



## **ABUSE, NEGLECT AND EXPLOITATION POLICY**

### **1. PURPOSE**

The purpose of this policy is to protect all people in the care of Lift Up Voices and to ensure that people who work for, or attend sessions and workshops, consultations, and meetings with Lift Up Voices staff members are safe and free from all forms of abuse, neglect and exploitation.

Where abuse or neglect does occur, Lift Up Voices responds promptly and sensitively to protect the person from further harm, and to coordinate appropriate responses in line with their duty of care obligations and mandatory reporting requirements under the Children and Young Persons (Care and Protection Act) and the Disability Inclusion Act 2014.

This policy supports Lift Up Voices to apply the National Standards for Disability Services, in particular Standard 1: Rights. This policy also supports the NDIS Practice Standards Core Module 1, *Rights and Responsibilities*, in relation to the *Violence, Abuse, Neglect, Exploitation and Discrimination* Quality Indicators (2020).

### **2. SCOPE**

This policy applies to the management, employees, contracted staff and volunteers of Lift Up Voices. A copy of this policy will be provided to all staff upon their appointment and is also available on the Lift Up Voices website.

### **3. POLICY**

Everyone is entitled to feel safe and to live in an environment in which they are protected from assault, neglect, exploitation or any other form of abuse. Lift Up Voices has a duty of care to provide a safe environment and protection from harm. We are committed to an environment with zero tolerance towards bullying, neglect and emotional, physical, psychological or sexual abuse of any kind. Responding to allegations of abuse must be undertaken with the utmost sensitivity and confidentiality. The welfare of our Lift Up Voices participants is of paramount importance.

### **4. DEFINITIONS**

**Physical abuse** - occurs when a person purposefully injures or threatens to injure an individual. The abuse can take the form of (but is not limited to) slapping, punching, shaking, kicking, throwing, burning, biting, poisoning, shoving, pushing holding or grabbing. An injury may take the form of bruises, cuts, burns or fractures. Physical abuse may leave no physical injury. This abuse can also be the result of 'Hazing' (the practice of rituals and other activities involving harassment, abuse or humiliation used as a way of initiating a person into a group). Additionally, physical abuse can be a single incident or a number

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of different incidents that take place over time. The 'level of harm' occasioned is not necessarily relevant to determining that physical abuse has occurred, rather, that harm has or has not occurred. For harm to be 'significant', the detrimental effect on an individual's wellbeing must be substantial or serious and be demonstrated through the individual's presentation, functioning or behaviour.

**Emotional abuse** - occurs when an individual is repeatedly rejected or frightened by threats. The abuse can involve name-calling, being put down or continual coldness from a person to the extent where the behaviour of the individual is disturbed or their emotional development is at serious risk of impairment (this can include the effects of bullying). It also includes exclusion or bullying through social media.

**Sexual abuse** - occurs when an individual is used by a person (being either an adult, another child or adolescent) for his or her own sexual stimulation or gratification. These can be contact or non-contact acts, including grooming by perpetrators, inappropriate touching, penetrative abuse, and exposure to pornography, accessing pornography, the retention of pornography or involving a child in the making or sending of child pornography.

**Grooming** – occurs when communication or conduct is linked to facilitating the involvement of a child in sexual behaviour with an adult. Children are particularly accessible through 'social media' and this danger is specifically addressed at Section 10. Indicators of 'grooming' include but are not limited to:

- Developing special relationships with, favouring or giving gifts to a child
- Inappropriate interactions with children either in person or via forms of media and electronic devices
- Asking a child to keep a secret of any aspect of their relationship
- Testing of or ignoring professional boundaries or rules
- The coercive use of social media, texting and on-line forums to groom, or directly abuse.

**Neglect** – health, safety, or development of an individual is significantly impaired or placed at risk.

**Exposure to Domestic Violence** – occurs when children witness or experience the chronic domination, coercion, intimidation and victimisation of one person by another by physical, sexual or emotional means within a domestic relationship.

**Assault** - as described in the *Criminal Law Consolidation Act 1935 (SA)* there are various forms of assault that are unlawful. For the purpose of this policy, an assault is any attempt or threatened attempt to cause unwanted immediate physical contact or bodily harm that puts the victim in fear of such harm or contact.

**Neglect** - occurs when there is a failure to provide an individual with the basic necessities of life, such as food, clothing, shelter, supervision, medical attention or care to the extent that the

**Exploitation** is someone is taking advantage of another person in any way.

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## 5. PROCEDURE

### 5.1 What should be reported and by who?

Staff members, another participant, a participant's family member, carer or friend, or any other person may perpetrate abuse and neglect of a participant.

