

PURPOSE

The Intention of this policy is to prevent and respond to the violence, abuse, neglect, exploitation and discrimination of the people who use the Service.

DEFINITION

Violence - is as the Intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community and/or physical force unlawfully exercised toward property and/or persons, causing or intending to cause damage or injury.

Abuse - is the violation of a person's human or civil rights, through an act or actions of commission or omission, by another person, or persons. Abuse includes, but is not limited to the following:

- **Physical abuse** – 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 (eg taste, heat or cold) as well as restrictive practices which are not contained in a Participant's Positive Behaviour Support Plan.
- **Sexual abuse** – any sexual contact between an adult and a child 16 years of age or under; or any sexual activity with an adult who is unable to understand, has not given consent, is threatened, coerced or forced to engage in sexual behaviour. Sexual activity includes intercourse, genital manipulation, masturbation, voyeurism, sexual harassment, and also inappropriate exposure to pornographic media etc.
- **Psychological or emotional abuse** – 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.
- **Financial abuse** – 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.
- **Chemical abuse** – refers to any misuse of medications and prescriptions, including the withholding of medication and over-medication.
- **Legal or civil abuse** – 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 Participant or their Representative/Nominee.
- **Neglect** - 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:
- **Physical neglect** – 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.

- **Passive neglect** – the non-wilful failure to fulfil care-taking responsibilities because of inadequate caregiver knowledge, infirmity, or disputing the value of prescribed services.
- **Wilful deprivation** – 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.
- **Emotional neglect** – the failure to provide the nurturing or stimulation needed for the social, intellectual and emotional growth or wellbeing of an adult or child.

Crimes of Omission – the failure to act with appropriate duty of care.

Exploitation – is an act that exploits or victimises someone (treats them unfairly) making use of a situation to gain unfair advantage for oneself or others.

Discrimination - occurs when someone is treated less favourably than another in similar circumstances because of a personal attribute that has no relevance to the situation.

The Anti -Discrimination Act makes it unlawful to discriminate against people in certain public areas such as work or in providing services. Discrimination is defined as treating people in similar circumstances differently because of irrelevant characteristics or assumptions. The Act identifies the following where discrimination is prohibited;

- Work or work-related areas
- Education and
- Goods and Services

The Act prohibits discrimination on the basis of the following attributes:

- (a) sex;
- (b) relationship status;
- (c) pregnancy;
- (d) parental status;
- (e) breastfeeding;
- (f) age;
- (g) race;
- (h) impairment;
- (i) religious belief or religious activity;
- (j) political belief or activity;
- (k) trade union activity;
- (l) lawful sexual activity;
- (m) gender identity;
- (n) sexuality;
- (o) family responsibilities;
- (p) association with, or relation to, a person identified on the basis of any of the above attributes.

POLICY STATEMENTS

Kalina Health & Community Services (Kalina) acknowledges that there are many forms of violence, abuse, neglect, exploitation or discrimination and demonstrates this through the adoption of the definitions of violence, abuse, neglect, exploitation or discrimination as defined within this policy.

The human rights principles of the Disability Services Act include the principle that people with a disability have the same human rights as other members of society and should be empowered to exercise their rights. This is best achieved through an integrated approach that targets the cultural, environmental and interpersonal causes of violence, abuse, neglect, exploitation or discrimination.

This policy also reflects the human rights and service delivery principles of the Disability Services Act.

Kalina will:

- Ensure that the health, safety and wellbeing of its Participants is given paramount consideration in service provision and that all Participants are provided with maximum protection from violence, abuse, neglect, exploitation or discrimination while applying the least restrictive alternative principle;
- Promote a culture of no retribution in the case of reporting, including reporting of suspected or alleged violence, abuse, neglect, exploitation or discrimination or incidents suggestive of violence, abuse, neglect, exploitation or discrimination;
- Ensure that there are systems to identify violence, abuse, neglect, exploitation or discrimination of Participants;
- Ensure timely, adequate and appropriate responses to incidents;
- Foster best practice through ongoing systems review;
- Promote an integrated, evidence-based approach to the prevention and identification of and response to violence, abuse, neglect, exploitation or discrimination, which is supported by ongoing and appropriate staff development and training;

