

Preventing and Responding to Violence, Abuse, Neglect, Exploitation and Discrimination Policy

1. Introduction

1.1 Purpose

This Policy and the Policies and Procedures and related documentation set out in section 1.5 below (Related Documentation) supports CDNI Care Pty Ltd to apply the Violence, Abuse, Neglect, Exploitation and Discrimination NDIS Practice Standard.

1.2 Policy Aims

CDNI Care Pty Ltd is committed to ensuring that each participant accesses supports free from violence, abuse, neglect, exploitation or discrimination.

1.3 NDIS Quality Indicators

In this regard, CDNI Care Pty Ltd aims to demonstrate each of the following quality indicators through the application of this Policy and the relevant systems, procedures, workflows and other strategies referred to in this Policy and the Related Documentation:

- (a) Policies, procedures and practices are in place which actively prevent violence, abuse, neglect, exploitation or discrimination.
- (b) Each participant is provided with information about the use of an advocate (including an independent advocate) and access to an advocate is facilitated where allegations of violence, abuse, neglect, exploitation or discrimination have been made.
- (c) Allegations and incidents of violence, abuse, neglect, exploitation or discrimination, are acted upon, each participant affected is supported and assisted, records are made of any details and outcomes of reviews and investigations (where applicable) and action is taken to prevent similar incidents occurring again.

1.4 Scope

- (a) This Policy applies to the provision of all services and supports at CDNI Care Pty Ltd.
- (b) All permanent, fixed term and casual staff, contractors and volunteers are required to take full responsibility for ensuring full understanding of the commitments outlined in this Policy.
- (c) The relevant persons specified in the column corresponding to a procedure described in this Policy have the responsibility to implement the relevant systems, procedures, workflows and other strategies referred to in the relevant procedure.

1.5 Related Documentation

The application of the above NDIS Practice Standard by CDNI Care Pty Ltd is supported in part by and should be read alongside the Policies and Procedures and related documentation corresponding to this Policy in the Policy Register.

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2. Definitions

2.1 Definitions

CDNI Care Pty Ltd means CDNI Care Pty Ltd ABN 32 640 960 658.

Client means a client of CDNI Care Pty Ltd (including an NDIS participant).

Key Management Personnel means Armour Ncube, Saneliso Sibanda, Blessing L Ncube, Beatitute N Ncube and other key management personnel involved in CDNI Care Pty Ltd from time to time.

Legislation Register means the register of legislation, regulations, rules and guidelines maintained by CDNI Care Pty Ltd.

Policy Register means the register of policies of CDNI Care Pty Ltd.

Principal means Saneliso Sibanda.

Related Documentation has the meaning given to that term in section 1.1.

Worker means a permanent, fixed term or casual member of staff, a contractor or volunteer employed or otherwise engaged by CDNI Care Pty Ltd and includes the Principal.

2.2 Types of Abuse

Abuse is the violation of a person's human rights, through an act or actions of commission or omission, by another person, or persons. There are different kinds of abuse and they may include:

- (a) **Chemical abuse** refers to any misuse of medications and prescriptions, including the withholding of another person's resources by someone with whom the person has a relationship implying trust.
- (b) **Cultural abuse** is abuse that is received primarily because of a person's cultural background. It can be an outcome of discrimination and harassment and can take different forms including emotional, psychological or social abuse.
- (c) **Financial abuse** refers to the illegal or improper use of a person's property or finances or the withholding of another person's resources by someone with whom the person has a relationship implying trust.
- (d) **Harm** is any detrimental effect of a significant nature on the person's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by physical, psychological or emotional abuse or neglect or sexual abuse or exploitation. It may be caused by a single act, omission or circumstance or a series or combination of acts, omissions or circumstances.
- (e) **Physical abuse** is when a person suffers physical trauma or injury that is not accidental. It does not always leave visible marks or injuries. What matters most is the act itself that caused the trauma or injury. Physical abuse can include hitting, shaking, throwing, burning, biting, poisoning.
- (f) **Psychological/emotional abuse** happens when a client's social, emotional or intellectual development is damaged or threatened. It can include constant rejection, teasing or bullying, yelling, criticism, exposure to domestic or family violence.

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- (g) **Sexual abuse** is any form of forced or unwanted sexual activity. The perpetrator of sexual abuse may use physical force, make threats or take advantage of a person unable to give consent.. Sexual activity includes intercourse, genital manipulation, masturbation, voyeurism, sexual harassment, and also inappropriate exposure to pornographic media.

