PROCEDURE Abuse and Neglect of a Client

1. PURPOSE
This procedure provides specific guidelines on what to do when it is suspected, observed or alleged that a client is being abused or neglected by anyone including employees, volunteers, contractors, other clients, family members, friends or any other person.

2. SCOPE
This procedure relates to all employees of Senses Australia.

3. DEFINITIONS

*Physical abuse*
Including but not limited to hitting, pushing, denying clients’ needs such as withholding meals or drinks, restraining, forced feeding, ignoring client’s illness or injury or inappropriate use of medication.

Sexual abuse
Involvement of a client in sexual activities or sexual discussion including jokes which they do not want or truly understand or to which they are unable to give informed consent, including but not limited to inappropriate touching, gestures, or comments.

*Emotional abuse*
Including but not limited to ridiculing, taunting, humiliating, swearing, yelling, ignoring or encouraging others to laugh at the client. This could be verbal or in the written form.

*Social abuse*
Including but not limited to inappropriately controlling what the client does, who the client sees and talks to, and where the client goes or referring to a client in ways that are not age appropriate and respectful.

*Financial abuse*
Including but not limited to misappropriation of client’s money and goods.

*Spiritual abuse*
Including but not limited to misleading or maltreating a client in the name of God or a church or any spiritual concept or insisting a client perform particular activities in support of the other person’s spiritual beliefs.
**Neglect**
A failure to provide a person with an adequate standard of nutrition, medical care, clothing, shelter, supervision and opportunities to such an extent that the person’s health, safety, well-being and development are impaired or placed at serious risk.

**NOTE:** A normal sexual relationship between consenting adult clients is not considered sexual abuse.

A normal sexual relationship between a consenting adult staff member and an adult client both capable of consenting and actually consenting, is not considered sexual abuse. In this case, the staff member must declare the relationship between themselves and the client to the General Manager Business and is not permitted to work directly with that client in any role either during the relationship or after, should the relationship end.

### 4. PROCEDURAL DETAILS

#### 4.1 Safety of the client

At any time, should a staff member believe there is an immediate threat to a client or any other person, they must take appropriate action in accordance with the procedure “Client Accident Incident Reporting and Investigation including Serious Incident Reporting” to ensure the wellbeing of clients, staff, family members, and the public appropriate to the situation.

#### 4.2 Initial reporting of abuse and neglect

**Report from a client**

Any client who feels that they have experienced or are at risk of any type of abuse or neglect from any person should report the incident to a staff member.

This staff member must immediately report the alleged abuse or neglect to the Manager and complete a Client Incident Report Form. If the Manager is not immediately available* the staff member must report to the General Manager Services or the Chief Executive Officer.

*The staff member should not just leave a written or verbal message for the Manager. Only staff members who are deaf or have a hearing impairment which means that they do not communicate verbally may leave written or text messages for the Manager.
Report from a family member or friend
Any family member or friend of a client who feels that a client has experienced or is at risk of any type of abuse or neglect should report the incident to a staff member.

This staff member must immediately report the alleged abuse or neglect to the Manager and complete a Client Incident Report Form. If the Manager is not immediately available* the staff member must report to the General Manager Services or the Chief Executive Officer.

*The staff member should not just leave a written or verbal message for the Manager. Only staff members who are deaf or have a hearing impairment which means that they do not communicate verbally may leave written or text messages for the Manager.

Report from a volunteer or another person
Any volunteer or any person who observes a client being abused or neglected, believes or suspects a client has been abused or neglected or receives a complaint regarding possible abuse or neglect must immediately report the alleged abuse or neglect to a staff member.

This staff member must immediately report the alleged abuse or neglect to the Manager and complete a Client Incident Report Form. If the Manager is not immediately available* the staff member must report to the General Manager Services or the Chief Executive Officer.

*The staff member should not just leave a written or verbal message for the Manager. Only staff members who are deaf or have a hearing impairment which means that they do not communicate verbally may leave written or text messages for the Manager.

