

POLICY	ZERO TOLERANCE (for Assault, Abuse & Neglect)
Related Quality and Safeguards Pillar	Safety
PURPOSE	
<p>Our objective is to promote and set the standard of zero tolerance for assault, abuse and neglect of people with a disability and commit to ensuring the rights of participants are respected, their well-being is safeguarded, and they are not exposed to any form of physical, emotional and/ or mental abuse, assault and neglect.</p>	
SCOPE	
<p>Our expectation is for all who are associated with our organisation to share our commitment for providing an environment and culture free from assault, abuse and neglect. This includes, but is not limited to:</p> <ul style="list-style-type: none"> • upholding the value and dignity of people with a disability, • building trusted relationships with our participants, their families and carers, • providing services and environments which are safe and welcoming for everyone, • empowering participants to exercise choice, control, understanding of their rights and feeling comfortable in raising concerns, • responding effectively and efficiently when concerns, incidents or complaints arise, • fostering collaboration with other organisations in upholding people’s human rights and freedom from abuse and neglect. 	
DEFINITIONS	
<p>Alkira is committed to maintaining the safety, protection and wellbeing of participants and other people with disabilities, and believes, all people have equal rights and protection from abuse and neglect.</p> <p>All employees are expected to uphold and maintain an organisational culture which:</p> <ul style="list-style-type: none"> • Takes proactive measures to prevent the occurrence of abuse, • Reports any abuse or reportable conduct immediately, • Supports and encourages staff to report allegations of abuse or reportable conduct, • Respects and, if required, helps to facilitate any investigation of reportable conduct, • Fosters collaboration with other organisations in facilitating investigations or allegations of reportable conduct. • Ensure all documents and information related to reportable conduct allegations will be kept confidential and stored in accordance with security and privacy requirements. <p>Under legislation, employees are obligated to protect a person receiving services and have a mandatory obligation to report incidents, refer to the allegations of assault, abuse & neglect and incident management procedure.</p> <p>If we have reason to believe a participant’s rights have been infringed upon, or they have been a victim of assault, abuse or neglect we have a responsibility to respond quickly, professionally and compassionately.</p>	

If a staff member is alleged to be the perpetrator, there are reporting requirements to the NDIS Quality & Safeguards Commission by the person responding to the incident and the Victorian Disability Worker Commission.

Neglect - when a person does not fulfil their responsibilities and obligations to keep a participant safe and well. Examples of neglect include:

- Supervisory neglect; which is the absence or inattention of a worker or volunteer which places the person at risk of physical harm or injury, sexual abuse, or allows other criminal behaviour towards the participant to occur,
- Physical neglect, which is the failure to provide basic physical necessities for a participant such as adequate food, clothing, housing and personal care,
- Significant harm or neglect - allegations which are more than trivial or temporary and have long lasting traumatic effects.

Physical violence - an act that causes physical injury or pain and can include;

- Kicking/hitting/punching,
- Pushing/shoving/grabbing/throwing/shaking,
- Using an object to hit or strike,
- Using an unauthorised restrictive practice or excessive force.

Physical violence does not include lawful behaviour which occurs to maintain the safety; health; and/or wellbeing of a person. For example;

- Protecting a person from walking into oncoming traffic by grabbing their arm,
- Medical treatment such as CPR given in good faith by an appropriately qualified worker or volunteer.

Sexual offences - any actions which include sexual assault, indecent acts.

What is sexual misconduct - is a broad term encompassing any unwelcome acts or behaviours that are experienced by the person with disability as being sexual in nature. This includes physical and verbal actions committed without consent or by force, intimidation, coercion or manipulation. It includes sexual violence and exploitation but is not limited to actions which constitute a criminal offence. It includes when a disability worker has at any time, including outside of work hours:

- engaged in sexual activity with a (participant), whether or not that person has given consent,
- made sexual remarks about a service user (participant),
- touched a service user(participant) in a sexual way,
- engaged in sexual behaviour in front of a service user (participant),
- there is frequently a power imbalance between a disability worker and a participant

Reportable conduct - any behaviour which involves:

- Sexual offences against, with, or in the presence of a participant
- Sexual misconduct against, with, or in the presence of a participant
- Physical violence against, with, or in the presence of a participant
- Behaviour that causes significant emotional or psychological harm
- Significant neglect.

A breach of this policy will incur disciplinary action in accordance with the relevant Alkira processes and the legislative requirements and reported consistently with the incident management procedure.

REFERENCES - INTERNAL

- Allegations of assault, abuse & neglect procedure.
- Feedback policy and procedure.
- Incident management procedure.

REFERENCES - EXTERNAL

- Child Safe Standards.
- Disability Service Safeguards - Code of Conduct
- <https://www.nds.org.au/resources/zero-tolerance>
- NDIS Incident Management Guidelines.
- NDIS Quality and Safeguard Practice Standards (2019).
- NDIS Quality and Safeguards Commission (2019).

REVIEW

Alkira at its own discretion reserves the right to change the policy and procedure in line with relevant legislation, organisational needs and review schedule. This document remains current until next reviewed.

If this policy can be improved, please submit a suggestion for improvement to the Quality Department or your manager.

VERSION CONTROL

Approver:	Hugh Stern- Manager Quality, Safeguards, Compliance & Outcomes
Endorser:	Senior Management Team
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