

# Abuse and Neglect

## POLICY AND PROCEDURE

### Purpose

The purpose of this policy and procedure is to:

- Ensure that tools are in place to identify cases of elder abuse and that appropriate action is taken in cases of elder abuse or suspected elder abuse.
- Maintain the dignity and protect the safety and security of people with a disability and older people utilising any of Subee Newlake services.
- Achieve an integrated and standardised approach to the management of elder abuse

### Scope

This policy statement covers both aged care and disability clients and is inclusive of:

- suspected, disclosed or witnessed events
- events that may have or do occur in the home or community setting
- events that may involve family, friends, service workers or others in a position of trust

### Definition

In general terms abuse is defined as any behaviour that causes physical, psychological, financial or social harm to a vulnerable person. It may result from a single act, repeated behaviour or lack of appropriate action

- Abuse may be:
- Sexual - where consent has not been obtained, or has been obtained through coercion

- Psychological – involving actions and threats that cause fear of violence, isolation, deprivation and feelings of shame and powerlessness
- Physical – the infliction of physical pain, injury or physical coercion
- Neglect – failure to provide necessities to a dependent or vulnerable person
- Financial - Financial abuse is the illegal or improper use of a person’s property or finances.
- Elder Abuse - Elder abuse can be defined as “a single, or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person”. Elder abuse can take various forms such as physical, psychological or emotional, sexual and financial abuse. It can also be the result of intentional or unintentional neglect. World Health Organization 2002.

Freedom from neglect and abuse is considered a fundamental human right and is protected under the following legislation and standards:

- National Disability Insurance Scheme (Code of Conduct) Rules 2018
- Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018
- UN Convention on the Rights of Persons with Disabilities
- Disability Inclusion Act 2014
- Aged Care Act 1997
- NSW Charter of Victim’s Rights
- Australian Community Industry Standards (ACIS) 2018
- New Aged Care Quality Standards

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This policy does not cover mandatory reporting as defined under the Children and Young Persons (Care and Protection) Act 1998.

### Reportable Assault

A reportable assault as defined in the Age Care Act (section 63-1AA) means:

- unlawful sexual contact with a resident of an aged care home, or
- unreasonable use of force on a resident of an aged care home.

Although Subee Newlake provides in home care, management will report to the police and the Aged Care Commission incidents of alleged or suspected reportable assaults within 24 hours of the allegation, or at time of suspect a reportable assault has occurred

Subee will take reasonable measures to ensure staff members report any suspicions or allegations of reportable assaults to the office, who will escalate immediately to the CFO.

Subee will take reasonable measures to protect the identity of any staff member who makes a report and protect them from victimisation.

### Procedure

Workers must report all suspected cases of abuse and/or neglect to their supervisor immediately. The following must be reported to NSW police:

- Where serious injuries such as broken bones have been inflicted

- The perpetrator has access to a gun and is threatening to cause physical injury to any person
- The perpetrator is using or carrying a weapon in a manner likely to cause injury including to care
- Any other risk to individual or public safety

When reporting suspected, witnessed or reported abuse or neglect the worker should attempt to gain client consent prior to reporting if practical.

- However, information provided to NSW Police in situations where there is a genuine and realistic concern about harm is not considered a breach of confidentiality.
- Where it is decided that a client is in immediate risk workers should call the police and/or ambulance (Dial 000) without referring first to management. It is important that workers explain any immediate action taken to the client if possible.
- When a decision is made to contact the police, care workers must inform their supervisor immediately and complete an Incident Form.
- It is important to consider decision-making capacity when responding to abuse. Impaired
- decision-making ability, for example, due to cognitive impairment, may make an older person susceptible to abuse.
- Where an older person and person with a disability lacks decision- making capacity, an alternate person may be appointed to make decisions on their behalf.
- Mechanisms for such 'substituted decision-making' are outlined in the NSW Guardianship Act 1987 and the Powers of Attorney Act 2003
- Any request from a client or client advocate to report to the police must be facilitated and supported

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- Responses are sensitive to the older person's special needs – these may be in relation to Aboriginality, culture, disability, religion, gender and sexuality
- Any suspected, disclosed or witnessed events reported internally shall be managed within the incident reporting process and escalated both to senior management and to any third-party service providers within information sharing and confidentiality protocols.
- Existing elder abuse training programs for support staff across Subee Newlake is undertaken annually.
- If a client requests a staff member to handle money on their behalf, a Cash Received Client Possessions Form should be used and should be signed off by the client or advocate. This form should be sent with timesheets at the end of the fortnight and is filed in the client folder

If there is no immediate danger and service co-ordinators and management shall request assistance from third parties (such as ACAT or NSW Health, the clients GP or Service Provider or the National Disability Abuse and Neglect Hotline – 1800 880 052, Elder Abuse Helpline: 1800 628 221)

### Prevention

- Information regarding abuse and neglect will be provided as part of the Subee Newlake Information Pack for direct or packaged care clients.
- It is Subee Newlake policy that all care staff attend compulsory, annual training on Abuse and Neglect to maintain currency.
- Training should cover identification, support and response.

Staff training needs to also cover risk factors that make people more vulnerable to Abuse and Neglect. These include:

- Depression, drug or alcohol misuse by older people can make them more vulnerable to abuse
- Social isolation has a well-established association with vulnerability to abuse of older people: isolation both increases the vulnerability to abuse and makes it more difficult to identify abuse.
- Reduced 'intrinsic capacity', such as impairment of physical and mental capacity, including through dementia is associated with increased overall risk of abuse of older people.

### Counselling and recovery

Clients should be offered support, and can be assisted to access counselling through:

- Victims Services NSW provides a free counselling service to people who are victims of violent crime in NSW
- NSW Health Sexual Assault Service
- Referred by a GP to a private psychologist

Employees should be offered debriefing and counselling options within 24 hours.

Employees have access and will be offered Subee Employee Assistant Program contact details.

### Responsibility and Authority

The Senior Management Team has responsibility and authority to ensure this Policy is followed.

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Service Co-ordinators and senior managers are responsible for enforcing the Abuse and Neglect policy and coordinating training.

All employees are responsible for knowing and following this Policy and Procedure.

Employees have a duty of care to clients under the mentioned acts and standards as well as under state and federal law.

### Helpful Resources

Elder Abuse Helpline: 1800 628 221

National Disability Abuse and Neglect Hotline: 1800 880 052

Aged Care Quality & Safety Commission 1800 951 822

FACS Child Protection Helpline: 132111

NSW Ombudsman: 1800 451 524

Older Person Advocacy Network (OPAN) 1800 700 600

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