

Human Rights and Freedom from Abuse Policy

PURPOSE

The purpose of this policy is to:

- Promote the rights, safety, and wellbeing of Nextt Group clients to live free from abuse, neglect and exploitation.
- Assist employees to recognise the signs of abuse, neglect and exploitation and ensure concerns are raised and immediately reported in accordance with mandatory reporting requirements outlined in Nextt Group’s Incident Management policy.
- Ensure that the organisation effectively prevents and responds to the abuse of rights of people who access Nextt Group’s services.

This policy applies whenever there is an allegation, report or suspicion of abuse, neglect and exploitation (refer to section Overview of Abuse).

BACKGROUND

Nextt Group recognises the inherent rights of people with disability, and the role of all citizens to protect, respect and fulfill those rights in line with the United Nations Convention on the Rights of Persons with Disabilities. Nextt is committed to providing services in such a manner as to always ensure a safe place for everyone, that promote the rights of people with disabilities to live free from neglect, abuse, exploitation, violence and or preventable injury.

See a short video on the UN CRPD here: https://youtu.be/sZCa2_sMKW4

Abuse and Neglect regarding children is specifically covered in the Child Protection Policy. Wherever a child is concerned, this policy must be read and implemented in conjunction with the Nextt Child Protection Policy.

SCOPE

The scope of this policy includes all Nextt employees (e.g. employees, managers, support workers, therapists, nurses, volunteers, contractors) who identify during the course of their work, that a person with a disability receiving Nextt services may be at risk of abuse, neglect and or exploitation.

Nextt is a NDIS approved provider, community care and private care provider that also delivers specialised therapy for adults and children with disabilities.

DEFINITIONS

Key Term	Definition
Advocacy	A process by which a person can speak out for themselves, either by acting on their own behalf or through the support of independent person (advocate) or advocacy services that work to protect rights and help people have their say.
Alert	A concern, disclosure, allegation or suspicion that a vulnerable person may be being abused or experienced abuse, raised by the person who experiences, witnesses or suspects the abuse.
Duty of Care	Legal duties to take reasonable care not to cause harm to another person that could be reasonably foreseen.
Human Rights	Human rights recognise the value of all people regardless of background, where we live, what we look like, what we think or what we believe. They are based on

	principles of dignity, equality and mutual respect, which are shared across cultures, religions and philosophies. They are about being treated fairly, treating others fairly and having the ability to make genuine choices in daily life.
IGUANA	An Interagency Guideline for the use of organisations, worker and volunteers involved in service provision to adults at risk of abuse, neglect or exploitation. Developed by the Victorian Office of the Public Advocate (OPA), in collaboration with a range of authorities and disability service providers in Victoria.
Perpetrator	A person who is alleged to or has perpetrated the abuse.
Category 1 incident	At Nextt, all allegations of abuse or neglect are classified as an incident category 1 according to the Nextt incident management system and must be reported as per Incident Management. Nextt will respond to any allegations of abuse and neglect within a 24-hour period.
Safeguarding	Steps taken to protect and empower someone or prevent something undesirable happening. It is the process of upholding laws, policies and best practice standards with minimal restriction to a person's choice and control.
Vulnerable / At Risk person	A person who by reason of cognitive impairment, disability, age, mental illness or other trait or disability, may be at greater risk of or unable to protect him or herself against significant harm or exploitation.

POLICY STATEMENT

Safeguarding is everyone's responsibility. All Nextt employees are responsible for adhering to this policy at all times.

Nextt has a ZERO tolerance for abuse and we are committed to providing services that are free from incidents of abuse. Disciplinary and possible legal action will be taken if employees abuse people using Nextt services.

All employees have an obligation to be aware of the types of abuse, that abuse can occur and to be aware of how to respond to and report abuse. Employees must always endeavor to maintain safe environments in which people are without fear of abuse and harm.

Where it comes to a situation of the client allegation / word against the word of an employee, and taking all elements of the situation into account, Nextt will act in relation to its duty of care and in the interests of the client.

Nextt entities promote and uphold the rights of our clients through maintaining a culture that:

- Builds trusting relationships with clients, their families and carers, and empowers them by helping them to understand and speak up for their rights and maintain choice and control over their life.
- Ensures that clients, families and employees feel safe to raise concerns without fear of retribution; there is 'no wrong door' for raising concerns.
- Collaborates with other organisations where appropriate, in upholding clients' rights to prevent and reduce the risk of harm and be free from abuse and neglect; and be supported in seeking support and redress.
- Reduces barriers and challenges for clients to disclose abuse through accessible client information / education that encourages empowerment, rights awareness, referral to independent advocates, feedback & complaints, positive behaviour support, up to date communication assessments and person centred individual support planning.

