



4.10 Violence, Neglect and Abuse

ACCOUNTABLE:	CEO
RESPONSIBLE:	Quality Manager
NEXT REVIEW DATE:	February 2024

***Our vision:** For all people with intellectual disability to live the life they choose.*

***Our mission:** We value the inherent worth of every individual.*

We create opportunities for adults with intellectual disabilities to explore and grow.

We build inclusive community connections.

1. STATEMENT

All people have the right to live and be treated with dignity and respect, free from any form of abuse or neglect.

Bayley House is committed to a 'Zero Tolerance' approach, to promoting human rights and preventing and responding to abuse, neglect and violence experienced by people with disability.

We are committed to developing effective abuse prevention and intervention strategies, and promoting a quality culture, where people with a disability are heard, their rights upheld, and better service outcomes are delivered.

We encourage all staff to focus on each client, their needs and preferences to minimise the risk of abuse, through reflective practice, early intervention and taking corrective steps where there is a risk of a person's rights being compromised.

We have no tolerance of any action, either intentional or unintentional, that causes harm or abuse to any person.

2. SCOPE

The purpose of this policy is to protect people with a disability and to raise awareness about their right to live a life free from abuse, violence, neglect and exploitation.

It provides awareness and guidance to:

- ensure that the human rights of the people accessing supports and services are promoted;
- create service environments where risks to the rights and well-being of people receiving supports and services are minimised; and
- ensure that if we become aware of an instance of abuse or neglect, we respond promptly, professionally and compassionately to address the situation as required.

It provides a framework for preventing and responding to abuse and neglect of people with disability, that includes:

- Policies, practices and safeguards to prevent abuse
- An organisational culture that supports human rights
- Addressing risks for specific groups and service settings
- Providing information and training
- Responding to abuse ensuring that the needs of victims are our priority
- Implementing incident reporting systems
- Providing resources and support for investigative processes

This policy applies to all staff, contractors, students, volunteers, families, visitors, board members, and individuals that are involved with the support and care of any person associated with Bayley House and/or the safe operation of all services.

3. DEFINITIONS

Abuse - is the violation of an individual's human rights resulting from the act or actions of any other person or persons. Abuse includes sexual assault, physical, emotional, financial and systemic abuse, domestic violence, constraints, restrictive practices, neglect and exploitation.

Disability Worker Exclusion Scheme (DWES) – is a pre-employment screening process to establish whether prospective staff are eligible for employment involving direct contact with or access to a person with a disability. (Disability Worker Exclusion Scheme (DWES) Instruction (REF-001).

IGUANA – The Interagency Guideline for Addressing Violence, Neglect and Abuse (IGUANA) practice guideline developed by the Office of the Public Advocate. (IGUANA Guideline 2017 (REF-005).

Neglect – includes intentionally or negligently failing to take care of a person's physical, psychological or financial wellbeing in breach of a duty of care.

Violence – is behaviour towards a person that is physically, sexually, emotionally, psychologically or economically abusive. It also includes behaviours that are threatening or coercive, or in any other way control or dominate the person and cause that person to feel fear for themselves or another person.

4. RESPONSIBILITIES

The **CEO** is responsible for ensuring that preventative measures exist so that individuals are free from discrimination, exploitation, abuse, harm, neglect and violence. This includes oversight of the organisation's framework for preventing and responding to abuse and neglect.

The **General Manager Day Services, General Manager Accommodation Options and General Manager People and Culture** are responsible for implementing these procedures within their delegated responsibility, and within stated timeframes and guidelines.

The **General Manager Accommodation Options or delegate** is responsible for notifying NDIS Quality and Safeguards Commission of reportable incidents in accordance with directives.

The **General Manager People and Culture or delegate** is responsible for notifying the DWES and the Victorian Disability Worker Commission immediately if there is reasonable belief that a disability worker has engaged in conduct that is notifiable.

Manager / Team Leaders support, and where possible secure the safety of all individuals;

- undertake a detailed assessment of specific situations of alleged abuse and work collaboratively with the person and other agencies;
- ensure staff are trained in early intervention approaches where potential or actual abuse, neglect, assault or exploitation is identified; and

- at the earliest opportunity advise the CEO or General Manager by phone or direct meeting.

All staff have a duty to

- immediately escalate concerns of suspected abuse, neglect, violence or exploitation and report all incidents observed or reported to them to their Team Leader or Manager;
- action anything that makes a person with disability be or feel unsafe or violates a person's human rights
- provide appropriate support to the person making the report, following all IGUANA protocols and guidance
- cooperate with the investigation of any complaint relating to the provision of services
- support managers and other staff to create an appropriate service culture in accordance with this policy
- implement and adhere to these procedures within stated timeframes and guidelines, and
- action things that we could be doing better.

5. PRINCIPLES

5.1 Understanding Abuse

Preventing abuse begins with understanding what it is.

