

POLICY NUMBER: NDIS SER DEL 10

INTENT

The intent of this policy is to have a process in place to prevent and respond to any violence, abuse, neglect, exploitation and discrimination of the people who use the Service.

DEFINITION

Violence - is as the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community and/or physical force unlawfully exercised toward property and/or persons, causing or intending to cause damage or injury.

Abuse - is the violation of a person's human or civil rights, through an act or actions of commission or omission, by another person, or persons. Abuse includes, but is not limited to the following:

- **Physical abuse** – any non-accidental physical injury or injuries to a child or adult, such as inflicting pain of any sort, or causing bruises, fractures, burns, electric shock, or unpleasant sensation (e.g taste, heat or cold) as well as restrictive practices which are not contained in a Participant's Positive Behaviour Support Plan.
- **Sexual abuse** – any sexual contact between an adult and a child 16 years of age or under; or any sexual activity with an adult who is unable to understand, has not given consent, is threatened, coerced or forced to engage in sexual behaviour. Sexual activity includes intercourse, genital manipulation, masturbation, voyeurism, sexual harassment, and inappropriate exposure to pornographic media etc.
- **Psychological or emotional abuse** – verbal communication that is threatening or demeaning, threats of maltreatment, harassment, humiliation, intimidation, failure to interact with a person or to acknowledge the person's presence, or denial of cultural or religious needs and preferences.
- **Financial abuse** – refers to the illegal or improper use of a person's property or finances or the withholding of another person's resources by someone with whom the person has a relationship implying trust.
- **Chemical abuse** – refers to any misuse of medications and prescriptions, including the withholding of medication and over-medication.
- **Legal or civil abuse** – denial of access to justice or legal systems that are available to other citizens and denial of informal or formal advocacy support requested by the Participant or their Representative/Nominee.

Neglect - is the failure to provide the necessary care, aid or guidance to dependent adults or children by those responsible for their care. Neglect includes but is not limited to the following:

- **Physical neglect** – failure to provide adequate food, shelter, clothing protection, supervision and medical and dental care, or to place persons at undue risk through unsafe environments or practices.

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- **Passive neglect** – the non-wilful failure to fulfil care-taking responsibilities because of inadequate caregiver knowledge, infirmity, or disputing the value of prescribed services.
- **Wilful deprivation** – wilfully denying a person access to medication, medical care, shelter, food, a therapeutic device or other physical assistance, thereby exposing that person to risk of physical, mental or emotional harm.
- **Emotional neglect** – the failure to provide the nurturing or stimulation needed for the social, intellectual and emotional growth or wellbeing of an adult or child.

Crimes of Omission – the failure to act with appropriate duty of care.

Exploitation – is an act that exploits or victimises someone (treats them unfairly) making use of a situation to gain unfair advantage for oneself or others.

Discrimination - occurs when someone is treated less favourably than another in similar circumstances because of a personal attribute that has no relevance to the situation.

The Anti -Discrimination Act 1991 makes it unlawful to discriminate against people in certain public areas such as work or in providing services. Discrimination is defined as treating people in similar circumstances differently because of irrelevant characteristics or assumptions. The Act identifies the following where discrimination is prohibited;

- Work or work-related areas
- Education and
- Goods and Services

The Act prohibits discrimination on the basis of the following attributes:

- (a) sex;
- (b) relationship status;
- (c) pregnancy;
- (d) parental status;
- (e) breastfeeding;
- (f) age;
- (g) race;
- (h) impairment;
- (i) religious belief or religious activity;
- (j) political belief or activity;
- (k) trade union activity;
- (l) lawful sexual activity;
- (m) gender identity;
- (n) sexuality;
- (o) family responsibilities;
- (p) association with, or relation to, a person identified on the basis of any of the above attributes.

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POLICY STATEMENTS

Real Living Options Association Inc. acknowledges that there are many forms of violence, abuse, neglect, exploitation or discrimination and demonstrates this through the adoption of the definitions of violence, abuse, neglect, exploitation or discrimination as defined within this policy.

The Human Rights principles of the Queensland Disability Services Act 2006 include the principle that people with a disability have the same human rights as other members of society and should be empowered to exercise their rights. This is best achieved through an integrated approach that targets the cultural, environmental and interpersonal causes of violence, abuse, neglect, exploitation or discrimination.

