

# Department of Communities, Child Safety and Disability Services

## POLICY

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**Title:** Preventing and Responding to the Abuse, Neglect and Exploitation of People with Disability

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### Policy Statement:

The Department (Disability Services) is committed to preventing and responding to the abuse, neglect and exploitation of people with disability.

Disability Services will:

- Ensure that the health, safety and wellbeing of clients in all departmentally provided disability services is the paramount consideration in service provision and that clients are provided with maximum protection from abuse, neglect and exploitation.
- Promote a culture of no retribution in the case of reporting, including reporting of suspected or alleged abuse, neglect or exploitation or incidents suggestive of abuse, neglect or exploitation.
- Ensure that there are systems to identify abuse, neglect or exploitation of service users.
- 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 abuse, neglect and exploitation, which is supported by ongoing and appropriate workforce development and training.

### Principles:

The *Disability Services Act 2006* recognises that people with disability have the same human rights as other members of society and should be empowered to exercise their rights. These include the right to:

- Respect for their human worth and dignity as individuals; and
- Live lives free from abuse, neglect or exploitation.

This is best achieved through an integrated approach that targets the cultural, environmental and interpersonal causes of abuse, neglect and exploitation.

*Principles of Prevention of Abuse, Neglect and Exploitation*

- Strategies to prevent the abuse, neglect and exploitation of people with disability include the reduction of isolation, and the enhancement of social connections.
- People at-risk have the right to be provided with tailored advice and support. This includes appropriate skill development for people with disability in improving personal safety and capacity for safe participation in their communities.
- Systems are established to prevent the occurrence or recurrence of abuse, neglect and exploitation within the service delivery context.

*Principles of Identification of Abuse, Neglect and Exploitation*

- Early intervention approaches are implemented for the identification of the abuse, neglect and exploitation of people with disability, taking particular care of known risk situations, both systemic and individual.
- Regular system reviews are in place so that gaps which may contribute to a person experiencing abuse, neglect or exploitation are identified and remedied.

*Principles of Effective Response*

- Staff are committed to reporting and openly disclosing any suspected or alleged incidents of abuse, neglect and exploitation. Protections are afforded any person who makes a public interest disclosure, in accordance with the *Public Interest Disclosure Act 2010* (see section 36).
- Any suspected or alleged incidents of abuse, neglect and exploitation of clients are reported in line with the requirements of the department's *Critical Incident Reporting Policy*.
- Specific consideration is given to individual, organisational and systemic issues around client-to-client abuse.
- Clients who experience abuse, neglect or exploitation have the right to:
  - complain about the service they receive or any form of abuse, neglect or exploitation experienced within departmentally provided disability services without fear of retribution
  - pursue grievances and complaints and fair and equitable access to the criminal justice system without fear of the services being discontinued or recriminations from service providers; and
  - access appropriate support services to assist with the effects of abuse, neglect and exploitation where appropriate.
- Any person who reports suspected or alleged incidents of abuse, neglect and exploitation of a client has the right to have their safety and rights respected and safeguarded.
- Families and carers who have identified and reported incidents of abuse, neglect and exploitation have the right to be provided with supports for the response to incidents of abuse, neglect and exploitation.

*Principles of Service Development, Coordination and Delivery*

- Service reforms to prevent, identify and respond to the abuse, neglect and exploitation of clients are consistent with the principles of the *Disability Services Act 2006*.
- Services are designed and implemented as part of local coordinated service systems and integrated with services and supports generally available to members of the community.
- Individual and environmental risk assessments inform service provision and protect clients.
- Services meet the needs of clients experiencing additional barriers because of their age and gender or because of their rural and remote location.

*Principles of Workforce and Workplace Reform*

- Human resource management systems and practices support effective recruitment and selection (including compliance with statutory requirements such as criminal history screening), performance monitoring and development, and performance management.
- The cultural needs of clients from Aboriginal and Torres Strait Islander and culturally and linguistically diverse backgrounds in Queensland are safeguarded through training in cultural competency.
- Good practice in behaviour intervention and management is promoted and resourced.
- Management is effective, responsive, stable and skilled.
- The workplace culture supports continuous learning and professional development to respond to the needs of individuals being supported.

**Objectives:**

This policy aims to ensure disability rights conferred by the *Disability Services Act 2006* are upheld through:

- promoting safer communities and better quality services to clients through the implementation of effective measures to prevent, identify and respond to abuse, neglect and exploitation; and
- ensuring that clients are provided with adequate and appropriate supports for the response to incidents of abuse, neglect and exploitation.

This policy is supported by a resource kit which provides tools and strategies that will assist in delivering these objectives (see Links).

**Scope:**

Abuse, neglect and exploitation can take many forms. This is reflected in the various definitions of abuse, neglect and exploitation, which are outlined in Appendix One.

This policy:

- Applies to all departmentally provided disability services and, consequently, to all staff and volunteers within these services. This includes: Accommodation Support & Respite Services (AS&RS), Clinical Services and Service Access Teams.
- Forms part of a framework of measures aimed at protecting the health, wellbeing and safety of people with disability.
- Complements other safeguards provided to people with disability through the *Disability Services Act 2006* and the *Guardianship and Administration Act 2000*.
- Provides an overarching framework for funded non-government disability service providers.

**Note: As part of their service agreement, funded non-government service providers must have, maintain and implement their own Abuse, Neglect and Exploitation Policy and act in accordance with the department's Abuse, Neglect and Exploitation Policy (i.e. this policy) and the department's Critical Incident Reporting Policy.**

The scope of the policy does not include:

- Measures contained in other policies, for example, critical incident reporting. Nevertheless, meeting the requirements of the *Critical Incident Reporting Policy* is a necessary, but not complete, response to the abuse, neglect or exploitation of people with disability (see Links).
- Guidance or support in the use of restrictive practices. For further information on restrictive practices, consult the department's restrictive practices amendments resources (see Links).
- The prevention, identification and response to the abuse, neglect and exploitation of children and adults with disability in family based settings.

