



**VIOLENCE, ABUSE,
NEGLECT, EXPLOITATION &
DISCRIMINATION POLICY &
PROCEDURES**

SEPTEMBER 2022



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Glossary of terms

| Term | Definition |
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| Abuse | <p>‘Abuse’ entails a range of behaviours, which seek to gain power over others, to inflict pain (physical or emotional) and humiliation, and to create fear and intimidation.</p> <p>There are different types of abuse.</p> <p>Physical abuse includes (but is not limited to) hitting; punching; striking with an object; choking or strangling; unwarranted physically restraint; throwing objects at a person; denying food or force-feeding, over medicating or withholding medication.</p> <p>Sexual abuse includes (but is not limited to) any unwanted sexual activity perpetrated on person(s) by another person(s) (i.e., consent is not given, or the person abused is unable to give consent because of capacity or age). Sexual activity includes (but is not limited to) unwanted sexual touching; sexual harassment; exposure to, or filming of a person for, pornography; fondling of genitals or breasts; oral sex; vaginal or anal penetration by a penis, finger, or object; exhibitionism and voyeurism.</p> <p>Financial abuse includes (but is not limited to) theft; appropriating control of a person with disability’s finances without informed consent; denying access to finances; spending the money of a person with disability in ways the person has not consented to; pressurising or threatening people with disability to hand over money or their ATM card.</p> <p>Verbal/Emotional abuse includes (but is not limited to) name-calling; humiliation in public and private; ongoing criticism and/or swearing; shouting; belittling behaviour.</p> <p>Mental/Psychological abuse includes (but is not limited to) threats to expose identity (for example, LGBTIQ status); excluding them from activities or events important to them; name calling; socially isolating the person; removing technology that assists social connection (e.g. telephone, computer); monitoring phone calls or emails; removing technology or aids necessary for the person’s participation in social and community life and to live with dignity.</p> <p>Cultural/Identity abuse includes (but is not limited to) a person with disability being prevented from practicing their own culture, beliefs, and values, including their religion; misusing cultural beliefs to justify other types of abuse/violence and/or neglect; forcing a person with disability to act against their own beliefs, values, and culture; denying access to important events linked to a person with disability’s beliefs, values, and culture; deriding a person with disability’s beliefs, values and culture.</p> <p>Image based abuse includes (but is not limited to) abuse where someone shares, or threatens to share, intimate photos of a person with disability without their consent; or shows a person with disability intimate photos without their consent. This includes (but is not limited to) photos of a nude person or a person whose genitals or breasts are exposed; a person engaged in a sex act; a person showering or bathing; ‘upskirting,’ or, ‘downblousing,’; a person’s face superimposed on a pornographic image.</p> <p>Stalking includes (but is not limited to) unwanted behaviour including making repeated phone calls or texts; loitering outside a person’s home, work, or other venue frequently visited (e.g.. place of worship), leaving messages on social media; following a person with disability.</p> |



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| | <p>References:</p> <p>www.aifs.gov.au</p> <p>www.whiteribbon.org.au</p> |
| Discrimination | <p>Discrimination happens when a person, or a group of people, is treated less favourably than another person or group because of their background or certain personal characteristics.</p> <p>Direct discrimination is unlawful under federal discrimination laws if the discrimination is based on protected characteristics, such as a person's race, sex, pregnancy, marital status, family responsibilities, breastfeeding, age, disability, sexual orientation, gender identity or intersex status. Some limited exemptions and exceptions apply.</p> <p>Both the Commonwealth and State Governments have laws that intersect and overlap in relation to discrimination.</p> <p>Reference: www.humanrights.gov.au</p> |
| Exploitation | <p>Exploitation is a form of abuse, and occurs where any person with disability is persuaded, coerced, or forced into other types of abuse (for example, sexual abuse) in exchange for items included (but not limited to) money, drugs, or affection. Exploitation may take place in person, in company, or online.</p> |
| Freedom of Expression | <p>The freedom of a participant to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choosing.</p> |
| Neglect | <p>Neglect refers to intentional behaviour towards a person with disability, which includes a substantial risk of physical and emotional harm to the person with disability. It may be an act or an omission. Neglect includes (but is not limited to) a failure to provide food, shelter, clothing, supervision, medical attention, hygiene; emotional nurturing including availability and concern; withholding access to aids and technology; not providing adequate heating or cooling; or failure to provide a safe environment.</p> |
| Participant | <p>A person who meets the NDIS access requirements.</p> |
| Person Centred | <p>Person centred approaches:</p> <ul style="list-style-type: none"> - Place the participant at the centre of any planning and support process. - Allow the person to choose and direct the support they receive according to their aspirations and goals, and how they receive that support. - Focus on the strengths, contributions, and abilities of the participant. - Recognise the uniqueness of each participant. - Work to maximise personal connection and social participation. |
| Policy | <p>A statement of intent that sets out how an ICAS should fulfil their vision, mission and goals.</p> |
| Procedure | <p>A statement or instruction that sets out how a policy will be implemented and by whom.</p> |



| | |
|-----------------|--|
| Violence | <p>The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation (World Health Organisation, 2002).</p> <p>For the purposes of the delivery of supports to people with disability, violence can be:</p> <p>Self directed (that is, the perpetrator and the victim are the same person, and can be self-harm or suicide)</p> <p>Interpersonal (violence towards or between individuals).</p> <p>(Violence Prevention Alliance)</p> |
|-----------------|--|

References: www.aifs.gov.au

www.whiteribbon.org.au

<http://www.who.int/violenceprevention/approach/definition/en/>



Policy Purpose

This policy is to ensure that supports accessed by participants through Individualised Community Access Services (ICAS) promotes, upholds, and respects the legal and human rights of participants. This includes the rights of participants to make informed choices, exercise control, and maximise their independence relating to the supports provided. Participants expect that supports and services will be delivered without any violence, abuse, neglect, exploitation and discrimination.

Objectives:

The **Violence, Abuse, Neglect, Exploitation and Discrimination** policy aims to achieve the following:

- ICAS, and all our employees, demonstrate we have zero tolerance for violence, abuse, neglect, exploitation and discrimination
- We ensure participants receive service and supports from ICAS, that are free from violence, abuse, neglect, exploitation and discrimination.
- ICAS works to actively prevent violence, abuse, neglect, exploitation and discrimination.
- ICAS has processes in place to respond promptly and appropriately to allegations and incidents of violence, abuse, neglect, exploitation and discrimination.
- We have an incident management system in place, which covers reportable incidents.
- We ensure that any participant affected when allegations or incidents relating to violence, abuse, neglect, exploitation and discrimination are appropriately supported, including access to an advocate and appropriate services.
- Where the allegation or incident involves a child or a person with disability who has a guardian, we will immediately contact the parents/guardian of the allegations or the incident.
- We review our policies, procedures, and processes, and take action, following a breach of our violence, abuse, neglect, exploitation and discrimination policies and procedures, to ensure that similar allegations and incidents do not recur.

Scope

This policy applies to all employees within ICAS.



Policy Statement

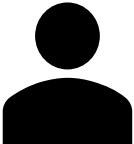
ICAS will ensure, as far as possible, that participants access supports free from violence, abuse, neglect, exploitation, and discrimination. We the capacity of all participants who access our supports to determine their own best interests and to make decisions about their own lives.

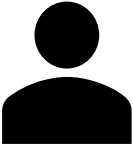
Our **Violence, Abuse, Neglect, Exploitation and Discrimination** policy is based upon:


- Our zero-tolerance approach to violence, abuse, neglect, exploitation and discrimination.
- Our understanding that people with disability, especially women and girls, are twice as likely as other women and girls to experience violence.
- Our recognition of the legal and human rights of each participant.
- Our valuing of the autonomy, personal identity, personhood, and dignity of each participant.
- Our commitment to the safety, security, and welfare of participants receiving supports from us.
- Our commitment to participants receiving the best supports from us as possible.


This policy complies with the requirements under the [National Disability Insurance Scheme\) Quality Indicator Guidelines 2021](#) and [NDIS Code of Conduct](#)

Roles and Responsibilities

| Director | Responsibility | Delivery |
|---|--|--|
|  | Establishing a culture that promotes the recognition and commitment to upholding of the legal and human rights of participants by all staff, including freedom from violence, abuse, neglect, exploitation and discrimination. | <p>Openly reports on organisation's commitment and compliance with the legal and human rights of participants.</p> <p>Reviews and identifies issues and encourages staff to make recommendations to implement ongoing continuous improvement.</p> <p>Ensures the Violence, Abuse, Neglect, Exploitation and Discrimination policy is properly administered.</p> <p>Reviews the Violence, Abuse, Neglect, Exploitation and Discrimination policy and procedures with management and staff annually.</p> <p>Supports and ensures staff are trained in Violence, Abuse, Neglect, Exploitation and Discrimination processes.</p> |

