

# Territory Therapy Solutions

## Abuse and Neglect Policy

### Contents

#### Legislation

- Protected Disclosures Act 1994
- Guardianship Act
- Victims' Rights and Support Act 2013
- United Nations Convention on the Rights of the Child 1989

#### Policy Statement

All people are entitled to feel safe and protected from assault, exploitation or any form of abuse. Territory Therapy Solutions is responsible for the safety and wellbeing of all service users who have contact with our services and in particular, vulnerable service users who are at risk of significant harm. This includes people with disabilities, older people in residential care and people with mental health issues.

Territory Therapy Solutions staff have an important role in preventing abuse, identifying abuse and reporting alleged, disclosed, witnessed or suspected abuse and providing support and assistance to service users who experience abuse.

#### Definitions

**Abuse** – Refers to sexual assault, physical, emotional, financial and systemic abuse, domestic violence, constraints and restrictive practices and neglect.

**Assault** – 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.

**Duty of Care** – A requirement a service provider has, to take reasonable care to avoid foreseeable harm to a person.

**Advocate** – A person who promotes, supports and represents the rights and interests of the service user. This may be a family member, friend, advocacy service or legal Guardian.

**Adult** – A person aged 18 years or over.

**Guardian** – A substitute decision maker with authority to make personal or lifestyle decisions about the person under guardianship. A Guardian is legally appointed for a specified period of time and is given specific functions defined in the Guardianship Order.

**Person Responsible** – Is someone who has the authority to provide consent for an adult who is unable to give valid consent, for example in relation to their own medical or dental treatment.

**Support Person** – In the context of this policy, the support person does not have the same function as the person responsible and will not make decisions for the service user. The support person may be a member of staff who is known and trusted by the service user, a Police Officer, a sexual assault worker, a legal representative of a legal service or advocacy service.

## Delegations

Roles	Responsibilities
Governing body (e.g. Directors)	<ul style="list-style-type: none"> <li>• Endorse and ensure compliance with the Abuse and Neglect Policy and Procedure</li> <li>• Be familiar with legislative requirements of this policy</li> </ul>
Manager	<ul style="list-style-type: none"> <li>• Keep the Board informed of serious incidents as these occur</li> <li>• Ensure appropriate authorities are notified, as relevant</li> <li>• Communicate progress with the investigation of relevant parties</li> <li>• Manage and monitor compliance with this policy</li> <li>• Support staff competence and compliance with this policy and procedure</li> <li>• Manage and monitor compliance with this policy</li> <li>• Support staff competence and compliance with this policy and procedure</li> </ul>
Staff, volunteers, contractors and students	<ul style="list-style-type: none"> <li>• Comply with the Abuse and Neglect Policy and Procedure</li> <li>• Identify and respond to service users at risk of harm and acts in accordance with this policy and procedure</li> <li>• Ensure service users are protected from further harm</li> <li>• Complete incident forms within specified timeframe</li> </ul>

## Procedures

### Prevention and early intervention

Prevention is the best protection from abuse. Key strategies include:

- All service users are supported to understand their right to safety and to protection
- All employees and volunteers will be screened with reference checks and will undergo National Police checks, renewed every three years

- Structured interview processes are used to explore applicants' attitudes towards abuse and neglect of children, aged and people with disabilities
- All position descriptions outline clear expectations regarding behaviour towards service users and responsibilities for protecting their safety and wellbeing
- Induction of new staff includes clear statements about behaviour towards service users as well as Territory Therapy Solutions policy on abuse and neglect
- Mandatory training is provided to staff in identifying and responding to allegations and suspicions of abuse and neglect
- Staff act immediately upon an allegation or suspicion of abuse implementing the procedures outlined in this policy
- Staff's performance is monitored

### **Identifying abuse and neglect**

Territory Therapy Solutions acknowledges that each case of abuse and neglect is unique and that the determination of intervention should consider the nature and context of the situation, the relationships and capacity to consent.

Indicators of abuse are not always obvious and can vary; however, the relationship between front line staff and service users means they are best placed to recognise behavioural changes that may be a sign that the service user is being abused.

