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| ACCOUNTABLE: | CEO |
| RESPONSIBLE: | All staff |
| NEXT REVIEW DATE: | As required |

***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 anything that causes unwanted harm to a person through the actions of another.

Abuse includes but is not limited to:

- Physical Abuse
- Sexual Abuse
- Emotional / Psychological Abuse
- Neglect
- Economic / Financial Abuse
- Social Abuse
- Grooming

Abuse may be a single event or can occur over a period of time. Any person can be subjected to abuse and it affects people from all cultural backgrounds and lifestyles.

Abuse can be unintentional or deliberate and is often carried out by someone the person knows and trusts such as a family member or friend.

A person may be dependent on the abuser, for example if they rely on the abuser for care or support.

The resultant harm of any type of abuse or neglect can be both physical and emotional with immediate and long-term effects. Early intervention may reduce the harm experienced by a person and aid in promoting their recovery.

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 CEO or delegate is responsible for notifying The Commission For Children and Young People (CCYP) of any incident which falls under the reportable conduct scheme.

The **General Manager Day Programs / Home & Living Services / Bayley Arts, Manager Support Coordination and Head of People and Culture** are responsible for implementing these procedures within their delegated responsibility, and within stated timeframes and guidelines.

The **General Manager Day Programs / Home & Living Services / Bayley Arts, Manager Support Coordination or delegates** are responsible for notifying NDIS Quality and Safeguards Commission, and when required, Victorian police, of reportable incidents in accordance with directives.

4.10 Violence, Neglect and Abuse

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

Manager / Program Managers, 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 an individual living with a disability feel unsafe or violates the individual's human rights
- provide appropriate support to the individual making the report, following all IGUANA protocols and guidance [Interagency Guideline for Addressing Violence, Neglect and Abuse \(IGUANA\) - Office of the Public Advocate](#)
- 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 all 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. RECOGNISING SIGNS OF ABUSE

Staff may become aware of signs of abuse or neglect by observation and professional judgement or be advised by a client or someone close to the client they are being abused or harmed.

Abuse is often hidden; a person may not identify what's happening to them as abuse. They may cover up the signs due to fear of what may happen if anyone finds out.

Staff should be aware of the signs of abuse (listed below) and watch for them in the course of their work. Remember, abuse may be occurring without any indicators or signs, and some signs may be caused by something other than abuse. If a staff member is unsure, it is best to err on the side of caution and follow up on any suspicion of abuse or discuss with their Manager.

Physical Abuse

Physical abuse can be defined as the inflicting of physical pain or injury.

Physical harm or abuse may occur from:

- Hitting, slapping, pushing or using restraint
- Neglect; failure to provide the necessary care, aid or guidance to a person by those responsible for their care, intentionally or unintentionally

The physical indicators of physical harm include:

- Bruises, burns, sprains, dislocations, bites, cuts, welts
- Fractured bones, especially where a fracture is unlikely to occur accidentally
- Internal injuries
- Shaking injuries

Potential behavioural indicators of physical harm include where the client:

- Expresses little or no emotion when hurt
- Offers unlikely explanations for injuries
- Wears long-sleeved clothes on hot days (possibly to hide bruising or other injuries)
- Demonstrates a fear of others, or a fear of going to particular places
- Is fearful when other people cry or shout
- Is excessively friendly to strangers
- Is passive and compliant
- Is nervous, hyperactive, aggressive, disruptive
- Tells someone that physical harm has occurred

Sexual Abuse

Sexual harm or abuse occurs when a person is engaged in a sexual activity for which the person has not consented or is unable to consent. This includes the exposure of a minor (child) to sexually explicit material.

Physical indicators of sexual harm are not usually evident, the first indication of sexual harm is usually when the client tells a trusted person that they have been sexually abused.

