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## SD - Freedom from Abuse & Neglect

Headway Gippsland is committed to taking all steps possible to prevent and respond to abuse, neglect, racism, exploitation, violence and discrimination of its service users, particularly toward people with a disability and older people.

Headway Gippsland understands and acknowledges that freedom from abuse, neglect, racism, exploitation, violence and discrimination is a human right, and is committed to upholding the rights of service users. Headway Gippsland will promote and adhere to the human rights of all service users and empower them to exercise their rights.

Headway Gippsland is committed to creating a culture where service user safety is essential to service delivery, and service users and workers feel empowered to speak up and report abuse.

Headway Gippsland will outline the processes to:

- Assess the risks of abuse;
- Prevent abuse from occurring; and

Respond to abuse.

### Definitions

**Exploitation:** is taking advantage of someone's vulnerabilities for your personal gain, to steal, use or profit. Exploitation often occurs with vulnerable groups such as people with a disability and older people. Exploitation is a form of abuse.

**Abuse:** is any form of violence, coercion, exploitation, discrimination, harm or neglect which causes another person psychological or physical pain or suffering. Abuse can be emotional, physical, financial, chemical or sexual.

### Procedures

#### Assessing risks of abuse

Workers will be trained to identify and respond to factors which may heighten the risk of Participants being a victim of abuse. Workers will consider, for each participant, the factors that can contribute to participants vulnerability, such as social and geographical isolation, insecure accommodation, dependency on carers, not having the means or capacity to advocate for themselves, fragility and dysfunctional family lives.

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### Preventing abuse

#### Organisational commitment to prevention

Headway Gippsland has preventative measures in place to ensure that individuals are free from discrimination, exploitation, abuse, harm, neglect and violence. This includes policy and practice that protect people's rights, and a commitment to empowering individuals by informing them about the rights that they possess.

Headway Gippsland will take a holistic and system-wide approach to preventing abuse in all services and activities. Headway Gippsland's system to prevent abuse, neglect, racism, exploitation, violence and discrimination includes incident management systems, worker training and encouraging the reporting of incidents by both workers and clients. In this way, Headway Gippsland will ensure that staff and/or carers, feel supported and their wellbeing is looked after.

#### Workforce recruitment, training, supervision and retention

The organisation will foster a culture where all workers are committed to preventing abuse. All workers will be informed by the Employee Handbook of abuse prevention and client rights.

Headway Gippsland will ensure the staff recruitment and screening process is thorough and includes, at a minimum:

- Conducting reference checks;
- NDIS Screening Check
- Working with Children Check
- Querying gaps in employment history; and

Headway Gippsland will ensure that workers are appropriately trained to reduce the risk of harm to participants. This training will include recognising the potential indicators of abuse, neglect, racism, exploitation, violence and discrimination. In this way, Headway Gippsland ensures that workers have professional, respectful and trusting relationships with clients.

Workers will receive regular supervision to ensure that they are appropriately carrying out their role.

Supervision processes will include:

- Regular check-ins from their senior staff or manager;

#### Culture of reporting and transparency

Headway Gippsland will create a culture where workers and participants feel supported to speak up if they witness or become aware of information about an alleged abuse, and that they feel they can do so without fear of punishment or retribution. Barriers to both participants and worker disclosure of incidents of abuse will be

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addressed and mitigated.

### Feedback

Headway Gippsland will ensure there are adequate feedback and complaints mechanisms in place and all participants and workers are aware of how to lodge a complaint or provide feedback.

This can be completed either on the Headway Gippsland Website or alternatively, you can talk to:

Jenelle Henry – CEO

[j.henry@headwaygippsland.org.au](mailto:j.henry@headwaygippsland.org.au)

03 5127 7166

Or

Wendy Matthews - General Manager

[w.matthews@headwaygippsland.org.au](mailto:w.matthews@headwaygippsland.org.au)

03 5127 7166

Official feedback processes will not act as the sole mechanism for participants and workers to raise issues around abuse, exploitation, violence, neglect and discrimination.

### Restrictive practices

Headway Gippsland will ensure policies and processes are in place to minimise and work towards eliminating the use of restrictive practices, and understands that misuse of restrictive practices can constitute a form of abuse. Headway Gippsland will adhere to relevant guidelines and reporting requirements when using restrictive practices.

### **Responsibilities**

Headway Gippsland will:

- Ensure participants understand their rights and are aware of how they can exercise them;
- Listen to and validate a participants experience when they report suspected abuse;
- Talk to the participants about what is most important to them when responding to abuse;
- Involve the participants as much as they would like in the investigation and decision-making processes;
- Ensure the participants and their family, where appropriate, are informed on all measures being taken;
- Give regular updates on the progress of the investigation;
- Arrange access to counselling or support for both the participants and workers who may be suffering as a result of the incident;
- Analyse and identify what went wrong to allow the abuse to occur, and what changes can be made in organisational policies and procedures to combat abuse; and

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- Ensure that all workers sign a Code of Conduct, which requires workers to respect and maintain the dignity of participants.
- If the organisation is an NDIS provider, staff will ensure that participants have access to an advocate where allegations of abuse, neglect, violence, exploitation and discrimination are made

### Responding to abuse

Headway Gippsland will apply the following principles when responding to abuse:

- Participants safety is paramount to all procedures;
- Participants will be treated with dignity and respect;
- Participants will have the right to self-determination;
- Workers understand and enact their duty of care;
- Workers have undertaken cultural competency training and are considerate of individual participants cultural differences;
- A holistic approach will be taken when responding to abuse;
- All options (legal/police) are considered when responding to abuse;
- Participant's confidentiality is respected, however will not be a barrier to action; and
- Every allegation of abuse, neglect, harm, discrimination and exploitation will be considered and taken seriously.

