

LIFE INDEPENDENCE DISABILITY SERVICES

www.lifeindependence.com.au

Ph: 0429 225 993, 0488 061 999

E: lifeindependenceservices@gmail.com

PROFESSIONAL CONDUCT & ABUSE POLICY

Policy number	6	Version	1
Drafted by	Merryn Farnsworth	Approved by	20/11/2020 manager
Responsible person	Merryn Farnsworth	Scheduled review date	20/11/2020

INTRODUCTION

This policy exists to ensure that any misconduct or abuse is managed by Life Independence in keeping with the following criteria:

- Understanding of what constitutes abuse and/or professional misconduct through the promotion of education and training enabling identification of abuse, neglect, exploitation, violence and other risk factors or indicators of abuse
- Practices and processes exist to assist in prevention of abuse including policies and practices that protect each individuals rights through empowerment of people with a disability
- Systems and processes exist for addressing risk for specific groups and services relevant for individuals at increased risk of abuse and an understanding of service settings that increase risk
- A clear understanding of behaviours of concern
- Systems and processes exist for early intervention and response to abuse that supports the person involved and a hears to organisational requirements
- Life Independence promotes a culture of analysis, learning and continual improvement for dealing with instances of abuse and prevention

PURPOSE OF POLICY

This policy is designed to outline the various services and supports available to service users to which this policy applies. The policy describes the legislative, legal and ethical compliance standards of practice Life Independence adopts. Life Independence has a zero tolerance stand point in keeping with the National Disability Services Association for dealing with misconduct and abuse. This framework and policy promote the right of each individual to be free from abuse, violence, neglect and preventable injury. Further outlined are options for complaints and protection options available to clients, family and other relevant stakeholders receiving services through Life Independence if they have experienced abuse or professional misconduct amounting to abuse, or believe they are at risk of abuse.

LIFE INDEPENDENCE DISABILITY SERVICES

www.lifeindependence.com.au

Ph: 0429 225 993, 0488 061 999

E: lifeindependenceservices@gmail.com

GUIDING LEGISLATION, RULES, REGULATIONS & GUIDELINES

- National Disability Insurance Scheme Act, 2013
- National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules, 2018
- NDIS (Provider Registration and Practice Standards) Rules, 2018
- NDIS (Practice Standards – Worker Screening) Rules, 2018
- Life Independence Professional Conduct and Abuse Policy
- Life Independence Child Safe Policy
- Life Independence Child Safe Code of Conduct
- Life Independence Guidelines
- The Charter of Human Rights and Responsibilities Act, 2006 (Victorian)
- The Crimes Act, 1958 (Victoria)
- Responding to allegations of abuse involving people with disabilities. Guidelines for disability service providers and Victoria Police – June 2018. Published jointly by Victoria Police and Victorian Department of Health and Human Services

SCOPE OF POLICY

This policy applies to any work practices carried out on behalf of Life Independence by any member of staff or any person acting in any capacity that can be taken to be representing Life Independence and its interests. The practices and intent of this policy also apply to any client or relevant stakeholder receiving services from Life Independence.

POLICY COMPLIANCE

It is a condition of employment that all staff read and provide written receipt of this policy acknowledging their understanding and commitment to comply with the principles of this policy.

CONSEQUENCES OF NON COMPLIANCE

Should any member of staff be found to be noncompliant with this policy they will be liable to disciplinary action. This may include but is not limited to immediate termination, counselling or other action compatible with the services mandate and the law.

PROCEDURES

This policy is not designed to be a manual on procedural duties relating to Life Independence. Should procedural information be required by staff, companion documents are available through the service website or on request. Staff are expected to check with those sources for full information on policies, legislation and other standards impacting service delivery. For example, this policy is framed within the context of how Life Independence manages incidents and should be read in conjunction with the services Incident Reporting policy.

LIFE INDEPENDENCE DISABILITY SERVICES

www.lifeindependence.com.au

Ph: 0429 225 993, 0488 061 999

E: lifeindependenceservices@gmail.com

DECLARATION OF INTENT

The services response to abuse is derived from the understanding that Life Independence has a responsibility to deliver safe and quality services to people with a disability. This is outlined in the context of delivering 1:1 supports to NDIS funded participants and their supporters. The service has a responsibility to deliver safe service in the context of the following principles of the NDIS Act, 2013. People with a disability have the right to the following:

- Realise their potential for physical, social, emotional and intellectual development
- Be supported to participate in and contribute to social and economic life to the extent of their ability
- Be supported to exercise choice including in relation to taking reasonable risks in pursuit of their goals and the planning of their delivery of supports
- Be respected for their worth and dignity and to live free from abuse, neglect and exploitation
- Be able to determine their own best interests including the right to exercise choice and control and to engage as equal partners in decisions that will affect their lives to the full extent of their capacity
- Have their privacy and dignity respected
- Have the role of families, carers and other significant persons in their lives acknowledged and respected
- Have access to advocates and supports which promote innovation, quality, continuous improvement, contemporary practice and effectiveness

