

PREVENTING AND RESPONDING TO ABUSE, NEGLECT AND EXPLOITATION POLICY AND PROCEDURE



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1.0 PURPOSE AND SCOPE

This policy and procedure outlines AMPEY PTY LTD immediate response requirements following verbal assault, bullying, discrimination or racism or an allegation of physical or sexual assault that involves a participant.

The aims of the policy and procedure are to:

- ensure timely and effective responses are taken to address immediate participant safety and wellbeing;
- support participants who have experienced physical or sexual assault, neglect; exploitation, discrimination;
- be accountable to participants for actions taken immediately and planned in response to their experience of an assault;
- ensure due diligence and responsibilities to participants are met; and
- hold perpetrators of physical and sexual assault accountable for their actions.
- This policy and procedure applies to staff, students, contractors and volunteers.

Where participant incidents qualify as notifiable incidents, see the *Incident Management Policy and Procedure*.

This policy and procedure draws on, and aligns with, the *Anti-Discrimination Act 1991* (NSW), the *National Disability Insurance Scheme Act 2013* (Cwth) (the Act), *National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018* (Cwth), and the *NDIS Quality and Safeguards Commission Reportable Incidents Guidance* (2018).

2.0 DEFINITIONS

Abuse (in the context of this policy) – Verbal, physical and/or emotional mistreatment and/or lack of care of a person. Examples include sexual abuse and any non-accidental injury.

- *Child abuse* – An act or omission by an adult that endangers or impairs a child's physical and/or emotional health and development. Child abuse can be a single incident but often takes place over time. Abuse, neglect and maltreatment are generic terms used to describe situations in which a child may need protection.
- *Physical abuse*: When a child suffers or is likely to suffer significant harm from an injury inflicted by a parent/guardian, caregiver or other adult. The injury may

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be inflicted intentionally, or be the consequence of physical punishment or the physically aggressive treatment of a child. Physical injury and significant harm to a child can also result from neglect by a parent/guardian, caregiver or other adult. The injury may take the form of bruises, cuts, burns or fractures, poisoning, internal injuries, shaking injuries or strangulation.

- *Sexual abuse*: When a person uses power or authority over a child, or inducements such as money or special attention, to involve the child in sexual activity. It includes a wide range of sexual behaviour from inappropriate touching/fondling of a child or exposing a child to pornography, to having sex with a child.
- *Emotional and psychological abuse*: Involves continuing behaviour by adults towards children, which erodes social competence or self-esteem over time. It occurs when a person engages in inappropriate behaviours, such as rejecting, ignoring, threatening or verbally abusing a child, or allowing others to do so.
- *Racial, cultural and religious abuse*: Conduct that demonstrates contempt, ridicule, hatred or negativity towards a child because of their race, culture or religion.

Abuser – A person who mistreats and/or harms another person.

Bullying – Repeated verbal, physical, social or psychological behaviour that is harmful and involves the misuse of power by an individual or group towards one or more persons. Bullying occurs when one or more people deliberately and repeatedly upset or hurt another person, damage their property, reputation or social acceptance.

Child or Young Person – a person under 18 years of age (*Children and Young Persons (Care and Protection) Act 1998 NSW*).

Neglect: Refer to definition below.

Exposure to domestic/family violence: When children and young people witness or experience the chronic, repeated domination, coercion, intimidation and victimisation of one person by another through physical, sexual and/or emotional means within intimate relationships⁵.

Child sex offender – Someone who sexually abuses children, and who may or may not have prior convictions.

Child protection – The term used to describe the whole-of-community approach to the prevention of harm to children. It includes strategic action for early intervention, for the protection of those considered most vulnerable and for responses to all forms of abuse.

Code of conduct – A set of rules or practices that establish a standard of behaviour to be followed by individuals and organisations. A code of conduct defines how individuals should behave towards each other, and towards other organisations and individuals in the community.

Disclosure (in the context of this policy) – A statement that a child or person makes to another person that describes or reveals abuse.

Discrimination – treating a person less favourably than others in similar circumstances because of a personal attribute that has no relevance to the situation.

