Freedom from Violence, Abuse, Neglect, Exploitation and Discrimination Policy 1.5.1

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1. Purpose

Carers Link and Relative Care, subsidiaries of Medigalaxy Australia, uphold the right of people with disabilities to access supports free from violence, neglect, abuse, exploitation and discrimination. The purpose of this policy is to promote the human rights of participants accessing supports. Carers Link ensures there is a Zero Tolerance of Abuse environment where staff and participants feel safe and comfortable disclosing experiences of violence, abuse, neglect, exploitation and discrimination.

Carers Link will respond promptly, professionally and compassionately to address any situation where there is violence, abuse, neglect, exploitation and discrimination in accordance with the requirements of the NDIS Commission.

This policy relates to all Carers Link services and applies to all employees, contractors, students, advocates, Directors and others who may act on behalf of Carers Link.

2. Guiding Principles

To ensure the protection of our participants from human rights abuses and neglect, Carers Link will:

- Ensure all participants have the right to receive their services from Carers Link without threat, intimidation or abuse from its employees, contractors and other participants.
- Empower our staff and families to advocate for the rights of our clients
- Ensure staff are aware of the indicators of abuse.
- Ensure staff know what to do if they suspect abuse
- Ensure staff are aware of and agree to abide by the NDIS Code of Conduct
- To ensure staff are aware of and follow the “Zero Tolerance of Abuse Framework” which encompasses:
    - Understanding Abuse
    - Preventing Abuse
    - Considering Additional Risks
    - Responding to Abuse
    - Learning and Improvement

We have a duty of care to ensure that the rights of our participants are respected, their well-being is safeguarded, and that they are not exposed to any form of violence, abuse, neglect, exploitation or discrimination while receiving services from Carers Link. We expect that everyone who is associated with our organisation and involved in providing services to our participants will share our commitment to maintaining an organisational culture that:

- Upholds the value and dignity of our participants;
- Builds trusting relationships with our participants, their families and carers;
- Provides services in an environment that is safe and welcoming for everyone;
- Empowers our clients by helping them to understand their rights;
- Makes everyone feel safe to raise concerns;
- Responds proactively to concerns and complaints when they arise;
- fosters collaboration with other organisations in upholding participants human rights and preventing abuse and neglect.

3. Procedures

We will minimise the risk of our participants rights being infringed, or them being subject to abuse and neglect.

1. Our recruitment procedures will be of a high standard, and we will ensure that appropriate staff are appointed through:
    a. Pre-appointment screening of new staff, including NDIS Worker Screening Checks and Working with Children Checks;
    b. New staff will complete the NDIS New Worker Online Training prior to commencement of seeing any NDIS clients.
    c. Checking at least two employee references;
    d. Placing new staff on a minimum probationary period of three months;
    e. Ensuring new staff go through an induction and orientation process and that their performance is regularly monitored during probation; and
    f. Regular appraisal of the performance of all staff.
2. Staff meetings will be used to remind staff of their responsibilities for safeguarding consumers and to raise any matters of concern.
3. We will use existing processes such as Individual Services Plan or Family Service and Support Plan meetings, to provide information to participants and their families and carers, to increase their knowledge and decrease their vulnerability to abuse and neglect.
4. We will identify resources that will assist and support us to empower our participants in relation to issues of human rights and self-advocacy.
5. We will foster a safe, supportive environment which encourages everyone to raise concerns without fear of retribution.
6. We will display value statements, service principles and information about people's rights in our premises, through newsletters, our website and in written material sent to new clients. We will use information formats that make the information as accessible as possible.
7. The standards of care we provide will be actively monitored.

4. Responding to Violence, Abuse, Neglect, Exploitation and Discrimination

If a participant's rights are infringed, or we have reason to believe that they have been abused or neglected, we will respond quickly, professionally and compassionately and in accordance with NDIS Incident Management and Reportable Incidents requirements.

