



Burnett Respite Services Ltd  
Trading As Carinbundi

# PREVENTING AND RESPONDING TO ABUSE, ASSAULT, VIOLENCE AND NEGLECT POLICY

**This is a Controlled Document**

## Document Information and Revision History

Original Ratification	10 <sup>th</sup> October, 2006	
Original Author/s	General Manager	

## Revision History

Revision No.	Date	Author/s	Notes
1	April, 2009	General Manager	Review of all Policies
2	11 <sup>th</sup> June, 2011	General Manager	Review and ratification of all Policies
3	28 <sup>th</sup> May, 2013	General Manager	Addition of cultural abuse.
4	23 <sup>rd</sup> July, 2014	General Manager	Review, change of department name, nil changes to content
5	25 <sup>th</sup> November, 2014	General Manager	Added requirement for reporting allegations made against outside persons.
6	1 <sup>st</sup> August, 2016	General Manager	Review – Language changes
7	17 <sup>th</sup> April, 2019	CEO	Auditors advice to add Violence in definitions of policy
8	27 <sup>th</sup> November, 2019	CEO	Review of all policies
9	3 <sup>rd</sup> November, 2021	HR Manager	Review of policy
10	21 <sup>st</sup> December, 2021	CEO	Revise Policy
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## Preventing and Responding to Abuse, Assault, Violence and Neglect Policy

### 1. Objectives

The objectives of this policy are to:

- Provide a standard approach for responding to the abuse of people with a disability and children, both when accessing services of this organisation, and in the wider community;
- Ensure all staff, both paid and unpaid, fully understand their obligations in relation to responding to any form of abuse, assault, violence and neglect of any person with a disability. Adherence to this policy is **mandatory**; and
- Raise the awareness of the organisation at all levels, to the needs of people with a disability.

### 2. Responsibilities

The Board is committed to good corporate governance and acknowledges the importance of proactively monitoring and reviewing organisational policies and procedures. In the interests of good corporate governance and recognising the skills of the CEO and team in this area the Board delegates the responsibility for the monitoring and review of all policies and procedures to the CEO, except where a policy or procedure relates to corporate governance or work health and safety.

The Board shall be responsible for:

- The monitoring, review, and revision (where necessary) of all organisational policies and procedures related to corporate governance and work health and safety;
- Overseeing the CEO and his or her bi-annual monitoring, review and revision of organisational policies and procedures; and
- Auditing compliance with corporate governance and work health and safety policy provisions, record keeping and training.

The Board reserves its right to withdraw or delegate responsibilities to other officers within the organisation from time to time.

The CEO shall be responsible for:

- The bi-annual monitoring, review and revision (where necessary) of all organisational policies and procedures (excluding corporate governance and work health and safety policies); and
- Auditing compliance with policy provisions, record keeping and training.
- Annual reporting to the Board of all reviews of Policies and Procedures as part of regular annual performance review.

All Staff are responsible for:

- Adhering to all policies and procedures of the organisation; and
- Ensuring they are fully aware of and understand their obligations in relation to this policy.

### 3. Policy

People with disabilities and children are among the most vulnerable of all in our community in relation to abuse, assault and neglect. Carinbundi has a clear obligation to ensure that all people with a disability and children have their rights met as equal members of society. These rights include the rights to feel safe and live in an environment free from abuse, assault, neglect and exploitation.

### 4. Definitions

See Attachment A.

### 5. Policy Principles

#### **Responding to Abuse by a Member of Staff:**

- All staff will respond to suspected abuse in accordance with this policy;
- All suspected acts of abuse by a member of staff must be reported to the police;
- All reasonable steps must be taken by all staff to ensure the person thought to be abused is protected from further harm;
- The legal rights of the employee should not be infringed upon; and
- The employee's right to natural justice is to be upheld.

#### **Responding to Abuse by Another Client:**

- This organisation and its staff are responsible for the management of interactions between clients;
- Where established behaviour management plans fail to prevent the abuse of one client by another, clients must be protected from further harm;
- Staff must be considerate of any possible sources of distress; which may cause one client to abuse another; and
- A review of any circumstance pertaining to any abusive event must be conducted.