This policy also reflects the human rights and service delivery principles of the Queensland Disability Services Act 2006.

Real Living Options Association Inc. will:

- Ensure that the health, safety and wellbeing of its Participants is given paramount consideration in service provision and that all Participants are provided with maximum protection from violence, abuse, neglect, exploitation or discrimination while applying the least restrictive alternative principle;
- Promote a culture of no retribution in the case of reporting, including reporting of suspected or alleged violence, abuse, neglect, exploitation or discrimination or incidents suggestive of violence, abuse, neglect, exploitation or discrimination;
- Take a preventative, proactive and participatory approach to Participant safety that ensures there are systems in place to identify violence, abuse, neglect, exploitation or discrimination of Participants;
- Ensure timely, adequate and appropriate responses to incidents;
- Foster best practice through ongoing systems review;
- Promote an integrated, evidence-based approach to the prevention and identification of and response to violence, abuse, neglect, exploitation or discrimination, which is supported by ongoing and appropriate staff development and training;
- Ensure Participants know who to talk to if they are worried or feeling unsafe and that they are comfortable and encouraged to raise any issues.

A Participant's harm, abuse and neglect are defined as a reportable incident; therefore, the Incident Management (Including Reportable Incidents) Policy and Procedures will apply.

COMMITMENT TO SAFETY

Real Living Options Association Inc. is committed to the safety and wellbeing of all Participants. This commitment is the primary focus of all support and decision making.

Real Living Options Association Inc. is committed to providing a safe environment where Participants are safe, and their voices are heard and included in decisions that affect their lives. Attention is paid to the cultural safety of participants from culturally or linguistically diverse backgrounds.

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All employees have a responsibility to understand the critical and specific role they play, both individually and collectively, to ensure the wellbeing and safety of all Participants are at the forefront of all they do and every decision they make.

PROCEDURES

- Any report of suspected violence, abuse, neglect, exploitation or discrimination must be acted on immediately and the General Manager and Support Manager must be informed.
- All reports of suspected or actual exploitation or discrimination must be documented in an Incident Report.
- Upon receiving a report of suspected violence, abuse, neglect, exploitation or discrimination the General Manager or Support Manager must inform the President of the Association as soon as possible.
- In the event of an actual incident of assault the appropriate emergency service must be contacted immediately by calling 000.
- In the event of an actual incident of assault the General Manager or Support Manager and where applicable the Representative/Nominee must be contacted as soon as possible.
- Any report of violence, abuse, neglect, exploitation or discrimination will be dealt with in confidence as far as possible and all follow-up procedures are to be documented and made available for inspection by any relevant official bodies.
- A Participant will be provided with information about the use of an advocate where allegations of violence, abuse, neglect, exploitation or discrimination have been made.
- All reportable incidents will be documented in accordance with the National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules
- The Service must be mindful that the legal rights of any alleged offender/s is not infringed upon and that his/her right to natural justice is upheld.
- If the person making a report of alleged violence, abuse, neglect, exploitation or discrimination is not satisfied with the response from the Service, he/she has the right to directly approach another external agency without recrimination from Real Living Options Association Inc.
- While all documented allegations of suspected violence, abuse, neglect, exploitation or discrimination will be reported to the relevant parties, it is ultimately the right of the individual, with the assistance of their Representative/Nominee if necessary, to choose whether to pursue the matter within the Criminal Justice System.
- Participants who have experienced violence, abuse, neglect, exploitation or discrimination will be supported and assisted in a manner that is consistent with this Policy.

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IDENTIFYING, REDUCING OR REMOVING THE RISK OF HARM

Real Living Options Association Inc. recognises that creating a safe Service begins with a clear understanding of the potential risks to Participants and employees within the Service's settings. The Service will identify possible issues and problems and plan to reduce or remove these risks wherever possible.

To reduce the likelihood of harm, Real Living Options Association Inc. will consider, define and act against its Serviceal risks. These strategies include:

- Considering the Service, activities and services provided to Participants
- Reviewing and planning how to make all activities as safe as possible
- Developing a safety plan for Participants who require additional supports
- Supporting Participants with disabilities to understand plans and safety procedures using appropriate communication methods
- Informing Participants that they have the right to live in a safe environment
- Acting proactively to reduce the likelihood of any risks.

