



Vulnerable Adult Protection Policy and Procedures

STATEMENT OF INTENT

The Paraplegic and Quadriplegic Association of South Australia Incorporated (PQSA) is aware of its Duty of Care in the protection of vulnerable adults. PQSA is committed to providing a safe and secure environment for all clients that it offers services to.

PQSA aims to eliminate the risk of abuse occurring, and to ensure that a caring and appropriate response is taken should abuse occur.

Approved by: 	Date: September 2014
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The Paraplegic and Quadriplegic Association of SA Inc. is incorporated under the *Association Incorporation Act 1985 (SA)* and conduct its business through operating Divisions, namely Support Services and HomeCare+

SCOPE

Compliance with this policy is a condition of appointment for all workers engaged to provide services on behalf of PQSA.

DEFINITIONS

Abuse - is the violation of an individual's human rights or civil rights, through the act or actions of another person(s). It refers to any non-accidental physical act inflicted upon a client. It may also include forms of financial exploitation and theft. The threat of such acts or behaviors may also be considered abuse. Types of abuse can include:

- ◆ **Physical Abuse** - Any non-accidental physical injury resulting from practices such as: hitting, punching, kicking to include but not necessarily be limited to; burning; biting, pulling out hair. Alcohol or other drug administration.
- ◆ **Sexual Abuse** - Any sexual act or threat to perform such upon another person. This occurs when a person uses their power and authority to take advantage of another's trust to involve them in sexual activity. It does not necessarily involve genital contact but is any act which erodes the sexual boundary between two persons. It may appear consensual but the validity of consent is negated by the power differential.
- ◆ **Emotional or Psychological Abuse** - The chronic attitude or behavior of one person which is directed at another person, or, the creation of an emotional environment which erodes a person's development, self-esteem and social confidence over time. Behaviors may include: Devaluing, ignoring, rejecting, corrupting, isolating, terrorising or chronic and extreme domestic violence in a vulnerable adults presence.
- ◆ **Constraints and Restrictive Practices** – restraining or isolating people other than for medical necessity or to prevent immediate self-harm.
- ◆ **Financial Abuse** – the wrongful use of another person's assets or denying a person the use of their own assets.
- ◆ **Legal or civil abuse**
- ◆ **Systematic abuse**
- ◆ **Neglect** - Characterised by the failure to provide for a person's basic needs. Any serious omission or commission which jeopardises or impairs a person's development.

Advocacy – Is representing and working with a person or group of people who may need support and encouragement to exercise their rights, in order to ensure that their rights are upheld.

Board Member – Persons elected by members of PQSA who have the power to appoint and reward the Chief Executive; set goals, formulate strategy, and approve business plans; approve annual budgets and business results; set, review policies for member communication and approve reports to members; and set and review budgetary control and conformance strategies.

Clients – A person with a disability who receives services from any division of PQSA.

Duty of Care - The obligation of a person not to be careless or negligent and to exercise reasonable care in the conduct of an activity.

Manager/Supervisor – A person who is charged with the management or direction of PQSA and its Divisions and other divisions as determined from time to time.

Must – Indicates a mandatory action required by law, industrial instrument, or PQSA policy or procedure.

Incidents – Something that happens an individual occurrence or event.

Personnel – Are either employed by PQSA, or are engaged as a contractor or in an unpaid position, such as volunteer, Board Member or visitor.

Reasonable – The appropriate standard or quality of objective decision-making that must be brought to bear when making an administrative decision.

Reporting – Is an account or statement given either verbally or in writing with the specific intention of relaying information or recounting certain events in an objective manner.

Should – Indicates a recommended action that should be followed unless there are sound reasons for taking a different course of action.

Serious (Care) Concern – Is one that presents serious harm or a significant risk of serious harm to clients.

Vulnerable Adult - A vulnerable adult is a person aged 18 years or over who may be unable to take care of themselves, or protect themselves from harm or from being exploited. This may be because they have a mental health problem, a disability, a sensory impairment, are old and frail, or have some form of illness.

RESPONSIBILITIES

Chief Executive Officer is responsible for ensuring that:

- ◆ A high standard of conduct is maintained at all times.
- ◆ In the case of a report of abuse in relation to a vulnerable adult PQSA's Insurer is contacted immediately.

Managers/Supervisors – are responsible for ensuring that:

- ◆ All their staff are informed, understand and apply the principles of this policy.
- ◆ Accurate and confidential records of all reported cases of abuse against a vulnerable adult are maintained.
- ◆ Client and personnel confidentiality is maintained at all times.
- ◆ Feedback is sought in relation to reports of abuse and neglect through Department for Communities and Social Inclusion (DCSI) or the SA Police (SAPOL) and ensure that appropriate feedback is issued to reporting personnel.

Manager, Human Resources is responsible for ensuring that:

- ◆ Legislative requirements both Federal and State are adhered to.
- ◆ This policy is reviewed and updated on a bi-annual basis.
- ◆ All personnel are informed and trained in the application of this policy and its procedures.
- ◆ PQSA procedures are followed to protect the confidentiality of all parties concerned.
- ◆ Confidential paperwork relating to allegations of abuse are retained in a safe environment to maintain confidentiality and in line with legislative and government policy.

Personnel are responsible for ensuring that:

- ◆ A safe environment is maintained at all time
- ◆ Any serious concerns in relation to a client or other personnel's well being is reported in accordance with this policy;
- ◆ They follow instructions established to protect vulnerable adults in their care.
- ◆ Accurate and confidential records of all reported cases of abuse are maintained at all times.