### Five step approach to responding to abuse

Headway Gippsland will adopt the following five-step approach to responding to abuse:

1. Identification of suspected, witnessed or disclosed abuse;
2. Assessment of service user safety;
3. Providing service user support;
4. Informing the manager and documenting abuse and/or neglect; and
5. Responding and referring the abuse to management.

#### 1. Identification

Early intervention and responses are essential for effectively handling incidences of abuse. Headway Gippsland will ensure that all workers undertake training in identifying whether a participant has or is suffering from abuse. Workers will be able to identify the signs of different types of abuse (physical, financial, neglect, psychological, sexual and chemical).

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### 2. Assessing participant's safety

All workers will ensure that in the follow-up of an abuse or alleged abuse, the participant's safety and security are protected. This may involve seeking urgent medical assistance, counselling, or seeking out the participant's family or guardian. The General Manager and CEO report to the Commission will contact emergency services immediately if the participant requires urgent medical assistance and if the worker suspects criminal activity was involved. Headway Gippsland will not use participant consent as a barrier to contacting emergency services.

### 3. Providing support

Headway Gippsland will ensure workers are trained and aware of the processes for when an assault has occurred and will provide immediate service user support. Headway Gippsland will ensure victims are supported with their access to medical and recovery services as well as with their access to justice.

Headway Gippsland will ensure the participant is given any aids they require to assist them when giving their account of the abuse. Headway Gippsland will ensure participants are offered a translator if their proficiency in English is limited. Headway Gippsland will make the participants comfortable by:

- Allowing them plenty of time to give their version of events of the abuse;
- Actively listening;
- Speaking clearly;
- Eliminating background noise; and
- Repeating the question if the service user requests to hear it again.

### 4. Informing and documenting

Headway Gippsland will ensure workers and participants make all attempts possible to maintain the scene of the alleged abuse.

Headway Gippsland will ask the participants what they would like to do about their situation. If they require support in decision-making, they will be provided with access to the support necessary for them to make, communicate and participate in decisions regarding the abuse

Headway Gippsland will ensure that participants and their supporters receive adequate communication related to the incident before, during and after the investigation.

Criminal acts and deaths will be reported to Victoria Police and the NDIS Commission

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Relevant Headway Gippsland Employees who witnessed or were disclosed the details of the assault, will report to their manager immediately or as quickly as possible.

For NDIS providers abuse, neglect, sexual misconduct, or unauthorised restrictive practices are defined as *reportable incidents* under the Section 73Z (4) of the *National Disability Insurance Scheme Act 2013*. Reportable incidents will be reported as soon as possible to:

- A member of the provider's key personnel;
- A supervisor or manager of the participants;
- The person specified in the incident management system who is responsible for reporting incidents to the NDIS Commission;
- The General Manager will take all reasonable steps to notify the NDIS Commission within 24 hours of becoming aware of the incident; and
- Unauthorised restrictive practices will be reported to the NDIS Commission within five days.

Reportable incidents include;

- Death of a person with a disability;
- Serious injury;
- Abuse or neglect;
- Unlawful sexual or physical contact with, or assault of, a person with a disability;
- Sexual misconduct committed against or in the presence of, a person with disability, including grooming of such a person for sexual activity; and
- The use of restrictive practice in relation to a person with disability that is unauthorised use or not in accordance with a behaviour support plan.]

### 5. Responding and record keeping

Headway Gippsland will conduct a thorough investigation into the alleged abuse, neglect, exploitation, violence and discrimination and identify, who was responsible and what organisational policies allowed the incident to happen. All possible measures will be taken to mitigate the risk of a similar incident occurring again. Headway Gippsland will follow approved records management procedures.

Headway Gippsland will:

- Have a documented incident management system;
- Provide copies of the documented system to:
  - persons with a disability receiving supports;
  - employees of the provider; and
  - family, carers, advocates for the person with a disability receiving supports; and

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- Headway Gippsland will adhere to section 12(2) of the *National Disability Insurance Scheme 2018* on further information on what needs to be included in an incident management system.

The CEO has responsibility to continue to monitor the situation, review at predetermined timeframes record and document the decisions taken and the reasons that led to the decisions.

If the matter involves any actions that are unlawful immediately advise the CEO who will in turn ensure the relevant authorities (police, funding bodies, NDIA Commissioner) are notified.

Ensure that the participant receives the appropriate professional support and counselling as required.

Once the matter has been finalised identify areas of service improvement with the aim of preventing any similar incidences occurring in the future.

Provide participants and their families, significant others or advocates feedback and outcomes resulting from the incident.

### **Learning and improvement**

Headway Gippsland is committed to ensuring that continuous improvement is made to policy and action surrounding abuse. In order to do this, Headway Gippsland ensures that effective methods are used to keep record of all incidents and any violations of human rights. This allows for analysis of the incidents to identify further risks.

### **Co-design of this policy**

This policy will seek the input and engagement of participants to ensure that it aligns with the expectations of participants, their families and carers. Participants, their families, their supporters and employees of Headway Gippsland are invited to raise concerns about this policy at any date.