- Maintains high standards of employee safety screening in our recruitment procedures and ensuring that no offer of employment is made prior to staff safety screening requirements being met, including but not limited to:
 - NDIS workers screen checks,
 - Working with Children Checks (WWCC)
 - Disability Worker Exclusion Programs (state-based)
 - Identity and qualification checks
 - Referee checks for all new employees
 - Probationary period for all new employees, with performance being closely monitored during the probationary period;
 - Formal mandatory induction and orientation procedures for all new employees;
 - Ongoing criminal screening as per the Nextt Employment requirements
- Ensures that all employees have regular supervision and receive appropriate in-house training in safeguarding the rights of people to be free from abuse, indicators of abuse, and incident reporting as detailed in Nextt's Incident Management policy.
- Protects clients' rights to dignity, confidentiality and privacy in accordance with the Nextt policy on Privacy and Confidentiality.
- Responds appropriately to any concerns or allegations relating to an infringement of client rights, or abuse or neglect of a client by:
 - Encouraging and supporting all clients (or their representative) to report any concerns to either a Nextt employee or manager immediately; and
- Requiring all Nextt employees to report any concerns to a member of the Nextt management team, immediately.
- Ensure the details of those reporting sexual abuse will be kept private and confidential

Overview of Abuse

Everyone has the right to feel safe, live in a safe environment and be free from abuse and neglect.

Nextt supports people with Disabilities, many of whom have complex communication and high support needs. Research indicates that people living with disability, cognitive impairment, complex communication needs, mental illness or other traits including behaviours of concern, are often at greater risk of neglect, abuse and exploitation as they are generally more vulnerable than other members of the community.

Abuse is the violation of an individual's human or civil rights resulting from the act or actions of any other person, such as where an individual is subjected to maltreatment, neglect, sexual, emotional/psychological, verbal, financial, legal, systemic or physical actions that results (or has resulted) in harm or injury to that person. The injury sustained may not always be physical; it may be emotional or developmental. Effects can be immediate or long term. Abuse does not have to be ongoing; a one-off incident may be deemed abuse.

It is important that employees are aware of:

- Physical and behavioural signs that may indicate abuse has occurred (indicators of abuse)
- How to respond to and report abuse
- Steps to take if there is a suspicion abuse has occurred

Indicators of abuse are physical or behavioural signs that may assist employees to recognise a person is experiencing abuse or at risk of harm. A single indicator or a number of indicators may be present to lead an

employee to believe abuse has or is occurring. The presence of an indicator does not always indicate a person is being abused. Similarly, the absence of these signs is not an indicator that the person is free from abuse.

Abuse of people with a disability is an abuse of power and control. Abuse and patterns of abuse vary and can reflect different dynamics, examples can include serial abuse (in which the perpetrator seeks out and ‘grooms’ individuals -sexual and financial abuse may fall into this pattern), single or repeated abuse, individually targeted or abuse involves a number of people, long-term or relationship abuse; including abuse by an employee, a stranger, another client and or systemic abuse (i.e. where abuse is not reported, or people fail to report for fear of retribution).

Types of Abuse	Description	Possible Indicators may include:
Chemical	Chemical abuse occurs when prescribed medication is withheld, more frequently administered or intentionally wrongly administered by a worker, carer or service provider.	Increased sedation, ill health, persistent or unusual levels or changes in behaviour and or functioning.
Discriminatory	Focusing on a perceived vulnerability of a person; any form of prejudice, such as targeting a person’s disability that can take the form of harassment, verbal abuse or mistreatment.	Diminished opportunities, harm or exclusion and or poor care. Criminal damage to property.
Emotional or Psychological	When a person experiences a detrimental effect on their emotional, physical or mental wellbeing or development from repeated rejection, isolation, intimidation, threatening abandonment or harm, removal of privacy or other rights, humiliation, blaming, violence, called names or put down.	Self-abuse, self-destructive or extreme behaviours, depression and low self-esteem, excessive compliance, anxiety, withdrawal, and or decreased interpersonal skills.

Types of Abuse	Description	Possible Indicators may include:
Exploitation	Exploitation is a term sometimes used instead of abuse, when someone is taking an unfair advantage of a vulnerable person for financial or some other gain. The terms exploitation and abuse are used interchangeably.	Refer to types of abuse and possible indicators of abuse.
Financial / economic or material	The improper use of another person’s assets, property, possessions without their consent. It includes withholding resources such as personal funds, or denying use of their own assets, theft, fraud, exploitation and pressure in relation to assets, property or finances and or obtaining assets through deception.	<ul style="list-style-type: none"> • Person has insufficient money to meet normal budget expense or is persistently denied outings and activities due to a lack of funds. • Unwarranted restrictions on personal funds or bank accounts • Nil or incomplete records of expenditure and purchases

