

## Freedom from Violence, Abuse, Neglect, Exploitation and Discrimination

### Record of Policy Development

Version	Date approved	Date of last review	Date for next review
4.0	December 2021	August 2023	August 2026

### Responsibilities and Delegations

This policy applies to:	Board, Employees Volunteers, Students, any individuals acting for and on behalf of Interchange (and Customers)
Policy Approval	Policy Committee

### Policy Context – this policy relates to:

Standards and references	<ul style="list-style-type: none"> <li>● National Standards for Disability Services (Standard 1 &amp; 6)</li> <li>● NDIS Practice Standards and Quality Indicators</li> </ul>
Contractual obligations	<ul style="list-style-type: none"> <li>● NDIS</li> <li>● Department of Communities</li> <li>● Department of Health – DSOA</li> </ul>
Organisation policies	<ul style="list-style-type: none"> <li>● <a href="#">Restrictive Practices</a></li> <li>● <a href="#">Families and Carers</a></li> <li>● <a href="#">Child Safe</a></li> <li>● <a href="#">Feedback and Complaints</a></li> <li>● <a href="#">Protecting Customers’ Human Rights</a></li> <li>● <a href="#">Service Quality and Continuous Improvement</a></li> <li>● <a href="#">Whistleblowers</a></li> <li>● <a href="#">Incident Management</a></li> </ul>
Forms, record keeping, other documents	<ul style="list-style-type: none"> <li>● <a href="#">Customer Service Charter</a></li> <li>● <a href="#">Feedback and Complaints Form</a></li> <li>● <a href="#">Customer Incident Report Work Instruction</a></li> <li>● <a href="#">Feedback and Complaints Work Instruction</a></li> <li>● <a href="#">Freedom from abuse Work Instruction</a></li> <li>● <a href="#">Risk Assessment steps flowchart</a></li> <li>● <a href="#">Violence, Abuse, Neglect, Exploitation and Discrimination Work Instruction</a></li> </ul>
Published	➤ This Policy and Procedure is published on the Interchange website for the ease of access by external parties.

### Policy

Interchange is committed to taking all steps practicable to prevent and respond to Violence, Abuse, Neglect, Exploitation and Discrimination (VANED) of people we support (customers).

Safeguarding policies and procedures, assist us to manage and prevent harm to vulnerable people along with reporting of harm within the risk management framework.

We will promote and adhere to the human rights of all customers and empower them to exercise their rights. We are committed to creating a culture where customer safety is integral to service delivery, and customers, families, carers and other supporters, and people acting on behalf of Interchange feel empowered to speak up and report abuse and other concerns. We will ensure workers are trained and aware of the processes for when a customer assault has occurred and will provide immediate service user support.

Interchange will ensure processes are followed to:

- ✓ Assess the risks of violence, abuse, neglect, exploitation and discrimination (VANED)
- ✓ Reduce the above risks occurring by people acting on behalf of Interchange
- ✓ Report and respond to VANED
- ✓ Use Human Rights informed risk management approaches and Support Decision-making
- ✓ Connect customers with suitable advocates and advocacy services, communication aids and translations services as required to provide the supports the individual person needs

Interchange will refer allegations of VANED to the NDIS Quality & Safeguards Commission and to the Police if there is reasonable belief a crime has been committed.

## Definitions

**VANED** Violence, Abuse, Neglect, Exploitation and Discrimination

**Violence** is behaviour involving physical force intended to hurt, damage, or kill someone or something.

**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. Some forms of abuse are criminal offences and are punishable by law. Abuse is any form of violence, coercion, exploitation, discrimination, harm or neglect which causes another person psychological or physical pain or suffering.

**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.

**Challenging behaviour** is behaviour that places the person or others at risk, and/or reduces the person's access to environments, activities or experiences. This can include aggressive, self-injurious, anti-social or dangerous behaviours.

**Discrimination** is the unjust or prejudicial treatment of different categories of people, especially on the grounds of race, age, gender or sexual orientation, political or religious belief, or ability.

NDIS Quality and Safeguards Commission Reportable incidents are

- ✓ Death of a person with disability;
- ✓ Serious injury of a person with disability;
- ✓ Abuse or neglect of a person with disability;
- ✓ Unlawful sexual or physical contact with, or assault of, a person with disability;
- ✓ Sexual misconduct committed against, or in the presence of, a person with disability, including grooming of the person for sexual activity; and

**Restrictive Practices** is any intervention that is used to restrict the rights or freedom of movement of a person with a disability. These practices can become abusive when they:

- ✓ Are not approved in an authorised behaviour support plan as part of a positive behaviour support strategy or not reported as an unauthorised restrictive practice and when used as part of duty of care of the customer
- ✓ Are not to prevent injury or modify behaviour
- ✓ Lead to injury
- ✓ Are used with excessive frequency
- ✓ Are used for prolonged periods
- ✓ Are not the least restrictive response
- ✓ The use of an unauthorised, i.e. not in accordance with Behaviour Support Plan, must be reported to the NDIS in accordance with the defined reporting timelines

## Responsibilities

- Line Mangers will ensure that all people acting on behalf of Interchange undertake training in what constitutes VANED and their role in the prevention, identification and reporting of incidents
- All staff are provided access to cultural awareness training and will be considerate of individual customer cultural differences
- All people acting on behalf of Interchange will:
  - ✓ Attend and complete relevant training
  - ✓ Ensure they understand their obligations duty of care and provision of human rights, which requires them to respect and maintain the dignity of customers
  - ✓ Ensure customers are informed of their rights and how they can exercise them
  - ✓ Listen to and validate a customer's experience when they report a suspected abuse
  - ✓ Talk to the customer about what is most important to them when responding to allegations or reports of VANED events
  - ✓ Involve the customer as much as they would like in the investigation and decision-making processes
  - ✓ Ensure the customer and their family (where appropriate) are informed on all measures being taken and give regular updates on the progress of investigations as applicable in each situation
  - ✓ Recommend counselling or support for both the customer and personnel who may be suffering because of the incident or allegations
  - ✓ Analyse and identify what went wrong leading to a VANED event to occur, and what changes can be made in organisational processes to combat VANED events (if relevant)

## **Procedure**

### **Responding to abuse**

- Interchange will apply the following principles when responding to abuse:
  - ✓ Customer safety is paramount
  - ✓ Emergency Services will be called if medical assistance is required of there is a reasonable suspicion of criminal activity
  - ✓ Every allegation of VANED will be reported and taken seriously
  - ✓ Customers will be treated with dignity and respect
  - ✓ Customers will have the right to self-determination
  - ✓ Reporting the incident or information to the line manager and completing an incident report
  - ✓ Customers' confidentiality is respected; however, it will not be a barrier to action

Interchange will adopt the approach to responding to abuse, as detailed in the work instruction and report events in accordance with legal requirements and NDIS reportable timelines.