- **Age discrimination** – Discrimination on the basis of age (regardless of age) or on the basis of age-specific characteristics or characteristics generally

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associated with a person of a particular age.

- **Disability discrimination** – Discrimination on the basis of physical, intellectual, psychiatric, sensory, neurological or learning disability, physical disfigurement, disorder, illness or disease that affects thought processes, perception of reality, emotions or judgement, or results in disturbed behaviour, and presence in body of organisms causing or capable of causing disease or illness (eg, HIV virus).
- **Racial discrimination** – Discrimination on the basis of race, colour, descent or national or ethnic origin and in some circumstances, immigrant status.
- **Sex discrimination** – Discrimination on the basis of sex, marital or relationship status, pregnancy or potential pregnancy, breastfeeding, family responsibilities, sexual orientation, gender identity or intersex status.

Sexual harassment – any form of unwanted, unwelcome or uninvited sexual behaviour that is offensive, humiliating or embarrassing.

Domestic/family violence – The repeated use of violent, threatening, coercive or controlling behaviour by an individual against a family member(s) or someone with whom they have or have had an intimate relationship, including carers.

Duty of care – A common law concept that refers to the responsibilities of organisations to provide people with an adequate level of protection against harm and all reasonable foreseeable risk of injury. In the context of this policy, duty of care refers to the responsibility Organisation has to provide its participants with an adequate level of care and protection against foreseeable harm and injury.

Maltreatment (in the context of this policy) – Physical and/or emotional mistreatment, and/or lack of care of a child or person. Examples include sexual abuse, the witnessing of family violence and any non-accidental injury.

Mandatory reporting – The legal obligation of certain professionals and community members to report when they believe, on reasonable grounds, that a child is in need of protection from harm. In NSW, any staff working directly with children who have reasonable grounds to suspect that a child or children are at risk of significant harm from abuse or neglect are required to use the NSW Mandatory Reporter Guide to help determine whether the concern they have meets the statutory threshold for reporting.

NDIS Quality and Safeguards Commission (the Commission) – The regulatory body established to oversee the registration of NDIS providers and monitor compliance, respond to complaints and reportable incidents, monitor behaviour support and restrictive practices, and undertake investigation and enforcement.

Neglect – The failure to provide a child with the basic necessities of life, such as food, clothing, shelter, medical attention or supervision, to the extent that the child's health and development is, or is likely to be, significantly harmed.

Negligence – Doing, or failing to do something that a reasonable person would, or would not do in a certain situation, and which causes another person damage, injury or loss as a result.

Offender or **Perpetrator** – A person who mistreats and/or harms a child or person.

Reasonable grounds – A person may form a belief on reasonable grounds that another person is in need of protection after becoming aware that their health, safety or wellbeing is at risk and the participant's parents/guardians are unwilling or unable to protect them. There may be reasonable grounds for forming such a belief if:

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- a participant states that they have been physically or sexually abused;
- a participant states that they know someone who has been physically or sexually abused (sometimes they may be referring to themselves);
- someone who knows the participant states they have been physically or sexually abused;
- a participant shows signs of being physically or sexually abused;
- the person is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on the participant's safety, stability or development;
- the person observes signs or indicators of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision; or
- a participant's actions or behaviour may place them at risk of significant harm and the parents/guardians are unwilling or unable to protect the child.

Reportable incidents – incidents, or alleged incidents, that:

- arise from acts, omissions, events or circumstances occurring in connection with providing supports or services to a person with disability AND resulted in, or could have resulted in, harm to the person with disability; OR which
- arise from acts by a person with disability that cause, or risk causing, serious harm to another person.
- Section 73Z(4) of the *National Disability Insurance Scheme Act 2013* defines a reportable incident as:
 - the death of a person with disability
 - serious injury of a person with disability including fractures, burns, deep cuts, extensive bruising, concussion, and any other injury requiring hospitalisation.
 - abuse of a person with disability behaviour management including verbal, psychological and financial abuse
 - neglect of a person with disability behaviour management that is seriously inappropriate or improper
 - unlawful sexual or physical contact with, or assault of, a person with disability by a worker or another NDIS participant
 - sexual misconduct committed against, or in the presence of, a person with disability, including grooming of the person for sexual activity
 - unauthorised use of a restrictive practice in relation to a person with disability.

