



Client Harm, Abuse & Neglect

POLICY & PROCEDURE

Policy Version 1.0

Category: Administrative *(Required by Legislation)*

Adopted: January 2022



Client Harm, Abuse & Neglect Policy & Procedure

Policy Statement

The Winton Shire Council (WSC) Human Services Quality Framework team is committed to the safety and wellbeing of our Clients at all times. Every possible action will be taken to prevent harm occurring to our Clients.

Processes are in place to report and respond to any allegation of actual or potential abuse or neglect arising from our services/service delivery or disclosed to the Human Services Quality Framework team members.

Scope

This Human Services Quality Framework (HSQF) policy and procedure applies to Council's HSQF team members, Service Providers and Volunteers.

Council's HSQF services include:

- Youth / Sports / Recreation
- 60 & Better
- Family Support

This policy and procedure applies also to Council's Clients who use the HSQF services provided by the HSQF team members, volunteers and other Council Service Providers.

Human Services Quality Standards:

The Human Services Quality Framework (HSQF) is underpinned by a commitment to efficient and effective business operations that result in quality outcomes for clients. The framework contains six Human Services Quality Standards:

Standard 1 — Governance and management

Standard 2 — Service access

Standard 3 — Responding to individual need

Standard 4 — Safety, wellbeing and rights

Standard 5 — Feedback, complaints and appeals

Standard 6 — Human resources.

The standards have been developed to include the core components of quality standards used in disability, child safety, community and community care services and are based on the following principles.

Respecting human rights — services are planned and delivered in a manner that respects the individual's human rights, in keeping with the United Nations Universal Declaration of Human Rights.

Social inclusion — services are planned and delivered to promote opportunities for people to be included in their community.

Participation — people using services are included in decision-making about the service they receive.

Choice — people using services are provided with the opportunity for choice regarding the service they receive and where and how they receive it, within available resources.



https://www.qld.gov.au/_data/assets/pdf_file/0017/55214/human-services-quality-standards.pdf

Definitions

Client – A person who receives approved services from a service provider

Council – Winton Shire Council

HSQF – Human Services Quality Framework

NDIS – National Disability Insurance Scheme, provides support to eligible people with intellectual, physical, sensory, cognitive and psychosocial disability.

Procedure

General Responsibilities

Management shall ensure that the HSQF team adopt a Client decision-making approach in relation to the services they provide. Management shall ensure the establishment and delivery of safe service outcomes to all Clients, by trained and experienced HSQF team members. Management shall ensure that each Client is provided services that are:

- Best practice
- Tailored to the Client's needs
- Optimises the Clients health and well-being

The HSQF team shall follow the requirements of this policy/procedure and where possible, participate in development opportunities, and deliver safe services that address the Client's HSQF needs.

Council encourages Clients to provide input into and feedback on the Council HSQF services they utilise.

Client Harm, Abuse and Neglect

Identifying Harm

Harm is any detrimental effect of a significant nature on an individual's physical, psychological or emotional wellbeing.

It is immaterial how the harm is caused. Harm can be caused by a single or series of acts, omissions or circumstances.

Identifying Abuse

Abuse is the violation of an individual's human rights, through an act of omission, by another person/s. Abuse includes, but is not limited to the following:

- Physical abuse – any non-accidental physical injury or injuries to a child or adult, such as inflicting pain of any sort, or causing bruises, fractures, burns, electric shock, or unpleasant sensation (i.e. taste, heat or cold) as well as restrictive practices which are not contained in the Client's positive behaviour support plan (where relevant).
- Sexual abuse – any sexual contact between an adult and a child 16 years of age or under, or any sexual activity with a person with impairment of the mind (as defined under 'Definitions' in the *Queensland Criminal Code*). Sexual activity includes intercourse, genital manipulation, masturbation, voyeurism, sexual harassment, and also inappropriate exposure to pornographic media etc.



- Psychological or emotional abuse – verbal communication that is threatening or demeaning, threats of maltreatment, harassment, humiliation, intimidation, failure to interact with a person or to acknowledge the person's presence, or denial of cultural or religious needs and preferences.
- 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.
- Chemical abuse – refers to any misuse of medications and prescriptions, including the withholding of medication and over-medication.
- Abuse through denial of access to legal remedies – denial of access to justice or legal systems that are available to other citizens and denial of informal or formal advocacy support requested by the client or his/her substitute decision maker.

Identifying Neglect

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

- Physical neglect – 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.
- Passive neglect – the failure to fulfil care-taking responsibilities because of inadequate caregiver knowledge, infirmity, or the failure to implement prescribed services.
- Wilful deprivation – 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.
- Emotional neglect – the failure to provide the nurturing or stimulation needed for the social, intellectual and emotional growth or wellbeing of an adult or child.
- Crimes of Omission – negligence, i.e. the failure to act with the appropriate duty of care.

HSQF Responsibilities

Management is responsible for ensuring all HSQF employees are trained in the following strategies for identifying and preventing harm, abuse and neglect:

- Training, awareness and understanding of this and other Council and HSQF policies/procedures
- Role Specific Training and Assessments – i.e. Blue/Yellow Card
- HSQF Standards – Training, awareness and Understanding
- Internal and External Incident Reporting

The HSQF team shall be trained to promptly respond to aggressive behaviour or physical threats toward Clients and employees, this is to protect the safety and wellbeing of all individuals.

The HSQF team shall use first and foremost a positive behaviour support approach.

Clients may experience or be dealing with the consequences of actual or potential abuse and neglect during their involvement with our HSQF service. These incidents may be directly or indirectly related or entirely unrelated to our HSQF service provision.

