reason, believes a participant is being abused.

Failure to report an abusive situation may result in a criminal offence. Reporting procedure below relates to:

- abuse or neglect of a person with a disability
- unlawful sexual or physical contact with, or assault of, a person with a disability
- sexual misconduct, committed against, or in the presence of, a person with a disability, including grooming for sexual activity.
- Unauthorised use of restrictive practices to a person with a disability.

### Assault identification and response

#### **Step 1. Identified potential or real risk of harm to a participant.**

- Inform Case Manager/Line Manager of the identified or actual risk of violence, abuse, neglect, exploitation, and discrimination.
- If a real risk has occurred, TassieCare services will follow the reporting procedure listed below in How to report (for more information, refer to the Reportable Incident, Accident and Emergency Policy and Procedure listed below).

- Steps 2 to 4 (below) will be followed as part of our prevention strategies if a real risk has not occurred.

### **Step 2. Response to a potential or real risk of harm to a participant**

- Delegated management personnel will contact police or governing state body, or in case of emergency, we will call 000 (follow the reportable incident process listed below)
- Support the participant by offering to contact relevant support persons (e.g., family member or advocate)
- If the risk of harm has not occurred, then management should review the Incident Report and determine prevention strategies

### **Step 3. Documentation**

- Reporting team member to complete the Incident Report on Visual Care.
- The Case Manager will complete the Incident Investigation Form and the Incident Investigation Form Final Report (as required).

### **Step 4. Follow up**

- The Case Manager will check on the participant after the event to ensure that they are receiving any required support.
- TassieCare services will review our incident management system to identify if any additional preventative measures could be introduced to improve organisational practices.
- TassieCare services will train our staff as required to prevent harm to the participant.

### **Reporting roles**

The organisation will establish the following roles and ensure that allocated Team Members are aware of their responsibilities:

- Approved Reportable Incident Approver responsibilities:
  - the authority to review reports before submission to the NDIS Commission.
  - submits new reportable incidents.
  - views previous reportable incidents submitted by their organisation.
- Authorised Reportable Incidents Notifier responsibilities:
  - supports the Authorised Reportable Incident Approver to collate and report the required information.
  - creates new reportable incident notifications to be saved as a draft for review and submission by the Authorised Reportable Incident Approver.

### **How to report**

The Case Manager/Compliance Officer will review the information and contact the police immediately to inform them of the suspected abuse.

**Important note:** Information regarding how our organisation reports abuse against children can be found in the Working with Children Policy and Procedure.



Unauthorised use of a restrictive practice by an implementing provider constitutes a reportable incident. The provider must notify the NDIS Commission within five business days of becoming aware of the use.

Reportable incidents are submitted via the NDIS Commission Portal - [My Reportable Incidents](#) page as follows:

**1. Complete an Immediate Notification Form and submit it within 24 hours:**

- Approved Reportable Incident Notifier will create for approval.
- Approved Reportable Incident Approver will approve and submit.
- Note: Approved Reportable Incident Notifier may create and submit, as required by the circumstance of the incident. The participant's valid NDIS Number must be entered.

**2. The 5-day Form is to be completed within five days of key stakeholders being informed of an incident:**

- Approved Reportable Incident Notifier will create a form for approval.
- Approved Reportable Incident Approver will approve and submit.
- Note: Approved Reportable Incident Notifier may create and submit, as required by the circumstance of the incident.

**3. A final report will be submitted if requested by the NDIS Commission.**

- Approved Reportable Incident Notifier will create for approval.
- Approved Reportable Incident Approver will approve and submit.
- Note: Approved Reportable Incident Notifier may create and submit, as required by the circumstance of the incident.

**Details to provide.**

The Case Manager/Compliance Officer will give the following information to the authorities:

- participant's name, age, date of birth and address
- description of injury, abuse, and neglect (outline current and previous)
- participant's current situation
- location of the participant and alleged perpetrator, if known
- explanation of when and how abuse was discovered and by whom.

**Note:** NDIS forms must be submitted to the NDIS Commission. The required police contact will also use the above information if investigating an incident.

**Investigating allegation or incident**

The Case Manager/Compliance Officer undertakes a review of the allegation or incident by:

- gathering data from the relevant person/s
- analysing the situation to determine what occurred, how it occurred, and the parties involved.
- determining the effect on the participant/s
- consulting with relevant stakeholders; never seek information from children, as this requires a specialist, any questioning will be conducted by appropriate authorities once the incident is reported.
- informing the participant or their family that they have access to a support advocate.

- reviewing the outcome against practices
- undertaking action to prevent the incident from being repeated.

### Support the participant.

Reported allegations or incidents require the Case Manager to gather all the relevant information and make a report to the relevant authority such as the police or via each state's reporting process.

Support will be provided to the participant relevant to the allegation or incident. The participant will be provided with an appropriate advocate if required.