PROCEDURES

- Any report of suspected violence, abuse, neglect, exploitation or discrimination must be acted on immediately and the Quality and Compliance Manager must be informed.
- All reports of suspected or actual violence, abuse, neglect, must be documented in an Incident Report.
- All reports of suspected or actual exploitation or discrimination must be documented in an Incident Report.
- Upon receiving a report of suspected violence, abuse, neglect, exploitation or discrimination the Quality and Compliance Manager must investigate the matter .
- In the event of an actual incident of assault the appropriate emergency service must be contacted immediately by calling 000.
- In the event of an actual incident of assault the Quality and Compliance Manager and

where applicable the Representative/Nominee must be contacted as soon as possible.

- Any report of violence, abuse, neglect, exploitation or discrimination will be dealt with in confidence as far as possible and all follow-up procedures are to be documented and made available for inspection by any relevant official bodies.
- A Participant will be provided with information about the use of an advocate where allegations of violence, abuse, neglect, exploitation or discrimination have been made.
- All reportable incidents will be documented in accordance with the National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules
- The Service must be mindful that the legal rights of any alleged offender/s is not infringed upon and that his/her right to natural justice is upheld.
- If the person making a report of alleged violence, abuse, neglect, exploitation or discrimination is not satisfied with the response from the Service, he/she has the right to directly approach another external agency without recrimination from Kalina.
- While all documented allegations of suspected violence, abuse, neglect, exploitation or discrimination will be reported to the relevant parties, it is ultimately the right of the individual, with the assistance of their Representative/Nominee if necessary, to choose whether to pursue the matter within the Criminal Justice System.
- Participants who may experience violence, abuse, neglect, exploitation or discrimination will be supported and assisted in a manner that is consistent with this Policy.

DELEGATIONS

Quality and Compliance Manager

It is the role of the Quality and Compliance Manager to ensure:

- Systems are in place to identify and remedy any gaps which may contribute to a Participant experiencing violence, abuse, neglect, exploitation or discrimination;
- Staff are trained to report signs or suspicion of violence, actual abuse, neglect, exploitation or discrimination of a Participant as soon as it is identified;
- That there is a culture of no retribution for any person who reports violence, abuse, neglect, exploitation or discrimination of a person with disability;
- Adherence with the NDIS Practice Standards for continuous improvement;
- That relevant Staff advise Participants and/or their Representative/Nominee about:
 - Advocacy/ Support services, which are equipped to identify violence, abuse, neglect, exploitation or discrimination and able to refer individuals to appropriate specialist services;
 - Their right to pursue grievances and complaints and access to the Criminal Justice System;
- That any concerned person, including but not limited to, the person with a disability, another

Participant, Representative/Nominee, friend or person from the community is able to make a report or an allegation of violence, abuse, neglect, exploitation or discrimination, without fear of retaliation or retribution;

- That all Staff supporting Participants are respectful of their rights and needs.
- Ensure that reports and relevant documentation is made of any details and outcomes of investigations, actions and reviews in relation to violence, abuse, neglect, exploitation or discrimination.
- Take appropriate action to prevent similar incidents occurring again

All Therapists/Contractors/Staff

It is the role of all relevant staff to:

- Report all alleged or suspected instances of violence, abuse, neglect, exploitation or discrimination in accordance with this Policy.
- Cooperate with the investigation of any complaint relating to the provision of services; and
- Provide appropriate support to the person making the report as requested.
- Support management to create a culture of no retribution for reporting of suspected violence, abuse, neglect, exploitation or discrimination;
- Provide support to Participants in a manner that is consistent with this Policy;

REFERENCES

- Criminal Code Act
- Guardianship and Administration Act
- Whistleblowers Protection Act
- Anti-Discrimination Act.
- Anti-Discrimination Regulation
- NDIS Practice Standards
- National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules