

1. Policy statement

Hartley Lifecare (Hartley) is committed to promoting and protecting individual rights and maximising the choice and control of people with disability in decisions about their lives. This includes providing supports which are free from violence, abuse, neglect, exploitation and discrimination.

2. Purpose

This policy outlines the role of safeguarding and how it prevents violence, abuse, neglect, exploitation and discrimination of people with disability.

3. Scope

Paid employees, contractors, volunteers and other stakeholders are responsible for working within this policy and procedure, including reporting when safeguarding is not adequate.

4. Definitions

Refer to item 11 below.

5. Principles

5.1. Hartley is dedicated to providing an environment where people with disability to whom it provides services are protected from violence, abuse, neglect, exploitation or discrimination, and where staff work according to Hartley's organisational values.

5.2. The National Disability Services *Zero Tolerance Framework* ([Attachment A](#)) and the *Principles of good incident management and resolution (NDIS Quality and Safeguards Commission)* ([Attachment B](#)) underpin this policy and applies at the same time.

5.3. This policy:

5.3.1. supports Hartley to apply the National Standards for Disability Services, in particular Standard 1: Rights; *and*

5.3.2. guides staff to support people to exercise their rights and exercise choice and control over their services. This policy will support Hartley to apply the [NDIS Quality and Safeguarding Practice Standards](#) for Rights and Responsibilities, Provider Governance and Operational Management and Provision of Supports.

5.3.3. will be used in conjunction with Hartley's suite of policies and procedures which ensure clients are supported in a safe and supportive environment, and in accordance to best practice, the NDIS Quality and Safeguards practice standards and relevant legislation.

5.4. Safeguarding improves safety and wellbeing, while imposing the least possible restriction on an individual and their choices.

5.5. Safeguards are responsive to the individual's circumstance and are relevant to the risk within these circumstances. These factors may change over time.

5.6. Every person should be supported to develop their individual skills and capacity and be involved in determining their own safeguards.

5.7. People who need and want support to make decisions will be supported to exercise choice.

5.8. Safeguards can be informal or formal and work at an individual and/or organisational level.

5.9. A persons' money or other property is only used with their consent and for the purposes they intended.

5.10. Supports are provided based on the least intrusive options that meet the person's needs and help achieve desired outcomes.

6. Procedures

- 6.1. A defined structure is implemented by the Board to meet the Board's financial, legislative, regulatory and contractual responsibilities, and to monitor and respond to quality and safeguarding matters associated with delivering supports to participants.
- 6.2. All clients have a current *Individual Support Plan* (ISP) in place which details the client's holistic support needs. This includes alerts, protocols and information about the clients physical, mental, social and emotional state. Consent information is also detailed on the ISP.
- 6.3. All new employees and volunteers:
 - 6.3.1. have a current Working With Vulnerable Peoples registration in place. This is sited and a copy placed on the employee's HR file; *and*
 - 6.3.2. undertake a Police Check (conducted by Hartley at the time of employment).
- 6.4. Reasonable adjustments to the support delivery environment are made and monitored to ensure it is fit for purpose and each person's health, privacy, dignity, quality of life and independence is supported.
- 6.5. Risks to the organisation, including risks to a person's financial and work health and safety risks, and risks associated with provision of supports are identified, analysed, prioritised and treated. This includes the completion of a *Client risk assessment* on entry to the service and reviewed at least annually or as needs change.
- 6.6. Where supports are provided in the participant's home, work is undertaken with the person to ensure a safe support delivery environment. This includes the completion of a monthly *Risk and compliance audit*.
- 6.7. Where relevant, work is undertaken with other providers and services to identify and treat risks, ensure safe environments, and prevent and manage injuries. This is documented accordingly.
- 6.8. Participants are not given financial advice or information other than that which would reasonably be required under the person's plan.
- 6.9. Where a person has specific needs, which require monitoring and/or daily support, workers are appropriately trained and understand the person's needs and preferences.
- 6.10. All staff will be trained within their first 12 months of employment at Hartley in the prevention of violence, abuse, neglect and exploitation of people with disability.
- 6.11. Work, health and Safety Officers undertake specific WHS training as required.
- 6.12. All staff are provided with training and orientation to:
 - 6.12.1. Trauma informed practice
 - 6.12.2. Incident management, including reportable incidents
 - 6.12.3. Safeguarding of clients
 - 6.12.4. Medication administration
 - 6.12.5. Manual handling
 - 6.12.6. Infection control
 - 6.12.7. Personal care
 - 6.12.8. Food safety and nutrition
 - 6.12.9. Incident management
 - 6.12.10. Driver awareness
 - 6.12.11. Documentation
- 6.13. Each client is given information about the use of an advocate and access to an advocate. This is also included in the client handbook. Access to an advocate, including an independent advocate is facilitated as required, include where allegations of violence, abuse, neglect, exploitation or discrimination have been made.
- 6.14. Allegations and incidents associated with violence, abuse, neglect, exploitation or discrimination to a client or a person with disability are acted upon immediately and responded to in accordance to the [NDIS Commission's reportable incidents guidelines](#) and **Hartley's incident management Process (Attachment C)**. In summary, this includes:
 - Understanding and defining the types of incidents and allegations relating to violence, abuse, neglect, exploitation or discrimination that could occur.
 - Early identification of the incident and/or allegation.
 - Immediate response, including ensuring the safety and wellbeing of any impacted person(s). If a client is in imminent danger in relation to acts of violence, abuse and neglect, emergency services should be contacted immediately by dialling 000.

- Incident/allegation assessment, including applying a risk management approach to the situation.
 - Notifying the appropriate people and agencies.
 - Incident reporting, including reporting the incident/allegation to the NDIS Quality and Safeguards Commission, relevant authorities and the client's representatives.
 - Undertaking an investigation process.
 - Implementation of approved and confirmed recommendations.
 - Ongoing follow-up and continuous quality improvement.
- 6.15. Clients involved in an incident or an allegation of violence, abuse, neglect, exploitation or discrimination will be supported immediately and provided with trauma-informed support throughout the process.
- 6.16. Medication management is provided in accordance to *Hartley's Medication Management policy and procedure* and the relevant legislation. Medication records clearly identify the medication and dosage required by each person, including all information required to correctly identify the participant and to safely administer the medication.
- 6.17. In the absence of a documented *Advanced Care Order* and where there is an immediate risk to a client's safety, an emergency response is required as follows:
- Step 1:** Contact the relevant emergency service and follow advice. This may include contacting one or more of the following services:
- Lifeline: 13 11 14
 - MensLine: 1300 789 978
 - Kids Helpline: 1800 551 800
 - 1800RESPECT: 1800 737 732
 - National Disability Abuse and Neglect Hotline: 1800 880 052
 - Aboriginal Family Domestic Violence Hotline: 1800 019 123
 - Emergency services 000
- Step 2:** Follow advice given by medical practitioners or emergency service provider(s) to manage the immediate risk.
- Step 3:** Contact the family or guardian and inform them of the situation.
- 6.18. Each participant affected is supported and assisted appropriately, records are made of any details and outcomes of reviews and investigations, and action is taken to prevent similar incidents occurring again.
- 6.19. Where safeguarding is not adequate, or a person(s) is concerned about any aspect of the services Hartley provides, a complaint can be made by:
- Phoning 02 62824411; or
 - Emailing reception@hartley.org.au; or
 - Accessing Hartley's *Feedback and Complaints policy and procedure* and the *Feedback and Complaints form* from Hartley's website under the "[Contact Us](#)" section.
- Alternatively, a complaint can be made to the NDIS Commission by:
- Phoning 1800 035 544 (free call from landlines) or TTY 133 677. Interpreters can be arranged; or
 - National Relay Service and ask for 1800 035 544; or
 - Completing a [complaint contact form](#).

7. Related policy and procedures

- 7.1. Risk management framework
- 7.2. Medication management policy and procedure
- 7.3. Restrictive practices policy and procedure
- 7.4. Incident management policy and procedure
- 7.5. Feedback and Complaints policy and procedure

8. Related legislation and policy

- 8.1. Code of Practice for the Elimination of Restrictive Practice (revised 2019)
- 8.2. National Standards for Disability Services
- 8.3. National Disability Insurance Scheme Act 2013
- 8.4. National Disability Insurance Scheme Rules
- 8.5. NDIS Quality and Safeguarding Practice Standards 2018
- 8.6. Western Australia National Disability Insurance Scheme Operational Policy Safeguarding (2016)
- 8.7. United Nations Convention on the Rights of Persons with Disabilities

9. References and Acknowledgements

- 8.1 National Disability Services 2021 – Safeguarding policy & *Zero Tolerance Framework* (Attachment B)
- 8.2 [NDIS Practice Standards](#)

10. Review Procedures

- 10.1. Hartley Lifecare may make future changes to this policy to improve the effectiveness of its operation and ensure compliance with relevant legislation.
- 10.2. Feedback on this policy can be directed to the Senior Manager – Business and Operations at any time. Whilst feedback is welcome, it may not necessarily lead to a change in the policy.

11. Definitions

Safeguarding - Actions designed to protect the rights of people to be safe from violence, abuse, neglect, exploitation or discrimination, while maximising the choice and control they have over their lives.

Violence - the use of physical force with the intention to harm somebody else.

Abuse - a violation of rights involving the exploitation of power. Types of abuse include, but are not limited to:

- Physical abuse – non-accidental physical acts towards a person with disability that are intended to cause hurt or harm. Acts that result in that person experiencing significant pain, shock or other unpleasant sensation. In some circumstances, acts of physical abuse will also amount to unlawful physical contact or assault, and may cause a serious injury to the person with disability.
- Psychological or emotional abuse – verbal or non-verbal acts that cause significant emotional or psychological anguish, pain or distress including verbal taunts, threats of maltreatment, harassment, humiliation or intimidation, or a failure to interact with a person with disability or acknowledge the person with disability's presence.
- Financial abuse – improper or illegal use of money (including NDIS funds where they are managed by the individual person with disability), property, resources or assets of a person with disability, including improperly withholding finances from that person, and coercing or misleading the person with disability as to how the funds or property will be used.
- Systemic abuse – a failure to recognise, provide, or attempt to provide adequate or appropriate services, including services that are appropriate to the person's age, gender, culture, disability support needs or preferences, that has a significant physical, emotional or psychological impact on the person with disability.

Neglect - Neglect includes an action, or a failure to act, by a person who has care or support responsibilities towards a person with disability. In determining neglect, the nature of a registered NDIS provider's or worker's care responsibilities provides the context against which the incident or allegation needs to be assessed.

Neglect can be a single significant incident where a registered NDIS provider or worker fails to fulfil a duty, resulting in actual harm to a person with disability, or where there is the potential for significant harm to a person with disability. Neglect can also be ongoing, repeated failures by a registered NDIS provider or worker to meet a person with disability's physical or psychological needs.

You must report to the NDIS Commission all incidents of neglect of a person with disability that are occurred or alleged to have occurred in connection with the provision of supports and services.

Neglect can include a number of specific categories that must be reported including inadequate care, failure to access medical care, supervisory neglect, a reckless act or failure to act, and failure to protect from abuse.

Discrimination- the mistreatment or bullying of a client based on their personal characteristics (or presumed characteristics). These characteristics can include (but are not limited to) gender, age, sexual orientation, disability, employment, race or religious belief.

Exploitation - The act of treating someone unfairly or taking advantage of someone for personal gain.

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