### Documentation

- Record all allegations and incidents in the Incident Register.
- Complete Incident Report on Visual Care and Incident Investigation Form
- Complete Incident Investigation Form, if required.
- All reports are to be included in the participant's file.
- Complete Immediate Notification Form and 5-Day Form, and NDIS Report, as required.
- Maintain records for seven years.

### Related documents

- Authority to Act as an Advocate Form
- Code of Conduct Acknowledgement
- Safeguarding Children & Young People Policy
- Safeguarding Children & Young People Reporting Policy
- Incident Investigation Form
- Incident Investigation Form Final Report
- Incident Report – Visual Care
- Incident Register
- Participant Notes
- Risk Assessment Form
- Risk Management Plan
- Risk Register
- Team Member Training Record
- Team Member Training Plan
- Training Attendance Register – In-house
- Training Register
- Recruitment Policy
- Reportable Incident, Accident and Emergency Policy and Procedure
- Working with Children Policy and Procedure
- Zero Tolerance Policy and Procedure

### References

- NDIS (Incident Management and Reportable Incidents) Rules 2018
- NDIS Practice Standards and Quality Indicators 2021
- The National Framework for Protecting Australia's Children
- United Nations Convention on the Rights of the Child 1989

## 1. Roles and Responsibilities

The responsibilities of each role in relation to the development and compliance of the *TassieCare Safeguarding Children and Young People Policy* is detailed below.

| Role                   | Responsibility   |
|------------------------|--|
| Senior Management Team | <p>Advocate and promote child rights, empowering and engaging children and young people in support of this Policy and its expectations.</p> <p>Promote the commitment to this Policy and its expectations both internally and publicly.</p> <p>Support policy review on a 3-year cycle as a minimum or at a time governed by legislation, regulations, or organisational learnings that promote a change to the Policy and all relevant policy or procedural guidelines.</p> <p>Ensure compliance to the Policy via an inbuilt mechanism for ongoing monitoring and review.</p> <p>Ensure adequate resources are allocated to allow for the development, effective implementation, communication, and continuous improvement of this policy.</p> <p>Develop opportunities for regular discussion and review at all levels to support a culture of openness and continued improvement and accountability to keeping children and young people safe from abuse and neglect.</p>  |
| All Management         | <p>Advocate and promote child rights, empowering and engaging children, and young people in support of this Policy.</p> <p>Ensure all Personnel understand their obligations in accordance with this Policy and any relevant policy and procedural documentation.</p> <p>Ensure this Policy is implemented and adhered to amongst personnel.</p> <p>Ensure the development and implementation of required internal policy/ procedures and guidelines are in place to support safeguarding children and young people practices in accordance with the expectations of this Policy.</p> <p>Ensure adequate resources are allocated to allow effective implementation of this Policy.</p> <p>Ensure to fully support Personnel with any decision to initiate action to protect a child from abuse and neglect.</p> <p>Ensure appropriate supports, such as counselling and formal debriefing, are provided for any Personnel involved in a matter relating to responding to a concern for the safety and wellbeing of a child or young person.</p> <p>Proactively share resources and experience in the development of child safe initiatives as they are identified.</p> <p>Develop opportunities for regular discussion and review at all levels to support a culture of continuous improvement and accountability of keeping children and young people safe from abuse and neglect.</p> <p>Ensure that all personnel are aware of the appropriate recruitment, screening, and employment practice in relation to safeguarding children and young people.</p> |

| Role                                     | Responsibility   |
|--|--|
| HR & Management Team                     | <p>Review and update this Policy and supporting resources in consultation with relevant stakeholders.</p> <p>Support the coordination of the Safeguarding Children and Young People framework and its implementation.</p> <p>Evaluate and analyse complaints, concerns and safety incidents relating to this Policy.</p> <p>Provide training and advice in the application of this Policy</p>  |
| Employees/<br>Volunteers/<br>Contractors | <p>Advocate and promote child rights, empowering and engaging children, and young people in support of this Policy.</p> <p>Maintain a full understanding of the commitments and expectations of this Policy, as well as all other policy relevant to safeguarding children and young people.</p> <p>Ensure compliance with this Policy, fully implementing and adhering to the commitments and expectations.</p> <p>To undertake any induction and training anticipated in this Policy, in relation to policy and procedures relevant to safeguarding children and young people.</p> <p>To support a culture of openness, continued improvement and accountability to children and young people by engaging in regular review and discussion of organisational policies and practices and providing feedback to support improvement.</p> <p>To seek guidance from a supervisor or manager if there is ever any lack of understanding in relation to the commitments and expectations as set out in this Policy.</p> <p>To adopt appropriate safeguarding practice and behaviour</p> <p>To take action to protect children and young people from all forms of abuse and neglect.</p> <p>To report any abuse committed by personnel within our organisation or by others.</p> <p>To assist in creating and maintaining a child safe culture and a culture of inclusion and safety.</p> |

**For clarification regarding this policy, please contact:**

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**Written and authorised by:** Jonathan Bishton People & Culture Manager

**Date:** 18/04/2023.