

Preventing & Responding to Abuse of a Participant

Scope

This policy applies to all Araluen employees, volunteers, contractors, students, and board members.

Policy Statement

The purpose of this policy is to ensure that Araluen employees and stakeholders understand how abuse can be prevented, identified, and appropriately responded to.

Abuse, neglect, or any other form of mistreatment of a participant at the hands of Araluen staff or stakeholders will not be tolerated.

Araluen recognises the increased vulnerability of people with disability, and their potential difficulties in communicating incidents. Participants can access support through someone they trust such as a family member, friend, or advocate, who can assist them in reporting any form of wrongdoing. Araluen will work collaboratively to assist them to communicate about difficult issues and experiences.

Definitions

Allegation: A claim that someone has done something wrong or illegal.

Indicator: A sign there may be something more complex going on.

Reprisal: An act of retaliation.

Retribution: Punishment inflicted on someone for a wrong or criminal act.

Application

1. Prevention

Araluen's approach to preventing abuse includes the following strategies:

- Safe recruitment, selection, and screening practices. This helps prevent those who may be a risk to participants from working within the organisation.
- Enforcing our policies and procedures, with particular attention paid to our Code of Conduct. This sets clear guidelines for Araluen employees about the behaviour and conduct that is expected of them.
- Planning safe services that consider people's individual needs and matches them with competent staff who are capable of meeting those needs.
- Internal monitoring of staff practices via announced and unannounced internal audits, performance management processes, and regular reflective practice meetings.
- Regular, ongoing staff training about Araluen's 'zero tolerance' approach to abuse and neglect. This aims to help staff recognise the common indicators and respond to them quickly and appropriately.
- Immediate reporting of actual or suspected abuse to the NDIS Quality and Safeguards Commission and if necessary, the Victorian police.

Staff are expected to contribute to a culture of continuous improvement, by critically reflecting on all that they see, hear and experience and by communicating any issues, concerns, suggestions, or feedback they may have to their manager or the Quality Team via qualityteam@araluen.org or (03) 8457 3040. Feedback can also be provided anonymously via Araluen's website: araluen.org.

2. Indicators and Signs

Abuse can take many forms and may be difficult to recognise. The following is a list of some common indicators. However, this list may not cover everything.

If staff are ever unsure about something they have seen or heard, they must speak with their Practice Leader or Manager. If they are not available, staff must speak to a General Manager, Chief Executive, or the Quality Team as soon as possible.

Physical abuse. Any intentional physical act towards a person with disability with intent to cause harm.



Physical indicators:

- Unexplained cuts, abrasions, bruising or swelling
- Unexplained burns or scalds, cigarette burns
- Rope burns or marks on arms, legs, neck, torso
- Unexplained fractures, strains or sprains, dislocation of limbs
- Bite marks
- Dental injuries
- Ear or eye injuries

Behavioural signs:

- Avoidance of staff, fear of a particular person
- Sleep disturbances
- Unusual mood swings, uncharacteristic aggression
- Changes in daily routine, changes in appetite
- Unusual passivity or withdrawal
- Self-harm, suicide attempts
- Inappropriate explanations of how injuries occurred
- Excessive compliance with staff

Psychological/emotional abuse. This is when a person subjects or exposes another person to behaviour that may result in psychological trauma, including anxiety, chronic depression, or post-traumatic stress disorder.

Physical indicators:

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

Behavioural signs:

- Self-harm behaviours
- Challenging/extreme behaviours
- Excessive compliance to staff
- Very low self-esteem, feelings of worthlessness
- Decrease in interpersonal skills
- Extreme attention seeking behaviour
- Change in behaviour or temperament

Sexual abuse. This is any form of forced or unwanted sexual activity. It may include using sexually degrading insults, unwanted touching, unwanted exposure to pornography, sexual jokes, and rape.

Physical indicators:

- Direct or indirect disclosure of abuse or assault



- Trauma to the breasts, buttocks, lower abdomen, or thighs
- Difficulty walking or sitting
- Pain or itching in genital or anal area; bruising, bleeding, or discharge
- Self-harm, abuse, suicide attempts
- Torn, stained, or blood-stained underwear or bedclothes
- Sexually transmitted diseases or pregnancy
- Unexplained money or gifts

Behavioural signs:

- Sleep disturbances
- 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, panic attacks, clinical depression
- Refusal to attend usual places (e.g., work, school, respite)
- Going to bed fully clothed
- Excessive compliance to staff

Financial abuse is where some form of remuneration is involved, or where the perpetrators benefit in some manner – typically monetarily.

Physical indicators:

- No access or unwarranted restrictions on personal funds or bank accounts
- No records or incomplete records kept of spending and purchases
- No inventory kept of significant purchases
- Person controlling the finances does not have legal authority
- Misappropriation of money, valuables, or property
- Forced changes to a persons will
- Persistent failure to produce receipts
- Receipts indicating unusual or inappropriate purchases

Behavioural signs:

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

Chemical abuse. This is when medication is deliberately manipulated (in conflict with a doctors prescribed directions) to control a person's behaviour.

Physical indicators:

- Withholding prescribed medication
- Abuse of prescribing rights by staff/over-administration of medication

Behavioural signs:

- Persistent over-activity
- Unusual levels of confusion/disorientation

Systemic abuse. This is a failure to recognise, provide, or attempt to provide adequate or appropriate services, that as a result has a significant physical, emotional or psychological impact on the person with disability.