Clients have a right to their safety and wellbeing and to be protected from abuse and/or neglect, they also have a responsibility to be active in protecting themselves and others from



harm. The HSQF team shall inform Clients of the ways their safety and wellbeing shall be protected, and any actions they are required to take or not take, while using Councils HSQF services. Documented processes include:

- Admission Forms / Agreements
- Client Disclaimers – (i.e. Included in the School Holiday Agreement)
- Risk Assessments/Register

Note: Clients may choose to receive help from external service providers.

Client Harm, Abuse and Neglect Process

When a team member witnesses or suspects harm, abuse or neglect, they shall:

- Ensure the Client is safe and at no risk of further abuse. If there is an immediate danger or a life-threatening situation, call 000.
- Provide emotional and/or other support as required within their scope of work.
- Advise the management team as soon as is practicable – including any details, i.e. the abuser, type of harm, abuse or neglect etc.
- Follow Council's incident reporting process.

Management shall ensure the following:

- That the Consumer is given assistance with consideration of any cultural, diverse or special needs including an interpreter.
- Focus any interventions on the victim.
- Coordinate reporting criminal offences to the Police by either reporting it themselves or supporting the Consumer's representative/s to contact Police, Department of Social Services or advocate service.
- Offer the Consumer an independent advocate of their choice, especially before being interviewed.
- Advise the Consumer's representative/s of the incident using the principles of open disclosure – Refer to the CCS Open Disclosure Policy and Procedure.
- Commence disciplinary actions in conjunction with Human Resources if the investigation suggest a team member was involved.

Reporting Harm, Abuse and Neglect

The HSQF team shall maintain an empathetic, non-judgemental approach to individuals that are at risk of potential harm, abuse or neglect, including a risk of self-harm.

External Reporting

Management is responsible for reporting actual and potential harm, abuse and neglect to the following Queensland services:

- **Department of Health, Ageing and Aged Care** - reporting on all instances of Client abuse or neglect to the Department of Health, Ageing and Aged Care.
- A **Reportable Assault Form** shall be completed within 24-hours of receiving an allegation, and emailed to compulsoryreports@agedcarequality.gov.au or a call made to the Compulsory Reporting line on 1800 081 549, and the assault reported to Police.
- **NDIS Commission** – Management must notify the NDIS Commission about all Reportable Incidents within 24-hours of receiving an allegation using the NDIS



Commission Portal <https://www.ndiscommission.gov.au/providers/ndis-commission-portal> or call 1800 035 544.

- **Department of Children, Youth Justice and Multicultural Affairs** – report all child abuse immediately. If you believe a child is in immediate danger or a life-threatening situation, call 000. If you have a reason to suspect a child in Queensland is experiencing harm, or is at risk of experiencing harm or being neglected, contact Child Safety Services – Phone 1800 177 135. <https://www.cyjma.qld.gov.au/protecting-children/reporting-child-abuse>

Internal Reporting

Management shall:

- Document instances of harm, abuse and neglect in a register.
- Action all reports of harm, abuse and neglect received from HSQF team members.
- Support the Consumer as required.
- Complete an Incident Report Form

Communication

- Council's HSQF team shall have access to this policy/procedure.
- The HSQF team shall be provided with opportunities to be involved in the review of this policy/procedure.
- All relevant employees shall read and understand this policy/procedure at the time of their employment and orientation.
- Changes/amendments made to this policy/procedure document shall be communicated to the relevant HSQF team members.

Enforcement

The failure of any employee to comply with this policy/procedure in its entirety may lead to:

- Council's performance management process being implemented - which may involve refresher or further training, or
- Modification or termination of employment.

Related Council Documentation

- Client Safety and Wellbeing Policy and Procedure WSC-HSQF-POL-004
- Feedback and Complaints Policy and Procedure WSC-HSQF-POL-006
- Feedback and Complaints Register
- HSQF Risk Register WSC-HSQF-REG-002
- Privacy and Confidentiality Policy WSC-HSQF-POL-012
- Risk Assessments
- WSC Risk Management Framework and Guidelines

Legislation, Recognised Authorities and Other Sources

- Anti-Discrimination Act 1991
- Aged Care Quality Standards
- *Aged Care Act 1997*



- Child Safety Services (Formal Complaint) – Phone 1800 177 135
- Department of Communities, Child Safety and Disability Services Central Unit **1800 818 338**
- Human Services Quality Framework (HSQF) Standards
- *Human Rights Act 2019 (Qld)*
- National Disability Insurance Scheme (NDIS) Practice Standards
- NDIS Quality and Safeguards Commission <https://www.ndiscommission.gov.au/>
- NDIS Code of Conduct [NDIS Code of Conduct \(NDIS Providers\) | NDIS Quality and Safeguards Commission \(ndiscommission.gov.au\)](https://www.ndiscommission.gov.au/ndis-code-of-conduct)
- *Privacy Act 1988 (Federal)*
- QLD Government – reporting child abuse <https://www.qld.gov.au/community/getting-support-health-social-issue/support-victims-abuse/child-abuse/reporting-child-abuse>
- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulation 2011*
- Winton Shire Council - <https://www.winton.qld.gov.au/contact/home>

CEO Discretion

Where applicable, the CEO can apply their discretion as to the enforcement of the requirements outlined in this policy/procedure and any requests for variations to this document.

Review of Policy

This policy/procedure remains in force until amended or repealed by resolution of Council. This document will be reviewed biannually or as required.

RECORD OF AMENDMENTS and ADOPTIONS			
DATE	REVISION NO	REASON FOR AMENDMENT	ADOPTED BY COUNCIL
January 2022	V1.0	Preparation for Council Adoption	17 February 2022