| Quality Assurance Officer | Responsibility | Delivery |
|---|---|--|
|  | <p>Manages and maintains the application of the Violence, Abuse, Neglect, Exploitation and Discrimination policy.</p> | <p>Frequently reports to Director on issues and compliments relating to the Violence, Abuse, Neglect, Exploitation and Discrimination policy and procedures.</p> <p>Ensures the understanding, and application, of the Violence, Abuse, Neglect, Exploitation and Discrimination policy and procedures.</p> <p>Analyses compliance with the Violence, Abuse, Neglect, Exploitation and Discrimination policy and procedures across their team and works with the Director to implement quality improvement processes.</p> <p>Works with the Director and staff to encourage feedback from participants in relation to the Violence, Abuse, Neglect, Exploitation and Discrimination policy and procedures to support quality improvement processes.</p> <p>Supports and encourages staff to deliver supports in accordance with the Violence, Abuse, Neglect, Exploitation and Discrimination and delivers mentoring and training where deficits are identified.</p> <p>Provides adequate training to staff to ensure the Violence, Abuse, Neglect, Exploitation and Discrimination policies and procedures are understood and delivered.</p> <p>Acknowledges and rewards staff who demonstrate excellence in delivering supports in accordance with the Violence, Abuse, Neglect, Exploitation and Discrimination Policy.</p> |


| Staff who work with participants | Responsibility | Delivery |
|---|---|--|
|  | <p>Ensures delivery of supports in accordance with ICAS's Violence, Abuse, Neglect, Exploitation and Discrimination Policy and Procedure.</p> | <p>Comply with the Independence and Violence, Abuse, Neglect, Exploitation and Discrimination and procedure.</p> <p>Provide feedback to management on issues and opportunities relating to the delivery of supports in accordance with the Violence, Abuse, Neglect, Exploitation and Discrimination policy and procedures.</p> <p>Understand, practice, and deliver the Violence, Abuse, Neglect, Exploitation and Discrimination policy and procedures in working with participants.</p> <p>Identifies opportunities for improvements in the Violence, Abuse, Neglect, Exploitation and Discrimination and procedures.</p> |

| All staff | Responsibility | Delivery |
|---|--|--|
|  | <p>Demonstrates compliance with the organisation's Violence, Abuse, Neglect, Exploitation and Discrimination policy.</p> <p>Attends training on Violence, Abuse, Neglect, Exploitation and Discrimination.</p> | <p>Provides feedback to management on issues arising from complaints.</p> <p>Understands and practices the Violence, Abuse, Neglect, Exploitation and Discrimination policy and procedures in any interactions with participants.</p> <p>Is aware of, and understands, changes to the Violence, Abuse, Neglect, Exploitation and Discrimination policy and procedures.</p> <p>Implements quality improvement changes as directed by management from evaluation of performance against the Violence, Abuse, Neglect, Exploitation and Discrimination policy and procedures.</p> |

Last Reviewed: 19th September 2022

Last Updated: 19th September 2022

Signed: by Director





Procedure Purpose

These procedures have been developed to provide guidance to all staff in implementing our Violence, Abuse, Neglect, Exploitation and Discrimination policy. ICAS is committed to protecting the rights to independence and informed choice of participants who access our supports.

These procedures provide guidance to staff to ensure that supports accessed by participants ICAS promotes, upholds, and respects the legal and human rights of participants, including the rights of each participant to receive supports free of violence, abuse, neglect, exploitation and discrimination.

This procedure should be read in conjunction with our Violence, Abuse, Neglect, Exploitation and Discrimination policy.

A Person-Centred Approach at ICAS

ICAS is committed to a Person-Centred Approach in delivering supports to participants.

Person Centred Supports are central to our philosophy, our mission, and our business model.

Our Person-Centred approach means we will:

- Place participants at the centre of any planning and support process.
- Allow participants to choose and direct the support they receive from us in accordance with their aspirations and goals.
- Recognise the uniqueness of every participant.
- Respect the identity of every participant.
- Always focus on the strengths, contributions, and abilities of participants in all our interactions with them and their chosen supporters.
- Recognise the participant's chosen supporters as partners.
- Work with participants and chosen supporters to maximise personal connection, social participation, personal decision making, and independence.
- Ensure each participant's right to practice their culture, values, and beliefs while accessing supports is facilitated.

We will listen to participants and their chosen supporters in relation to how well we are doing in delivering person centred approaches. This means we will actively respond to their feedback and complaints relating to ensuring person centred approaches are incorporated in everything we do at ICAS.