Report from a staff member
Any staff member who observes a client being abused or neglected, believes or suspects a client has been abused or neglected or receives a complaint regarding possible abuse or neglect from anyone must immediately report the alleged abuse or neglect to the Manager* and complete a Client Incident Report Form. If the Manager is not immediately available, the staff member must report to the General Manager Services or the Chief Executive Officer.

*The staff member should not just leave a written or verbal message for the Manager. Only staff members who are deaf or have a hearing impairment which means that they do not communicate verbally may leave written or text messages for the Manager.
4.3 When a report of abuse or neglect is received by a Manager

The Manager is required to

- Meet with the person/s who have made the report and gather as many details as possible.

- Depending on the nature of the report, the Manager may be able to discuss an initial plan directly with staff and/or family and/or client and agree a timeline for these actions to take place. The Manager will inform the General Manager Services of the report and initial plan which might include the Manager discussing relevant concerns with the Department for Child Protection (DCP), Local Area Co-ordination, Public Advocate etc.

- Depending on the initial report the Manager may request that a Client Incident Report Form is completed. If a staff member is reporting the abuse or neglect, that staff member must complete the Client Incident Report Form. If any other person reports the abuse or neglect to the Manager, the Manager must complete the Client Incident Report Form.

- Immediately report the matter to the General Manager Services. This MUST be done within one hour of the incident being reported to them. If the General Manager Services is unavailable*, the General Manager Business or the Chief Executive Officer must be advised.

  *The Manager should not just leave a written or verbal message for the General Manager Services.

- Ensure the care and support of the client including briefing any Supervisor involved in the direct care of the client.

- Ensure client families are advised if appropriate, in accordance with procedures.

4.4 When a report of abuse or neglect is received by the General Manager the following action must occur

When the abuse or neglect is alleged to have been perpetrated by an EMPLOYEE, VOLUNTEER OR CONTRACTOR

The General Manager Services and the General Manager Business will

- Meet with the client (preferably) if appropriate or the staff member or person who registered the complaint or incident in order to obtain all relevant information.
• Meet with the employee, volunteer or contractor against whom the complaint is lodged in order to obtain all relevant information and to obtain an explanation for the alleged behaviour.

• Meet with other witnesses if necessary.

The General Manager Services will

• Prepare a report with recommendations regarding the client (alleged victim) in consultation with the General Manager Business for the Chief Executive Officer within twenty four hours of the incident or report of the incident. This report must contain an Action Plan for the support of the client.

• Follow the procedure on Client Accident Incident Reporting and Investigation including Serious Incident Reporting if necessary.

The Chief Executive Officer

On receipt of the report from the General Managers, the Chief Executive Officer may need to seek industrial and/or other professional advice or may choose to hold a further meeting/s with the employee, volunteer or contractor.

The Chief Executive Officer may choose to immediately suspend the person or send the person on leave whilst investigations take place.

The Chief Executive Officer may refer the matter to the police or the Department for Child Protection. If this is the case then no further action will be taken according to this procedure other than in relation to the client.

The Chief Executive Officer must determine the action required as a result of the incident and the report and ensure the implementation of this action within seven days of the incident or the notification of the incident.

The action to be taken by the Chief Executive Officer will be dependent in part on the severity of the incident or nature of the abuse or neglect and in part on the outcome of the meeting/s. It may include any or all of the following although the Chief Executive Officer may determine another course of action. For example:

• Referral of the employee for appropriate professional review.
• Suspension or transfer of employee.
• Implementing disciplinary action.
• Referral to the Police or DCP.
• Deregistering the volunteer.

When the abuse or neglect is alleged to have been perpetrated by a FAMILY MEMBER, FRIEND OR ANY OTHER PERSON NOT OTHERWISE NAMED IN THIS PROCEDURE

The General Manager Services and the General Manager Business will

• Meet with the client (preferably) if appropriate or the staff member or person who registered the complaint or incident in order to obtain all relevant information.

• Meet with the family member, friend or other person against whom the complaint is lodged in order to obtain all relevant information and to obtain an explanation for the behaviour.

• Meet with other witnesses if necessary.

