



## **VIOLENCE, ABUSE, NEGLECT, EXPLOITATION AND DISCRIMINATION**

**Find Wellbeing** ensures that each client accesses support free from violence, abuse, neglect, exploitation or discrimination.

**Find Wellbeing** has processes for reporting and responding to potential or actual harm, abuse and/or neglect that may occur for people using services.

### **Policies, Procedures and Practices**

**Find Wellbeing** has policies, procedures and practices in place which actively prevent violence, abuse, neglect, exploitation and discrimination.

**Find Wellbeing** acknowledges the risks of harm, neglect, abuse or violence that some people with disability may face when using services or support. Workers and volunteers are required to read, and services users are made aware of the availability of the Department of Communities, Child Safety and Disability Services Policy Titled: Preventing and responding to the Abuse, Neglect and Exploitation of People with Disability.

Staff and management client in training on the safeguarding of rights and freedom from harm, neglect, abuse and violence, and particularly on the United Nations Convention on the Rights of Persons with Disabilities. **Find Wellbeing** has policies and procedures in place to protect these rights and are consistent with relevant legislative and regulatory frameworks.

The Directors, workers and volunteers will maintain a culture that:

- Respects the well-being of those to whom service is provided.
- Promotes human rights.
- Ensures people with a disability are not exposed to abuse, neglect or exploitation.
- This will occur via:

- o Upholding values and dignity
- o Building relationships with the person, their family and those who support them
- o Ensuring services provided in a safe and welcoming environment
- o Ensuring that the person understands their rights and feels safe to raise concerns.
- o Ensuring that complaints and concerns that are raised are dealt with appropriately and timely.

Find Wellbeing will:

- Maintain recruitment procedures to a high standard including:
  - o Criminal history screening of new workers and volunteers
  - o Implementing a six-month probationary period for new workers
  - o Undertaking an Induction process for new workers and volunteers
- Remind workers of their responsibilities as part of professional development including periodic in-house training.
- Foster a safe, supporting environment that encourages everyone to raise concerns without fear of retribution.
- Reflect the protection of human rights and freedom from abuse and neglect via information provision, website and policies.
- Request feedback via forms, website and verbally about satisfaction with services provided.
- Respond to reported instances of abuse and neglect promptly, professionally and with sensitivity.

## Advocacy

**Find Wellbeing** provides each client with information about the use of an advocate (including an independent advocate). **Find Wellbeing** facilitates the use of an advocate where allegations of violence, abuse, neglect, exploitation or discrimination have been made.

Advocating is speaking up for people with disabilities and helping them to get the things that they want and need.

**Find Wellbeing** is required to assist persons they suspect of impaired decision-making capacity to gain external advocacy in situations where there are allegations of violence, abuse, neglect, exploitation or discrimination. This may be through family, friends, Adult Guardian, Public trust (financial matters), Public Advocate, Advocacy groups, Disability Services, Legal services, or any other appropriate person.

There are great risks in situations where a reportable incident has arisen that the person who has been victimised will be marginalised and silenced during the investigation process. To avoid the incident being swept under the carpet and not properly investigated, **Find Wellbeing**

facilitates access to an independent advocate who can act as an additional accountability measure to ensure that the voice of the client is heard. This will safeguard and prevent the seriousness of a reportable incident being minimised or the client's experience being devalued.

It is an important role for **Find Wellbeing** as a service provider to assist clients to access advocacy services where required. **Find Wellbeing** management will also ensure that the person subjected to abuse, neglect or exploitation, is provided with access to opportunities for support, counselling and/or debriefing.

## Incidents

**Find Wellbeing** ensures any allegations or incidents of violence, abuse, neglect, exploitation or discrimination are acted upon and that any affected client is supported and assisted. **Find Wellbeing** records all details and outcomes of reviews and investigations and takes action to prevent similar incidents occurring again.

**Find Wellbeing** actively works to ensure that individuals with a disability are afforded the quality of services and freedom from abuse, neglect and exploitation that they are entitled to and that any form of these will not be tolerated. Any allegations of violence, abuse, neglect, exploitation or discrimination are investigated in a prompt and respectful manner.

### **If the alleged offender is a worker**

**Find Wellbeing** will ensure that all reasonable steps are taken to avoid contact between the person thought to have been subjected to abuse, assault or neglect and the alleged offender. This may involve:

- Supervision of any interactions;
- Immediate allocation to alternative duties;
- Immediate suspension from duties, depending on the nature of the circumstances.

