



# Freedom from Violence, Abuse, Neglect, Exploitation and Discrimination Policy and Procedures

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"I have the right to access services where I am safe" - client voice

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## Introduction

It is Play Grow Flourish commitment to work within the framework of relevant legislation and the United Nations Convention on the Rights of Persons with Disabilities to ensure the human and legal rights of people using the services are upheld in relation to the prevention, identification, and reporting of sexual, physical, emotional, and financial abuse.

The purpose of this policy is to:

- Promote human rights of the people accessing supports and services provided.
- Create a service environment where risks to the rights and well-being of people receiving supports and services are minimised; and
- Ensure that where the service becomes aware of an instance of violence, abuse, neglect, exploitation and discrimination, there is a prompt response that is undertaken professionally and compassionately to address the situation in accordance with the requirements of the NDIS Reportable Incidents Guide.

## Scope

The scope of this policy applies to Management, staff, students, volunteers, contractors, and any other person who may act on behalf of Play Grow Flourish

## Principles

Play Grow Flourish believe that everyone is entitled to be safe and to live in an environment in which they are protected from violence, neglect, exploitation, or any other form of abuse. Any suspected or alleged abuse must be responded to promptly and sensitively, with the aim being to protect the individual(s) from harm.

Play Grow Flourish has a process for monitoring and responding to all incidents, including reports of abuse.

## Policy

Play Grow Flourish has a commitment to ensuring that the rights of people using the service are respected, their well-being is safeguarded and that they are not exposed to any form of abuse and neglect whilst using the service.



Play Grow Flourish undertakes a preventative approach by ensuring all clients are assessed for vulnerability during the intake and assessment process.

The vulnerability is recorded in the Master Register that has management oversight and check in processes, to ensure all clients are receiving safe supports.

Play Grow Flourish ensures all clients understand their rights to safety through the provision and explanation of these rights in the Client's Welcome pack they receive at commencement of service.

It is expected that everyone who is associated and provides services with Play Grow Flourish, will share the commitment to maintaining an organisational culture that:

- Upholds the value and dignity of clients.
- Provide services in an environment that is safe and welcoming for everyone.
- Empowers people by assisting them to understand their rights.
- Ensures clients are feeling safe to raise their concerns.
- Responds proactively to concerns and complaints when they arise.
- Fosters collaboration with other organisations in upholding a person's human rights and preventing violence, abuse, neglect, exploitation, and discrimination.

## Procedure

### Assessment

When a participant enters the service, a "My Safety Assessment" (Risk Assessment) must be completed.

Participants who are receiving personal support, will be assessed as to their level of vulnerability to be the victim of violence, abuse, neglect, exploitation, and discrimination.

Factors may include:

- Receiving personal care
- Verbality
- Mobility
- Desire to 'liked'
- Drug or alcohol usage.
- Behaviours
- Lack of support networks or isolation
- Other

Based on the level of vulnerability, clients will be assessed between 1- 5 that determines the timeframe for check in's to be conducted.

Check ins will be conducted by a member of staff who is not providing direct support to the participant within a timeframe determined by the rating.

annually

- 6 monthly



- 3 monthly
- 2 monthly
- 1 monthly

Play Grow Flourish ensure that there is more than one worker who is allocated to work with each participant, aiming for a minimum of three workers. This provides an opportunity for ongoing observation, and discussion with participants if there are any concerns.

A report of abuse may be received from:

- A person using the service by any communication that they prefer to use.
- A staff member or any other person, who may witness abuse of a person and make a report; or
- A staff member upon observing one or more indicators of abuse suspects that a person/s have been or is being abused.

The following procedures must be followed where abuse of any sort towards a client is known or suspected.

### Emergency response

#### Staff who are present at the time of the assault will:

1. Take appropriate measures to maintain their own safety, and that of other clients and staff.
2. Ensure that the person/s (the victim) is protected from any further harm or contact with the person who is the source of abuse (the offender)
3. Notify the ambulance if the client or anyone else is injured.
4. Immediately advise the Director of the incident
5. Contact the Police if a person has been physically or sexually assaulted or dies as a result of an assault.
6. Contact the local Sexual Assault Service if a person has been sexually assaulted.
7. If the matter involves a person under the age of 18 years, concerns are to be reported about the immediate safety of a child to:

**NSW Child Protection Helpline 132111**

#### Protecting evidence

1. Staff at the scene must endeavour to ensure that any evidence the Police may require in their investigation is not disturbed.



