

## Abuse, Harm, and Neglect Management and Reporting Policy and Procedure

<b>Approving Authority:</b>	Managing Director
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<b>Document Location:</b>	SharePoint, Policies & Procedures
<b>Description:</b>	This policy sets out the procedure and responsibilities for Therapy Pro’s staff for managing and reporting of observed, implied or alleged abuse, neglect, exploitation, and discrimination.

### Related Documents

- *Incident Management and Reporting Policy;*
- *Incident Management and Reporting Procedure;*
- *Incident Report eForm;*
- *Client Charter;*

### Definitions

Type	Scope	Definition
<b>Abuse</b>	Any child, young person or adult who receives a service from Therapy Pro	<p>is the violation of a person’s human rights, through an act or actions of commission or omission, by another person, or persons. Abuse includes, but is not limited to the following:</p> <ul style="list-style-type: none"> <li>• <b>Physical abuse</b> – any non-accidental physical injury or injuries to a child or adult, such as inflicting pain of any sort, or causing bruises, fractures, burns, electric shock, or unpleasant sensation (e.g. taste, heat or cold) as well as restrictive practices which are not contained in the client’s positive behaviour support plan;</li> <li>• <b>Sexual abuse</b> – any sexual contact between an adult and a child 16 years of age or under; or any sexual activity with a person with impairment of the mind (as defined under ‘Definitions’ in the <i>Queensland Criminal Code</i>). Sexual activity includes intercourse,</li> </ul>

		<p>genital manipulation, masturbation, voyeurism, sexual harassment, and inappropriate exposure to pornographic media, etc.;</p> <ul style="list-style-type: none"> <li>• <b>Psychological or emotional abuse</b> – verbal communication that is threatening or demeaning, threats of maltreatment, harassment, humiliation, intimidation, failure to interact with a person or to acknowledge the person’s presence, or denial of cultural or religious needs and preferences;</li> <li>• <b>Financial abuse</b> – refers to the illegal or improper use of a person’s property or finances or the withholding of another person’s resources by someone with whom the person has a relationship implying trust;</li> <li>• <b>Chemical abuse</b> – refers to any misuse of medications and prescriptions, including the withholding of medication and over-medication;</li> <li>• <b>Abuse through denial of access to legal remedies</b> – denial of access to justice or legal systems that are available to other citizens and denial of informal or formal advocacy support requested by the client or his/her substitute decision maker;</li> </ul>
<p><b>Neglect</b></p>	<p>Any child, young person or adult who receives a service from Therapy Pro</p>	<p>is the failure to provide the necessary care, aid or guidance to dependent adults or children by those responsible for their care. Neglect includes, but is not limited to the following:</p> <ul style="list-style-type: none"> <li>• <b>Physical neglect</b> – failure to provide adequate food, shelter, clothing protection, supervision and medical and dental care, or to place persons at undue risk through unsafe environments or practices;</li> <li>• <b>Passive neglect</b> – the failure to fulfil care-taking responsibilities because of inadequate caregiver knowledge, infirmity, or the failure to implement prescribed services;</li> <li>• <b>Wilful deprivation</b> – wilfully denying a person access to medication, medical care, shelter, food, a therapeutic device or other physical assistance, thereby exposing that person to risk of physical, mental or emotional harm;</li> <li>• <b>Emotional neglect</b> – the failure to provide the nurturing or stimulation needed for the social, intellectual and emotional growth or wellbeing of an adult or child;</li> <li>• <b>Crimes of Omission</b> – negligence, i.e. the failure to act with the appropriate duty of care;</li> </ul>

<b>Exploitation</b>	Any child, young person or adult who receives a service from Therapy Pro	is taking advantage of the vulnerability of a person with disability in order to use them, or their resources, for another’s profit or advantage (e.g. financial abuse).
<b>Discrimination</b>	Any child, young person or adult who receives a service from Therapy Pro	the unjust or prejudicial treatment of different categories of people, especially on the grounds of race, age, political views, religious beliefs or gender.
<b>Reportable Incidents from the NDIS Quality and Safeguarding Commission</b>	Any child, young person or adult who receives a service from Therapy Pro	<ul style="list-style-type: none"> <li>• The death of a person with disability;</li> <li>• Serious injury of a person with disability;</li> <li>• Abuse or neglect of a person with disability;</li> <li>• Unlawful sexual or physical contact with, or assault of, a person with disability;</li> <li>• Sexual misconduct, committed against, or in the presence of, a person with disability, including grooming of the person with disability for sexual activity;</li> <li>• Unauthorised use of restrictive practices in relation to a person with disability;</li> </ul>

## Policy Statement

Every Therapy Pro client receives supports that are free from violence, abuse, neglect, exploitation, or discrimination. To achieve this outcome, Therapy Pro ensures the following:

- policies, procedures, and practices are in place that proactively prevent violence, abuse, neglect, exploitation, or discrimination;
- all Clients will be provided with a factsheet of Advocacy Services across regions and access to an advocate is facilitated where allegations of violence, abuse, neglect, exploitation, or discrimination have been made; and
- 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.