UNACCEPTABLE BEHAVIOURS

As front-line workers involved in Participant-related work, employees of Real Living Options Association Inc. will not:

- Ignore or disregard any concerns, suspicions, or disclosures of abuse
- Develop a relationship with any Participant that could be viewed as favouritism or grooming behaviour, e.g. offering gifts or taking a Participant back to their home
- Exhibit behaviours, or engage in activities with Participants that can be interpreted as abusive, harmful and unjustifiable in an educational, therapeutic or service delivery context
- Ignore behaviours by other people toward Participants when they are overly familiar or inappropriate
- Discuss the content of an intimate nature or use sexual innuendo with Participants,
- Treat a Participant unfavourably because of their disability, age, gender, race, culture, vulnerability, sexuality or ethnicity
- Communicate directly with a Participant through personal or private contact channels, e.g. social media, email, instant messaging or texting, except where that communication is reasonable in all the circumstances related to work activities, safety concerns or other urgent matters.

REPORTING OBLIGATIONS

If a reportable incident occurs or is alleged in connection with the NDIS supports or services delivered by Real Living Options Association Inc. they will notify the NDIS Quality and Safeguards Commission using the [NDIS Commission Portal](#) within the required timeframes (set out below). These timeframes are calculated from when the Service becomes aware that the incident occurred or was alleged to have occurred.

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Reportable incident	Required timeframe
death of a person with disability	24 hours
serious injury of a person with disability	24 hours
abuse or neglect of a person with disability	24 hours
unlawful sexual or physical contact with, or assault of, a person with disability	24 hours
sexual misconduct committed against, or in the presence of, a person with disability, including grooming of the person for sexual activity	24 hours
the use of the restrictive practice to a person with disability if the use is not following a required state or territory authorisation and/or not under a behaviour support plan. (ref: SER DEL 12 – Restrictive Practices)	Five business days

DELEGATIONS

General Manager

It is the role of the General Manager to ensure:

- Systems are in place to identify and remedy any gaps which may contribute to a Participant experiencing violence, abuse, neglect, exploitation or discrimination;
- Employees are trained in early intervention approaches where potential violence, actual abuse, neglect, exploitation or discrimination of a Participant has been identified;
- That there is a culture of no retribution for any person who reports violence, abuse, neglect, exploitation or discrimination of a person with disability;
- Adherence with the NDIS Practice Standards for continuous improvement;
- That relevant employees advise Participants and/or their Representative/Nominee about:
 - Support services which are equipped to identify violence, abuse, neglect, exploitation or discrimination and able to refer individuals to appropriate specialist services;
 - Their right to pursue grievances and complaints and access to the Criminal Justice System;

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- That any concerned person, including but not limited to, the person with a disability, another Participant, Representative/Nominee, friend or person from the community is able to make a report an allegation of violence, abuse, neglect, exploitation or discrimination, without fear of retaliation or retribution;
- That all employees supporting Participants are respectful of their rights and needs.
- That reports and relevant documentation is made of any details and outcomes of investigations, actions and reviews in relation to violence, abuse, neglect, exploitation or discrimination.

All Employees and Volunteers

It is the role of all relevant employees to:

- Report all alleged or suspected instances of violence, abuse, neglect, exploitation or discrimination in accordance with this Policy as well as Policy NDIS GOV 17 Incident Management (Including Reportable Incidents)
- Cooperate with the investigation of any complaint relating to the provision of services;
- Provide appropriate support to the person making the report as requested.
- Support management to create a culture of no retribution for reporting of suspected violence, abuse, neglect, exploitation or discrimination;
- Provide support to Participants in a manner that is consistent with this Policy;

RELATED DOCUMENTATION

Code of Conduct for Staff and Volunteers
NDIS Code of Conduct
Incident Report
Incident Register

REFERENCES

Disability Services Act 2006 (Qld) revision 14 August 2018
Disability Services Regulation 2006 (Qld)
Criminal Code Act 1995 (Qld)
Guardianship and Administration Act 2000 (Qld)
Whistleblowers Protection Act 1994 (Qld)
Anti-Discrimination Act. 1991
Anti-Discrimination Regulation 1991
NDIS Practice Standards and Quality Indicators
National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules

AMENDMENTS/REVIEWS

Amended 22.11.2007, Amended 12.04.2012, Amended 02.10.2014, Amended 26.04.18, Amended 28.02.19, Amended 27.10.22, Amended 04.09.25

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