The General Manager Services will

• Prepare a report with recommendations regarding the client (alleged victim) in consultation with the General Manager Business for the Chief Executive Officer within twenty four hours of the incident or report of the incident. This report must contain an Action Plan for the support of the client.

• Follow the procedure on Client Accident Incident Reporting and Investigation including Serious Incident Reporting if necessary.

The Chief Executive Officer

On receipt of the report from the General Managers, the Chief Executive Officer may need to seek professional advice or may choose to hold a further meeting/s with the family member, friend or other person.

The Chief Executive Officer may refer the matter to the police or Department of Child Protection. If this is the case then no further action will be taken according to this procedure other than in relation to the client.

The Chief Executive Officer must determine the action required as a result of the incident and the report and ensure the implementation of this action within seven days of the incident or the notification of the incident.
The action to be taken by the Chief Executive Officer will be dependent in part on the severity of the incident or nature of the abuse and in part on the outcome of the meeting/s.

All actions, recommendations and reports developed as part of this procedure must be documented.

**When the abuse or neglect is alleged to have been perpetrated by a CLIENT**

The General Manager Services will

- Meet with the person who made the initial report of abuse or neglect to obtain all relevant information.
- Meet with the Manager and any other relevant staff for further information.
- Meet with the clients (alleged victim and alleged perpetrator) and/or their guardians. This may be independently or together.
- Meet with other witnesses if necessary.
- Prepare a report for the Chief Executive Officer within **twenty four hours** of the incident or report of the incident, with recommendations regarding the clients (alleged victim and alleged perpetrator). This report must contain recommendations and may include one or more of the following.
  - A strategy to deal with the client who is alleged to have perpetuated the abuse or neglect.
  - A strategy to deal with the client who was allegedly abused or neglected.
  - Recommendations regarding referral to the Police or DCP.

The Chief Executive Officer

On receipt of the report from the General Manager Services, the Chief Executive Officer may need to seek professional advice or may choose to hold a further meeting/s with staff, employees and/or the clients involved.

The Chief Executive Officer may refer the matter to the police or Department of Child Protection. If this is the case then no further action will be taken according to this procedure other than to support the clients.
The Chief Executive Officer must determine the action required as a result of the incident and the report and ensure the implementation of this action within seven days of the incident or the notification of the incident.

The action to be taken by the Chief Executive Officer will be dependent in part on the severity of the incident or nature of the abuse or neglect and in part on the outcome of the meeting/s. It may include any or all of the following although the Chief Executive Officer may determine another course of action.

- Referral of either client for appropriate professional assessment.
- Transfer of either client.
- Implementing disciplinary action for the client who is the alleged perpetrator.
- Referral to the Police or DCP.

4.5 Reporting
All actions, recommendations and reports developed as part of this procedure must be documented and maintained on file.

5. RESPONSIBILITIES
It is the responsibility of each employee to ensure that they remain informed regarding Senses Australia procedures which impact upon their duties, and to work within them.

6. CONTINUOUS IMPROVEMENT
All Senses Australia employees are encouraged to provide feedback on this procedure to their supervisor, to ensure that it remains relevant and continues to reflect the actual manner in which activities are undertaken.

**RELATED FORMS**

| FORM Incident Report |
| FORM Compliments, Complaints, and Ideas |

**RELATED QMS DOCUMENTS**

| POLICY Client’s Human Rights and Freedom from Abuse and Neglect |
| PROCEDURE Duty of Care |
| PROCEDURE Standard of Service Provision |
| PROCEDURE Complaints, Compliments and Ideas |
## RELATED QMS DOCUMENTS

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<tr>
<th>Procedure Title</th>
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<tr>
<td>PROCEDURE Code of Conduct for Staff and Volunteers</td>
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<tr>
<td>PROCEDURE Client Accident Incident Reporting and Investigation including Serious Incident Reporting</td>
</tr>
<tr>
<td>PROCEDURE Management of Clients’ Funds in the Community Living Service</td>
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<td>PROCEDURE Use of Restrictive Practices</td>
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## RELEVANT LEGISLATION AND STANDARDS