Potential physical indicators of **sexual harm** include:

- Direct or indirect disclosure of abuse or assault
- Difficulty walking or sitting
- Bruising, bleeding or discharge
- Self-abusive/self-destructive behaviour
- Attempts at suicide
- Torn, stained or blood-stained underwear or bedclothes
- Sexually transmitted diseases
- Trauma to the breasts, buttocks, lower abdomen or thighs
- Unexplained money or gifts
- Pain or itching in genital and/or anal area

Potential behavioural indicators of **sexual harm** include:

- Changes in eating patterns
- Inappropriate or unusual sexual behaviour or knowledge
- Changes in social patterns
- Sudden or marked changes in behaviour or temperament
- Anxiety attacks
- Refusal to attend usual places (e.g. Social groups, respite)
- Depression
- Going to bed fully clothed
- Excessive compliance to staff

If a client reports to a staff member or volunteer they have been sexually abused or staff suspect sexual abuse has occurred, **staff must not perform any physical examination of the customer.**

Emotional / Psychological Abuse

Emotional / psychological abuse is defined as the inflicting of mental stress involving actions and threats that causes a fear of violence, isolation, deprivation and feelings of shame and powerlessness. For example, treating a vulnerable person as if they are a child, engaging in emotional blackmail or preventing access to services.

Possible physical indicators of **emotional harm** include:

- Speech disorders
- Injuries sustained from self-abuse or self-destructive behaviours
- Suicide attempts
- Anxiety attacks

Potential behavioural indicators of **emotional harm** include:

- Self-harm or self-destructive behaviour
- Challenging/extreme behaviours
- Excessive compliance

- Very low self-esteem
- Depression
- Feelings of worthlessness
- Decrease in interpersonal skills necessary for adequate functioning
- Extreme attention-seeking behaviour

Neglect

Neglect can be defined as failure to provide the necessary care, aid or guidance by those responsible for their care, intentionally or unintentionally.

Neglect can be a common type of maltreatment which is sometimes less obvious and harder to define. It can be related to a series of events that occur over time, or in more severe cases, just one event. This failure may be catastrophic in nature, causing death or serious physical or emotional harm, sexual abuse or exploitation; or may be an act, or failure to act, which presents an imminent risk of serious harm.

Some examples of Neglect may be:

- A client is provided with inadequate hygiene.
- A care-giver shows a reckless disregard for the client safety and welfare (e.g., driving the client while intoxicated or leaving a client who has high support needs in a car unattended).
- A person is persistently denied opportunities to socialise with others in the community;
- Staff member, service provider, carer or support person consistently fails to bring the person to appointments, events, activities etc.

Possible physical indicators of **neglect** include:

- Physical wasting, unhealthily thin
- Poor dental health, smelly mouth
- Food from meals left on face and/or clothes throughout the day
- Dirty, unwashed body and/or face
- Body odour
- Person always wearing the same clothes
- Clothes unwashed
- Ill-fitting clothes
- Always over or underdressed for the weather conditions
- Food provided is consistently of poor quality, insufficient, inedible and/or unappetizing to the client

Possible behavioural indicators of **neglect** include:

- Constant tiredness
- Always hungry
- Unexpectedly poor social/ interpersonal skills
- Signs of loss of communication and other skills

Economic / Financial Abuse

Economic / Financial Abuse can be defined as using money, property or other assets illegally or improperly or forcing a change to the will or to sign documents.

Financial abuse occurs when the responsible person:

- Allows no access to or places unwarranted restrictions on personal funds or bank accounts
- Keeps no records or incomplete records of expenditure and purchases
- Keeps no inventory of significant purchases

- Does not have legal authority
- Misappropriates money, valuables or property
- Forces changes to a client's will
- Persistently fails to produce receipts
- Receipts indicating unusual or inappropriate purchases

Indicators which may be seen in someone as a result of **financial abuse** could include:

- Person has insufficient money to meet normal budget expense
- Person is persistently denied outings and activities due to a lack of funds

Social Abuse

Social abuse can be defined as forcing someone to become isolated by restricting their access to others including family, friends or services. This includes the forced isolation of people and/or restricting or stopping social contact with others, including attendance at social activities.

Social abuse occurs when another person is:

- Preventing contact with family and friends
- Withholding mail
- Not allowing the person to use the phone or monitoring their phone calls or disconnecting the phone
- Living in, and taking control over a person's home without their consent
- Preventing a person from engaging in religious or cultural practices
- Moving a person far away from the immediate family
- Preventing a person from engaging in aboriginal cultural practices if they identify as indigenous

Indicators which may be seen in someone as a result of **social abuse** may include:

- Sadness or grief at the loss of interaction with others
- Withdrawal or listlessness due to people not visiting
- Changes in levels of self-esteem
- Worry or anxiety after a particular visit by specific persons
- Appearing ashamed

Grooming

Grooming refers to a behaviour or series of behaviours used to gain trust or reliance of a child and occurs when the communication or conduct of an adult is linked to the intention of bringing a child into sexual behaviour.