#### **Identifying Abuse:**

- Staff in immediate contact with clients will be aware of those types of behaviours or treatment which constitutes abuse; and
- Must be able to recognise signs of abuse, and be confident to make a report of possible abuse without fear of retribution.

#### **Preventing Abuse:**

- All management and staff, both paid and unpaid must take all reasonable steps to prevent the abuse of any client; and
- All management and staff will make themselves aware of any strategies which may have been put in place to prevent abuse.

### **Reporting Abuse:**

- All management, staff and volunteers have a duty of care to report all alleged or suspected instances of abuse, assault and neglect in accordance with this policy and accompanying procedures; and
- Any person making a report relating to alleged or suspected abuse, assault or neglect is entitled to make such a report without fear of retribution or retaliation.

### **Procedures:**

#### **When an allegation of abuse, assault or neglect is made:**

- The person to whom the allegation is made must document the incident/ allegation using the relevant Incident Report form.
- The person to whom the allegation is made will immediately contact the CEO during normal working hours or the on-call staff member if out of hours.
- The CEO or on-call staff member will establish the nature of the incident and determine the next actions to be followed.
- In all cases where an allegation of abuse, assault or neglect has been made, the CEO or on-call staff member will contact the relevant external agencies. These agencies will include but not be limited to: Queensland Police, Department of Communities, Child Safety and Disability Services, NDIS Quality Safeguards Commission.
- Avoid an internal investigation as it may compromise or prejudice any police or external agency involvement or impede natural justice. If the CEO determines that an internal investigation is necessary, then it should be in consultation with the Police.
- The CEO or a delegated staff member will liaise with police or other external agency and the management.
- Prior to the clarification of the nature of the alleged offence do not inform other staff or the alleged offender of any investigation; and
- Where no external agency is to conduct an investigation or pursue an allegation further, the organisation will conduct an internal investigation to ascertain whether any breaches of policies or procedures have occurred.

#### **Where the alleged offender is a staff member:**

- The CEO will ensure that all reasonable steps are taken to avoid contact between the alleged offender and the person either making the allegation or the person thought to be a victim of abuse, assault or neglect. This is at the discretion of the CEO. The actions may include but not be limited to:
  - Supervision of any and all interactions between the parties (in consultation with the Police preferably after the Police have contacted the alleged offender).
  - Immediate removal to alternative duties.
  - Immediate suspension from duties, depending on the nature of the circumstances.
- The organisation will ensure at all times that the legal rights of any staff member are not infringed upon, that the conditions of relevant industrial awards, certified agreements or enterprise bargains are not infringed upon, and the right to natural justice is upheld.

**Where the alleged offender is another client:**

- The CEO will ensure that all reasonable steps are taken to avoid contact between the alleged offender and the person either making the allegation or the person thought to be a victim of abuse, assault or neglect;
- The organisation will ensure that:
  - A staff member supervises any and all interactions between the person and the alleged offender;
  - Assistance and support is offered to both parties in any interactions with the Police or other external organisation or authority;
  - Both parties are provided with appropriate information in the appropriate format, about their legal rights, options and support services available, or be given the opportunity to access this information;
- The organisation will also ensure that the alleged offender has access to a support person or advocate who can assist the person through the interview process and facilitate legal representation; and
- This support person or advocate should be a person without prejudice and chosen by the alleged offender. This may be:
  - Guardian and/or advocate;
  - Family member;
  - Friend; or
  - Someone who is not involved in any inquiry.

**Where the alleged offender is a person outside the organisation:**

- The organisation will ensure that where possible, all interactions between the alleged offender and the person suspected of being the victim of abuse, assault or neglect will be avoided or will occur only where it is required and only under appropriate supervision.
- The organisation is obliged to inform the appropriate external agency where an allegation of abuse, assault or neglect by a person outside of this organisation is made.