For further examples, consult the NDIS Quality and Safeguards Commission Reportable Incidents Guidance.

3.0 POLICY

Organisation is proactive in preventing the occurrence of abuse and neglect in its services and to its participants. This includes supporting the safety and security of people affected by family violence.

Physical and sexual assault are crimes against the person. Staff should be aware that many participants, including children, young people and people with a disability, are at greater risk of physical and sexual assault than the general population.

Organisation has a moral, ethical and legal responsibility to ensure that all participants are safe in their care, and will provide training, resources, information and guidance

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to support this. Organisation is committed to:

- ensuring that the health, safety and wellbeing of participants at the service is protected at all times;
- fulfilling its duty of care obligations under the law by protecting participants from any reasonable, foreseeable risk of injury or harm;
- ensuring that all staff, students and volunteers caring for participants at the service act in the best interests of the participant and take all reasonable steps to ensure the participant's safety and wellbeing at all times;
- supporting the rights of all participants to feel safe, and be safe, at all times;
- developing and maintaining a culture in which participants feel valued, respected and cared for;
- encouraging active participation from parents/guardians and families at the service, and ensuring that best practice is based on a partnership approach with shared responsibility for participants' health, safety, wellbeing and development; and
- educating participants of their individual rights by including personal safety education programs within AMPEY PTY LTD .

Principles of the NDIS Reportable Incidents Scheme

1. Centred on people with disability: Management of an incident is respectful of, and responsive to, a person with disability's preferences, needs and values while supporting the person's safety and wellbeing.

2. Outcome focused: Management of an incident should reveal the factors which contributed to the incident occurring, and seek to prevent incidents from reoccurring, where appropriate.

3. Clear, Simple and Consistent: The process for dealing with reportable incidents is easy to understand, accessible and consistently applied.

4. Accountable: Providers are responsible for appropriately managing the response to reportable incidents. Everyone involved in the management of a reportable incident understands their role and responsibilities, and will be accountable for decisions or actions taken in regard to an incident.

5. Continual improvement: The incident management process facilitates the ongoing identification of issues and implementation of changes to improve the quality and safety of NDIS supports and services.

6. Proportionate: The nature of any investigation or actions following an incident will be proportionate to the harm caused and any risk of future harm to people with disability.

When providing services to children, AMPEY PTY LTD duty of care commits it to:

- respond to child wellbeing and protection concerns through referral ,reporting and service delivery
- inform children and young people of their rights to be protected from abuse or neglect and of the avenues for support available to them
- provide care and support services to children, young people and their families
- promote the safety, welfare and wellbeing of children and young people in their agency

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- provide non-discriminatory, culturally appropriate services in accordance with the *Anti-Discrimination Act 1991* (NSW)

4.0 PROCEDURE

Compliance Responsibilities

- Where Organisation delivers services to children, it is responsible to:
- register online with the Office of the Children's Guardian;
- nominate two senior staff (where possible) as contacts in regards to serious matters;
- identify and document child-related positions in the organisation and ensure workers in those positions hold relevant clearances;
- keep records of all staff in child-related positions.
- Organisation will report incidents to the NDIS Quality and Safeguards Commission.

Prevention of abuse, neglect and exploitation

Organisation will:

- ensure that all staff are aware of, trained in, compliant with, and implement this policy;
- ensure staff are trained in early intervention approaches where potential or actual abuse, neglect and exploitation of participants is identified.
- ensure the cultural needs of participants from Aboriginal and Torres Strait Islander and culturally and linguistically diverse backgrounds are safeguarded through training in cultural competency;
- ensure that staff are trained to recognise and prevent/minimise the occurrence or recurrence of abuse, neglect and exploitation of participants within a service delivery context;
- support staff to create an appropriate service culture in accordance with this policy and vision and values of the organisation.

ensure that participants are aware of:

- this policy
- their right to safety
- their right to speak out and complain where they feel unsafe
- the available complaints procedures and how they can access help and advice
- the obligation on Organisation staff to share information where they suspect or are aware of abuse, neglect or exploitation.
- ensure there are systems in place to identify and remedy gaps which contributed to a participant experiencing abuse, neglect or exploitation.