- Applying human rights principles
- Recognising abuse, neglect, exploitation and violence as a violation of human rights
- Understanding the factors that can create the risk of abuse
- Recognising signs and signals that abuse is taking (or has taken) place

5.2 Preventing Abuse

Preventative measures exist to ensure that individuals are free from discrimination, exploitation, abuse, harm, neglect and violence.

- Clear policies and guidelines
- Information and training
- Values, beliefs and actions that create an organisational culture which encourages people to speak up, provide feedback and protects those when they do speak up

5.3 Responding to abuse

We are agile in our response to any allegation or incidence of abuse, neglect and violence towards people with disability.

- We encourage staff to be alert to and respond to any signals of poor practice. We set clear policy to respond when abuse is disclosed, reported or observed
- We support the safety of victims. We contact families and carers and access the Police and advocacy services
- We meet our responsibilities under policy and legislation including working with Police, investigators and statutory bodies; conducting thorough investigations which acknowledge the needs of individuals and staff.

5.4 Continuous Improvement

We are committed to a program of policy and practice review and will respond to any gaps in safeguarding practice.

6. PROCEDURE

6.1 Responding to allegations of violence, neglect or abuse

Bayley House endorses and follows the IGUANA (Interagency Guideline for Addressing Violence, Neglect and Abuse) Guideline (REF-005) in guiding and responding appropriately, quickly and effectively to any incidents of abuse, neglect and violence toward people with disability. This includes supporting victims and working with authorities.

If violence, neglect or abuse is witnessed, disclosed or suspected, immediate action must be taken to ensure the person's safety and wellbeing. All actions are respectful and culturally appropriate and designed to empower the person with a disability to make their own choices and decisions wherever possible.

6.2 The most senior staff member present will:

1. Protect the person - Ensure the client is safe and separated from their alleged abuser.
2. Support the person - Provide immediate support to the client.
 - administer first aid if necessary
 - check on their physical and emotional wellbeing
 - provide reassurance and arrange appropriate medical care, including a forensic medical assessment if appropriate
 - arrange appropriate communication aids and specialist supports for the client.
3. Commence and progress the GCP-424=Responding to Allegations of Violence, Neglect, or Abuse - Checklist
4. Report all incidents observed or reported to their Team Leader or Manager and Police, as required.
5. Preserve any evidence - including physical or documentary evidence that may be critical to an investigation
 - this may require discussion with Police and include photographs and detailed descriptions of injuries, if appropriate
 - physical and documentary evidence should be recorded and securely stored to protect information confidentiality and integrity.
6. Encourage the person to take part in any investigation.

6.3 Senior Management (relevant GM or CEO) will:

1. Acknowledge the person's situation.
2. Contact the support person nominated in the client's support plan and / or an advocate and establish a process of ongoing communication at key stages of the investigation.
3. Ensure that the preceding actions have been completed using the GCP-424=Responding to Allegations of Violence, Neglect, or Abuse - Checklist.
4. If the matter has been referred to the Police, the General Manager must speak with Police before commencing an internal investigation.
5. Protect the wellbeing and rights of service users (including considering the impact of the incident on the other clients within the setting and providing them with appropriate support).
6. Protect whistle-blowers and provide support staff who may be implicated in or directly involved in any observed, reported or disclosed abuse.

7. Find answers by conducting a thorough investigation and sharing information appropriately. Undertake or investigate further the consequences of conduct of an Employee or former Employee when required in the public interest or for the purposes of natural justice.
8. Report suspected, alleged or actual staff serious misconduct / breaches of the code of conduct: to the General Manager People and Culture for management and reporting, following all guidelines included in the Bayley House Disciplinary Policy (7.16).
Make the following notifications:
 - Notification to the DWES Unit, when becoming aware that a former, current or prospective Disability Worker is alleged or has engaged in conduct which may fall within the criteria (as specified in the Disability Worker Exclusion Scheme Instruction REF= 001)
 - Notification through the Victorian Disability Worker Regulation Scheme (DWRS) to the Victorian Disability Worker Commission (VDWC) if a reasonable belief of a notifiable conduct is formed.
9. The General Manager Accommodation Options or Delegate will notify the NDIS Quality and Safeguards Commissioner of a reportable incident (or allegation) within 24 hours of becoming aware.
10. Participate in and contribute to any external agency investigation where referred.
11. Take actions resulting from the investigation and make a commitment to improve.
12. Apologise for anything the organisation could have done better.

6.4 Reporting to the Police

ALL allegations of assault are reported to the Police and the NDIS.

This includes:

- Allegation of assault of a client by a staff member or volunteer,
- Allegation of assault of a client by a client,
- Allegation of assault of a client by a visitor, family member, other non-staff member or member of the community, or
- Allegation of assault of a staff member, visitor, other non-staff member or member of the community by a client

If, during an investigation it becomes apparent that an offence may have been committed, the matter will be referred immediately to the Police.

Police Operating Procedures require that an Independent Third Party (ITP) be present where a victim, suspect or witness has an intellectual disability, a mental illness, acquired brain injury or cognitive impairment, such as dementia.