DEFINITIONS

Staff representing Life Independence are able to identify and define what constitutes varying types of abuse. People with a disability, supporters and relevant stakeholders can access information relating to indicators of abuse via links accessible through the service website or upon request. Types of abuse may include:

- Physical abuse, unlawful physical contact or physical assault
- Sexual contact, sexual assault or sexual misconduct
- Psychological, emotional or verbal abuse
- Domestic violence
- Neglect
- Financial abuse

WHAT & WHO THIS POLICY APPLIES TO

- Acts, omissions, events or circumstances that occur in connection with providing NDIS supports or services to a person with disability and have, or could have, caused harm to the person with disability
- Reportable incidents that have or are alleged to have occurred in connection with providing NDIS supports or services to a person with disability

LIFE INDEPENDENCE DISABILITY SERVICES

www.lifeindependence.com.au

Ph: 0429 225 993, 0488 061 999

E: lifeindependenceservices@gmail.com

The purpose of this policy is to keep people with a disability safe from abuse of any kind. It does not outline processes or steps involved where the person impacted by abuse is a worker or other individual. This is regardless of whether the person causing or involved with the abuse to the person with a disability is a Life Independence worker, supporter or other. There are steps and protections in place where the alleged person causing the abuse is a staff member of Life Independence.

For the purpose of this policy professional misconduct is defined as any action or inaction by an employee of the service during the course of service delivery that would be deemed a criminal offence punishable by law if proven. This abuse or professional misconduct can relate to any member of Life Independence or any person who is reasonably suspected of having committed an act of abuse or professional misconduct towards a person receiving services.

RISK FACTORS & HUMAN RIGHTS

Life Independence is committed to the protection of human rights for clients and any other person involved in service delivery. It is understood that people with a disability are more likely to experience violence, abuse, neglect and exploitation than others without a disability. Due to this, people with a disability will be considered vulnerable when conducting risk assessments relating to any proposed service delivery or practice.

PRACTICES

Information and options for providing feedback are provided to each client and are available through the service website. Further information relating to abuse and available services are also available here. Staff are educated in identifying and responding to abuse as policy. If required Life Independence will work willingly with agencies such as the NDIS Quality & Safeguards Commission and Victoria Police. Any reports of abuse or suspected abuse will be taken seriously and the rights of those reporting it upheld. If abuse is suspected it will be immediately reported to the appropriate authorities such as the police and relevant assistance will be provided.

For the purpose of this policy key terms are defined below along with the service response to allegations of abuse:

- A person with a disability and subject of abuse is defined as any person who is an NDIS participant and receives supports or services from an NDIS provider
- The subject of the allegation means a worker or other person who has been accused of been involved in abuse directly or by inference upon a person with a disability
- Trauma informed care means providing care that acknowledges with sensitivity how trauma negatively affects a person
- Specified personal means the person experiencing abuse can know who is responsible for responding to allegations of abuse and how they will do that

LIFE INDEPENDENCE DISABILITY SERVICES

www.lifeindependence.com.au

Ph: 0429 225 993, 0488 061 999

E: lifeindependenceservices@gmail.com

The priority of the service is to clearly identify anyone who is experiencing abuse and ensuring the alleged perpetrator is denied contact. Further priorities are providing help to the person experiencing abuse in an immediate and ongoing manner.

ADDRESSING RISKS

In addition to general risk management and identification procedures, Life Independence also adopts processes to specifically identify practices that may pose a risk for potential abuse. For example our services are delivered in public places where practical rather than remote or unsupervised situations.

RESPONDING TO ABUSE

Should there be reasonable suspicion of abuse by another person to a person with a disability receiving services from Life Independence, the service will implement early intervention responses. This could include immediate suspension of staff and the matter reported to Victoria Police. If any member of Life Independence has reason to believe abuse is evident or suspected by any other person the matter will be reported to Victoria Police by that staff member with the support of Life Independence.

Early intervention procedures include evidence gathering and record keeping. Records will be kept of any observations, what we have heard or otherwise perceived and these records may be given to an external investigating body if required. Specialist support services will be notified including but not limited to advocacy groups, medical professionals or counselling services if abuse is suspected. This information will be kept securely and available for review by the person with a disability and/or their supporters in the incident reporting register.

Life Independence is not able to keep suspected abuse quiet if requested by a client where we have formed a reasonable suspicion of abuse taking place. Any and all suspected abuse will be reported to investigating authorities, family member and support agencies where appropriate.

ANALYSIS & CONTINUAL IMPROVEMENT

Life Independence is committed to continuous learning and improvement in its approach to dealing with abuse. Any client reporting abuse will be granted opportunity to provide feedback to the service if appropriate to enable us to continue to improve our service and processes.