Reports of suspected, observed or alleged abuse and neglect of participants may be received from a range of people including:

- The participant subjected to the alleged abuse and neglect
- Another participant, employee, contractor or other person who may have witnessed abuse and neglect or suspects that the participant has been or is being abused and neglected.

### 5.2 Immediate response

Any staff member who becomes aware of suspected, observed or alleged abuse and neglect of a participant must immediately report to Child Abuse Report Line (CARL) and a Lift Up Voices Director. The Director will advise SAPOL is a child is in immediate danger.

### 5.3 Protect the participant from further harm

Staff members who fail to respond immediately and protect the participant from further harm following reports of suspected, observed or alleged abuse and neglect are in breach of duty of care.

### 5.4 Serious injury - apply and seek first aid and contact emergency services

Apply or seek first aid if required and contact the ambulance service on 000 in the event that a participant sustains a serious injury requiring medical treatment or is in urgent need of medical help.

The SA Police Service must be called immediately on 000 in any situation where life or serious injury is threatened; or where there is a threat of danger to people or property; when a serious crime is in progress, being witnessed or just committed (for example physical or sexual assault); or any other situation where urgent SA Police Service assistance is needed.

In all other cases the Director must be contacted to authorise any contact with the SA Police Service.

### 5.5 Reporting

**IMPORTANTLY, A REPORT SHOULD BE MADE QUICKLY TO CARL WITHOUT ANY INTERNAL INVESTIGATION.**

An internal report should be made in accordance with this procedure and the requirements set out in the *Incident, Response, Reporting and Investigation Policy*. Failure to do so is a breach of duty of care and this procedure, and the staff member may be subject to disciplinary action as a result.

Any person reporting suspected, observed or alleged abuse and neglect of a participant is entitled to make such a report without fear of retribution or retaliation.

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Should suspected, observed or alleged abuse and neglect of a participant be reported to Lift Up Voices as a complaint, then any additional requirements set out in the *Compliments, Complaints and Feedback Policy* must also be complied with.

### **5.6 Safety of the participant**

At any time, should a staff member believe there is an immediate threat to a participant or any other person, they must take appropriate action in accordance with this procedure and the *Incident, Response, Reporting and Investigation Policy* to ensure the wellbeing of participants, staff members, volunteers, family members, and any other person appropriate to the situation.

### **5.7 NDIS Commission report**

Additionally, the NDIS Commission must be notified of serious incidents (including allegations) arising in the context of NDIS supports or services, including:

- The death of an NDIS participant
- Serious injury of an NDIS participant
- Abuse or neglect of an NDIS participant
- Unlawful sexual or physical contact with, or assault of, an NDIS participant
- Sexual misconduct committed against, or in the presence of, an NDIS participant, including grooming of the NDIS participant for sexual activity
- The unauthorised use of a restrictive practice in relation to an NDIS participant

Most reportable incidents must be notified to the NDIS Commission by a Lift Up Voices Director within 24 hours of a provider's key personnel being made aware of it, with a more detailed report about the incident and actions taken in response to it to be provided within 5 business days. The report must assess:

- The impact on the NDIS participant
- Whether the incident could have been prevented
- How the incident was managed
- What, if any, changes are required to prevent similar events occurring

A final report may also be required within 60 business days of submitting the five-day report. The NDIS Commission will advise whether a final report is required. Reportable Incident forms are available on the NDIS Commission website. Once a form is completed, it must be emailed directly to [reportableincidents@ndiscommission.gov.au](mailto:reportableincidents@ndiscommission.gov.au).

### **5.8 Record keeping**

All records concerning Abuse, Neglect and/or Exploitation are maintained securely and confidentiality on My Music Staff and Dropbox. These records are held indefinitely by Lift Up Voices and shared as legally appropriate in the interests of Child Protection. Access to the information is strictly controlled and open

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only to personnel authorised by a Lift Up Voices Director. Lift Up Voices will share any records they hold with the Police or other authorised investigatory body as requested.

### **5.9 Protecting evidence**

All staff members present at the scene of the alleged abuse and neglect must make all reasonable attempts to ensure that the scene is not disturbed, including but not limited to:

- Isolating and restricting access to the area in which the alleged incident occurred
- Preserving the participant's clothing as evidence following any alleged sexual assault
- Avoiding questioning the participant and other witnesses except to ascertain their wellbeing and
- Delay bathing of the participant for cases of sexual assault until the SA Police Service attend.

### **5.10 An individuals right to report directly**

If, after consideration, Lift Up Voices decides that the matter does not warrant reporting to CARL, the individual that originally raised the report retains the right to report directly to CARL. If Lift Up Voices decides this, the original reporter will be advised of this right.