Identification of Abuse, Neglect and Exploitation

Organisation will:

- ensure there are systems in place to identify and remedy gaps which contribute to a participant experiencing abuse, neglect or exploitation;

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- conducting risk assessments of all roles in the organisation
- ensuring staff hold qualifications and clearances appropriate to their roles
- ensure staff are trained in early intervention approaches where potential or actual abuse, neglect and exploitation of participants is identified.

Creating a culture of safety

Organisation will:

- ensure that there is a culture of no retribution for any person who reports abuse, neglect or exploitation of a person with a mental illness and/or disability;
- ensure that staff advise participants, their families and advocates about:
- support services, which are equipped to identify abuse, neglect and exploitation and able to refer individuals to appropriate specialist services; and
- support participants' right to pursue grievances and complaints and access to the criminal justice system.
- The Director will ensure:
- that any concerned person, including but not limited to, the person receiving services, another participant, relative, friend or person from the community is able to make a report or an allegation of abuse, neglect and exploitation, without fear of retaliation or retribution;
- that all Organisation staff supporting participants are respectful of their rights and needs; and
- the requirement – to report the abuse, neglect or exploitation of participants to the relevant authority in line with the requirements of the Incident Reporting and Investigation Guideline – is implemented.

Organisation staff will:

- support the creation a culture of no retribution for reporting of suspected abuse, neglect or exploitation;
- support other staff to create an appropriate service culture in accordance with this policy;
- provide services to participants in a manner consistent with this policy;
- report all alleged or suspected instances of abuse, neglect and exploitation in accordance with this policy, as well as the Incident Reporting Policy and Procedure;
- cooperate with the investigation of any complaint or grievance relating to the provision of Organisation services; and
- provide appropriate support to the person making the report.

Responding to abuse, neglect and exploitation

Immediate Responses to Participant Allegations

- Assure the participant that the incident will be taken seriously, discuss their options with them and ask them how they would like to be supported

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throughout the process.

- Consider the impact of the incident on the other participants within the setting and provide them with appropriate support. It is important that they are not treated simply as potential witnesses.
- Provide the participant 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.
- With the participant's consent (or where unable to provide informed consent, their key support person's consent), staff should contact:
 - specialist support services, such as crisis care, counselling, advocacy, a legal information service or a lawyer;
 - other service providers known to be working with that participant, if appropriate.
- Record agreed actions for the participant's immediate and ongoing needs in the *Participant Support Plan*. This must include:
 - steps being taken to ensure the participant's ongoing safety and wellbeing
 - treatment or counselling the participant may access to address their safety and wellbeing
 - modifications in the way services are provided (for example, same gender care or placement)
 - how best to support the participant through any action the participant takes to seek justice or redress, including making a report to police
 - any ongoing risk management strategy required where this is deemed appropriate.

Where a staff member is the alleged perpetrator

- If a staff member is accused or suspected of harming the participant, they should be removed from contact with all participants pending an investigation.
- After reporting to the Police, the Director must be immediately notified of the report.
- Depending on the nature of the allegation, the Director's response regarding the alleged perpetrator should comply with the *Human Resources Policy and Procedure*. Responses include redirecting the staff member to alternate duties that do not involve direct participant care, or standing the staff member down.
- Actions, or alleged actions, by a staff member causing harm to a person with disability during service delivery are reportable incidents and must be reported to the NDIS Quality and Safeguards Commission. Where child-related, the incident may also be reportable to the Office of the Children's Guardian.