The role of the ITP is to facilitate communication, assist the person to understand their rights, and support the person throughout the process. Note:

- Police are responsible for arranging the ITP; and
- Bayley House staff should not act as the ITP

6.5 Confidentiality

In the event of a disclosure, it is necessary for staff to explain what confidentiality is to all parties (e.g. staff and clients). This includes your responsibility for sharing the information with relevant parties such as Line Manager or Police, or where others may be at risk or in danger.

If photos are required to be taken during the investigation, they must be taken in accordance with the Computers and Technology Policy 8.8 guidelines, after discussing the matter with the Team Leader, Manager, or on call support.

6.6 Outcome of an investigation

The outcomes of an investigation will be reported to those involved in the allegation, including any client/s. Staff must ensure that clients are invited to have a support person with them when receiving this feedback.

Every effort will be made to ensure that necessary supports are put in place to address the impact of violence, neglect or abuse.

6.7 Support for the victim

Bayley House will offer all necessary support to a person who has experienced abuse, respecting the right of the person to accept or refuse such supports. The client's key worker should ensure that the client is offered counselling and appropriate intervention. Clients will be supported by Bayley House to actively participate in the investigation process, including using communication aids when necessary.

If the client consents, in instances of alleged sexual assault, the most senior staff member in the relevant work area should contact the Victorian Sexual Assault Crisis line (1800 806 292) to provide immediate crisis response, at the same time the police are informed of the allegation. If the client is a person with a disability who does not have the capacity to consent, consent should be obtained from the person's guardian. Where a client or their guardian has refused involvement, this must be recorded on the incident report form.

6.8 Support for the perpetrator

Bayley House will offer all necessary supports including training and counselling to a person who is the perpetrator of abuse.

The welfare of the victim is our priority. This welfare cannot be compromised by the apparent conflict in offering supports to the perpetrator of abuse. On such occasions, every effort will be made to address their respective needs separately without compromising the victim.

6.9 Continuous Quality Improvement through Incident Review

The review of incident data is essential to understanding the type, frequency and severity of incidents and to safeguarding clients and staff and promoting safe practice and environment.

Each incident is reviewed to identify what happened, evaluate how the incident was managed and identify likely causes.

The Incident Review Committee (IRC) is an ongoing review and advisory committee that meets regularly to recommend actions, to ensure that all incidents are acknowledged, responded to, well-managed and learned from and that safety and wellbeing is promoted and upheld for all Bayley House clients, staff and volunteers.

We apply all learnings to reduce the risk of future harm.

7. RELATED DOCUMENTS

Policies:	<p>4.5 Incident Reporting</p> <p>1.3 Diversity and Inclusion</p> <p>3.2 Privacy and Confidentiality</p> <p>4.4 Client Complaints and Feedback</p> <p>4.8 Human Rights</p> <p>2.4 Whistle-blower Policy</p> <p>3.6 Computers and Technology</p> <p>7.1 Recruitment and Selection Policy</p> <p>7.2 Conditions of Employment Policy</p> <p>7.16 Disciplinary Policy</p> <p>7.18 Termination of Employment Policy</p> <p>7.22 Code of Conduct Policy</p>
Forms:	<p>GCP-416=Incident Report Form</p> <p>GCP-424=Responding to Allegations of Violence, Neglect, or Abuse - Checklist</p> <p>GCP-429 Client Individual Incident Report Register</p>
References:	<p>Bayley House Incidents Table/Register/Report</p> <p>REF-001= Disability Worker Exclusion Scheme Management Instruction</p> <p>REF-002= Responding to allegations of abuse involving people with disabilities, Guidelines for disability service providers and Victoria Police – June 2018</p> <p>REF-005= IGUANA (Interagency Guideline for Addressing Violence, Neglect and Abuse) Guideline</p> <p>REF-080=Bayley House Client Rights Charter</p> <p>REF-114=NDIS Reportable Incidents Detailed Guidance – June 2019</p> <p>REF-115=Australian Open Disclosure Framework – Better communication a better way to care</p> <p>REF-131=BH Easy Read Freedom from Abuse and Neglect</p>

Deleted: 8.8 Information Technology and Security

8. STANDARDS / LEGISLATION

<p>NDIS Code of Conduct</p> <p>NDIS Practice Standards and Quality Indicators</p> <ul style="list-style-type: none"> - Rights and Responsibilities - Governance and Operational Management - Provision of Supports - Specialist Behaviour Support - Implementing Behaviour Support Plans
<p>Disability Act 2006 (Vic)</p> <p>Disability Services Safeguards Act 2018 (Vic)</p> <p>The National Disability Insurance Scheme Act 2013</p> <p>Safety Screening Policy for Registered Providers Operating in Victoria (the Safety Screening Policy)</p> <p>National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018</p> <p>Incident Management Systems Detailed Guidance for Registered NDIS Providers June 2019</p>



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9. DOCUMENT HISTORY

Violence Neglect and Abuse

Version 6

Approved by CIC

Effective Date 30.11.2020