### **5.11 Non-reportable or statutory incidents**

There may be instances where Child Protection reports are made that do not meet CARL's requirement to act, however Lift Up Voices may decide that further administrative action should be undertaken. Where this occurs, Lift Up Voices may conduct its own investigation and make a conclusion on a matter of Child Protection.

### **5.12 Investigation**

All Lift Up Voices personnel must ensure that contact is avoided between the alleged perpetrator and the person either making the report, making the allegation and/or the alleged victim.

In the event that the alleged perpetrator is another participant, ensure that they and the alleged victim are both offered support in their interactions with the SA Police Service or other agencies where applicable.

A staff member not return to the scene or have any further contact with the alleged victim if they are suspected of being the perpetrator of the suspected, observed or alleged abuse or neglect, and remove other participants from the environment if they are at risk of being harmed. Within 48 hours of the initial notification of the suspected, observed or alleged abuse and neglect, the Director must determine any other appropriate actions to be taken and ensure that they are implemented, including stepping the staff member down from duties should they be the subject of allegations, contacting the SA Police Service if they believe a crime has been committed where contact with the SA Police Services has not previously been made

The Director must work with any relevant staff members involved in the incident to investigate the suspected, observed or alleged abuse and neglect, and provide a written report on the outcome of the investigation within five working days of the initial notification being made. The *Incident Management*

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*Report Plan* document may be used for this purpose. The report must include the details of the initial incident report, what immediate response took place, the actions taken to date, the outcome of the investigation and recommended actions required to resolve the incident. The report must also include an action plan for the support of the victim of the suspected, observed or alleged abuse and neglect. Internal investigations must result in recommendations to prevent the likelihood of abuse or neglect occurring in the future and to improve the response and management of these allegations in the event that they reoccur. The Director must also liaise with relevant government agencies with regards to the allegation of abuse and neglect if required and implement any agreed follow up actions.

### **5.13 SA Police investigation**

In cases where the SA Police Service are investigating the suspected, observed or alleged abuse and neglect of a client

- Ensure that no internal investigations be conducted which may compromise or prejudice the SA Police Service investigation
- Liaise with the SA Police Service as required
- In the event that the SA Police Service decide to not pursue allegations of abuse and neglect, Director must conduct an internal investigation
- Should a staff member be found to be criminally responsible for abuse or neglect of a client, then the appropriate disciplinary action must be taken in accordance with the *Code of Conduct Policy* and the *Independent Contractor Agreement* (or the arrangement with a volunteer terminated) and an internal investigation conducted by the Director
- Where SA Police Service investigations were conducted and no charges were laid or the alleged offender is not prosecuted or found to be criminally responsible, the Director must conduct an investigation

## **6. RESPONSIBILITIES**

It is the responsibility of staff member to ensure that they remain informed regarding Lift Up Voices procedures which impact upon their duties, and to work within them.

## **7. CONTINUOUS IMPROVEMENT**

Lift Up Voices staff members are encouraged to provide feedback on this policy and procedure to the Director/s, to ensure that it remains relevant and continues to reflect the actual manner in which activities are undertaken.

## **8. AUSTRALIAN CHILD PROTECTION CONTACTS**

If there is an immediate threat to a Child, contact your local police on 000.

<b>Police/Ambulance/Fire</b>	000	<b>Child Wise Helpline</b>	1800 991 099
<b>Australian Federal Police</b>	(02) 6223 3000	<b>Parent Line</b>	13 22 89

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<b>Kids Helpline</b>	1800 551 800	<b>Life Line</b>	13 11 14
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### **Department for Child Protection (DCP)**

The DCP works in partnership with vulnerable families, other government and non-government organisations, foster carers and the community to keep children and young people safe and give them the same opportunities as other young South Australians.

31 Flinders St, Adelaide SA 5000

Phone: (08) 8124 4185

**To report instances of Child Abuse (Child Abuse Report Line – CARL): 131 478**

**Emergencies SAPOL: 000**

### **9. REVIEW**

This policy will be reviewed on a two yearly basis. However, if at any time the legislative, policy or funding environment is so altered that the policy is no longer appropriate in its current form, the policy will be reviewed immediately and amended accordingly.

### **RELATED POLICIES**

Code of Conduct Policy

Compliments, Complaints and Feedback Policy

Incident, Response, Report and Investigation Policy

Occupational Safety and Health Policy

Safeguarding for Participants Policy

### **SUPPORTING DOCUMENTS**

Code of Conduct Staff Commitment Form

Incident Management Report Form

### **RELEVANT LEGISLATION OR STANDARDS**

Children and Young Persons (Care and Protection Act)

Disability Inclusion Act 2014

National Standards for Disability Services, Standard 1: Rights

NDIS Practice Standards Core Module 1 (2020)

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