Where a participant is the alleged perpetrator

- Where a participant's actions cause, or could have caused, serious harm to a staff member or other person, treat the matter as a Reportable Incident (see below).
- Where a participant is accused or suspected of harming another

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- participant, they should be removed from contact with other participants, where possible, pending an investigation.
- Staff must consult with Police about whether to inform the participant of the report to Police. The police may want to interview the participant and take a statement. Participants with a cognitive disability must have an independent third person present during the interview, and this will be arranged by police. Where the participant is under the age of eighteen years, an independent person must be present during the police interview.
 - Under no circumstances should anyone but the Police interview the participant about the allegation. It is acknowledged however that some discussion with the participant may be required to establish safety and a basic understanding of what has occurred.
 - Staff must contact the service most directly responsible for the participant's care who will ensure that the participant has legal representation and is assisted during the investigation and hearing.
 - Actions, or alleged actions, by a participant resulting in harm to another person (including staff) are reportable incidents and must be reported to the NDIS Quality and Safeguards Commission. The incident may also be a Notifiable Incident reportable to WorkSafe NSW. See the *Incident Management Policy and Procedure*.
 - The incident must be reported to the NDIS Commission.

Reporting Incidents

The Director must ensure that all incidents are reported to the relevant agency or agencies:

- the NSW Police Service and/or other relevant authorities;
- Notifiable incidents must be reported immediately to WorkSafe NSW on 13 10 50. Incidents can be notified 24 hours a day, 7 days a week;
- All Reportable incidents must be notified to the NDIS Commission (see the *Incident Management Policy and Procedure*);
- Abuse and neglect in community settings should also be reported to the NSW Ombudsman (see the *Incident Management Policy and Procedure*);

See the *Incident Management Policy and Procedure* for guidance on reporting incidents.

Notification of next of kin or guardian – all participants

If the alleged perpetrator is the participant's next of kin or legal guardian, the staff member must ensure that the immediate needs of the participant are considered and an appropriate planned response are undertaken.

The Director must notify the participant's next of kin or guardian where:

- the participant is under 18 years old;
- the participant is over 18 years old and consents to their next of kin or guardian being contacted. If the participant is unable to make an informed

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decision regarding contact and the participant does not have an appointed guardian, the Director should contact the next of kin as appropriate;

- the participant has a legal guardian; or
- the participant is on a guardianship order.
- The Director must explain to the next of kin or guardian: the nature of the allegation; the standard procedure for reporting allegations to the Police; that the participant may choose whether or not to participate in the Police investigation; and any action taken by staff since reporting the allegation.

If the participant is a child or young person who does not wish their next of kin or guardian to be notified, a decision in relation to notification will need to consider factors including the participant's age and capacity, where they are living and their best interests. If necessary, legal advice should be sought, and if a decision is taken not to notify the next of kin or guardian, this must be clearly documented and placed on the participant's file.

NDIS Commission: Reportable Incidents

Reporting

- Reportable Incidents may also qualify as Notifiable Incidents (see glossary above), criminal incidents or child-related incidents, and should be reported to all appropriate agencies.
- Reportable Incidents – including alleged incidents – must be reported to the NDIS Commissioner
- The Director is responsible for reporting all Reportable Incidents unless the role is otherwise delegated.
- If a person with disability discloses an incident that occurred in the past, it should generally be treated in the same way as any other reportable incident, noting that the immediate response may differ.
- The reporting officer must provide the following information to the NDIS Commission where it can be collected:
 - the name and contact details of:
 - the registered NDIS provider,
 - the person making the notification;
 - the name and contact details of the persons involved in the incident (alleged victim and alleged offender);
 - a description of the reportable incident, including:
 - the nature of any injuries sustained, and details such as time, date and place it allegedly occurred,
 - a description of the impact on, or harm caused to, the person with disability (Note: where the reportable incident is a death this does not need to be provided),
 - the immediate actions taken by the provider in response to the reportable

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- incident including any actions relating to the health, safety and wellbeing of the participant, involved in the incident including medical treatment provided, or whether the incident has been reported to the police or any other body.
- Abuse and neglect in community settings should be reported to the NSW Ombudsman.
Telephone: 3005 7000, or 1800 068 908
Website: <https://www.ombudsman.NSW.gov.au/about-us/contact-us>

Forms and Timeframes

- Unauthorised use restrictive practices must be reported to the NDIS Commission within 5 business days.
- Providers should use the NDIS Commission Portal 'My Reportable Incidents' page to notify and manage all reportable incidents.
- All other Reportable Incidents must be reported immediately (within 24 hours of key personnel becoming aware of the incident)
<https://www.ndiscommission.gov.au/providers/incident-management-and-reportable-incidents>

Working with Police

- A police investigation takes priority over a reportable incident investigation.
- Clearance must be obtained from police before taking any action that might compromise the investigation. Organisation will manage any ongoing risk and should maintain an open dialogue with police about any investigation they are conducting.
- Organisation will inform the NDIS Commission where a Police investigation delays conducting a required investigation and finalising a report.