### **Staff training and support**

All service delivery staff and volunteers are provided with formal and on-the-job training to foster recognition of any signs of abuse and a response appropriate to their role.

Resource materials and checklists are also provided to staff listing the common behaviours and physical signs that a service user may show in response to abuse.

Julia Swenson is available to assist staff in understanding the information and to explain terminology or other assistance required.

### **Responding to abuse, assault or neglect**

A report of abuse may be received from:

- Another service user, member of staff or any other person who may have witnessed abuse of a service user and make a report
- A member of staff on observing one of more indicators of abuse suspects that a service user(s) has been or are being abused

Any person who makes a report of abuse can be confident of doing so without fear of retaliation and in a supportive environment. Reports should be made promptly to the Principal or Practice Manager by completing the Incident Form, or if unavailable the Manager. This is particularly

important when the alleged offender of abuse may be a staff member or there is a systemic issue for which Territory Therapy Solutions is responsible for.

A detailed written note should be completed for the service user's record as soon as possible (at least before the close of business). This should include the nature and extent of concerns, name and contact details of all involved, any follow up actions and date and signature of the person making the record.

### **Consent**

Consent from the service user must be sought prior to informing family members, receiving medical treatment (with the exception of first aid and urgent lifesaving treatment) or the Police to conduct a forensic procedure.

For consent to be valid it must be voluntary, informed, specific and current. Where the service user cannot give valid consent, a legally appointed Guardian or the person responsible may give or withhold consent. When a service user is a victim and has a legally appointed Guardian with a specific function to make decisions about receiving medical treatment or forensic procedure, consent is to be sought from the Guardian. Consent must be documented in WFM and whether it is verbal or written consent. The latter is preferred if possible at the time of the detection of the incident of abuse.

Where the service user is suspected of a crime, only a Magistrate (or another authorised officer) can provide consent when the service user is incapable of understanding the general nature of a forensic procedure or withhold consent for that procedure, as per the Crimes (Forensic Procedures) Act.

A decision by a service user or responsible person not to inform the service user's family does not preclude Territory Therapy Solutions from reporting the abuse/alleged abuse to relevant authorities such as the Police.

### **Privacy and confidentiality**

The promise of complete confidentiality cannot be given to any person who raises a concern about the abuse of a service user. Privacy law mandates the disclosure of a service user's personal information without consent in situations where:

- There may be reasonable grounds to believe that a serious crime or offence has been committed or may be committed and a criminal investigation by Police may be required.
- Disclosure is in the service user's interest (e.g. if the service user is suicidal) or where the safety of others is at risk.
- There may be a duty to warn a third party who may be in danger.

Territory Therapy Solutions shall communicate and cooperate with the Police and other Government agencies in responding to the abuse of a service user.

Staff must adhere to the Privacy and Confidentiality Policy and Procedure and only disclose information lawfully by:

- Sharing information on a need to know basis.
- Maintaining trust and respect for privacy between all parties involved.
- Advising service users from the beginning what the limits to confidentiality are.
- Keeping a record of any information shared between agencies in responding to abuse of a service user.

### **Reporting abuse to Police and other bodies**

Where a crime has been committed (e.g. physical or sexual assault) staff are not to contact or confront the alleged person as this could jeopardise any criminal proceedings.

Principal or Practice manager will advise the Police or sexual assault service immediately. Territory Therapy Solutions will fully cooperate with the Police who have primary responsibility for investigating the allegations.

Principal or Practice manager seeks advice from Police in relation to management of the issue. Advice received from the Police is documented and reported to the CEO/Manager before close of business that day.

Domestic violence, emotional, financial and systemic abuse or neglect may be reported to the Police. Notify your supervisor as soon as possible to determine the action to be taken.

### **Protecting evidence for Police**

Staff at the scene must use their best endeavours to ensure that any evidence the Police may require in their investigation is not disturbed. Evidence may be lost if a victim of sexual assault bathes soon after the assault. Try to delay bathing until the Police arrive if the victim is not distressed by the delay.

If possible, preserve the victim's clothing as evidence following an assault of any type. Also, if possible isolate the area where the incident occurred and do not allow anyone to enter the area until the Police arrive.

