

	ONE2ONE POLICY			
	Title	Safeguarding Consumers	Policy No	53
	Indicator	CM4 – Provisions of Supports (Environment)	Review Date	

1. PURPOSE AND SCOPE

The purpose of this policy is to establish standards of practice that recognise and respect that all One2One consumers have the right to safety and freedom from violence, neglect and abuse. The focus of this policy is on reducing risk and vulnerability, increasing safety and autonomy and promoting a systematic approach to safeguarding people with disability.

This 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” and Standard of the National Standards for Disability Services.

This policy should be read in conjunction with One2One’s policies on:

- Choice and Decision Making
- Confidentiality
- Duty of Care
- Feedback and Complaints Resolution
- Freedom from Abuse and Neglect
- Human Rights
- Criminal Record Checking
- Restrictive Practices

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

2. POLICY STATEMENT

One2One is committed to ensuring that the people who support young people and adults with disability in One2One services act in the best interest of the people in their care and take all reasonable steps to ensure their safety. In particular, One2One is committed to providing an environment where all people with disability are protected from any form of abuse, neglect or harm.

This policy aims to strengthen an empowerment culture and the systems and mechanisms that provide effective and reliable safeguards for people with disability. It operates in conjunction with any mandatory reporting requirements and all relevant legislation, policies, guidelines and standards and applies to:

- all services One2One provides,
- the safeguarding of adults and children with disability, and
- all employees, this includes paid staff, volunteers and contractors.

3. DEFINITIONS

Safeguarding: Refers to the range of activities that aim to minimise the risk of harm for a person with disability and protect their intrinsic human rights.

Abuse: Includes physical, emotional, financial and systemic abuse, sexual assault, neglect, domestic violence, as well as unauthorised restraints and other unauthorised restrictive practices.

Capacity: Refers to the ability of a person to make effective and informed choices and decisions and communicate their intentions or wishes in some manner. A person is presumed to have capacity unless proven otherwise.

An individual's capacity to make a particular decision should only be doubted if there is a factual basis to doubt it. It should not be assumed that an individual lacks capacity because she or he has a particular disability.

Capacity is unique to each individual and should not generally be assessed simply on the basis of a type of disability.

An individual has capacity to consent if she or he is able to understand the general nature and effect of a particular decision or action, and can communicate an intention to consent (or refuse consent) to the decision or action.

Every individual should be presumed to be capable of making decisions and exercising choice, looking after their own health and safety, making reasonable judgements, managing their own affairs, unless proven otherwise for a specific decision. Capacity is decision-specific (*Guardianship and Administration Act 1990*, Section 4.3).

Individuals who require support to make decisions and exercise choice should have access to the support they need (Disability Services Commission (DSC), 2014a, 2).

4. POLICY CONTENT

One2One will strive to ensure:

- 4.1 People with disability are informed of their inherent human rights and are supported to exercise these rights.
- 4.2 People with disability have the right to live free from abuse, neglect, intimidation and exploitation.
- 4.3 People with disability have the right to have access to appropriate assistance and support that will enable them to maximise their capacity to exercise choice and control, and realise their potential.
- 4.4 People with disability have the right to pursue any grievances with disability service providers without fear of the discontinuation of services or of recriminations or retribution from disability service providers.
- 4.5 People with disability are empowered to determine their own best interests, including the right to exercise informed choice and take calculated risks.
- 4.6 The importance of families and social connections for people with disability is recognised.
- 4.7 The cultural and linguistic diversity of people with disability is respected.
- 4.8 Intervention in the lives of people with disability occurs in the least intrusive way, with the smallest infringements on the fewest rights.
- 4.9 Services and supports are based on contemporary evidence-based best practice with a strong focus on person-centred approaches.
- 4.10 Active partnerships between services and people with disability; and where appropriate, their families, friends, carers and/or advocates to develop individual safeguards.

