

Freedom from Abuse and Neglect

The purpose of this policy is to ensure the rights of individuals to be free from physical, sexual, emotional and verbal abuse, harassment and neglect.

Pinarc is committed to providing individuals with a service that is free from abuse and/or neglect. In addition, using all available resources and to the best of our ability we will support each person to uphold their basic right to a life that is free from all types of abuse and/or neglect.

Suspected cases of abuse and/or neglect will be reported, recorded and actioned according to legal, government department and moral obligations.

If there is a reasonable belief that a physical or sexual offence has been committed:

- against a child by an adult this must be reported to Victoria Police,
- against an adult with a disability who has services delivered by Pinarc, this must be reported to Victoria Police

Definitions

Abuse - is the violation of a person's human or civil rights, through an action or inaction by another person/s. 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 the customer's 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.

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 customer or his/her substitute decision maker.

Neglect - is the failure to provide the necessary care, aid or guidance to dependent adults or children by those responsible for their care.

Exploitation - is taking advantage of the vulnerability of a person with a disability in order to use them, or their resources, for another's profit or advantage

General principles

Individuals will be protected from abuse and neglect whilst in the care of Pinarc. It is the duty of staff or volunteers to report all suspected abuse or neglect immediately whether the abuse or neglect occurred external to Pinarc. This may include at an individual's home or in the community

Any allegations of abuse, neglect, and/or denial of a customer's rights will be investigated.

Staff, students and volunteers are provided with this policy and procedure regarding abuse and/or neglect during their induction.

Anyone is able to make a report or an allegation of abuse, neglect and exploitation, without fear of retaliation or retribution.

The guardian or substitute decision maker will be informed of all alleged or suspected instances of abuse, neglect and exploitation except in instances where Management believe that this would place the person with a disability at greater risk.

Reporting

Pinarc acts in accordance with NDIS Incident Management & Reportable Incidents Rules, ensuring all allegations of abuse are appropriately reported to the NDIS Quality and Safeguarding Commission.

Pinarc acts in accordance with the Victorian Reportable Conduct Scheme

Staff have a responsibility to act in accordance with the law regarding reporting of sexual assault of minors and other mandatory reporting requirements.

Where there is an allegation of abuse or neglect made about a Pinarc staff member, volunteer or Board member:

- An internal investigation will occur to determine the nature and severity of the allegation
- External reporting requirements will be met
- Except where mandatory reporting is required, information will be kept confidential
- Any staff, volunteer or Board member involved in the allegation may be stood down while the investigation takes place
- Pinarc will work in cooperation with Police, DFFH or other investigation bodies.
- Pinarc will cease internal investigations in instances where Police are investigating the allegation

Support for customers

In instances where the customer reports abuse or neglect, staff will ensure that the following occurs:

- The customer is offered support of their choice
- Listen non-judgmentally to what is being said
- Take the disclosure seriously
- Say something like: "I'm glad you told me. It is a brave thing to do"
- Tell the person it is not their fault
- Explain clearly the process that will be followed after the discussion
- Inform the person that they can choose to have the matter raised as a formal complaint

In instances where a customer is alleged to have abused another customer, managers will work with the customer, their family/carers to develop and implement a plan to keep all parties safe. Pinarc will provide information on advocacy to the victim and alleged offender.

Support to employees or volunteers

Supporting a customer in cases of abuse and/or neglect can be stressful and Pinarc provides a range of supports for staff which include

- ongoing direct support from their manager (and the Executive team)

- the Employee Assistance Program (EAP) for additional emotional support or debriefing;
- opportunities to attend training (eg. dealing with difficult behaviours, communication, self-protective behaviours etc)

Obligations of employees to notify of court attendance

Employees may be requested to attend court hearings related to past or present customers. The request may come directly through the court system and not through Pinarc. By appearing in court, employees are representing Pinarc and therefore it is important that management at Pinarc is aware of employees appearance at court. Employees are to notify the CEO and program manager of any court appearances they are requested to attend as soon as the employee is given notice.