1. It is the personal responsibility of all staff to communicate any concerns relating to an infringement of human rights, or the abuse or neglect of a participant to the NDIS Coordinator or the State Manager within 24 hours of the concern arising, or immediately if it is believed that the participant is at imminent risk of harm. The NDIS Coordinator and/or State Manager will determine how the matter should be managed.
2. The NDIS Coordinator and/or State Manager will reassure the reporting staff member that their concerns will be managed in a confidential and professional manner, and that they have acted correctly in bringing their concern to attention
3. The NDIS Coordinator and/or State Manager will assist the staff member raising the concern or allegation to factually and non-judgementally document an account of the concern or allegation on an Incident Report form. This should be done within 24 hours of the NDIS Coordinator and/or State Manager being made aware of the concern.

4. If the NDIS Coordinator and/or State Manager believes that the participant is at immediate risk, he or she will take whatever steps are required to mitigate the risk and ensure the clients safety while the matter is fully investigated.
5. Except for staff who have been given specific authority to do so, no staff member will undertake any level of investigation of a concern or allegation.
6. Generally, it will be expected that a staff member who the client trusts (determined by the NDIS Coordinator and/or State Manager) will inform them of the concern, reassures them and ensures 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 participants disability or the nature of the concern. If the participant is not to be involved in decision-making about the concern, the reasons for this decision will be documented, and consideration given to the need to involve an advocate to represent their interests.
7. The NDIS Coordinator and State Manager will jointly decide on the appropriate action to be taken according to the circumstances and generally taking into account the clients views. The action could be:
    a. to manage the matter within the organisation if it doesn't meet reportable criteria (see our *Reportable Incident Policy 2.6.2*);
    b. to engage in discussion with family members or advocate;
    c. to elicit the advice and expertise of another organisation or individual from outside of the organisation as required, such as the NDIS Quality and Safeguards Commission;
    d. to involve an organisation with the required legislative mandate to take action (e.g., the NDIS Quality and Safeguards Commission, the Dept of Child Safety (https://www.families.qld.gov.au/), QLD Police, the Office of the Public Advocate QLD);
    e. to take no further action at this time, however continue to monitor the situation and review at a specified later date; or
    f. to take no further action.
8. The decision that is taken and the reasons that led to the decision will be documented by the NDIS Coordinator and/or State Manager.
9. 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 participant and alleged perpetrator information.
10. In reporting a concern/allegation, staff will ensure that the participants right to dignity, confidentiality and privacy is maintained in accordance with NDIS Incident Management and Reportable Incidents 2018 and the requirements of the Privacy Act.
11. If the matter is considered to be a serious incident, it must be reported to the NDIS Quality and Safeguards Commission within the relevant timeframes mentioned above and in accordance with the Serious Incident Reporting policy.
12. The NDIS Coordinator and/or State Manager will provide feedback to support the staff member who raised the concern or made the allegation regarding the outcome.
13. Debriefing will be undertaken with all relevant individuals when the matter reaches a conclusion. The State Manager will determine who the appropriate person is to conduct the debriefing.
14. When the matter is concluded, the NDIS Coordinator and/or State Manager will arrange for a review to be conducted, to evaluate the organisation's performance in responding to the matter, and to identify opportunities to develop strategies to prevent a future occurrence of a similar incident.

15. When the abuse or neglect is alleged to have been perpetrated by an employee or contractor the NDIS Coordinator and/or State Manager will meet with the client's family and/or person who registered the complaint in order to obtain all relevant information. The NDIS Coordinator and/or State Manager will meet with the employee or contractor against whom the complaint is lodged in order to obtain all relevant information and explanation for the alleged behaviour and meet with other potential witnesses as necessary. They will then prepare a report for within 24 hours of the allegation with recommendations and an action plan to support the client and their family, and the staff member. The Management team may then seek industrial/professional advice, plan further meetings, seek an external assessment or refer the matter to the police. The management team may immediately suspend the staff member or send them on leave pending the results of the investigation.

5. References/ Relevant Legislation

- NDIS Act 2013
- NDIS Code of Conduct 2018
- NDIS Practice Standards (Nov 2021)
- NDIS Incident Management and Reportable Incidents 2018
- UN Convention of Rights of Persons with Disability
- Disability Discrimination Act 1992
- **Safeguarding Policy 1.5.2**
- **Reportable Incidents Policy 2.6.2**

6. Review of Policy

- This Policy will be reviewed annually.