2.3 Types of Neglect

Neglect is the failure to provide the necessary care, aid or guidance to dependant adults or children by those responsible for their care. Neglect includes, but is not limited to the following:

- (a) **Physical neglect** means the failure to provide adequate food, shelter, clothing protection, supervision and medical and dental care or to place persons at undue risk through unsafe environments or practices.
- (b) **Passive neglect** means the failure to fulfil care taking responsibilities because of inadequate caregiver knowledge, infirmity, or the failure to implement prescribed services.
- (c) **Wilful deprivation** means wilfully denying a person access to medication, medical care, shelter, food, a therapeutic device or other physical assistance, thereby exposing that person to risk of physical, mental or emotional harm.
- (d) **Emotional neglect** means the failure to provide the nurture or stimulation needed for social, intellectual and emotional growth or wellbeing of an adult or child.
- (e) **Crimes of omission** means negligence i.e. the failure to act with the appropriate duty of care.

2.4 Exploitation

Exploitation is taking advantage of the vulnerability of a person with disability in order to use them, or their resources, for another's profit or advantage.

2.5 Discrimination

Discrimination occurs when an individual or a group is treated unfavourably because of a personal attribute protected by law.

Unlawful discrimination can occur:

- (a) **Directly** – when a person or group is treated less favourably than others because they have a protected attribute, compared with another person or group without that attribute.
- (b) **Indirectly** – when an arbitrary or unreasonable system, procedure or requirement treats everyone the same, but in doing so ends up (actually or potentially) disadvantaging a person or group with an attribute protected by the law.

Attributes protected by the law include:

- (a) Age
- (b) Breastfeeding
- (c) Disability/impairment (including genetic predisposition to disability, visible or invisible, temporary or permanent)

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- (d) Employment activity (e.g. asking your boss about your Workplace entitlements)
- (e) Gender identity (being transgender or intersex)
- (f) Industrial activity/inactivity (union membership or non-membership)
- (g) Irrelevant criminal record
- (h) Lawful political belief or activity
- (i) Lawful sexual activity
- (j) Marital status (having or not having a domestic partner)
- (k) Medical record
- (l) Physical features (including height, weight or appearance)
- (m) Pregnancy (including potential pregnancy)
- (n) Race (including language spoken at home, citizenship, country of origin)
- (o) Religious belief or activity
- (p) Sex
- (q) Sexual orientation
- (r) Social origin
- (s) Status as a parent or carer (with a broad and inclusive definition of both, see section 3 above)
- (t) Personal association or relation to another person with any of the above attributes (e.g. being related to someone with a disability). Some exclusions apply to this point.

3. Policy Statement

3.1 General

- (a) CDNI Care Pty Ltd prohibits violence, abuse, neglect, exploitation and discrimination in all forms.
- (b) CDNI Care Pty Ltd recognises that people with disability have the same human rights as other members of society and should be empowered to exercise their rights. These include the right to:
 - (1) respect for their human worth and dignity as individuals; and
 - (2) live lives free from violence, abuse, neglect, exploitation and discrimination.
- (c) CDNI Care Pty Ltd establishes systems to prevent the occurrence or recurrence of violence, abuse, neglect, exploitation and discrimination within the service delivery context.

3.2 CDNI Care Pty Ltd's principles of identification of violence, abuse, neglect, exploitation and discrimination

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- (a) Workers are aware of and trained in early identification of violence, abuse, neglect, exploitation and discrimination involving people with disability, taking particular care of known risk situations, both systemic and individual.
- (b) Regular system reviews are in place so that gaps which may contribute to a person experiencing violence, abuse, neglect, exploitation or discrimination are identified and remedied.