We acknowledge the rights to self-determination, dignity, and respect for all people with disability, not only our participants.

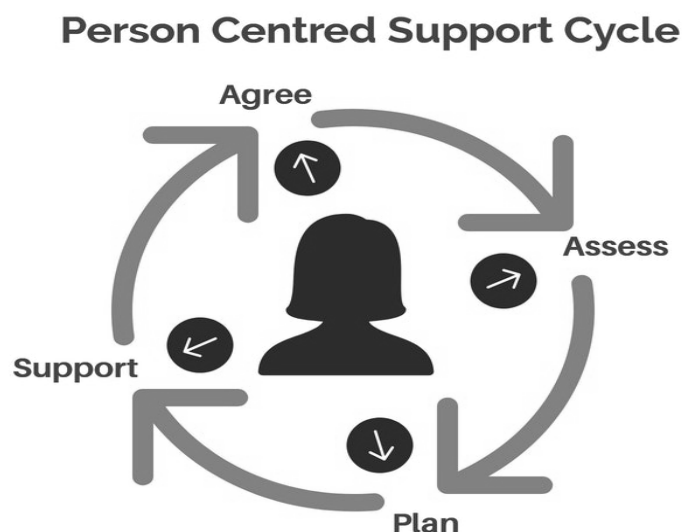


Violence, abuse, neglect, exploitation and discrimination

ICAS works to maximise the independence and informed choice of participants in all stages of the Person-Centred Support Cycle. We respect the autonomy of our participants, and work with them to deliver supports that they have actively chosen. The decisions made actively by participants have been supported by information provided to allow an assessment of risks and benefits by participants. We work with participants to respect their right to lives free from violence, abuse, neglect, exploitation and discrimination, and to consider these factors when identifying benefits and risks associated with supports.

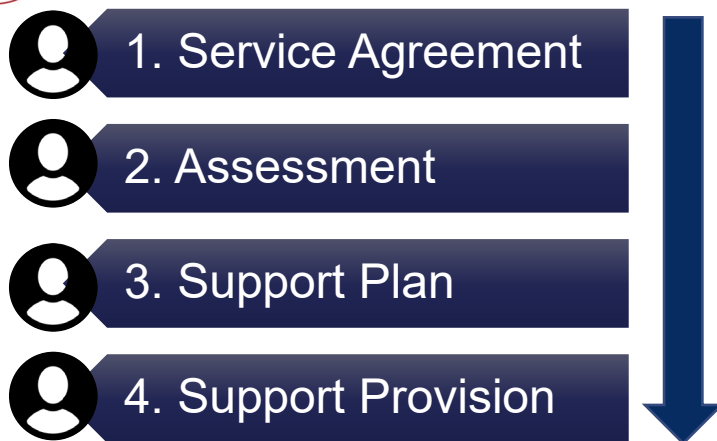
How will we do this?

We will apply our Person-Centred Approach in every interaction with our participants. As part of this process, participants are able to direct all elements of our Person-Centred Support Cycle in ways that protects their privacy and promotes their dignity.



Our Commitment to Participants

Participants are at the centre of every stage of our Service Agreement, Assessment, Support Planning, and Responsive Support Policy and Procedures.



1. Freedom from Violence, Abuse, Neglect, Exploitation and Discrimination in Service Agreements

When developing **Service Agreements** with participants we will:

- Ensure ICAS staff are appropriately trained in prevention of, and responses to, violence, abuse, neglect, exploitation and discrimination, including potential indicators and risk factors (Attachment A).
- Ensure ICAS staff have had referee and [worker screening checks](#) at the time of recruitment, and that [worker screening checks](#) are randomly conducted across long serving employees from time to time.
- Ensure ICAS staff meet the [NDIS Code of Conduct](#), which requires workers to prevent and respond to all forms of violence against, and exploitation, neglect and abuse of, people with disability.
- Ensure ICAS staff are aware of our processes for responding to allegations and incidents of violence, abuse, neglect, exploitation and discrimination (Attachment B)
- Ensure that participants are provided with the opportunity to have a chosen supporter attend the Service Agreement process with them, and at any time they request.
- Ensure participants are treated and spoken to with respect and dignity at all times.
- Undertake screening for prior or existing Abuse and Neglect at the Service Agreement meeting.
- Act should exposure to violence, abuse, neglect, exploitation and/or discrimination become evident at Service Agreement. We will respond using ICAS's processes for response (Attachment B):
 - Protect the participant.
 - Where relevant, preserve and record evidence.
 - Report immediately (criminal acts must be reported to the police).
 - Provide support to parties (for example, the participant, the person bringing the allegations).
 - Where relevant, take the matter to the NDIS Commission and/or contract an independent investigation.
 - Review the incident, response, and amend policy and procedures accordingly.