**Where the offender is a member of the organisation, and is found to be criminally responsible or found guilty with no conviction recorded, after an investigation:**

- Where a member of the organisation is found to be criminally responsible, or found guilty with no conviction recorded, the organisation will take appropriate disciplinary action.
- Any actions taken are to be taken in accordance with the *Industrial Relations Act 1999*, any employment contracts in force, terms of employment, code of conduct or similar employment agreement which was a condition of employment.
- Where necessary, the organisation should seek advice from the relevant employer adviser, i.e. Employsure, legal adviser or similar peak body or organisation supporting and representing the organisation.
- At the conclusion of any investigation process, a full review and report of the incident and subsequent actions to be undertaken to determine the effectiveness of the response procedure and highlight good practices, and actions that may be taken to minimise the risk of the situation re-occurring.

**Where investigations were conducted, no charges were laid, or the alleged offender is not prosecuted or found criminally responsible:**

- The organisation will conduct an internal investigation. The standard of proof in criminal matters is “beyond reasonable doubt”. This is a higher or stronger level of proof than is required for an industrial or disciplinary process, which only requires that the matter be proved on the balance of probabilities. The finding of not guilty in a criminal case involving allegations of abuse, assault or neglect by staff against a client does not therefore, prevent this organisation from taking disciplinary or other appropriate action.
- The outcome of any investigation must include recommendations to prevent the incident re-occurring. This may include the organisation taking disciplinary action or other appropriate actions such as:
  - Counselling of the staff member
  - Additional training
  - Transfer of duties
  - Increased supervision
  - Official warning
  - Dismissal; or
  - A combination of the above.
- Before any disciplinary action is taken, the organisation will ensure that the staff member has been afforded natural justice and that any action or decision is based on the full and documented consideration of the facts, context, intent and the impact of the original incident.
- At the conclusion of any investigation process, a full review and report of the incident and subsequent actions to be undertaken to determine the effectiveness of the response procedure and highlight good practices and actions that may be taken to minimise the risk of the situation re-occurring.

**Support and Debriefing:**

- Where possible the organisation will ensure that the person subjected to abuse, assault or neglect is provided with and/or assisted to access opportunities for support, counselling and / or debriefing.
- Staff involved in, or concerned with, any incident of abuse, assault or neglect are to be offered access to the organisation’s Employee Assistance Program.
- Where families, carers or other clients are affected by an incident of abuse, assault or neglect, the organisation will ensure that it offers access to the above support services.

**6. Attachment A.**

**Identifying abuse:**

**Observed Abuse:**

Staff, especially direct-care workers, are in a prime position to identify possible abuse of a client. All staff must be aware of all relevant policies and procedures including the Staff Handbook and work within these documents. Any member of staff, regardless of position, has a duty of care to report any observed abuse immediately.

### **Reported Abuse:**

Abuse may be reported directly to any staff member. Where any allegation of abuse is made to a staff member, that staff member has a duty of care to report this allegation immediately and offer support and assistance to the alleged victim and any other person in need.

### **Suspected Abuse:**

Any member of staff may note unusual behaviours that could be indicators of possible abuse. A particular staff member may know a client well and be more likely to identify variations to normal behaviours. However, regardless of their level of understanding of the behaviours of the client suspected of being abused, every staff member has an obligation to report any suspected abuse immediately.

### **Types of Abuse:**

These definitions are from a range of sources. Staff must be aware that abuse is not limited to just those defined below. All employees are required to consider that any inappropriate behaviour towards a client may be deemed to be 'abuse'.

### **Physical Abuse:**

Physical abuse is assault, non-accidental injury or physical harm to any person by any other person. It includes but is not limited to the infliction of any pain or unpleasant sensation, causing harm by excessive discipline, shaking or bruising.

#### Examples of Physical Abuse

○ Slapping.	○ Kicking.
○ Shoving.	○ Choking.
○ Throwing things.	○ Forced feeding.
○ Pulling hair.	○ Punching.
○ Pinching.	○ Burning.
○ Beating.	○ Physical restraint.