NDIS Commission: Investigating Incidents

- Organisation will investigate and respond to all Reportable Incidents. The nature of any investigation or actions following an incident will be proportionate to the harm caused and any risk of future harm to people with disability.
- If the NDIS Commission requires a Reportable Incident to be investigated, either internally or by an external independent investigator, Organisation will fully comply with the Commission's requests.
- Where an incident relates to potential staff-to-participant abuse or poor quality of care, some degree of independence is required for the investigation. Depending on the nature of the incident and the organisation, one of the following may be appropriate to conduct the investigation:
- an area of the organisation that is sufficiently independent from staff who are the subject of any allegations, such as another division or an independent investigative function
- another service provider independent from the staff who are the subject of

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- any allegations
- an external investigative body.
- An investigation must:
 - be in proportion to the nature and significance of the incident and any associated allegations;
 - include the identification of any previous relevant allegations that should be considered regarding the relevant individuals;
 - include a degree of independence appropriate to the seriousness of the incident;
 - adopt a person-centred and rights-centred approach, taking into account what is important to the participant;
 - abide by the standard principles of good investigations:
 - procedural fairness
 - confidentiality and privacy
 - appropriate interview techniques
 - evidence based
 - properly documented
 - result in an investigation report
- Internal and external investigators must be appropriately trained in conducting serious workplace investigations, including investigating serious incidents that may involve a criminal element.
- The Director (or delegated investigator) will appropriately assess and/or investigate all incidents having regard to the views of any person with disability impacted by an incident and including the following:
 - whether the incident could have been prevented;
 - how well the incident was managed and resolved;
 - what, if any, remedial action needs to be undertaken to prevent further similar incidents from occurring, or to minimise their impact;
 - whether other persons or bodies need to be notified of the incident.

Investigation Reports

- If required, Organisation will supply details to the NDIS Commission in connection with any internal or external investigation or assessment that has been undertaken in relation to the reportable incident, including:
 - the name and position of the person who undertook the investigation;
 - when the investigation was undertaken;
 - details of any findings made;
 - details of any corrective or other action taken after the investigation;
 - a copy of any report relating to the investigation;
 - information about whether persons with disability impacted by the incident (or their representative) have been kept informed of the progress, findings and actions relating to the investigation or assessment;
 - any other information required by the NDIS Commission.
- The details outlined above should be included in the final report to the NDIS Commission which must be provided within 60 business days following the initial notification. The NDIS Commission may extend the period for providing the final report – for example, if there is a concurrent police investigation the reportable incident investigation will be justifiably delayed.
- The notification must be made in writing, by completing a form approved

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by the NDIS Commission and returning it to the NDIS Commission via email.

NDIS Commission: Corrective and Restorative Action

- Participants affected by incidents will be provided information about how the incident has been managed and the measures taken to ensure against recurrence.
- All investigations should determine whether corrective and/or restorative measures are required. The NDIS Commission may require Organisation to take corrective and/or measures. The NDIS Commission may work with Organisation to implement the measures, and monitor progress.
- Restorative measures may include, but are not limited to:
 - providing ongoing support to people with disability impacted by a reportable incident
 - giving an apology
 - providing compensation - for example, through an enforceable undertaking.
- Corrective measures may include, but are not limited to:
 - disciplinary action
 - training or education of workers
 - modification of the environment
 - development or amendment of a policy or procedure
 - changes to the way in which supports or services are provided
 - other practice improvements.

