



# Preventing and Responding to Abuse, Neglect and Exploitation Policy

## Scope

This policy applies to Brook RED Community Members/NDIS Participants, Nominated Support People, board members, employees, volunteers, and students on placement.

## Purpose

This policy sets forth how Brook RED will ensure that its interactions with all stakeholders are free from violence, *abuse*, harm, *neglect* and *exploitation*.

## Principles

Everyone has the right to live a life free from abuse, neglect and exploitation regardless of their gender, age, disability, background or any other characteristic. Brook RED is committed to ensuring the safety and wellbeing of all Community Members/NDIS Participants that we provide supports and services to.

## Policy

### 1. Staff Responsibilities

All staff are responsible for:

- Providing supports and services in a manner consistent with the Code of Conduct and treating Community Members/NDIS Participants with respect and dignity at all times
- Responding promptly and sensitively to incidents

### 2. Managers are responsible for:

- Ensuring all staff are aware of, trained in, compliant with, and implement the policies and processes to prevent and respond to abuse, neglect and exploitation of Community Members/NDIS Participants
- Informing the appropriate authorities (e.g. police), the victim's family, guardian or substitute decision maker of the alleged or suspected incidents of abuse or neglect, unless the guardian or decision maker is the alleged or suspected perpetrator

### 3. Prevention of Abuse and Neglect

Brook RED will:

- Endeavour to provide supports and services in a manner that is free of abuse and neglect
- Ensure people with high support needs and/or communication difficulty are well supported to enable detection and prevention of abuse and neglect
- Ensure staff are trained to recognise, prevent or minimise the occurrence or reoccurrence of abuse and neglect of Community Members/NDIS Participants

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## 4. Responding to Abuse and Neglect

We will respond to any suspected case of abuse, neglect or exploitation by:

- Responding in accordance with the Brook RED Responding to Incidents Policy and Procedure
- Promoting a culture of no retribution for reporting of suspected cases of abuse, neglect and exploitation
- Ensuring that any victim of suspected or alleged abuse, neglect or exploitation has access to supports to assist them through any investigation process
- Responding promptly and sensitively where an alleged case of abuse, neglect or exploitation has occurred, to protect the person from further harm, and coordinating appropriate responses in line with duty of care obligations
- Escalating all alleged or suspected incidents of abuse, neglect or exploitation to management immediately
- Where relevant, preserving and recording evidence, maintain the scene of the incident, by taking photos and protecting any personal articles involved
- Recording what is known about the incident including the services and people involved and any witnesses
- Informing participants about what is going to happen before taking action and throughout any response to abuse, neglect or exploitation wherever possible
- Facilitate access to appropriate physical, emotional and psychological supports
- Assist (as appropriate) the victim, family, guardian or other support person to pursue the matter through the legal system if they choose to

## 5. Examples of what is not abuse, neglect or exploitation:

- To restrain a Community Member/NDIS Participant in accordance with approved behaviour support plan authorised by a restricted practices authorisation mechanism
- To take reasonable steps to disarm a Community Member/NDIS Participant seeking to harm themselves or others
- To separate Community Members/NDIS Participants who are fighting
- To move a Community Member/NDIS Participant out of harm's way
- To restrain a Community Member/NDIS Participant from causing intentional damage to property, in self-defence, or in defence of others

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## Definitions of Terms Used

### Abuse

Single acts or patterns of abuse, such as:

- Physical abuse—physical or chemical restraints or coercion, hitting, slapping, burning, choking, pinching, pushing or restraining
- Sexual abuse—any sexual contact between an adult and child 16 years of age and younger; or any sexual activity with a young person or adult who is unable to understand, has not given consent, is threatened, coerced or forced to engage in sexual behaviour emotional or psychological abuse—verbal assaults, threats of maltreatment, harassment, humiliation or intimidation, or failure to interact with a person or to acknowledge that person's existence including denying cultural or religious needs and preferences financial abuse—illegal or improper use and/or mismanagement of a person's money, property or resources including forgery, stealing, forced changes to a will, unusual transfer of money or property to another person or withholding of funds
- Accidents or near accidents caused by unsafe equipment or practices
- Unregulated restrictive practices such as those unapproved and/or unauthorised.

### Exploitation

Any case where:

- Someone in a position of trust and confidence knowingly, by deception or intimidation, obtains or uses, or tries to obtain or use, a person's funds, assets or property with the intent to temporarily or permanently deprive that person of the use, benefit or possession of those funds, assets or property for the benefit of someone other than the person
- Person lacks the capacity to consent, and obtains or tries to obtain or use, the participant's funds, assets or property with the intent to temporarily or permanently deprive the person of the use, benefit or possession of the funds, assets or property for the benefit of someone other than the person.

Examples of exploitation:

Taking or using the assets, funds or other possessions of a person without their consent tricking or threatening the participant to purchase an item or service that they do not want or that will not be used for their benefit.

### Neglect

Any case where a person's basic needs are not met. This includes:

- Physical neglect—Failure to provide adequate food, shelter, clothing, protection, supervision, medical and/or dental care or exposing someone to undue risks through unsafe environments or practices emotional neglect—failure to support and encourage, protect and provide stimulation needed for the social, intellectual and emotional growth or wellbeing of a person
- Passive neglect—Failure to provide or wilful withholding of the necessities of life, including food, clothing, shelter or medical care

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- Supervisory neglect—Intentional or reckless failure to adequately supervise or support a person that also:
- Involves a gross breach of professional standards has the potential to result in the death of, or significant harm to, a person.

## References

NDIS Act 2013

NDIS (Quality Indicators) Guidelines 2018

## Document Control and Record of Changes

Version	Effective Date	Approved by	Summary of Change	Date of Next Review
Version 01	September 2019	Eschleigh Balzamo	Introduction of new policy	January 2020
Version 02	July 2021	Eschleigh Balzamo	Review and Update	July 2023

The General Manager has overall responsibility for this policy. If there are any questions regarding this policy, please direct these to the Business Services Manager or General Manager.