It can include, but is not limited to;

- Developing special relationships with a child
- Favouring or giving gifts to a child or young person
- Inappropriate interactions with children either in person or via forms of media and electronic devices
- Asking a child or young person to keep a secret of any aspect of their relationship
- Testing of, or ignoring, professional boundaries or rules

7. PROCEDURE

7.1 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.

7.2 Documentation

As with any incident, it is important to document what has been told or observed and any actions that have taken place as soon as possible and as accurately as possible.

The following provides a guideline of what should be documented if these details are known:

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| Details | The person's name, age and address |
| Indicators of harm | The reason for believing that the injury or behaviour is the result of abuse or neglect |
| Reason for reporting | The reason the report is being made at this point in time |
| Safety assessment | Assessment of immediate danger to the person (information may be sought on the whereabouts of the alleged abuser/s) |
| Description | Description of the injury or behaviour observed |
| Person's whereabouts | The current whereabouts of the person |
| Other services | Knowledge of other services involved with the person |
| Family information | Any other information about the person/family |
| Cultural or other characteristics | Any specific cultural or other details, which will help the person, for example, interpreter |

The information staff/volunteers document should be:

- Logical and clear
- Factual and objective
- A record of observations
- A record of reasons why you think the person is at risk of harm

Be aware records could be used in court proceedings. All documentation must be dated and signed.

7.2 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.

7.3 Senior Management (relevant Manager, 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 Head of 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 Victorian Disability Worker Commission (VDWC) if a reasonable belief of a notifiable conduct is formed.
9. The relevant Manager or General Manager or Delegate will notify the NDIS Quality and Safeguards Commissioner of a reportable incident (or allegation) within 24 hours of becoming aware.
 10. The CEO or delegate will notify the CCYP if the client is under 18 years of age (refer to section 7.5)

11. Participate in and contribute to any external agency investigation where referred.
12. Take actions resulting from the investigation and make a commitment to improve.
13. Apologise for anything the organisation could have done better.

7.4 Reporting to the Police

ALL allegations of abuse are reported to the Police, the NDIS and CCYP if under 18 years of age.

This includes:

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

7.5 Reporting to Children and Young Persons Commission - CCYP

Clients under 18 years of age.

External reporting of suspected child abuse is both a moral and legal responsibility. All employees are morally obligated to express their concerns about abuse in the first instance to their relevant Line Manager.

If the reportable allegation involves suspected criminal behaviour, both Victoria Police and the Commission for Children and Young People must be notified.

CEO is responsible and accountable for reporting or can delegate responsibilities but remain accountable:

- 3 business day or less notification
- 30 calendar day update
- Advice on investigation
- Outcomes of investigation
- Additional documents

Telephone: 1300 782 978

Email: contact@ccyp.vic.gov.au

7.5 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.

7.6 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.

7.8 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.

6. RELATED DOCUMENTS

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| <p>Policies:</p> | <p>4.5 Incident Reporting 1.3 Diversity and Inclusion 3.2 Privacy and Confidentiality 4.4 Client Complaints and Feedback 4.8 Human Rights 8.8 Information Technology and Security 2.4 Whistle-blower Policy 7.1 Recruitment and Selection Policy 7.2 Conditions of Employment Policy 7.16 Disciplinary Policy 7.18 Termination of Employment Policy 7.22 Code of Conduct Policy</p> |
| <p>Forms:</p> | <p>GCP-416=Incident Report Form GCP-424=Responding to Allegations of Violence, Neglect, or Abuse - Checklist GCP-429 Client Individual Incident Report Register</p> |

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| References: | <p>CCYP Recognising, respecting and defending the rights of children and young people</p> <p>Bayley House Incidents Table/Register/Report</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> |
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7. STANDARDS / LEGISLATION

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| <p>National Principles for Child Safe Organisations</p> <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>Child Wellbeing and Safety Act 2005</p> <p>Children, Youth and Families Act 2005</p> <p>Disability Act 2006 (Vic)</p> <p>Disability Services Safeguards Act 2018 (Vic)</p> <p>The National Disability Insurance Scheme Act 2013</p> <p>Worker Screening Act 2020</p> <p>National Disability Insurance Scheme (Practice Standards – Worker Screening) Rules 2018</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> |

8. Document History

Violence Neglect and Abuse

Version 7

Approved by CEO

Effective Date 10.01.24