- Provide a copy of our Violence, Abuse, Neglect, Exploitation and Discrimination Policy in appropriate modes and formats best understood by the participant to assist them in understanding our service.
- Work with nominees and guardians in circumstances where, in limited circumstances, participants are unable to fully understand our Violence, Abuse, Neglect, Exploitation and Discrimination policy.
- Work with nominees in limited circumstances where participants are unable to give consent in assessment processes. In these cases, parents and guardians must reflect the needs and goals as identified by the person with disability and make decisions regarding prevention of violence, abuse, neglect, exploitation and discrimination to best maximise the participant's wellbeing in all aspects of his/her/their life. ICAS will work with the nominee as required to achieve this end.
- Work with parents or guardians who will make decisions to maximise personal and social development of the child, where an assessment is being undertaken for a young person or child under 18, and to maximise their dignity, in consultation (where appropriate) with the child or young person.
- Work with parents and guardians as required to support the ability of some young people to express preferences in relation to prevention of violence, abuse, neglect, exploitation and discrimination, where it is appropriate in terms of the assessment process. ICAS will work with the nominee as required to achieve this end.

2. Freedom from Violence, Abuse, Neglect, Exploitation and Discrimination in Assessment

When undertaking **Assessments** with participants for the delivery of supports, we will:

- Ensure ICAS staff are appropriately trained in prevention of, and responses to, violence, abuse, neglect, exploitation and discrimination, including potential indicators and risk factors (Attachment B).
- Ensure ICAS staff have had referee and [worker screening checks](#) at the time of recruitment, and that [worker screening checks](#) are randomly conducted across long serving employees from time to time.
- Ensure ICAS staff meet the [NDIS Code of Conduct](#), which requires workers to prevent and respond to all forms of violence against, and exploitation, neglect and abuse of, people with disability.
- Act should exposure to violence, abuse, neglect, exploitation and/or discrimination become evident at Assessment. We will respond ICAS's processes for response (Attachment B):
 - Protect the participant.
 - Where relevant, preserve and record evidence.
 - Report immediately (criminal acts must be reported to the police).
 - Provide support to parties (for example, the participant, the person bringing the allegations).
 - Where relevant, take the matter to the Disability Quality and Safeguards Commission and/or contract an independent investigation.
 - Review the incident, response, and amend policy and procedures accordingly.



- Ensure ICAS staff are aware of our processes for responding to allegations and incidents of violence, abuse, neglect, exploitation and discrimination.
- Ensure that participants are provided with the opportunity to have a chosen supporter attend the Service Agreement process with them, and at any time they request.
- Ensure participants are treated and spoken to with respect and dignity at all times.
- Provide a copy of our Violence, Abuse, Neglect, Exploitation and Discrimination Policy in appropriate modes and formats best understood by the participant to assist them in understanding our service, should the participant wish.
- Work with nominees and guardians in circumstances where, in limited circumstances, participants are unable to fully understand our Violence, Abuse, Neglect, Exploitation and Discrimination policy.
- Ensure any assessment process involving invasive or behavioural interventions take place, with the consent of the participant, a chosen supporter/advocate, a parent/guardian, or an appropriately trained co-worker.
- Work with nominees where, in limited circumstances, participants are unable to give consent in assessment processes. In these cases, parents and guardians must reflect the needs and goals as identified by the person with disability and make decisions regarding prevention of violence, abuse, neglect, exploitation and discrimination to best maximise the participant's wellbeing in all aspects of his/her/their life. ICAS will work with the nominee as required to achieve this end.
- Work with parents or guardians who will make decisions to maximise personal and social development of the child, where an assessment is being undertaken for a young person or child under 18, and to maximise their dignity, in consultation (where appropriate) with the child or young person.
- Work with parents and guardians as required to support the ability of some young people to express preferences in relation to prevention of violence, abuse, neglect, exploitation and discrimination, where it is appropriate in terms of the assessment process. ICAS will work with the nominee as required to achieve this end.