## **Roles and Responsibilities:**

### **1. The Department (Disability Services)**

It is the role of the department (Disability Services) to:

- Promote a culture within services and a proactive systems approach to prevent and identify abuse, neglect and exploitation of clients.
- Support and influence training of staff in all departmentally provided disability services.
- Develop and implement effective communication strategies to promote this policy and resource kit within all departmentally provided disability services.
- Report to the relevant authority or agency when required.
- Support and monitor the implementation of the policy within all departmentally provided disability services.

### **2. Managers of Departmentally Provided Disability Services**

Managers of departmentally provided disability services have specific responsibilities to ensure the prevention, identification and response to the abuse, neglect and exploitation of clients.

*Prevention of abuse, neglect and exploitation of people with disability*

It is the role of managers of the services to:

- Ensure that all staff and volunteers are aware of, trained in, compliant with and implement the policy and procedures on preventing and responding to the abuse, neglect and exploitation of clients.
- Provide active support to staff to create an appropriate service culture in accordance with the policy.
- Ensure staff are trained to recognise and prevent/minimize the occurrence or recurrence of abuse, neglect and exploitation of clients within a service delivery context.
- Develop a coordinated and uniform approach to promoting the rights of clients within their families, communities and cultures.

*Identification of abuse, neglect and exploitation of people with disability*

It is the role of managers of the services to ensure:

- Systems are in place to identify and remedy gaps which contribute to a client experiencing abuse, neglect or exploitation.
- Staff are trained in early intervention approaches where potential or actual abuse, neglect or exploitation of clients is identified.

*Responding to abuse, neglect and exploitation of people with disability*

It is the role of managers of the services to ensure:

- There is a culture of no retribution for any person who reports abuse, neglect or exploitation of a person with disability.
- Guardians or substitute decision makers are informed of alleged or suspected instances of abuse, neglect and exploitation, unless the guardian or decision maker is the alleged or suspected perpetrator of the abuse, neglect or exploitation, in which case a decision should be made on a case by case basis.
- Relevant staff advise clients, their families and advocates about:
  - support services, which are equipped to identify abuse, neglect and exploitation and able to refer individuals to appropriate specialist services;
  - their right to pursue grievances and complaints and access the criminal justice system.
- Any concerned person, including but not limited to, the person with disability, another consumer, relative, friend or person from the community is able to make a report or an allegation of abuse, neglect and exploitation, without fear of retaliation or retribution.
- All staff supporting clients are respectful of their rights and needs.
- Abuse, neglect or exploitation of clients is reported to the relevant authority in line with the requirements of the department's *Critical Incident Reporting Policy*.

### 3. Staff of Departmentally Provided Disability Services

It is the role of all relevant staff to:

- Provide services to clients in a manner that is consistent with the policy.
- Support management to create a culture of no retribution for reporting of suspected abuse, neglect or exploitation.
- Provide active support to other staff to create an appropriate service culture in accordance with the policy.
- Report all alleged or suspected instances of abuse, neglect and exploitation in accordance with the department's *Critical Incident Reporting Policy*.
- Cooperate with the investigation of any complaint relating to the provision of services.
- Provide appropriate support to the person making the report.

#### **Relevant Legislation:**

*Disability Services Act 2006*

#### **Delegations:**

*<Position titles and a brief description of their statutory delegations under this policy>*

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**Records File No.:** <If applicable>  
**Date of approval:** 01/07/14  
**Date of operation:** 01/07/14  
**Date to be reviewed:** 2018 (one year before full transition of Accommodation Support and Respite Services to non-government sector)

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**Office:** Disability Strategic Policy, Disability Services  
**Help Contact:** Disability Strategic Policy, Disability Services

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**Links:**

- *Disability Services Act 2006*  
<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/D/DisabServA06.pdf>
- *Preventing and Responding to the Abuse, Neglect and Exploitation of People with Disability Tips and Resources for Disability Service Managers and Staff*  
<http://www.qld.gov.au/disability/service-providers/specialist-disability-service-providers/>
- *Restrictive Practices Resources – Positive Behaviour Support*  
<http://www.communities.qld.gov.au/disability/key-projects/positive-behaviour-support>
- *Critical Incident Reporting Policy*  
<http://www.communities.qld.gov.au/disability/information/publications-and-resources>
- *Human Services Quality Framework*  
<http://www.communities.qld.gov.au/gateway/funding-and-grants/human-services-quality-framework>

**Note:** the Human Services Quality Framework provides a quality assurance framework for funded service providers and contains a specific standard in relation to the safety, wellbeing and rights of people accessing services.

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Michael Hogan

Director-General

## APPENDIX 1

The department (Disability Services) acknowledges that there are many forms of abuse, neglect and exploitation:

### DEFINITIONS

- **Abuse** - is the violation of a person's human 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 (e.g. taste, heat or cold) as well as restrictive practices which are not contained in the client'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 a person with impairment of the mind (as defined under 'Definitions' in the *Queensland Criminal Code*). 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.
  - **Abuse through denial of access to legal remedies** – 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 client 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. 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 failure to fulfil care-taking responsibilities because of inadequate caregiver knowledge, infirmity, or the failure to implement 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** – negligence, i.e. the failure to act with the appropriate duty of care.
- **Exploitation** - is taking advantage of the vulnerability of a person with disability in order to use them, or their resources, for another's profit or advantage (e.g. financial abuse).