



CASS Group- Disability Services

ABUSE, NEGLECT, EXPLOITATION, VIOLENCE AND DISCRIMINATION

Policy Code: 1106	ABUSE, NEGLECT, EXPLOITATION, VIOLENCE AND DISCRIMINATION
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Policy Statement

CASS Disability Services is committed to taking all steps possible to prevent and respond to abuse, neglect, exploitation, violence and discrimination of its participants, particularly toward people with a disability and older people.

CASS Disability Services will promote and adhere to the human rights of all participants and empower them to exercise their rights. CASS Disability Services is committed to creating a culture where participants safety is essential to service delivery, and participants and workers feel empowered to speak up and report abuse.

CASS Disability Services will outline the processes to:

- Assess the risks of abuse
- Prevent abuse from occurring
- Respond to abuse

Definitions

Exploitation: is taking advantage of someone's vulnerabilities for your personal gain, to steal, use or profit. Exploitation often occurs with vulnerable groups such as people with a disability and older people. Exploitation is a form of abuse.

Abuse: is any form of violence, coercion, exploitation, discrimination, harm or neglect which causes another person psychological or physical pain or suffering. Abuse can be emotional, physical, financial, chemical or sexual.

Procedures

Assessing risks of abuse:

Workers will be trained to identify and respond to factors which may heighten the risk of participants being a victim of abuse. Workers will consider, for each participant, the factors that can contribute to participants vulnerability, such as social and geographical isolation, insecure accommodation, dependency on carers, not having the means or capacity to advocate for themselves, fragility and dysfunctional family lives.



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Preventing abuse

Organisational commitment to prevention

CASS Disability Services has preventative measures in place to ensure that individuals are free from discrimination, exploitation, abuse, harm, neglect and violence. This includes policy and practice that protect people's rights, and a commitment to empowering individuals by informing them about the rights that they possess.

The organisation will foster a culture where all workers are committed to preventing abuse. All workers will undertake training in abuse prevention and participants rights. CASS Disability Services will ensure the staff recruitment screening process is thorough.

CASS Disability Services will take a holistic and system wide approach to preventing abuse in all services and activities. CASS Disability Services will ensure that staff and participants feel supported and their wellbeing is looked after.

Culture of reporting and transparency

CASS Disability Services will create a culture where workers and participants feel supported to speak up when they witness or become aware of information about an alleged abuse, and that they feel they can do so without fear of punishment or retribution. Barriers to both participants and worker disclosure of incidents of abuse will be addressed and mitigated. CASS Disability Services will develop clear Whistle blower protections to encourage transparency and prevent abuse from going unreported.

Feedback

CASS Disability Services will ensure there are adequate feedback and complaints mechanisms in place and all participants are aware of how to lodge a complaint or provide feedback.

Official feedback processes will not act as the sole mechanism for participants to raise issues around abuse, exploitation, violence, neglect and discrimination.

Restrictive practices

CASS Disability Services will ensure policies and processes are in place to minimise and work towards eliminating the use of restrictive practices, and understands that misuse of restrictive practices can constitute a form of abuse. CASS Disability Services will adhere to relevant guidelines and reporting requirements when using restrictive practices.

Responsibilities

All staff members will:

- Ensure participants understand their rights and are aware of how they can exercise them;
- Listen to and validate a participants' experience when they report a suspected abuse;



CASS Group- Disability Services

- Talk to the participants about what is most important to them when responding to the abuse;
- Involve the participants as much as they would like in the investigation and decision-making processes;
- Ensure the participants and their family, where appropriate, are informed on all measures being taken;
- Give regular updates on the progress of the investigation;
- Arrange access to counselling or support for both the participants and workers who may be suffering as a result of the incident;
- Analyse and identify what went wrong to allow the abuse to occur, and what changes can be made in organisational policies and procedures to combat abuse; and
- Ensure that all workers sign a Code of Conduct, which requires workers to respect and maintain the dignity of participants.
- Ensure that participants have access to an advocate where allegations of abuse, neglect, violence, exploitation and discrimination are made.

Responding to abuse

CASS Disability Services will apply the following principles when responding to abuse:

- Participants safety is paramount to all procedures
- Participants will be treated with dignity and respect
- Participants will have the right to self-determination
- Workers understand and enact their duty of care
- Workers have undertaken cultural competency training and are considerate of individual participants cultural differences
- A holistic approach will be taken when responding to abuse
- All options (legal/police) are considered when responding to abuse
- Participants' confidentiality is respected, however will not be a barrier to action
- Every allegation of abuse, neglect, harm, discrimination and exploitation will be considered and taken seriously

Five step approach to responding to abuse

CASS Disability Services will adopt the following five-step approach to responding to abuse.