2. Evidence may be lost if a victim of sexual assault bathes soon after the assault. Try to delay bathing until the Police arrive if the victim is not distressed about the delay.
3. If possible, preserve the victim's clothing as evidence following an assault of any type.
4. If possible, isolate the area where the incident occurred and do not allow anyone to enter the area until the Police arrive.
5. Apart from ascertaining their physical condition and state of mind, avoid questioning the person about the incident to reduce contamination of their recall and confusion about the events.

### The Director role in an emergency response

1. Ensure that all emergency procedures have been followed and the appropriate emergency services have been called.
2. Ensure that the victim's wishes are followed in relation to advising family, carer, or other support person about the incident, where the victim is capable of making this known. When the victim is not capable then the Director will make sure the appropriate person is notified of the incident as soon as possible
3. Ensure that documentation of the incident is completed.
4. Ensure that external reporting requirements to the NDIS Quality and Safeguards Commission are undertaken.

### Actual or alleged abuse by a Play Grow Flourish staff member

1. If witnessed or suspected that a Play Grow Flourish staff member has abused a person/s, the Director must be informed immediately.
2. If it is suspected that the Director is involved in the abuse, the matter must be reported to the Police.
3. Where management reasonably believes that a staff member is the source of abuse of a client, the matter must be referred to the Police. The Director will manage the referral and management of the incident.
4. Any allegations of abuse by a staff member towards a client will be the subject of internal investigations within Play Grow Flourish and the Police
5. If after an investigation it is found that the staff member has abused a person, the matter may warrant dismissal of Play Grow Flourish staff member as well as any disciplinary action taken by the Police.
6. Staff will not accompany the offender to the police station to provide support. If support is required, this will be provided by an independent person or a legal advisor.
7. In all instances the alleged Offender will be stood down from duties whilst the relevant above investigation processes are undertaken.





### Abuse by another person using the service

1. When one person is the suspected or known source of abuse towards another person using the service, Play Grow Flourish staff must ensure that the rights of both people are observed during the response and reporting process.
2. Any decisions made in relation to managing the incident must be fully documented for future reference, along with the reason for the decision and the name and contact details of the person making the decision.
3. The Director ensure that the wishes of the victim and the offender are followed in relation to advising family, guardian, or other support persons about the incident, where they are capable of making this known. When the victim and/or the offender are not capable then the Director will notify the appropriate person of the incident
4. The Director will facilitate access to appropriate support, where practical for both the person, their families, and staff, and ensure they have information about available services.
5. If the Director reasonably believes that an incident between two persons is abuse or assault, the matter will be referred to the Police.
6. If a staff member accompanies the offender, who is a client, to the police station to provide support, the staff member must not give an opinion about the offender or the alleged incident, give the offender legal advice, question the offender on behalf of the police or interpret the offender's actions. An independent person or a legal adviser will replace the staff member as soon as possible.

### Responding to abuse of a client by another client

Play Grow Flourish manages the interactions between persons using the service to avoid incidents of abuse, and record behaviour management plans and risk profiles that may cause one client to harm another. If the advised behaviour management strategies fail to prevent the abuse of one person by another, actions are implemented to protect any person/s from further harm. A review of the circumstances pertaining to the event is conducted within a reasonable timeframe. Any behaviour management strategies implemented by the service are safe, respectful of the person and non-abusive.

### Communication

1. The Director will communicate with the victim and family, carer, or other person to ensure that information relating to the incident is provided through a coordinated source.
2. Information being relayed to the victim must be provided in a form that is understandable using a language, mode of communication and terms that the client is most likely to understand.
3. When the victim is unable to make decisions about any aspect of the incident, a family member/carers must be present to make decisions on the victim's behalf.



