

	<b>ONE2ONE POLICY</b>			
	<b>Title</b>	Freedom from Abuse and Neglect	<b>Policy No</b>	07
	<b>Indicator</b>	CM1 – Rights and Responsibilities	<b>Reviewed</b>	6/12/22

## 1. PURPOSE AND SCOPE

The purpose of this policy is to establish standards of practice that recognise and respect that all people involved with One2One have the same rights to safety, bodily integrity, and freedom from violence and abuse, as other people in the community. The policy is written in accordance with the principles outlined by the Australian Human Rights and Equal Opportunity Commission Act (1986). It has been framed around Standard 1 “Rights” of the National Standards for Disability Services.

This policy has been framed around the NDIS Practice Standards and applies to all of One2One’s supports and services.

## 2. POLICY STATEMENT

One2One affirms the rights of all people including people with disabilities to live their lives free from neglect, abuse and exploitation. One2One also supports the rights of any person to have any observation or allegation of abuse, neglect or exploitation addressed, whilst safeguarding their well-being and dignity, and to have measures put in place to prevent any subsequent abuse occurring.

## 3. DEFINITIONS

### Concerns

A concern is any situation where a One2One staff, a consumer employee or anyone who may act on behalf of One2One, has information sufficient to raise a concern that a consumer is having their human rights infringed, or is suffering abuse, neglect or exploitation. It involves a perception or impression that abuse may be occurring based on known medical or social history, visual evidence and/or verbal communication. The information that warrants a concern is hearsay information and is documented as such, acknowledging the possibility that the concern may or may not be validated – but that attention needs to be paid to the matter.

### Allegation/s

An allegation is a formal statement written and/or signed by the person making the allegation, reporting that a consumer has suffered or is suffering abuse, neglect or exploitation. The statement generally includes a specific description of events that is formally reported to have occurred that may lead to an accusation being made. All allegations will be reported to the Services Manager who will follow One2One’s Investigating Incident Procedure.

### Serious Incidents *(must be formally reported to the NDIS Commission)*

(NDIS Commission definition of serious incident) A serious incident means one or more of the following:

- the death of a consumer
- the serious injury of a consumer
- abuse or neglect of a consumer
- unlawful sexual or physical contact with, or assault of, a consumer
- sexual misconduct committed against, or in the presence of, a consumer, including grooming for sexual activity
- unauthorised use of restrictive practice in relation to a consumer

## Unauthorised restrictive practices (have not been approved as part of a behaviour support plan review process)

### 4. POLICY CONTENT

#### 4.1 Protection of Human Rights

One2One will:

- a) minimise the risk of consumers' rights being infringed or of them being subjected to abuse and neglect
- b) have recruitment procedures of a high standard where the best available staff/employees are appointed through:
  - pre-appointment screening of new staff/employees, including national police clearances and WWC clearances, NDIS National Worker Screening
  - reference checking
  - placing new staff/employees on a minimum probationary period of 3 months
  - ensuring new staff/employees go through an induction process and that their performance is regularly monitored during probation, and
  - regular appraisal of the performance of all staff/employees
- c) implement sound staff, employee and volunteer induction, which includes information about consumer rights, issues of abuse and neglect and the requirements of Standard 1 – Rights
- d) remind staff/employees on a regular basis of their responsibilities for safeguarding consumers and to raise any matters of concern
- e) provide information about Standard 1 – Rights to consumers and families/carers
- f) empower consumers and their families/carers by informing them of community resources, supporting them in self-advocacy and reminding them of their rights; for support around Consumer Advocacy, please refer to One2One's Advocacy Policy
- g) foster a safe, supportive environment which encourages everyone to raise concerns without fear of retribution
- h) work collaboratively with other organisations, and establish referral practices and interagency policies and procedures with those that provide other services to our consumers
- i) ensure practices are in place to prevent financial exploitation of consumers, and
- j) regularly monitor its services

#### 4.2 Responding to Allegations of Abuse and Neglect

If a consumer's rights are infringed, or we have reason to believe that they have been abused or neglected, One2One will respond quickly, professionally and compassionately.

- a) It is the personal responsibility of all paid employees volunteers and board members to communicate any concerns relating to an infringement of human rights or the abuse or neglect of a consumer, to One2One's Services Manager or his/her delegate within 24 hours of the concern arising, or immediately if it is believed that the consumer is at imminent risk of harm. The Services Manager will follow One2One's Incident Management Policy and Investigating Incident Procedure
- b) All allegations of abuse or neglect will be reported to One2One's Chief Executive Officer
- c) The Services Manager or his/her delegate will reassure the reporting employee that their concerns will be managed in a confidential and professional manner, and that they have acted correctly in bringing their concern to attention
- d) The Services Manager or his/her delegate will assist the employee raising the concern or allegation to factually and non-judgementally document an account of the concern or allegation, using the One2One Incident Report Form and Investigating Incident Procedure. This should be initiated within 24 hours of the concern being raised
- e) If the Services Manager or his/her delegate believes that the consumer is at immediate risk, he or she will take whatever steps are required to mitigate the risk, and ensure the consumer's safety while the matter is fully investigated
- f) Generally it will be expected that the Services Manager or his/her delegate will inform the consumer of the concern, reassure them and ensure their involvement in deciding the course of action to be taken. However, it is recognised that in some situations this might not be possible due to the consumer's circumstances or the nature of the concern. If the consumer is not to be involved in the decision-making about the response, the reasons will be documented and consideration given to the need to involve an advocate to represent their interests
- g) One2One's Services Manager will decide on the appropriate action to be taken according to the circumstances and taking into account the consumer's/family's/ carer's views  
The action could include:
  - to manage the matter within the organisation
  - to engage in discussion with family members or advocate
  - to elicit the advice and expertise of another organisation or individual from outside of our organisation
  - to involve an organisation with the required legislative mandate to take action (e.g. the Department for Child Protection and Family Support, WA Police, the Office of the Public Advocate)
  - to take no further action at this time but continue to monitor the situation and review at a specified later date
- h) An allegation of sexual or physical abuse will result in the automatic suspension of an employee, contractor or volunteer whilst the allegation is under investigation. If an employee, contractor or volunteer is found guilty of sexual or physical abuse, employment and involvement with One2One will be terminated.
- i) The decision that is taken and the reasons that led to the decision will be documented and endorsed by the Services Manager
- j) Where required the Services Manager will submit a Serious Incident Report within 24 hours to the NDIS Commission

- k) Duty of care carries greater weight than the duty to maintain confidentiality in matters of care and protection. This means that the matter may be discussed between those reporting or investigating, but not with any other person. This includes confidentiality of consumer and alleged perpetrator information
- l) In reporting a concern/allegation, staff/employees will ensure that the consumers' right to dignity, confidentiality and privacy is maintained in accordance with the National Standards for Disability Services and the Privacy Act
- m) The Services Manager or his/her delegate will provide feedback to support the staff/employee who raised the concern or made the allegation regarding the outcome
- n) Debriefing will be undertaken with all relevant individuals when the matter reaches a conclusion. The Services Manager will determine who the appropriate person is to conduct the debriefing
- o) When the matter is concluded, the Services Manager and/or his/her delegate will review the actions taken to evaluate One2One's response to the matter and to identify opportunities to develop strategies to prevent future occurrence of a similar incident and inform the relevant parties of the outcome of actions taken

## 5. POLICY REVIEW

This policy will be reviewed on a two-yearly basis. However, if at any time the legislative, policy or funding environment is so altered that the policy is no longer appropriate in its current form, the policy will be reviewed immediately and amended accordingly.

Authorised: Director – One2One