

VIOLENCE, ABUSE, NEGLECT, EXPLOITATION AND DISCRIMINATION

Clover Care Pty Ltd recognises the right of all participants to feel safe and to live in an environment that provides protection 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. It's essential that Clover Care Pty Ltd identify, consult and respond to instances where persons with disabilities, children or young persons are at risk of significant harm.

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 impact of violence, abuse and neglect can span across all domains of a person's development and life experiences. People who experience violence, abuse and neglect are more likely to have problems with:

- Learning and development
- Physical and mental health
- Behaviour

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 Staff and protect participants who are at risk of significant harm.

Scope

Clover Care Pty Ltd 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.

Definition

Abuse and Neglect Any behaviour that is outside the norms of conduct and 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).

Discrimination Treating, or proposing to treat someone unfavorably because of a personal characteristic protected by the law. Discrimination includes bullying someone because of a protected characteristic.

Exploitation The action or fact of mistreating someone to benefit from their work. The action of making use of and benefiting from resources.

Violence Violent behaviour by a person towards another can include abusive behaviour that is physical, sexual, intimidating and forceful. People with a disability are more likely to experience violence from a carer or family member.

POLICY

This policy aims to:

- Take a preventative, proactive and participatory approach to participant safety
- Value and empower the participant to contribute to decisions which 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 Staff on appropriate conduct and behaviour towards participants
- Engage only the most suitable people to work with participants and ensure
- Superior quality Staff, volunteer supervision and professional development
- Ensure participants know who to talk to if they're worried or feeling unsafe and that they're 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.

In the case that 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

Clover Care Pty Ltd is committed to the safety and wellbeing of all participants. This commitment is the primary focus of our support and decision making. Clover Care Pty Ltd is committed to providing a safe environment where participants are safe and feel safe; 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.

Staff 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

Clover Care Pty Ltd 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.

This code of conduct aims to protect both Staff and participants and to reduce opportunities for abuse or harm to occur. It also assists in understanding how to avoid, or better manage, risky behaviours and situations. It's intended to complement child protection legislation, disability legislation, policies and procedures and professional standards, codes or ethics as these apply to Staff and other personnel.

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

All Staff, volunteers, and any other community members involved in participant-related work are required to comply with the Code of Conduct by observing expectations for appropriate and acceptable behaviour (see '4.3 Acceptable behaviors' below). The Code of Conduct applies in all situations, including planned activities and the use of digital technology and social media.

Acceptable behaviours

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

- Upholding Clover Care Pty Ltd'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 normal social and community activities
- Listening and responding to the views and concerns of the participant, particularly if they are reporting that they or another person have been abused; or that they're 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 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 any personal safety concerns to management
- Understanding and complying with all reporting or disclosure obligations (including state mandatory 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.

Unacceptable behaviours

As front-line workers, volunteers and community members involved in participant-related work, we must not:

- Ignore or disregard any concerns, suspicions or disclosures of abuse
- Develop a relationship with any participant that could be viewed as favoritism 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're overly familiar or inappropriate
- Discuss 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 unfavorably 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 where there is a safety concern or other urgent matter.

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

The Staff 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

Strategies to identify and reduce or remove the risk of harm

Clover Care Pty Ltd recognise that creating a safe organisation begins with a clear understanding of the potential risks to the participant and Staff in an organisation's setting. We will identify possible issues and problems and plan to reduce or remove these risks.

To reduce the likelihood of harm Clover Care Pty Ltd will consider, define and act against its organisational risks.

These strategies include:

- Thinking about the organisation, its activities and the services it provides to participants
- 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're being abused
- Someone is observed behaving towards a participant in a way that makes others feel uncomfortable
- A participant advises they're being abused by another person
- A person advises that they're abusing another participant
- A participant or visitor informs that they've 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 disability
- Unlawful sexual or physical contact with, or assault of, a person with disability
- Sexual misconduct, committed against, or in the presence of, a person with disability, including grooming of the person with disability for sexual activity
- Unauthorised use of restrictive practices in relation to a person with disability

Reporting Roles

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

1. Approved Reportable Incident Approver responsibilities
 - have the authority to review reports prior to submission to the NDIS Commission.
 - submit new Reportable Incidents
 - view previous Reportable Incidents submitted by their organisation.
2. Authorised Reportable Incidents Notifier responsibilities
 - supports the 'Authorised Reportable Incidents 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 approver.

How to report

Management Team will review the information and contact the police immediately to inform them of the suspected abuse.

Important note: To find out how to report abuse against children go to the 'Working with Children Policy and Procedure'.

Reportable Incidents are submitted via the NDIS Commission Portal, 'My Reportable Incidents' page.

1. Complete an Immediate Notification Form and submit within 24 hours
 - Approved Reportable Incident Notifier will create for approval
 - Approve Reportable Incident Approver will approve and submit
 - Note: Approved Reportable Incident may create and submit, as required by the circumstance of the incident.
2. 5-day form to be completed within 5 days of key stakeholders being informed
 - Approved Reportable Incident Notifier will create for approval
 - Approve Reportable Incident Approver will approve and submit
 - Note: Approved Reportable Incident may create and submit, as required by the circumstance of the incident.
3. Final Report will be submitted if requested by the NDIS Commission.
 - Approved Reportable Incident Notifier will create for approval
 - Approve Reportable Incident Approver will approve and submit
 - Note: Approved Reportable Incident may create and submit, as required by the circumstance of the incident.

Details to provide

The Management Team 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 NDIS Commission. Required Police contact will use the above information.

Investigating allegation or incident

Management Team undertakes a review of the allegation or incident by:

- Gathering data from 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 Management Team 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. Participant will be provided an appropriate advocate, if required.

Documentation

- Record all allegations and incidents in the Incident Register.
- Complete Incident Investigation Form, if required.
- Reports 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 (7) years.