Therapy Pro is committed to preventing and responding to the abuse, neglect and exploitation of people with disability. Therapy Pro will:

- ensure that services provided to and recommendations made are for the health, safety and wellbeing of clients they provide services to and that clients are provided with protections from abuse, neglect and exploitation whether observed, alleged or implied;
- establish and support a culture of ‘no retribution’ in the case of reporting, including reporting of suspected or alleged abuse, neglect or exploitation or incidents suggestive of abuse, neglect or exploitation;
- ensure that there are systems to identify abuse, neglect or exploitation of service users;
- ensure timely, adequate and appropriate responses to incidents;
- foster best practice through ongoing systems review; and
- promote an integrated, evidence-based approach to the prevention and identification of and response to abuse, neglect and exploitation, which is supported by ongoing and appropriate workforce development and training.

## Principles

Therapy Pro recognises that people with disability have the same human rights as other members of society and should be empowered to exercise these rights. These include the right to:

- respect for their human worth and dignity as individuals; *and*
- live lives free from abuse, neglect or exploitation.

This is best achieved through an integrated approach that targets the cultural, environmental and interpersonal causes of abuse, neglect and exploitation.

## Objectives

This policy aims to ensure disability rights are upheld through:

- promoting safer communities and better quality services to clients through the implementation of effective measures to prevent, identify and respond to abuse, neglect and exploitation; and
- ensuring that clients are provided with adequate and appropriate supports for the response to incidents of abuse, neglect and exploitation;

## Scope

Abuse, neglect and exploitation can take many forms. This is reflected in the various definitions of abuse, neglect and exploitation, which are outlined above. This policy:

- applies to all Therapy Pro provided services to any child, young person or adult and, consequently, to all staff and volunteers within these services;
- forms part of a framework of measures aimed at protecting the health, wellbeing and safety of people with disability; and
- complements other safeguards provided to people with disability.

## 1. Therapy Pro will:

- promote a culture within services and a proactive systems approach to prevent and identify abuse, neglect and exploitation of clients;
- provide training of all staff in the prevention and identification of abuse, neglect and exploitation of clients; and
- report to the relevant statutory and other authority or agency when required.

## 2. The Leadership Team will:

The Leadership Team (all roles) have specific responsibilities to ensure the prevention, identification and response to the abuse, neglect and exploitation of clients:

### *Prevention of abuse, neglect and exploitation of people with disability*

It is the role of the Leadership Team to:

- ensure that all staff and volunteers are aware of, trained in, compliant with and implement the policy and procedures on preventing and responding to the abuse, neglect and exploitation of clients;
- ensure that all staff and volunteers understand their role when reporting potential and actual abuse, harm and neglect via the Incident Reporting and Management Policy and Procedures;
- provide proactive support and guidance to staff to create an appropriate service culture in accordance with the policy;
- ensure staff are trained to recognise and prevent/minimize the occurrence or recurrence of abuse, neglect and exploitation of clients within a service delivery context; and
- develop a coordinated and uniform approach to promoting the rights of clients within their families, communities and cultures.

### *Identification of abuse, neglect and exploitation of people with disability*

It is the role of the Leadership Team to ensure:

- systems are in place to identify and remedy gaps which contribute to a client experiencing abuse, neglect or exploitation; and
- staff are provided support to identify where potential or actual abuse, neglect or exploitation of clients is occurring.

### *Responding to abuse, neglect and exploitation of people with disability*

It is the role of the Leadership Team to ensure:

- there is a culture of no retribution for any person who reports abuse, neglect or exploitation of a person with disability;
- guardians or substitute decision makers are informed of alleged or suspected instances of abuse, neglect and exploitation, unless the guardian or decision maker is the alleged or suspected perpetrator of the abuse, neglect or exploitation, in which case a decision should be made on a case by case basis;
- relevant staff advise clients, their families and advocates about:
  - support services, which are equipped to identify abuse, neglect and exploitation and able to refer individuals to appropriate specialist services;

- their right to pursue grievances and complaints and access the criminal justice system;
- any concerned person, including but not limited to, the person with disability, another consumer, relative, friend or person from the community, is able to make a report or an allegation of abuse, neglect and exploitation, without fear of retaliation or retribution;
- all staff supporting clients are respectful of their rights and needs; and
- abuse, neglect or exploitation of clients is reported to the relevant authority using the *Incident Management and Reporting Policy and Procedure*.

### **3. All Therapy Pro Staff:**

It is the role of all relevant staff to:

- provide services to clients in a manner that is consistent with the policy;
- support management to create a culture of no retribution for reporting of suspected abuse, neglect or exploitation;
- provide proactive support and guidance to other staff to create an appropriate service culture in accordance with this policy;
- report all alleged or suspected instances of abuse, neglect and exploitation in accordance with the *Incident Management and Reporting Policy and Procedure*;
- cooperate with the investigation of any complaint relating to the provision of services; and
- provide appropriate support to the person making the report.

### **Roles and Responsibilities:**

All staff must report any instance of observed, implied or alleged abuse, neglect, exploitation and discrimination using the *Incident Management and Reporting Policy and Procedure*.

All roles and responsibilities identified in the *Incident Management and Reporting Policy and Procedure* are applicable to this policy and procedure. All timelines associated with Incident Reporting must always be adhered to, for all levels of staff.

All reporting requirements in the *Incident Management and Reporting Policy and Procedure* are applicable to this policy and procedure and must always be adhered to.