### Support for the client

1. The victim and family/carer or other support person will be assisted to access any debriefing, counselling, legal or other support services if that is their wish.
2. People who are victims of abuse and their families/carers will be referred to support for NSW Victims Access Line (NSW) 1800 633 063 to be advised of their rights and the supports available to them.
3. The Director will facilitate access for victims of violent crimes and their families/carers who may be eligible to apply for counselling with the approved counselling service provided by Victims of Crime or an associated agency.
4. The victim, family/carer or other support person will have the choice of pursuing the matter through the legal system and will be supported to access the services and advice they require. Information provided to a person, family/carer or their support person about legal rights, options and support services must be provided in a format that suits their individual communication needs.

### Reporting abuse

The procedures for reporting allegations or suspicions of abuse are clearly articulated and include the responsibilities of all parties involved in the process.

The culture of Play Grow Flourish encourages and supports any person who has witnessed abuse of a person or persons, or suspects that abuse has occurred, to make a report and be confident of doing so in a supportive environment without fear of retribution.

Play Grow Flourish will ensure the client is offered the use of an advocate in reporting the incident.

An Incident Report Form will be completed and will be managed in line with the *Incident Management Policy and Procedure*.

It is imperative that comprehensive and accurate documentation is maintained in the interest of all parties, and to ensure accountability and transparency in decision-making.

A detailed incident report will be completed as soon as possible to ensure an accurate record of the incident.

The report will include:

- The nature and extent of the incident
- A description of the incident completed as soon as possible and being an exact record of the events.
- Additional reports written by other witnesses or persons present at the time the incident occurred.
- The name and contact details of all those involved, particularly in relation to decisions that are made as a result of the incident.
- The response provided to the person making the allegation.



- Treated in line with the *Privacy and Confidentiality Policy* and in compliance with relevant privacy legislation.
- The date and signature of the person making the report.
- Ongoing actions required to resolve the matter.
- The outcome, although, depending on the nature of the incident an outcome may be delayed.

### Privacy and confidentiality

1. All staff who are in contact with the victim or the offender will maintain confidentiality of information between the individuals who are directly involved in responding to the incident.
2. Confidentiality must be maintained when making a report to external agencies unless the client has provided written consent.

### Advocacy and support for people using the service

An advocate may be invited to represent the best interests of the person, and in the absence of a family member or any other person with close relationship with the person, the client will be invited to include a formal advocate (see also *Advocacy Policy*).

The issue of information sharing arises in the *Freedom from Violence, Abuse, Neglect, Exploitation and Discrimination Policy* and a balance is required between:

- Ensuring that people who have an important relationship with the client are informed when there is an allegation of abuse involving that person where consent is provided.
- Play Grow Flourish mandatory reporting requirements.
- Obeying the law as it applies to upholding individual's rights to privacy.

### External Reporting

Reportable incidents must be reported to the National Disability Commission within 24 hours utilising the "My reportable incidents" tile in the NDIS Commission Portal and complete an Immediate Notification Form. The Director will provide ongoing communication, documentation, and assistance to the Commissioner in the management of this matter.

### External Investigations

Play Grow Flourish' response process does not compromise any investigation by the Police, NDIS Commission or other external agencies.

Staff and witnesses co-operate with the investigations of the Police and other agencies as required.

Clients may require an independent support person during their contact with the Police and other agencies, Play Grow Flourish will support this process.



The roles and responsibilities of management, staff, and volunteers in responding to a report or allegation are defined by involvement of the person and the Director at the time of the incident.

### Training

All staff are trained in the processes and definitions of Violence, Abuse, Neglect, Exploitation and Discrimination at induction to the service. Additionally, the training is required to be undertaken annually online (and face to face where possible). All staff are required to sign a Code of Conduct that outlines their commitment to ensuring the ongoing safety of clients when providing services.

### Responsibilities

For the purpose of this policy the Management team or Management includes the Director, Executive Team Leader and the Human Resources Manager.

#### Management is responsible for:

- Approving and maintaining this policy its related procedures and associated documents
- Ensuring a culture of freedom from Violence, Abuse, Neglect, Exploitation and Discrimination
- Undertaking all reporting requirements to the NDIS Quality and Safeguards Commission
- Monitor staff compliance with the requirements of the policy.
- Ensuring staff are trained in and familiar with the definitions and procedures outlined in the policy.