Apart from ascertaining their physical condition and state of mind, avoid questioning clients about the incident to reduce contamination of their recall and confusion about the events.

### **Responding to abuse of a service user by a member of staff**

All incidents and allegations of abuse are documented and reported to the Principal or Practice manager immediately.

All reasonable steps are taken to ensure that the service user is protected from further harm by preventing contact with the alleged offender.

Any allegation of abuse by a member of staff towards a service user will be subject to internal investigation and by the Police. If it is found that a member of staff has abused a service user the matter may warrant dismissal of the staff member by Territory Therapy Solutions, as well as any action taken by the Police.

If another staff member accompanies the offender to the police station to provide support, the staff member must not give any opinion about the offender or the alleged incident or give the offender legal advice. The staff member should be replaced by an independent support person or a legal adviser as soon as possible.

### **Abuse by another service user**

When one service user is suspected or known of abuse towards another service user, staff must ensure that the rights of both service users are observed during the response and reporting process. Any decisions made in relation to managing the incident must be fully documented for further reference, along with the reason for the decision and the name and contact details of the person making the decision.

The worker, in consultation with management must ensure that the wishes of the victim and the offender are followed in relation to advising family, guardian or other support person about the incident, where they are capable of making this known. When the victim and/or offender are not capable then the Practice Principal or Practice manager will notify the appropriate person of the incident as soon as possible and within five (5) hours of the report being made.

The worker in consultation with management will facilitate access to appropriate support, where practical, for both service users, their families and staff and ensure they have information about available services.

If management reasonably believes that the incident between the two service users is abuse or assault the matter must be referred to the Police.

### **Support for service users**

The victim, family or other support person should be assisted to access any debriefing, counselling, legal or other support services if that is their wish. Service users who are victims of abuse and their families or guardians should be referred to Victims Services (Darwin /Alice Springs Contact Numbers: 1800 672 242 or 1800 670 242) to be advised of their rights and the support services that are available to them.

Practice Principal or Practice Manager will facilitate access for victims and their families of violent crimes who may be eligible to apply for counselling with the Approved Counselling Service provided by Victims Services.

Staff must ensure that service users, both victim and offender, are adequately supported by an independent person, who could be a relative, friend, advocacy service or legal practitioner.

The victim, family, guardian or other support person will have the choice of pursuing the matter through the legal system and must be supported to access the services and advice they require.

Information provided to a service user, guardian or other support person about legal rights, options and support services, must be provided in a format that suits their individual communication needs.

### **Support for staff**

Staff should be offered a debriefing session within 24 hours of the incident occurring. This could be conducted internally or externally.

### **Documentation**

It is imperative that comprehensive and accurate documentation is maintained in the interest of all parties and to ensure accountability and transparency in decision-making.

A detailed written report should be completed as soon as possible to ensure it is an accurate record of the incident. The report should include:

- The nature and extent of the incident – this should be completed as soon as possible after the event and be an exact record of events
- Notes from discussions with supervisor and staff
- Any feedback or correspondence with Police
- Notes of conversations with the service user and family members
- Names and contact details of all those involved, particularly relating to decisions that are made as a result of the incident
- The response to the person making the allegations
- Any ongoing actions required to resolve the matter
- The outcome, although depending on the nature of the incident this may be delayed, and
- The date and signature of the person making the report.

### **Managing risk**

Staff must assess the risk of further incidents and update any risk management plans pertaining to the event and the service users involved. This includes reviewing the Service User Risk Profile of any service users involved in the incident to assess

### **Additional Information/Resources**

No additional information/resources available/applicable.

## Further Information

For further information or clarification, please contact

Position: Practice Manager

## Acknowledgement

I acknowledge:

- receiving this policy/procedure;
- that I will comply with the policy/procedure; and
- that there may be disciplinary consequences if I fail to comply, which may result in the termination of my employment.

Employee Name: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

## Version Details

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Created By: Nikky Mansfield

Updated By:

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Territory Therapy Solutions reserves the right to vary, replace or terminate this policy/procedure from time to time.