**Find Wellbeing** will ensure that the legal rights of the worker are not infringed upon and their right to natural justice is upheld.

If the alleged offender is a person outside of **Find Wellbeing**

**Find Wellbeing** will ensure that where possible, all interactions will be avoided or will occur only where it is required and under appropriate supervision.

### **If the alleged offender is another client**

**Find Wellbeing** will take all reasonable steps to avoid contact between the person thought to have been subjected to abuse, neglect or exploitation and the alleged offender.

**Find Wellbeing** will ensure that:

- A senior worker supervises any interactions between the person and alleged offender;
- Assistance is offered to both parties in their interactions with the police or other relevant organisation or authorities;
- Both parties are provided with appropriate accessible information about their legal rights, options, and support services; or be given the opportunity to access this information.

**Find Wellbeing** will also ensure the alleged offender has access to a support person or advocate who can assist the person through the investigation and interview process and facilitate legal representation.

This person should be without prejudice and is chosen by the alleged offender for example; guardian and/or advocate, family member, friend, or someone who is not involved with the inquiry.

### **If the offender is found to be criminally responsible**

If the offender is found to be criminally responsible or found guilty with no conviction recorded, **Find Wellbeing** will reserve the option to take appropriate disciplinary action.

Determinations in relation to such action are made in accordance with the *Industrial Relations Act 1999 (Qld)* and the *Fair Work Act 2009 (Cth)* and the **Find Wellbeing** code of conduct.

In such instances, **Find Wellbeing** management must ensure that natural justice has been afforded to the worker and that the decision to initiate disciplinary action is based upon a full and documented consideration of the facts, context, intent and impact of the original offence(s).

**Find Wellbeing** may seek advice or another relevant industry body such as the Queensland Confederation of Commerce and Industry (QCCI) or similar peak body or organisation which represents and supports organisations and service providers.

The outcome and any subsequent actions of the investigation and response will be documented and kept secure. Access to this information will be restricted to those that have a proper or lawful right to this information.

At the conclusion of the investigation process, a full review of the incident and all subsequent actions will be undertaken to determine the effectiveness of the response procedure and highlight good practices and actions that may be implemented to minimise the risk of the situation re-occurring.

### **Where internal or independent investigations were conducted**

The standard of proof in criminal matters is 'beyond reasonable doubt'. This is a higher or stronger level of proof than is required for an industrial or disciplinary process, which only requires that the matter be proved on the balance of probabilities.

The finding of not guilty in a criminal case involving allegations of abuse, assault and neglect by workers against a **Find Wellbeing** client does not therefore prevent **Find Wellbeing** from taking disciplinary action.

### Procedures

**Find Wellbeing** workers must always demonstrate responsiveness to any signs of abuse or neglect and act in accordance with their duty of care, legislative and common law responsibilities. **All staff must familiarise themselves with relevant information pertaining to reporting and responding to alleged or actual abuse and/or neglect.**

### Incident Response

In response to an incident, **Find Wellbeing**:

- Recognises and acknowledges the impact of the incident or allegation on the client.
- Ensures the client is safe and feels as safe as possible.
- Assures the client that the incident or allegation will be taken seriously and dealt with in a fair and equitable manner.
- Clearly informs the client about their rights and considers their wishes.
- Identifies an advocate or support person, with the consent of the client where the client has the capacity to consent and keep the advocate or support person informed throughout the process.

- In consultation with police and with the consent of the client (where the client has the capacity to consent), informs other parties such as next of kin.
- Where the client is under 18 years of age and has legally appointed guardian, in consultation with police, informs the client's parent or other person who has been legally appointed with parental responsibilities for the client.
- Where the client is over 18 years of age and has a legally appointed guardian, in consultation with police, informs the person's guardian.
- Keeps the client and their parent or guardian (if applicable) informed of the progress, outcome and any follow-up of incidents.
- Plans for the provision of ongoing support to the client.
- Provides communication support if required.
- Ensures the client can provide feedback on the response to the incident or allegation.

## Support or Debriefing

**Find Wellbeing** management will ensure that:

- The person subjected to abuse, neglect or exploitation, is provided with and/or assisted to access opportunities for support, counselling and/or debriefing. It may be required to contact local advocacy services or the Office of the Adult Guardian for advice.
- Other involved or concerned workers have an opportunity for debriefing will be provided to other clients or to families and carers or advocates of the victim(s).