Supporting Participants through the Justice Process

- Organisation will support participants through the justice process, including police investigation, prosecution and crimes compensation processes as appropriate. This may include:
 - Ensuring the participant has access to appropriate communication aides and tools to facilitate disclosures and the provision of evidence.
 - Ensuring the participant has access to an interpreter should they be from culturally or linguistically diverse backgrounds.
 - Ensuring the participant has access to a key support person of their choosing or by providing information about advocates and other supports.
 - Alerting police to the need for an Independent Person or advocate, the participant's particular communication support needs, and the need for timely interviews to facilitate the recall of information.
 - Facilitating arrangements with police for interviews and examination of evidence.
 - Facilitating arrangements with specialist support services.
 - Working proactively with the participant to consider whether they will provide a witness statement, including making sure they understand they have time to make their decision if they are initially reluctant and the right to seek independent legal advice (in some instances NSW Police may be better placed to provide this information).
- Including participants affected by incidents in the management and resolution of the incident, where doing so does not expose the participant to added trauma or risk, by:

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- keeping the participant informed of the investigation,
- consulting with the participant, where possible, concerning:
 - the release of information to third parties
 - the investigation process
 - corrective actions
 - Supporting participants who were witness to an incident.

Where a participant perpetrates a reportable offence and requires legal representation and assistance during the investigation and hearing, Organisation will assist the participant or contact the service most directly responsible for the participant's care to organise support.

NDIS Commission: Record Keeping

- Records of all reportable incidents that occur or are alleged to have occurred must be kept for a period of seven years from the date of notifying the NDIS Commission.
- Organisation will retain:
 - completed reportable incident notification forms
 - records of investigations, including:
 - records of interviews,
 - evidence collected,
 - any relevant correspondence,
 - investigation reports and outcomes.
- Incidents involving participants under 18 years old should be kept until the participant turns (or would have turned) 25 years old.
- The Director (or delegate) will be responsible for creating and maintaining incident records, while the provider will be required to retain them.

Child-related: Mandatory Reporter Guide (MRG)

The MRG is an online automated decision-making tool which generates decisions in response to input information, assisting mandatory reporters determine how to respond to and report child-related abuse and neglect. Responses include:

Immediate Report to Community Services – staff should report concerns to the Helpline immediately, following the instructions on the screen.

Consult with a Professional – the indicators border on the threshold for Risk Of Significant Harm. Staff should consider further action to address child wellbeing concerns, consulting their supervisors or other informed parties about referral options or other strategies.

Consult with your Referral Network – indicates that there is no risk of significant harm but the family may benefit from a referral to additional services and has shown a willingness to accept services. For example there may be a need for specialist mental health services or respite care.

Document and Continue Relationship – indicates that concerns don't meet the threshold for reporting. Where Organisation has a continuing relationship with the participant, staff should monitor the situation and note any deterioration in

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the family's circumstances, and to use that information to review the MRG. Where staff strongly disagree with the MRG decision, they should ensure their Decision Tree selections best fit their concerns, particularly in the case of neglect and/or where they strongly believe that there exists a Risk Of Significant Harm.