3. Freedom from Violence, Abuse, Neglect, Exploitation and Discrimination in Support Plan

When developing a **Support Plan** with a participant we will:

- Ensure ICAS staff are appropriately trained in prevention of, and responses to, violence, abuse, neglect, exploitation and discrimination, including potential indicators and risk factors (Attachment A).
- Ensure ICAS staff have had referee and [worker screening checks](#) at the time of recruitment, and that [worker screening checks](#) are randomly conducted across long serving employees from time to time.
- Ensure ICAS staff meet the [NDIS Code of Conduct](#), which requires workers to prevent and respond to all forms of violence against, and exploitation, neglect and abuse of, people with disability.



- Ensure ICAS staff are aware of our processes for responding to allegations and incidents of violence, abuse, neglect, exploitation and discrimination (Attachment B) including processes for 'reportable incidents'.
- Ensure that participants are provided with the opportunity to have a chosen supporter attend the Service Agreement process with them, and at any time they request.
- In working with the participant to undertake a risk assessment for their self-directed supports, consider with the participant the potential for violence, abuse, neglect, exploitation and discrimination to occur, and work with them to identify mitigating factors to minimise the risk, while maintaining dignity of risk.
- Ensure participants are treated and spoken to with respect and dignity at all times.
- Act should exposure to violence, abuse, neglect, exploitation and/or discrimination become evident at support planning. We will respond using ICAS's processes for response (Attachment B):
 - Protect the participant.
 - Where relevant, preserve and record evidence.
 - Report immediately (criminal acts must be reported to the police).
 - Provide support to parties (for example, the participant, the person bringing the allegations).
 - Where relevant, take the matter to the NDIS Commission and/or contract an independent investigation.
 - Review the incident, response, and amend policy and procedures accordingly.
- Work with nominees in limited circumstances where participants are unable to give consent in support planning processes. In these cases, parents and guardians must reflect the needs and goals as identified by the person with disability and make decisions regarding prevention of violence, abuse, neglect, exploitation and discrimination to best maximise the participant's wellbeing in all aspects of his/her/their life. ICAS will work with the nominee as required to achieve this end.
- Work with parents or guardians who will make decisions to maximise personal and social development of the child, where an assessment is being undertaken for a young person or child under 18, and to maximise their dignity, in consultation (where appropriate) with the child or young person.
- Work with parents and guardians as required to support the ability of some young people to express preferences in relation to prevention of violence, abuse, neglect, exploitation and discrimination, where it is appropriate in terms of the support planning process. ICAS will work with the nominee as required to achieve this end.
- Continually review best practice in our support provision that minimises the risk of violence, abuse, neglect, exploitation and discrimination, while maximising the social and community participation of participants.

4. Freedom from Violence, Abuse, Neglect, Exploitation and Discrimination in Responsive Support Provision

When providing supports to participants we will:



- Ensure ICAS staff are appropriately trained in prevention of, and responses to, violence, abuse, neglect, exploitation and discrimination, including potential indicators and risk factors (Attachment A).
- Ensure ICAS staff have had referee and [worker screening checks](#) at the time of recruitment, and that [worker screening checks](#) are randomly conducted across long serving employees from time to time.
- Ensure ICAS staff meet the [NDIS Code of Conduct](#), which requires workers to prevent and respond to all forms of violence against, and exploitation, neglect and abuse of, people with disability.
- Ensure ICAS staff are aware of our processes for responding to allegations and incidents of violence, abuse, neglect, exploitation and discrimination (Attachment B).
- Undertake an environmental assessment of the location where the support will take place in order to prevent violence, abuse, neglect, exploitation and discrimination, including potential indicators and risk factors.
- Ensure participants are aware of the ability to include chosen supporters in the delivery of supports should they wish.
- Be responsive to participant's requests that the supports provided be changed or reasonably adjusted to minimise the risk of violence, abuse, neglect, exploitation and discrimination, including potential indicators and risk factors.
- Continually review best practice in our support provision that minimises the risk of violence, abuse, neglect, exploitation and discrimination, while maximising the social and community participation of participants.

Related documents/resources

Applicable NDIS Practice Standards Policies and Procedures

- **Violence, Abuse, Neglect, Exploitation and Discrimination**
- Person Centred Supports
- Individual Values and Beliefs
- Privacy and Dignity
- Access to Supports
- Support Planning
- Service Agreements with Participants
- Responsive Support Provision
- Feedback and Complaints
- Easy English – Person-Centred
- Easy English – Privacy and Confidentiality
- Easy English – Support Planning
- Easy English – Feedback and Complaints
- Easy English – Advocacy
- Easy English – Choice and Control
- Easy English – Keeping Safe
- Easy English – Quality Improvement