This approach will include:

1. Identification of suspected, witnessed or disclosed abuse



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2. Assessment of participants safety
3. Providing participants support
4. Informing the manager and documenting abuse and/or neglect
5. Responding and referring the abuse to management

1. Identification

Early intervention and responses are essential for effectively handling incidences of abuse. CASS Disability Services will ensure that all workers undertake training in identifying whether a participants has or is suffering from abuse. Workers will be able to identify the signs of different types of abuse (physical, financial, neglect, psychological, sexual and chemical).

2. Assessing participants safety

All workers will ensure that in the follow up of an abuse or alleged abuse, the participants' safety and security is protected. This may involve seeking urgent medical assistance, providing counselling or seeking out the participants' family or guardian. Staff members will contact emergency services immediately if the participants requires urgent medical assistance and if the staff suspects criminal activity was involved. CASS Disability Services will not use participants consent as a barrier to contacting emergency services.

3. Providing support

CASS Disability Services will ensure workers are trained and aware of the processes for when an assault has occurred and will provide immediate participants support. CASS Disability Services will ensure victims are supported with their access to medical and recovery services as well as with their access to justice.

CASS Disability Services will ensure the participants is given any aids they require to assist them when giving their account of the abuse. CASS Disability Services will ensure participants are offered a translator if their proficiency in English is limited. Staff members will make the participants comfortable by:

- allowing them plenty of time to give their version of events of the abuse;
- actively listening;
- speaking clearly;
- eliminating background noise; and
- repeating the question if the participants requests to hear it again.

4. Informing and documenting

Coordinators will ensure workers and participants make all attempts possible to maintain the scene of the alleged abuse.



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Coordinators will ask the participants what they would like to do about their situation. If they don't have the capacity to be involved, a substitute decision-maker will be included in the conversation.

Criminal acts and deaths will be reported to NSW police.

Staff who witnessed or were disclosed the details of the assault, will report to their supervisor and management immediately or as quickly as possible.

Abuse, neglect, sexual misconduct, or unauthorised restrictive practices are defined as *reportable incidents* under the Section 73Z (4) of the *National Disability Insurance Scheme Act 2013*. Reportable incidents will be reported as soon as possible to:

- A member of the provider's key personnel
- A supervisor or manager of the participants
- The person specified in the incident management system who is responsible for reporting incidents to the NDIS Commission
- Management and staff members will take all reasonable steps to notify the NDIS Commission within 24 hours of becoming aware of the incident
- Unauthorised restrictive practices will be reported to the NDIS Commission within five days.

Reportable incidents include;

- Death of a person with a disability
- Serious injury
- Abuse or neglect
- 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 disability, including grooming of such a person for sexual activity
- The use of restrictive practice in relation to a person with disability that is unauthorised use or not in accordance with a behaviour support plan]

5. Responding and record keeping

CASS Disability Services will conduct a thorough investigation into the alleged abuse, neglect, exploitation, violence and discrimination and identify, who was responsible and what organisational policies allowed the incident to happen. All possible measures will be taken to mitigate the risk of a similar incident from occurring. CASS Disability Services will follow approved records management procedures.

- Have a documented incident management system
- Provide copies of the documented system to:
 - Persons with a disability receiving supports



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- Employees of the provider
- Family, carers, advocates for the person with a disability receiving supports
- CASS Disability Services will adhere to section 12(2) of the *National Disability Insurance Scheme 2018* on further information on what needs to be included in an incident management system

Learning and improvement

CASS Disability Services is committed to ensuring that continuous improvement is made to policy and action surrounding abuse. In order to do this, CASS Disability Services ensures that effective methods are used to keep record of all incidents and any violations of human rights. This allows for analysis of the incidents to identify further risks.

Documents related to this policy	
Related Policies	Duty of Care
Forms, record keeping or other organisational documents	<ul style="list-style-type: none"> • Incident Report • Register of Abuse and Neglect • NDIS reportable incident submission

Reviewing and approving this policy		
Frequency	Person responsible	Approval
3 years	Unit Head	HAS & DS Committee

Policy review and version tracking			
Review	Date Approved	Approved by	Next Review due
Version 1	1 June 2014	HAS & DS Committee	31 May 2017
Version 2	29 May 2017	HAS & DS Committee	28 May 2020
Version 3	November 2020	HAS & DS Committee	November 2023
Version 4	November 2023	HAS & DS Committee	November 2026