#### Shift Managers are responsible for:

- Ensuring the policy is effectively implemented across the service.
- Ensuring the Client Risk/Vulnerability Register is actioned, and those clients who are listed as vulnerable receive regular Shift Manager check -ins.
- Setting a culture of awareness of Violence, Abuse, Neglect, Exploitation and Discrimination within the teams through ongoing training provision and team meeting conversations
- Monitoring client progress notes for any suspected instances of violence, abuse, neglect, exploitation, and discrimination and notifying the Director immediately.

#### Staff, volunteers, and students are responsible for:

- Ensuring the ongoing safety of clients
- Acting ethically in their client service practice





- Ensuring they have the skills, knowledge, and ability to support client advocacy requirements.
- Documenting and notifying Management of Operations of any suspected instances of violence, abuse, neglect, exploitation, and discrimination

### Related policies and documents

- Privacy and Confidentiality Policy
- Welcome Pack
- Complaints and Feedback Policy
- Incident Management Policy
- Advocacy Policy.

### Useful contacts and services

- NSW Victims Access Line 1800 633 063
- Police/Ambulance 000
- National Sexual Assault, Family & Domestic Violence Counselling Line 1800RESPECT (1800 737 732)
- NSW Child Protection 132111
- National Disability Abuse and Neglect Hotline: 1800 880 052
- NDIS Quality and Safeguards Commission 1800 035 544.

### Review

Play Grow Flourish will review each policy through internal audit processes, Client feedback or as contextual drivers determine the need for a review.

Release Date:	Version No:	Approved By:	Amendments:
January 2024	1.0	Director	Nil
Review Date:	Version No:	Approved By:	Amendments:
May 2025	2.0	Director	Minor role title and responsibility adjustments in the responsibilities section. See Master Register for Details



### Definitions

<b>Violence</b>	<p>Violent behaviour by a person towards another can include abusive behaviour:</p> <ul style="list-style-type: none"> <li>• Physically or sexually abusive</li> <li>• Emotionally or psychologically abusive</li> <li>• Threatening</li> <li>• Coercive</li> <li>• Any way controls or dominates a person and causes them to feel fear for the safety or wellbeing of themselves or another person; or</li> <li>• Behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of, behaviour referred to above.</li> </ul>
<b>Neglect</b>	<p>Failure by a service provider or carer to provide adequate care. Types of neglect include:</p> <ul style="list-style-type: none"> <li>• Physical neglect - failure to provide adequate food, shelter, clothing, and protection</li> <li>• Supervision medical or dental care that places a person at undue risk through unsafe environments or practices</li> <li>• Passive neglect - withholding or failure to provide the necessities of life</li> <li>• Wilful deprivation - wilfully denying assistance and thereby exposing a person to the risk of physical, mental, or emotional harm; or</li> <li>• Emotional neglect - restricting social, intellectual, and emotional growth or wellbeing.</li> </ul>
<b>Discrimination</b>	<p>This includes the way an Agency treats a person, how far they go to make information accessible to a person, or the decisions they make about what support a person can get. Other types of discrimination are also unlawful. These include discrimination based on gender, ethnicity, age, sexuality, beliefs, appearance, as well as many other things.</p>
<b>Abuse</b>	<p>Behaviour or actions that are intended to cause harm to a person including:</p> <ul style="list-style-type: none"> <li>• Threatened or actual physical, sexual, or verbal abuse, harassment, including physical and medical restraint</li> <li>• Abusive behaviour management practices</li> <li>• Taking advantage of legal and financial situations to the detriment of a person</li> <li>• Accidents or near accidents caused by unsafe equipment or practices</li> <li>• The threat of retribution for disclosure of any potential or actual abusive or neglectful practice or situation; or</li> <li>• Use of punitive or coercive behaviours to ensure a person's compliance.</li> </ul>
<b>Exploitation</b>	<p>Behaviour or action where a person utilises their position of power to take unfair advantage of people, their characteristics, or their situations. This could include (but not limited to):</p> <ul style="list-style-type: none"> <li>• Sexual acts</li> <li>• Financial gain</li> <li>• Entertainment.</li> </ul>



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NDIS Support services