### **Sexual Abuse:**

This is when a person is made to have unwanted sexual activity with another person. It can include rape, forced voyeurism / exhibitionism, unwanted touching and sexual harassment.

### **Psychological Abuse:**

This can take many forms and is designed to undermine a person and has a major impact on their well-being, dignity and self-esteem. Over time, a person will lose confidence and lose clarity on what is 'right'. It may be any number of people from other clients, staff members, family and friends who use psychological abuse to undermine another. It can include such things as:

- Telling someone repeatedly that they are useless, weak, or will be unsuccessful
- Being rude, critical, belittling or demeaning about a person on a regular basis
- Constantly challenging a person's beliefs
- Putting down a person because of their academic or sporting achievements/failures
- Acting in an intimidating or aggressive way to a person
- Deliberately and intentionally ignoring a person

### Emotional Abuse:

Emotional abuse can be a more subtle form of psychological abuse. Quite often this form of abuse may go unnoticed, as even the victim may not realise he or she is being abused.

Although emotional abuse does not leave visible bruises or cuts, it is often more seriously damaging to a person's self-esteem, and includes humiliating or intimidating a person or the failure to interact with a person or to acknowledge that person's existence.

#### Examples of Emotional Abuse:

○ Humiliating a client.	○ Denying cultural needs.
○ Isolating a person from an activity.	○ Shouting orders.
○ Preventing a client from self-expression.	○ Denying a customer's dignity through actions.
○ Discouraging personalisation of a room or clothing.	○ Withholding approval, appreciation or conversation.
○ Refusing to discuss issues.	○ Being sarcastic or critical.

### Cultural Abuse:

A person could feel they are receiving abuse primarily because of their cultural background (see also Racism and Discrimination). Cultural abuse can be an outcome of discrimination and harassment, and it can take different forms including emotional, psychological or social abuse. It may be evident through:

- Prejudice in what is said
- Dislike of a person based on their culture or background
- Discrimination in activities and not having the opportunity to contribute equally
- Bullying of person based on culture, beliefs or values
- Unreasonable verbal abuse using offensive cultural language.

### Financial Abuse:

Financial abuse is the improper use of a clients assets, or the use or withholding of that person's financial resources.

#### Examples of financial abuse:

○ Denying a client access to, or control over, their money.	○ Denying a client access to information about their finances.
○ Forced or manipulated changes to Wills or other legal documents.	○ Using a clients belongings for personal use.
○ Taking a clients money or property without their consent.	

### Violence:

Violence is the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, mal development, or deprivation.



**Neglect:**

Neglect is possibly the most common form of maltreatment of young children or people with a disability. Neglect refers to the failure to provide appropriate care such as shelter, clothing, medical care, food and the other basic necessities a person needs for growth and development.

Neglect is usually typified by the ongoing pattern of inadequate care. While doctors, nurses, day-care workers, relatives and neighbours are most likely to notice and report neglect, all staff must ensure that any suspected instance of neglect is reported immediately. The organisation is not an investigative body and will pass all allegations of neglect to the appropriate authority.

Examples of neglect by a service provider:

<ul style="list-style-type: none"><li>○ Refusal to provide food to clients because they have not done what was asked.</li></ul>	<ul style="list-style-type: none"><li>○ Depriving clients of their rights to express their sexuality, desires, or cultural identity.</li></ul>
<ul style="list-style-type: none"><li>○ Withdrawal or denial of privileges, outings or personal items.</li></ul>	<ul style="list-style-type: none"><li>○ Hurrying or rushing assistance with eating or drinking.</li></ul>
<ul style="list-style-type: none"><li>○ Failing to ensure adequate health care, food, clothing, or medical support was available.</li></ul>	<ul style="list-style-type: none"><li>○ Not using a communication device to enable expression of needs.</li></ul>

## 7. Further information

Any employee requiring further information about this policy should contact any member of the Management Team.