PROCEDURE Responding to 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 or has been abused or neglected by anyone including employees, volunteers, contractors, students, host families, other clients, family members, carers and friends of clients, or any other person.

2. SCOPE
This procedure applies to all employees, volunteers, students, host families, contractors and all clients of Senses Australia.

3. DEFINITIONS

Abuse and neglect
Any act or failure to act that results in a breach of a person’s human rights, civil liberties, physical and mental integrity, dignity or general well-being, whether intended or through negligence. Abuse includes but is not limited physical abuse, sexual abuse (including child sexual abuse), psychological or emotional abuse, constraints and restrictive practices, financial abuse, legal or civil abuse, systemic abuse, physical neglect, passive neglect, wilful deprivation and emotional neglect.

Physical abuse
Any non-accidental physical injury or injuries to a child or adult. This includes inflicting pain of any sort or causing bruises, fractures, burns, electric shock, or any unpleasant sensation. Examples of physical abuse in caregiving include rough physical handling, sudden movements of bedding, pushing and pulling, over-medication, unnecessary or excessive use of restraints, ignoring dietary restrictions, toileting abuse (leaving someone on the toilet too long or not taking clients to the bathroom when they need to use it) and bathing in water that is too hot or too cold.

Sexual abuse
Any sexual contact between an adult and child 16 years of age and younger; 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. It includes discussions of a sexual nature including jokes which clients do not want, do not truly understand or to which they are unable to give informed consent, including but not limited to inappropriate touching, gestures, or comments.

Child sexual abuse
Any act that exposes a child (a person under 18 years of age) to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any
other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography or sexting.

Child sexual abuse also includes: grooming (see definition below), Child sexual exploitation - where children are coerced or manipulated into engaging in sexual activity in return for something (such as alcohol, money or gifts) and child-to-child sexual abuse.

**Grooming**
Grooming refers to actions deliberately undertaken with the aim of engaging and influencing a child, employee, or in some circumstances members of the child’s family, for the purpose of sexual activity with a child. Grooming actions are designed to establish an emotional connection to lower the child’s inhibitions. Inhibitions are lowered via the development of a relationship with the child, and increased opportunity to see the child. Grooming involves psychological manipulation that is usually very subtle, drawn out, calculated, controlling and premeditated. Typically, grooming involves a chronology: accessing the victim, initiating and maintaining the abuse, and concealing the abuse. Grooming offences may target online or other electronic communications, subjecting children to pornography, and/or using intoxicating substances to engage children for the purpose of sexual activity.

**Psychological or emotional abuse**
Verbal assaults, threats of maltreatment, harassment, humiliation or intimidation, or failure to interact with a person or to acknowledge that person’s existence. This may also include denying cultural or religious needs and preferences. Emotional abuse can also include: ignoring a person when they ask for help, making a person beg for help, providing help in a way that makes the person feel like a burden or feel guilty, intentionally making a person wait for help, refusing to recharge the battery of a person’s wheelchair, providing physical care in way that is unnecessarily rough or careless, refusing to provide help unless the person agrees to lend money and purposely unplugging or turning off adaptive equipment.

**Constraints and restrictive practices**
Restraining or isolating an adult for reasons other than medical necessity or the absence of a less restrictive alternative to prevent harm. This may include the use of chemical or physical means or the denial of basic human rights or choices such as religious freedom, freedom of association, access to property or resources or freedom of movement.

**Financial abuse**
The improper use of another person’s assets or the use or withholding of another person’s resources.

**Legal or civil abuse**
Denial of access to justice or legal systems available to other citizens.

**Systemic abuse**
Failure to recognise, provide or attempt to provide adequate or appropriate services, including services that are appropriate to that person’s age, gender, culture, needs or preferences.

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

*Passive neglect*
A caregiver’s failure to provide or wilful withholding of the necessities of life including food, clothing, shelter or medical care.

*Wilful deprivation*
Wilfully denying a person who, because of age, health or disability, requires medication or medical care, shelter, food, therapeutic devices or other physical assistance – thereby exposing that person to risk of physical, mental or emotional harm.

*Emotional neglect*
The failure to provide the nurturance or stimulation needed for the social, intellectual and emotional growth or wellbeing of an adult or child.

*Client services general manager*
The client services general manager who is responsible for the service where the client incident occurred (e.g. General Manager Community Living, General Manager Disability Professional Services).

*Employee*
For the purpose of this procedure, employee refers to paid employees, volunteers, contractors, host families and students.

*Service manager*
The manager of the service who is responsible for the service where the client incident occurred.

*Service supervisor*
The line manager to whom an employee reports to, which in relation to this procedure, usually is a regional area supervisor, a coordinator of a client service or an out of hours supervisor.

4. **PROCEDURAL DETAILS**
Any employee who becomes aware of suspected, observed or alleged abuse and neglect of a client must immediately respond and report this as an incident in accordance with this procedure and the requirements set out in the Client Incident, Response, Reporting and Investigation Procedure. Failure to do so is a breach of
duty of care and this procedure, and the employee may be subject to disciplinary action as a result.

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

Should suspected, observed or alleged abuse and neglect of a client be reported to Senses Australia as a complaint, then any additional requirements set out in the Complaints, Compliments and Ideas Procedure must also be complied with.

Safety of the client
At any time, should an employee believe there is an immediate threat to a client or any other person, they must take appropriate action in accordance with this procedure and the Client Incident Response, Reporting and Investigation Procedure to ensure the wellbeing of clients, employees, family members, and any other person appropriate to the situation.

Record keeping
Full, timely and accurate records must be kept by all employees involved in cases of suspected, observed or alleged abuse and neglect of clients, and these records must be stored on the client's record in IRIS.