3.3 CDNI Care Pty Ltd's principles of effective response

- (a) Workers are committed to reporting and openly disclosing any suspected or alleged incidents of violence, abuse, neglect, exploitation and discrimination in accordance with the CDNI Care Pty Ltd Incident Management and Reporting Policy. CDNI Care Pty Ltd affords protection to any person who makes a disclosure.
- (b) Any alleged incidents of violence, abuse, neglect, exploitation and discrimination involving Clients that are Reportable Incidents are reported in line with the requirements of the CDNI Care Pty Ltd Incident Management and Reporting Policy.
- (c) Clients who experience violence, abuse, neglect, exploitation or discrimination have the right to:
 - (1) make a complaint about the services and supports they receive or any form of violence, abuse, neglect, exploitation or discrimination experienced without fear of retribution in accordance with the CDNI Care Pty Ltd Feedback and Complaints Management Policy;
 - (2) pursue grievances and complaints with CDNI Care Pty Ltd and the NDIS Commission and the criminal justice system without fear of the services provided by CDNI Care Pty Ltd being discontinued; and
 - (3) access appropriate support services to assist with the effects of violence, abuse, neglect, exploitation and discrimination.
- (d) Any person who reports suspected or alleged incidents of violence, abuse, neglect, exploitation and discrimination involving a Client has the right to have their safety and rights respected and safeguarded.
- (e) Families and carers of Clients who identify and report incidents of violence, abuse, neglect, exploitation and discrimination have the right to be provided support by CDNI Care Pty Ltd.
- (f) Clients and members of their support network are provided information about the use of an advocate (including an independent advocate). CDNI Care Pty Ltd facilitates access to an advocate where allegations of violence, abuse, neglect, exploitation or discrimination are made which involve a Client.

3.4 CDNI Care Pty Ltd's Principles of Workforce and Workplace Reform:

- (a) Human resource management systems and practices set out in CDNI Care Pty Ltd's Human Resources Management Policy support effective recruitment and selection (including compliance with statutory requirements such as criminal history screening), performance monitoring and development, and performance management.
- (b) The workplace culture supports continuous learning and professional development to respond to the needs of individuals being supported.

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4. Procedure

The Policy is supported by the following Procedures which are intended to clarify the responsibilities of the board, Principal, Key Management Personnel and other Workers and make explicit the underlying principles of the Policy. The Procedures work together dynamically and are relevant to all parts of CDNI Care Pty Ltd. The Procedures are not ordered in priority and all are important to achieving the aims of the Policy Statement.

Procedure	Responsibility
<p>4.1 Information confirming CDNI Care Pty Ltd's commitment to preventing violence, abuse, neglect, exploitation and discrimination</p> <p>Ensure each Client and their families, carers, chosen community or advocate are provided with our Client Induction Pack, which shall include:</p> <p>(a) a statement which:</p> <p>(1) confirms CDNI Care Pty Ltd's commitment to preventing and responding to violence, abuse, neglect, exploitation and discrimination; and</p> <p>(2) includes those specific rights the Client is entitled to as a client of CDNI Care Pty Ltd including respect for their human worth and dignity as an individual and to live their life free from violence, abuse, neglect, exploitation and discrimination;</p> <p>(b) information for accessing an advocate or legal service (including an independent advocate) where allegations of violence, abuse, neglect, exploitation or discrimination are made.</p>	<p>Principal</p>
<p>4.2 Promote a culture that prevents violence, abuse, neglect, exploitation and discrimination</p> <p>(a) Prohibit violence, abuse, neglect, exploitation and discrimination in all forms by any person.</p> <p>(b) Provide services and supports in an environment that is safe, ethical and free from discrimination, financial, sexual, physical or emotional abuse, neglect and exploitation.</p> <p>(c) Provide services and supports in a manner that respects the Client's rights and responsibilities including to live their life free from violence, abuse, neglect, exploitation and discrimination.</p> <p>(d) Ask the Client to tell us whether they have been afflicted by violence, abuse, neglect, exploitation and discrimination in their past and if so, if the relevant perpetrators are still part of their life or network.</p> <p>(e) Gain the Client's consent to the level of involvement that other people such as the Client's family, carers, chosen community or advocate have at the client assessment or support planning stage (prior to the provision of supports) in planning and decision making about the Client's life and how they choose to live it including decisions about services and supports, especially where there is a history of violence, abuse, neglect, exploitation and discrimination.</p>	<p>All Workers</p>