Physical indicators:

- No activity or inadequate/inappropriate activity developed for participants
- Not endeavouring to use staff of the same gender to perform personal care duties for participants
- Providing staff with insufficient training on duty of care and policies and practices to preventing abuse

Behavioural signs:

- Person is persistently provided support that does not meet the requirements of their support plan or their needs
- Person refuses part of their service support due to feeling uncomfortable with particular staff members

Neglect is also a form of abuse. This is where someone who is responsible for caring for a person with disability, fails to do so. It can be a result of carelessness, indifference, or unwillingness.

Physical indicators:

- Physical wasting, unhealthy weight levels
- Poor dental health
- Food from meals left on face or clothes throughout the day
- Dirty, unwashed body or face, body odour
- Person always wearing the same clothes
- Ill-fitting or unwashed clothes
- Person is always over or under dressed for the weather conditions
- Food is consistently poor quality, insufficient, inedible, or unappetising
- Missed or wrong medication administration

Behavioural signs:

- Constant tiredness
- Persistent hunger
- Unexpectedly poor social/interpersonal skills
- Signs of loss of communication and other skills
- Consistent failings to bring the person to appointments, events, activities
- Person is persistently denied opportunities to socialise with others in the community

3. Response

Reports of actual or suspected abuse may be received from a range of people including:

- The person subjected to the abuse.
- Another participant, staff or other person who witnessed or suspect's abuse.

Immediate Response

If an employee or stakeholder becomes aware of actual or suspected abuse, they must immediately take action to protect the participant from further harm. This must include:

- Immediately notify their manager or General Manager.
- Remove the participant from a situation where they are alone with the alleged perpetrator (e.g., remaining on shift with the participant until the Manager/General Manager is present).
- If a participant has sustained a serious injury requiring medical treatment, the employee should contact emergency services by dialling '000' for an ambulance.
- Preserve evidence and make notes, including all physical or written evidence that could prove critical in an investigation. All notes should be passed onto the appropriate service Manager/General Manager immediately.

Employees who fail to respond immediately and protect participants from further harm are in breach of the Araluen and NDIS Code of Conduct and may face disciplinary action.

The Practice Leader, Manager or General Manager alerted must:

- Where appropriate, notify the next of kin, guardians, or key support persons.
- Report to Victoria police where it is believed that a crime may have been committed.
- Consider whether staff should be Suspended, pending an investigation.
- Ensure supports are in place for the victim and others affected, including counselling.
- Ensure participants are aware of their right to access an advocate or support person and work with participants to obtain one where necessary.

- Complete or instruct staff to complete an internal incident form as soon as possible.
- Submit a report to the NDIS Quality & Safeguards Commission.

4. Investigation

Any employee or stakeholder accused of abuse will be afforded the opportunity to respond to the allegations made about them. That person may be suspended on full pay during an investigation, to protect all parties involved.

In cases where the Victoria police are not involved in the investigation, the Chief Executive will appoint a General Manager to carry out an internal investigation. To ensure objectivity, investigations must be carried out by a General Manager who is not responsible for the service area where the alleged abuse took place.

The General Manager will:

- Work with everyone involved in the incident to collect evidence.
- Provide a written report using 'Araluen's Incident Investigation Form for alleged Abuse, Neglect & Exploitation'. Only the Executive Leadership Team have access to completed investigation records.
- Liaise with the General Manager, People and Culture to ensure people's employment rights are realised during a fair and objective investigation process.

Araluen's Incident Investigation Form for alleged Abuse, Neglect & Exploitation outlines the process for conducting investigations. All corresponding notes and evidence must be saved within an appropriately named file within the Executive Leadership Team's secure, restricted drive. The General Manager performing the investigation must submit the form detailing the outcome of the investigation to the Chief Executive or authorised delegate within 10 working days of the initial notification being made.

The Chief Executive or authorised delegate will then:

- Review the completed report and determine the adequacy of the outcome and overall investigation.
- Consider the recommended actions resulting from the investigation and determine their adequacy. These may include but are not limited to:
 - Training for staff
 - On the job coaching and increased supervision and performance monitoring

- Revision or creation of process or practice
- Disciplinary action
- Termination of employment
- Involvement of the police

If the Chief Executive or authorised delegate is satisfied with the outcome and the recommendations, they must sign the investigation form to verify this. If they are not satisfied and require the investigator to perform further inquiries or believe additional or different recommendations should be made, they must explain these to the investigator and ensure that these actions are completed within an additional 5 working days.

Where the Chief Executive or authorised delegate believes the investigators ability to remain impartial has been jeopardised, or that the investigation warrants a new objective approach, a different General Manager or member of Araluen's Executive Leadership Team with adequate skills and knowledge must be approached to complete the investigation. Where Araluen does not have sufficient staff to perform this function, it must be completed by the Chief Executive or authorised delegate, or an appropriate member of the Board of Trustees.

Privacy

All information related to investigations will remain confidential within secure, password protected files. Access will only be granted to those involved in the incident or investigation. In some cases, Araluen may be required to share information about incidents, allegations and investigations if required by law. Please see Araluen's Privacy and Consent policy for more information.

Related Documents

- Araluen's Code of Conduct
- Araluen's Privacy and Consent policy
- Araluen's Incident Management policy
- Araluen's Incident Investigation Form for Alleged Abuse, Neglect, & Exploitation
- [NDIS Incident Management System Guidance](#)
- [NDIS Reportable Incidents Guidance](#)

Policy Review and Authorisation

This policy will be reviewed every year. The Quality Team, in collaboration with the Chief Executive, will be responsible for reviewing and where necessary updating this policy.