- 4.11 One2One's duty of care and legislated responsibilities for individual safety may take precedence over confidentiality under certain circumstances (e.g. subpoena, child protection).
- 4.12 When an individual is unable to make a critical decision without assistance, the family, with regard to the best interests of the individual, may provide support to make the decision.
- 4.13 In the cases of any disagreement about what constitutes the best interest of the individual or particularly critical decisions, a legally appointed guardian with the specific decision making function may be required to give or withhold consent (Guardianship and Administration Act 1990, Section 45).
- 4.14 Sometimes there are disputes between families, legally appointed guardians and service providers in relation to what is in the best interests of individuals who lack the capacity to make decisions. If these cannot be resolved through discussion, and a decision is required, it will be made by the legally appointed guardian with the specific function.
- 4.15 Parents (in most cases) have the right to make choices and be involved in decisions about all aspects of services offered to their child.
- 4.16 Children have a right to be consulted directly about decisions that impact on them in age-appropriate ways.
- 4.17 One2One is committed to providing training to staff on the importance of recognising and respecting the legal and human rights of people who use the service, and developing individual safeguarding strategies.
- 4.18 One2One is committed to providing training and information to staff which ensures they are skilled in identifying and addressing risk factors and in responding effectively and proactively to allegations of abuse or assault.

5. PERFORMANCE STANDARDS

The following performance standards will indicate that the measures specified in section 4 are working effectively:

5.1 Individual Safeguards

Individual safeguards consider a person's needs and wants on a case-by-case basis. They focus on how the service can best accommodate the person and are developed in close consultation with the person and, where appropriate, their families and carers.

To safeguard at the individual consumer level One2One has implemented the following practices:

- Applying a person-centred approach focused on supporting and empowering a person to have control of and make informed choices and decisions about their own life. This approach takes into account the particular circumstances of each individual including any risk factors that may lead to increased vulnerability.
- Ensuring people with disability and their parents and carers are informed of their rights, and supported to exercise their rights.
- One2One are not responsible for the handling of consumer money and property:
 - however where we are supporting a consumer to manage their own money or property, we will ensure it is protected and accounted for with appropriate processes and staff training, and

- we do not provide consumers financial advice or information other than that which would reasonably be required under a consumer's plan, and
- we will record each consumer's individual needs and support around money or property in their consumer records, and how they are supported by One2One staff.
- The importance of family and informal supports is recognised, and there is a focus on establishing positive relationships and community connections.
- Potential areas of conflict, risk or harm are identified before they arise. Staff work in collaboration with consumers, their family and friends to mitigate issues or risks.

5.2 Organisational Safeguards

To safeguard consumers at an organisational level One2One has implemented the following safeguarding practices:

- Complaints and Feedback Policy in which complaints and feedback are dealt with fairly, promptly, confidentially and without retribution. The resolution of complaints include: Clear and documented procedures and guidelines that promote the rights of people with disability.
- Regular monitoring and review of procedures and guidelines within a quality improvement framework.
- Striving for the adoption of best practice in relation to the provision of services to people with disability.
- Providing ongoing professional development, information, training and education of direct care staff on issues relating to safeguarding.
- Creating a positive service culture that supports the rights and status of people with disability, promotes inclusion, applies person-centred approaches, and respects the rights of service users to exercise choice.
- Staff recruitment and selection processes promote a rights-based and person-centred service culture.
- Ensuring all staff have undergone all required employment screening.
- Promoting Feedback and
 - Acknowledgement – of how the situation has affected the person and their expectations of a quality service
 - Apology – for some people, a genuine apology may be all or part of what is sought
 - Answers – an explanation of what happened or the provision of information that may be needed to address the person's concerns
 - Action – agreements on steps to address the concern and improve services.

5.3 System Safeguards

System safeguards consider how the service system can work holistically to recognise, address and limit deficits in supporting people with disability.

To safeguard consumers One2One has implemented the following systemic safeguarding practices:

- Adhering to all legal, contractual and mandatory reporting requirements.

- Ensuring detailed, accurate and up-to-date records and data are maintained.
- Providing information and education on issues specific to disability for people with disability, their families and carers, staff employed at One2One, and where relevant, the community more generally.
- Regular service monitoring and service review. Regular monitoring and review provides opportunities to identify early warning signals for deficits in service provision or practice, and areas for overall service improvement.
- Implementing an incident reporting system that:
 - ensures timely and appropriate responses to individual incidents, and
 - provides data to identify trends and areas of service provision that are in need of review and improvement.

6. RELEVANT LEGISLATION

Legislation that relates to this policy includes:

- Disability Discrimination Act 1992 (Cth)
- Disability Services Act 1986 (Cth)
- Disability Services Act 1993 (WA)
- Guardianship and Administration Act 1990
- Equal Opportunity Act 1984 (WA)
- Freedom of Information Act 1992 (WA)
- Universal Declaration of Human Rights (UHRC). (1949)

7. 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