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<p>4.3 Providing access to advocacy</p> <p>Encourage and support Clients to access legal or advocacy services where allegations of violence, abuse, neglect, exploitation or discrimination have been made.</p>	<p>All Workers</p>
<p>4.4 Preventing and identifying violence, abuse, neglect, exploitation and discrimination and breaches of human rights</p> <p>(a) Actively prevent and where possible eliminate any risk of violence, abuse, neglect, exploitation and discrimination and breach of human rights to our Clients including by looking out for the indicators set out in the Schedule.</p> <p>(b) Report and respond to any violence, abuse, neglect, exploitation, discrimination in accordance with our Incident Management and Reporting Policy.</p> <p>(c) Respond quickly and sensitively when any breach of our Client's rights occurs as a result of CDNI Care Pty Ltd's delivery of service, immediately acting to stop such behaviours.</p> <p>(d) Proactively support a Client, to the limits of our expertise and resources, in circumstances where the Worker suspects violence, abuse, neglect, exploitation and discrimination perpetrated by others.</p> <p>(e) Offer support to CDNI Care Pty Ltd Clients, their family and carers when they tell us about any violence, abuse, neglect, exploitation and discrimination so that we can fully understand and respond effectively.</p> <p>(f) Ensure there is a culture of no retribution for any person who reports abuse, neglect or exploitation of a Client.</p> <p>(g) Ensure that relevant persons in the Client's support network are informed of alleged or suspected instances of violence, abuse, neglect, exploitation and discrimination. Be mindful of situations where a person in the support network is the alleged or suspected perpetrator of the conduct.</p> <p>(h) Advise Clients, their families and advocates of:</p> <p>(1) their right to make a complaint under the CDNI Care Pty Ltd Feedback and Complaints Management Policy and Incident Management and Reporting Policy;</p> <p>(2) support services, which are equipped to identify and respond to violence, abuse, neglect, exploitation and discrimination and able to refer individuals to appropriate specialist services;</p> <p>(3) their right to pursue grievances and complaints and access the criminal justice system.</p> <p>(4) The right of any concerned person, including but not limited to, the Client or other person from their support network, to make a report or an allegation of violence, abuse, neglect, exploitation and discrimination, without fear of retaliation or retribution.</p>	<p>All Workers</p>
<p>4.5 Workers to commit to Policy</p>	<p>All Workers</p>

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<p>(a) All Workers are provided with a copy of this Policy in their orientation and induction materials.</p> <p>(b) Under their employment, contractor agreement or binding letter agreement, each Worker at CDNI Care Pty Ltd is required to take responsibility for ensuring:</p> <p>(1) full understanding of the commitments outlined in this Policy as well as procedures and other strategies designed to ensure that the principles of this Policy are upheld; and</p> <p>(2) ensuring that the principles and procedures and other strategies within this Policy are applied in their daily work.</p>	
<p>4.6 Train Workers</p> <p>(a) Training and supporting Workers to identify and respond to violence, abuse, neglect, exploitation and discrimination involving Clients including the indicators and signs in the Schedule.</p> <p>(b) Training staff to recognise and prevent or minimize the occurrence or recurrence of violence, abuse, neglect, exploitation and discrimination of Clients within a service delivery context including in accordance with the Work Health and Safety Policy.</p> <p>(c) Training in early intervention approaches where potential or actual abuse, neglect or exploitation of clients is identified.</p>	<p>Principal and Key Management Personnel</p>
<p>4.7 Complementary policy adoption</p> <p>Adopt and maintain the Policy and Related Documentation which assists CDNI Care Pty Ltd to demonstrate the relevant NDIS Quality Indicators related to the Abuse, Neglect, Exploitation and Discrimination supports NDIS Practice Standard.</p>	<p>Principal and Key Management Personnel</p>

5. General

5.1 Relevant Legislation, Regulations, Rules and Guidelines

Legislation, Rules, Guidelines and Policies apply to this Policy and supporting documentation as set out in the Legislation Register.

5.2 Inconsistency

If and to the extent that the terms of this Policy are or would be inconsistent with the requirements of any applicable law, this Policy is deemed to be amended but only to the extent required to comply with the applicable law.

5.3 Policy Details

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Schedule - Indicators and signs

Abuse, neglect and exploitation can take many forms. Being aware of common indicators may improve your ability to recognise and respond to them. Although no single behaviour is an absolute indicator of abuse, neglect and exploitation, some examples are included below:

1. Physical abuse

(a) Physical indicators:

- (1) unexplained cuts, abrasions, bruising or swelling
- (2) unexplained burns or scalds, cigarette burns
- (3) rope burns or marks on arms, legs, neck, torso
- (4) unexplained fractures, strains or sprains; dislocation of limbs
- (5) bite marks
- (6) dental injuries
- (7) ear or eye injuries.