		<ul style="list-style-type: none"> • Nil inventory of assets, belongings, significant purchases • Misappropriated money, valuables or property • Forced changes to a person's will • No receipts or receipts with unusual or inappropriate purchases.
Physical	Actions that involve the inappropriate use of physical contact or force against a person that result in harm.	<p>History of unexplained falls of injuries, Bruises, burns, sprains, abrasions, dislocations, bites, cuts, welts, fractured bones, poisoning, internal injuries, shaking injuries.</p> <p>Behavioural indicators may include:</p> <ul style="list-style-type: none"> • Expressing little or no emotion when hurt • Giving unlikely explanations for injuries • Wearing long-sleeved clothes on hot days (possibly to hide bruising or other injuries) • Demonstrating a fear of others, or a fear of going to particular places; • Being fearful when other people cry or shout • Being excessively friendly to strangers or passive and compliant • Nervous, hyperactive, aggressive, disruptive behaviour • Telling someone that physical harm has occurred
Neglect	The harm caused to a person as a result of failure of those responsible for the person's (children or adults), to provide adequate personal care, support, food, shelter, clothing or hygienic living conditions; or failure to provide protection from abuse or exploitation. It also includes failure to provide adequate information and education. Neglect is intentionally or negligently failing to take care of a person's physical, psychological or financial wellbeing in breach of a duty of care.	<p>Physical deterioration – weight loss, pressure sores etc., poor condition of accommodation, inadequate heating or lighting, malnutrition, poor dental health, dirty, unwashed body and/or face, body odour, clothing in poor condition or ill fitting, food provided is consistently of poor quality.</p> <p>Possible behavioural indicators of neglect may include constant tiredness, always hungry, unexpectedly poor social/ interpersonal skills, signs of loss of communication and other skills.</p>
Types of Abuse	Description	Possible Indicators may include:
Sexual	Actual, attempted or alleged unwanted sexual actions which are otherwise forced upon the person against their will or without their consent, through the use of physical force, intimidation and/ or coercion.	<ul style="list-style-type: none"> • Difficulty or pain walking or sitting • Bruising, bleeding or discharge • Self-abusive/self-destructive behaviour • Torn, stained or bloody under clothes or bedding
Sexual exploitation	The abuse of a person under 18 or a person with a cognitive disability which may include; the exchange of sex or sexual acts for money, goods, substance or favours; involving a child	<ul style="list-style-type: none"> • Sexually transmitted infections • Trauma to the breasts, buttocks, lower abdomen, thighs, upper arms • Pregnancy

	in creating pornography; contact with a known sex offender.	<ul style="list-style-type: none"> • Pain or itching in genital and/or anal area • Changes in behaviour/ social patterns e.g.: Eating patterns, overt sexual language, behaviour or knowledge, sudden change in temperament, Anxiety attacks, refusal to attend usual places, Depression, going to bed fully clothed, severe upset when being dressed/undressed/ medically examined.
Systemic	<p>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 or when the service provider does not:</p> <ul style="list-style-type: none"> • Provide a program or inadequate/ inappropriate program for the person • Endeavour to use employees of the same gender to perform personal duties for the person • Make available sufficient training to staff on duty of care and policies and practices related to preventing abuse 	<p>Care that does not meet the requirements of the person's service package.</p> <p>Person refuses part of their service support due to feeling uncomfortable with particular staff members.</p>
Verbal	Verbal intimidation, threats, humiliation, blaming, name-calling or put-downs.	Refer to emotional or psychological abuse and possible indicators of abuse.
Violence	Behaviour towards a person that is physically, sexually, emotionally, psychologically or economically abusive. It also includes behaviours that are threatening or coercive, or in any other way control or dominate the person.	<p>Fear for himself or herself or another person.</p> <p>Refer to types of abuse and possible indicators of abuse.</p>
Unauthorised restrictive practices	Exposure to restraints and restrictive practice that is unauthorised including exceeding the terms of a person's behaviour support plan.	<ul style="list-style-type: none"> • Person appears fearful when complying • Avoidance of a particular employee, service provider, carer or support person • Out-of-character aggression • Unexplained injuries such as abrasions, cuts, strains or sprains

RESPONSIBILITIES

Nextt will:

- Use employee training, supervision, forums, townhalls and internal communications, including newsletters to remind employees of their responsibilities for safeguarding client rights and to raise any matters of concern.
- Provide clients and their families or advocates access to the Nextt policies and information on:
 - Human Rights and Freedom from Abuse and Neglect
 - Complaints and Feedback.

SMCE and Q&R will:

- Ensure that all allegations of abuse are reported to appropriate bodies, police authorities and insurers as required

GM P&C will:

- Ensure the automatic suspension of an employee from work or other duties within your organisation, if they are under investigation (internally or by the police) for committing abuse;
- the automatic termination of their employment, or involvement with your organisation if found guilty of committing abuse (either by an internal investigation or by a court).

CONTINUOUS IMPROVEMENT

Nextt is committed to learning, reflection, planning, and service improvement practices. We will seek ongoing client feedback to establish levels of satisfaction with the service and give consistent and necessary support to individuals when concerns are raised regardless of how feedback is received, e.g. complaint, quality audits, incident report or disclosure by individuals or carers. All feedback and findings will be used to continuously seek improvement to services.

Once a matter has been finalised, Nextt will identify areas of service improvement with the aim of preventing any similar incidences occurring in the future. Please refer to the Continuous Improvement_Policy & Procedure.

APPROVAL AND REVIEW

This policy and procedure will remain subject to continuous improvement through feedback from staff, clients, and external stakeholders, and with reference to any new legislative guidance or relevant empirical research, or best practice.

Document owner:	Quality and Risk	Policy Area	Human Rights and Responsibilities
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REVISION RECORD

Date	Version	Revision Description Summary
02/03/2022	V2	Update template, updated worker screen requirements
30/09/2022	V3	Updated ACIS standards