Applicable Forms / Registers



- Client Consent Form
- Declaration to maintain confidentiality
- Feedback & Complaint Form
- Support Plan
- Client Incident Report Form
- Continuous Improvement Register
- Feedback & Complaints Register
- Incident Register
- Risk identification Form
- Risk Treatment Plan
- Risk Register
- Probity Checks Register
- Employee Register

Applicable Legislation and NDIS requirements

Commonwealth Legislation

- *National Disability Insurance Scheme (Quality Indicators) Guidelines 2018 (Notifiable Instrument) [F2018N00041]*
- *National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018 [F2018L00633]*
- *NDIS Code of Conduct*
- *Australian Human Rights Commission Act 1986*
- *Age Discrimination Act 2004*
- *Disability Discrimination Act 1992*
- *Racial Discrimination Act 1975*
- *Sex Discrimination Act 1984*

State Legislation

- Queensland – *Anti-Discrimination Act 1991*



Attachment A

Potential indicators and risk factors for violence, abuse, neglect, exploitation and discrimination against participants¹

Taking one indicator on its own may not be evidence of abuse, however this list aims to assist all staff within ICAS to identify characteristics and/or behaviours in participants that may indicate exposure to abuse and/or neglect.

Physical abuse

| Physical indicators: | Behavioural signs: |
|--|--|
| <ul style="list-style-type: none">• direct or indirect disclosure of abuse or assault• unexplained cuts, abrasions, bruising or swelling• unexplained burns or scalds, cigarette burns• rope burns or marks on arms, legs, neck, torso• unexplained fractures, strains or sprains; dislocation of limbs• bite marks• dental injuries• ear or eye injuries | <ul style="list-style-type: none">• avoidance of particular staff, fear of a particular person• sleep disturbances• changes in behaviour (e.g. unusual mood swings, uncharacteristic aggression)• changes in daily routine, changes in appetite• unusual passivity, withdrawal• self-harm, suicide attempts• inappropriate explanations of how injuries occurred• excessive compliance to staff• persistent over-activity (misuse of medication)• unusual levels of confusion/disorientation (misuse of medication) |

¹ <https://www.communities.qld.gov.au/disability/preventing-responding-abuse-neglect-exploitation/identifying-abuse-neglect-exploitation/indicators-signs>



Sexual abuse

| Physical indicators: | Behavioural signs: |
|--|--|
| <ul style="list-style-type: none">• direct or indirect disclosure of abuse or assault• trauma to the breasts, buttocks, lower abdomen or thighs• difficulty walking or sitting• pain or itching in genital and/or anal area; bruising, bleeding or discharge• self-harm, abuse, suicide attempts• torn, stained or blood-stained underwear or bedclothes• sexually transmitted diseases, pregnancy• unexplained money or gifts. | <ul style="list-style-type: none">• sleep disturbances• changes in eating patterns• inappropriate or unusual sexual behaviour or knowledge• changes in social patterns• sudden or marked changes in behaviour or temperament• anxiety attacks, panic attacks, clinical depression• refusal to attend usual places (e.g. work, school, respite)• going to bed fully clothed• excessive compliance to staff. |

Psychological/emotional abuse

| Physical indicators: | Behavioural signs: |
|---|--|
| <ul style="list-style-type: none">• speech disorders• in the case of a child, lags in physical development, failure to thrive• injuries sustained from self-harm or abuse• suicide attempts• anxiety attacks. | <ul style="list-style-type: none">• self-harm or self-abusive behaviours• challenging/extreme behaviours• excessive compliance to staff• very low self-esteem, feelings of worthlessness• clinical depression• marked decrease in interpersonal skills• extreme attention-seeking behaviour. |



Financial abuse

| Physical indicators: | Behavioural signs: |
|---|---|
| <ul style="list-style-type: none"> • no access to, or unwarranted restrictions on, personal funds or bank accounts • no records, or incomplete records kept of expenditure and purchases • no inventory kept of significant purchases • person controlling the finances does not have legal authority • misappropriation of money, valuables or property • forced changes to a person's will • persistent failure to produce receipts • receipts indicating unusual or inappropriate purchases. | <ul style="list-style-type: none"> • person has insufficient money to meet normal expenses • person is persistently denied outings and activities due to a lack of funds. |