(b) Behavioural signs:

- (1) avoidance of particular staff, fear of a particular person
- (2) sleep disturbances
- (3) changes in behaviour (e.g. unusual mood swings, uncharacteristic aggression)
- (4) changes in daily routine, changes in appetite
- (5) unusual passivity, withdrawal
- (6) self-harm, suicide attempts
- (7) inappropriate explanations of how injuries occurred
- (8) excessive compliance to staff.

2. Sexual abuse

(a) Physical indicators:

- (1) direct or indirect disclosure of abuse or assault
- (2) trauma to the breasts, buttocks, lower abdomen or thighs
- (3) difficulty walking or sitting
- (4) pain or itching in genital and/or anal area; bruising, bleeding or discharge

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- (5) self-harm, abuse, suicide attempts
- (6) torn, stained or blood-stained underwear or bedclothes
- (7) sexually transmitted diseases, pregnancy
- (8) unexplained money or gifts.

(b) Behavioural signs:

- (1) sleep disturbances
- (2) changes in eating patterns
- (3) inappropriate or unusual sexual behaviour or knowledge
- (4) changes in social patterns
- (5) sudden or marked changes in behaviour or temperament
- (6) anxiety attacks, panic attacks, clinical depression
- (7) refusal to attend usual places (e.g. work, school, respite)
- (8) going to bed fully clothed
- (9) excessive compliance to staff.

3. Psychological/emotional abuse

(a) Physical indicators:

- (1) speech disorders
- (2) in the case of a child, lags in physical development, failure to thrive
- (3) injuries sustained from self-harm or abuse
- (4) suicide attempts
- (5) anxiety attacks.

(b) Behavioural signs:

- (1) self-harm or self-abusive behaviours
- (2) challenging/extreme behaviours
- (3) excessive compliance to staff
- (4) very low self-esteem, feelings of worthlessness
- (5) clinical depression

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(6) marked decrease in interpersonal skills

(7) extreme attention-seeking behaviour.

4. Chemical abuse

(a) Physical indicators:

(1) withholding of prescribed medication

(2) abuse of prescribing rights by staff/over-administration of medication.

(b) Behavioural signs:

(1) persistent over-activity

(2) unusual levels of confusion/disorientation.

5. Financial abuse

(a) Physical indicators:

(1) no access to, or unwarranted restrictions on, personal funds or bank accounts

(2) no records, or incomplete records kept of expenditure and purchases

(3) no inventory kept of significant purchases

(4) person controlling the finances does not have legal authority

(5) misappropriation of money, valuables or property

(6) forced changes to a person's will

(7) persistent failure to produce receipts

(8) receipts indicating unusual or inappropriate purchases.

(b) Behavioural signs:

(1) person has insufficient money to meet normal expenses

(2) person is persistently denied outings and activities due to a lack of funds.

6. Denial of access to legal system/remedies

(a) Physical indicator:

(1) consistent denial of telephone or Internet access.

(b) Behavioural signs:

(1) person does not seek privacy to undertake activities normally undertaken in private

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- (2) person indicates they have no-one to speak to about things they are unhappy about.

7. Systemic abuse

(a) Physical indicators:

- (1) no program or inadequate/inappropriate program developed for Client
- (2) not endeavouring to use staff of the same gender to perform personal duties for clients
- (3) providing staff with insufficient training on duty of care and policies and practices related to preventing abuse.

(b) Behavioural signs:

- (1) person is persistently provided support that does not meet the requirements of their service package
- (2) person refuses part of their service support due to feeling uncomfortable with particular staff members.

8. Neglect

(a) Physical indicators:

- (1) physical wasting, unhealthy weight levels
- (2) poor dental health
- (3) food from meals left on face and/or clothes throughout the day
- (4) dirty, unwashed body and/or face, body odour
- (5) person always wearing the same clothes
- (6) ill-fitting and/or unwashed clothes
- (7) person is always over- or underdressed for the weather conditions
- (8) food is consistently poor quality, insufficient, inedible and/or unappetising.

(b) Behavioural signs:

- (1) constant tiredness
- (2) persistent hunger
- (3) unexpectedly poor social/interpersonal skills
- (4) signs of loss of communication and other skills
- (5) staff member, service provider, carer or support person consistently fails to bring the person to appointments, events, activities

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- (6) person is persistently denied opportunities to socialise with others in the community.

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