4.1 Initial reporting of abuse and neglect
Abuse and neglect of a client may be perpetrated by an employee, another client, a client’s family member, carer or friend, or any other person.

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

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

4.2 Immediate response
At the time an employee becomes aware of suspected, observed or alleged abuse and neglect of a client they must immediately:

- Protect the client from further harm.
  Employees who fail to respond immediately and protect the client from further harm following reports of suspected, observed or alleged abuse and neglect are in breach of duty of care.

- 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 client sustains a serious injury requiring medical treatment or is in urgent need of medical help.
The WA 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 WA Police Service assistance is needed.

In all other cases the service supervisor must be contacted to authorise any contact with the WA Police Service.

- **Contact the service supervisor**
  After protecting the client from further harm, attending to the client’s medical needs and contacting the emergency services (if required), the employee who became aware of the suspected, observed or alleged abuse and neglect must immediately make a verbal report to the service supervisor either in person or by telephone (or by telephone to the out of hours supervisor) within 30 minutes of becoming aware of the suspected, observed or alleged abuse and neglect.

The incident reporting process contained in the Client Incident, Response, Reporting and Investigation Procedure must then be followed.

- **Protect evidence**
  All employees 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 client’s clothing as evidence following any alleged sexual assault
  - avoiding questioning the client and other witnesses except to ascertain their wellbeing and
  - delay bathing of the client for cases of sexual assault until the WA Police Service attend.

The service supervisor/out of hours supervisor must:
- Authorise the employee reporting the suspected, observed or alleged abuse or neglect to contact the WA Police Service on 000 if an emergency situation still exists and where the WA Police Service have not already been called, or contact the WA Police Service on 131 444 for attendance in non-emergency situations where it is believed that a crime may have been committed.
- Agree further immediate action to be taken by the employee reporting the suspected, observed or alleged abuse and neglect.
- Immediately following the conversation with the employee reporting the suspected, observed or alleged abuse and neglect, telephone the Client Services General Manager to advise them of the suspected, observed or alleged abuse and neglect, the actions taken to date and the planned immediate actions to be taken, by when and by whom.
Follow the reporting guidelines for reporting incidents to the Department for Child Protection and Family Support (CPFS) for clients who are under the care of the CEO of CPFS and also under the care of a Senses Australia host family found in the Client Incident Response, Reporting and Investigation Procedure.

The Client Services General Manager must:
- Immediately ensure that an employee 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 clients from the environment if they are at risk of being harmed.
- Immediately brief the Chief Executive Officer (CEO) in person or by telephone of the suspected, observed or alleged abuse and neglect and provide regular updates.
- Within 24 hours of the initial notification of the suspected, observed or alleged abuse and neglect, determine any other appropriate actions to be taken and ensure that they are implemented, including stepping the employee down from duties should they be the subject of allegations, contacting the WA Police Service if they believe a crime has been committed where contact with the WA Police Services has not previously been made, and providing the CEO with updates of the situation, immediate action taken and any planned follow up actions.
- Within 24 hours of the initial notification of the suspected, observed or alleged abuse and neglect, notify the service manager of the incident.
- 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 client, ensure that they and the alleged victim are both offered support in their interactions with the WA Police Service or other agencies where applicable.
- Consider attending the site of the incident to support clients and employees.

4.3 Investigation

The Client Services General Manager must:

4.3.1 In cases where the WA Police Service is not involved in the investigation of the suspected, observed or alleged abuse and neglect of a client
- Work with the service manager and any relevant employees 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 to the CEO within five working days of the initial notification being made. 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.

- Liaise with relevant government agencies with regards to the allegation of abuse and neglect if required, including submitting a referral to CPFS for children.
- Work with the service manager to implement any agreed follow up actions.
- In the event that, as a result of the investigation an employee was found to have breached relevant Senses Australia’s policies and procedures with regard to the suspected, observed or alleged abuse and neglect, liaise with the General Manager Business and the Manager People and Performance to implement any necessary disciplinary action as per the recommendations contained in the investigation report to the CEO.

4.3.2 In cases where the WA 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 WA Police Service investigation.
- Liaise with the WA Police Service as required.
- In the event that the WA Police Service decide to not pursue allegations of abuse and neglect, the Client Services General Manager must conduct an internal investigation as outlined in section 4.3.1
- Should a paid employee 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 Discipline and Termination Procedure (or the arrangement with a volunteer, host family, student or contractor terminated) and an internal investigation conducted by the Client Services General Manager as outlined in section 4.3.1.
- Where WA Police Service investigations were conducted and no charges were laid or the alleged offender is not prosecuted or found to be criminally responsible, the Client Services General Manager must conduct an investigation as outlined in section 4.3.1.

4.4 Reporting

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

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

## RELATED QMS DOCUMENTS

| POLICY Client’s Human Rights and Freedom from Abuse and Neglect  
| POLICY Duty of Care  
| POLICY Safeguarding for Clients  
| PROCEDURE Client Incident Response, Reporting and Investigation  
| PROCEDURE Client Services Governance  
| PROCEDURE Code of Conduct  
| PROCEDURE Complaints, Compliments and Ideas  
| PROCEDURE Discipline and Termination  
| PROCEDURE Duty of Care  
| PROCEDURE Management of Clients’ Funds in the Community Living Service  
| PROCEDURE Standard of Service Provision  
| PROCEDURE Use of Restrictive Practices  
| PROCEDURE Whistleblower – Reporting Suspected Violations of Law or Policy  
| SUPPORT MATERIAL Safeguarding for Clients Guideline |

## RELEVANT LEGISLATION AND STANDARDS

- United Nations Convention on the Rights of Persons with Disabilities
- Disability Services Act 1993 (WA)