Neglect

| Physical indicators: | Behavioural signs: |
|---|---|
| <ul style="list-style-type: none"> • physical wasting, unhealthy weight levels • poor dental health • food from meals left on face and/or clothes throughout the day • dirty, unwashed body and/or face, body odour • person always wearing the same clothes • ill-fitting and/or unwashed clothes • person is always over- or underdressed for the weather conditions • food is consistently poor quality, insufficient, inedible and/or unappetising. | <ul style="list-style-type: none"> • constant tiredness • persistent hunger • unexpectedly poor social/interpersonal skills • signs of loss of communication and other skills • staff member, service provider, carer or support person consistently fails to bring the person to appointments, events, activities • person is persistently denied opportunities to socialise with others in the community. |



Attachment B

ICAS processes for responding to allegations and incidents of violence, abuse, neglect, exploitation and discrimination

Step 1: PROTECT

The person who has been subject to abuse must be immediately made safe. Medical assistance must be provided if required. Any sources of harm (including potential sources) – for example, a perpetrator, a weapon, or any harmful object – must be removed from the person.

Provide reassurance to the person. Ask the person would they like a chosen supporter or advocate to attend (chosen supporter must not be the perpetrator).

Once the person has been made safe, contact the Director, who will contact the chosen supporter or advocate in accordance with the wishes of the person with disability. Should allegations be made against the support worker, the Director must be contacted immediately.

Step 2: PRESERVE AND DOCUMENT EVIDENCE

If a criminal act has taken place, the scene of the incident must be maintained. This means not moving any items within the space, and ensuring others (apart from the police in the case of a criminal act or death, and the service manager in the case of a non-criminal act) are prevented from accessing the space. Ensuring the scene is maintained will ensure protection of evidence and any personal articles. Take photographs of the scene. Take detailed notes of what the participant and/or perpetrator and/or witnesses may have said, who was involved, the time and place of the incident, how the person was made safe, and who was notified.

Step 3: REPORT THE INCIDENT IMMEDIATELY

The Director must report all allegations of criminal acts or deaths must be reported to the relevant State Police Service.

Both the support worker and the Director must complete a critical incident form. Your notes, and the incident form, must be managed, maintained, and stored in accordance with ICAS's Privacy and Dignity and Confidentiality policies. The incident must be progressed through ICAS's Complaints policies and processes.



The support worker must advise the Director immediately after a critical incident involving a crime or a death, and detail steps taken to date. Should allegations be made against the Director, the police must be contacted. Deaths must be reported to the Coroner.

If a 'reportable incident' occurs, which includes death, serious injury, abuse or neglect of a person with a disability, the NDIS Commission must be notified using the respective NDIS Commission notification form available at:

<https://www.ndiscommission.gov.au/providers/reportable-incidents>

STEP 4: SUPPORT THE VICTIM/COMPLAINANT AND STAFF

The support worker must take steps to protect the person who has been subject to violence, abuse, neglect, exploitation and discrimination. This means the individual must be protected from any additional attempts at violence, abuse, neglect, exploitation and discrimination, as well as any attempts at retribution. Additionally, these steps will assist in supporting the police and internal investigation.

The support worker must then discuss with the Director actions to be taken to ensure this occurs. These may include:

- The involvement of victim support services.
- Debriefing and counselling for participants, staff, and/or other affected parties (e.g. witnesses).
- Relocating on a temporary basis the person subject to the abuse, and any witnesses, if appropriate.
- Suspending any staff accused of violence, abuse, neglect, exploitation and discrimination in accordance with ICAS's zero tolerance policy.
- Advise, as appropriate, other participants/parents/guardians of the incident, steps taken to date, and next steps.

Take steps to support and protect the person who has experienced abuse and the whistle-blower, if applicable. Ensure that they are not subject to retribution and stop any attempts at further abuse or retribution. Disability services are required to have policies and procedures in place to ensure support and protection both for people who have experienced abuse and for whistle-blowers, and to prevent retribution.

Actions may include:

- involving victim support services.
- counselling for staff, clients or other whistle-blowers.
- temporarily moving persons who have experienced abuse and informants.
- suspending staff suspected of perpetrating abuse.



STEP 5: TAKE THE MATTER FURTHER

Should any person be of the view the matter has not been managed satisfactorily by ICAS, the individual is able to take up the matter with the NDIS Commission.

STEP 6: REVIEW

The support worker and appropriate staff will work with the Director to review the incident and steps that can be taken to ensure the prevention of similar incidents in the future.

Where appropriate, the Director may consider the contracting of an external investigator to review the incident, including responses by ICAS, to provide an assessment of the response and recommendations for the prevention of similar incidents in the future.

The Director and Quality Assurance Officer will work to review relevant policies and procedures following any critical incident review, whether internal or external.