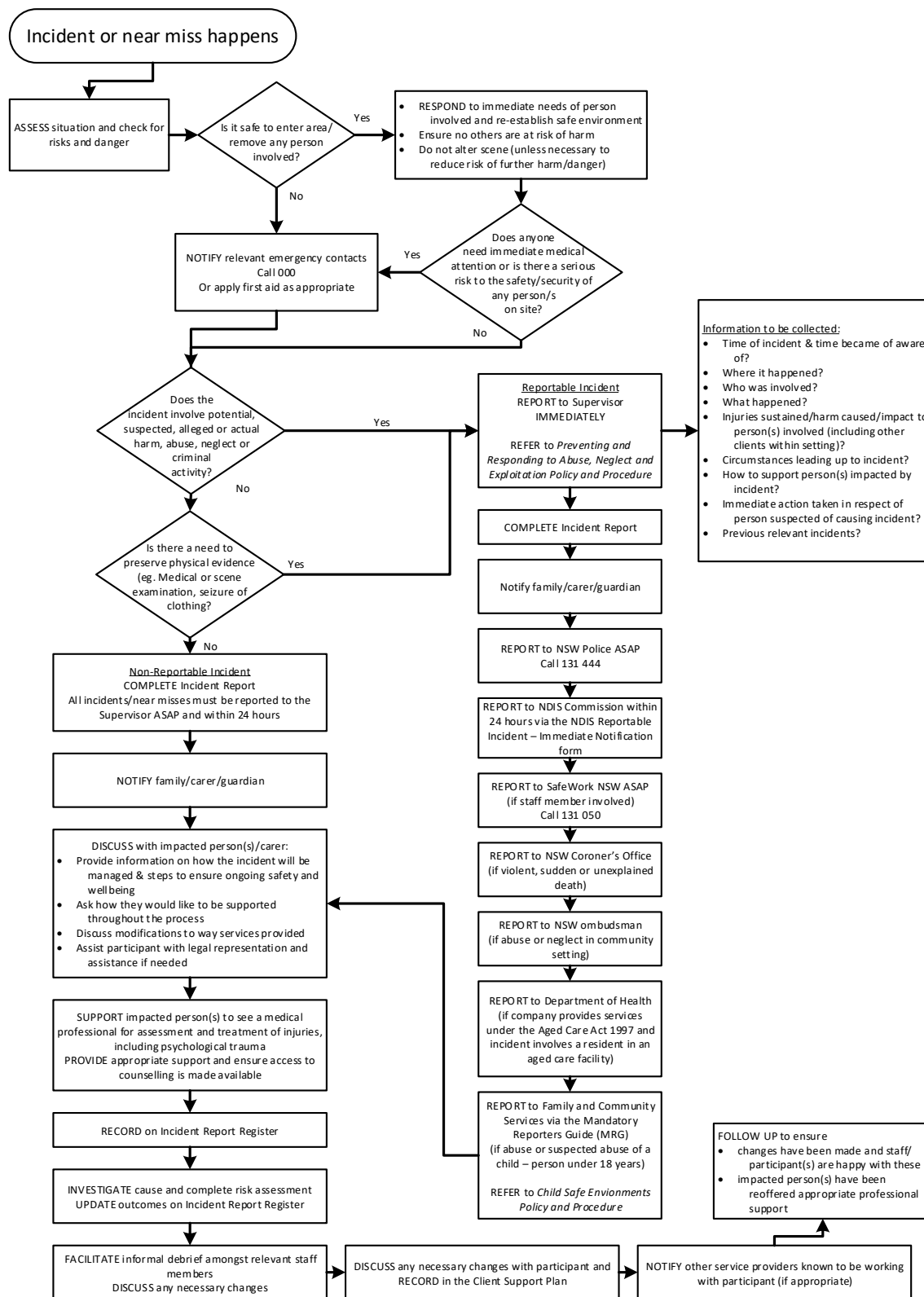
Where new information becomes available, review the MRG's decision accordingly.

Ongoing support

- Irrespective of gender, victims of sexual assault frequently experience negative outcomes including dissociation, posttraumatic stress disorder, depression and anxiety. Victims of physical assault also frequently experience shock, numbness, fear, depression and anxiety. In recognition of this, after an allegation of abuse, additional support and/or a review of supports provided to the participant may be required.
- A quality of support review must also be undertaken by the Director for participants who are victims or alleged perpetrators of an assault. Agreed actions for the participant's immediate and ongoing needs must be recorded on the participant's care plan. This must include:
 - steps being taken to assure the participant's safety and wellbeing in the future
 - treatment or counselling the participant may access to address their safety and wellbeing
 - modifications in the way services are provided (for example, same gender care or placement)
 - how best to support the participant through any action the participant takes to seek justice or redress including making a report to Police
 - any ongoing risk management strategy required where this is deemed appropriate.

PREVENTING AND RESPONDING TO ABUSE, NEGLECT AND EXPLOITATION POLICY AND PROCEDURE

Incident Management Flowchart



PREVENTING AND RESPONDING TO ABUSE, NEGLECT AND EXPLOITATION POLICY AND PROCEDURE



POLICY AMENDMENT RECORD		
DATE	BRIEF DESCRIPTION OF AMENDMENT	AUTHORISED

End of policy document. Uncontrolled when printed