POLICY

All vulnerable adults have the right to be safe and protected from abuse of any kind. Association personnel have a responsibility/duty of care to protect vulnerable adults that they support and to promote the vulnerable adult's best interest and well being. While it is not possible to eliminate risk entirely, much can be done to reduce opportunities for abuse and assist personnel with the process of reporting in accordance with DCSI Guidelines.

The Vulnerable Adult Protection Policy and Procedure advocates:

- ◆ **Zero tolerance of abuse:** abuse is not tolerated by PQSA. PQSA will not knowingly engage, directly or indirectly, anyone who poses an unacceptable risk to vulnerable adults.

The Vulnerable Adult Protection Policy and Procedure advocates, in accordance with the United Nations Convention on the Rights of Persons with a Disability Article 16 in so far as is reasonably practicable we will protect vulnerable adults from all forms of exploitation, violence and abuse, by ensuring that all support, facilities and programmes designed to serve vulnerable adults are effectively monitored by independent authorities.

Ethical Considerations:

Some actions are considered unacceptable behavior by PQSA and MAY result in disciplinary action or termination. These include:

- ◆ Inappropriate conversation of a sexual nature.
- ◆ Coarse language, especially that of a sexual nature.
- ◆ Suggestive gestures or remarks.
- ◆ Jokes of a sexual nature.
- ◆ Inappropriate touching.
- ◆ Recording or filming without prior consent
- ◆ Acts of violence committed by personnel in the course of an activity.

The age of individuals is recognised as one of the determinants in deciding what acceptable and unacceptable behavior is.

PROCEDURE

Recruitment and screening processes

PQSA's internal recruitment processes for its personnel already employ's stringent screening measures to ensure inappropriate persons are not employed. These include criminal records checks and verbal reference checks of at least two professional referees, carried out on all short listed applicants before they are offered employment. Additional screening measures are incorporated into selection processes for positions working with vulnerable adults which include targeted interview questions.

Where PQSA has identified that an applicant (either employee or volunteer) has previously committed a violent or sexually related offence, that person will not under any circumstances, be considered for employment or activities relating to vulnerable adults.

Safe environment

Incidents of Abuse are unlikely to take place in front of another person and the presence of a witness can assist in clarifying questionable allegations. For these reasons, when ever reasonably practicable there should be two people present when working with or supervising a vulnerable adult.

PQSA personnel will not visit a vulnerable adult in their homes without the prior knowledge and consent of PQSA Management.

When transporting a vulnerable adult they are to be taken directly to and from arranged venues; there must under no circumstances be a spontaneous detour.

All personal counseling is to be carried out, where reasonably practicable, within sight of a witness.

Personnel and clients are expected to respect each other's privacy during activities that require undressing, dressing or changing clothes. Under no circumstances will Association personnel be alone in a room with a vulnerable adult while they are dressing or undressing unless there is a need for assistance as noted in the Support Plan.

Initiations and secret ceremonies are prohibited.

PQSA personnel have the right to ask people who do not have a valid reason to be present at a vulnerable adult activity to leave. Police may be contacted if such persons refuse to comply with any reasonable request to leave.

Ensure appropriate use of communication systems

PQSA guidelines on appropriate use of its communication systems cover pornography. The use of PQSA systems to access pornography will not be tolerated and will be dealt with promptly, including reporting to police.

Disciplining vulnerable adults

It is not the responsibility of PQSA personnel to discipline a vulnerable adult. If a vulnerable adult in the care of PQSA does not abide by the rules set down by PQSA, or is an obstruction to the care of other vulnerable adults or may cause harm to other vulnerable adults, the vulnerable adult will be removed.

At no time will PQSA personnel administer any form of physical, emotional or mental discipline.

Reasonable grounds of abuse of a vulnerable adult can be assumed when:

1. A vulnerable adult discloses that he or she has been abused, and/or
2. Someone close to the vulnerable adult (e.g. sibling, relative, close friend) discloses on behalf of that vulnerable adult.
3. Professional judgment – serious concern.

Notifying Allegations of Abuse For Vulnerable Adults

PQSA personnel will immediately contact their Manager/Supervisor and complete an Incident Report that will be forwarded to the Manager, Human Resources in strictest confidence.

If the vulnerable adult is in immediate danger of a criminal offence or physical safety/security or there is a need to preserve physical evidence the Police must be contacted immediately on 131 444.

Personnel making the report to SAPOL should obtain details of the police officer to whom the report is made and of police members attending the scene (eg name, identification number and rank)

As soon as an incident is reported to SAPOL, the SAPOL investigation takes precedence over any organizational process and no further investigation should be undertaken by PQSA until the SAPOL investigation is completed.

PQSA personnel should not attend interviews of personnel or clients by SAPOL unless there is a direct and reasonable request for such advocacy which does not present a conflict of interest for PQSA.

Any situation involving client abuse by PQSA personnel which is immediately reported to the police is also to be reported to DCSI's Care Concern Investigation Unit on 8226 8800.

Other incidents of concern which, after consideration and investigation are felt to require police intervention, should be reported as soon as it is reasonably practicable to do so.

Abuse disclosure

If a disclosure of abuse is made, the Manager/Supervisor who receives the disclosure will maintain appropriate support to the one making the disclosure. This will include:

- ◆ Treating each allegation seriously and not attempting to deny the allegation or minimise its impact on the alleged victim so that the matter is not swept under the carpet.
- ◆ Not pushing the vulnerable adult to disclose details of the alleged abuse.

- ◆ Assuring the vulnerable adult that they are understood, that their disclosure is being taken seriously; that what has happened is not their fault; and that they are correct in disclosing the incident.
- ◆ Reporting the abuse to the appropriate authorities SAPOL or DCSI.
- ◆ Not making contact with the alleged perpetrator. If PQSA personnel are already providing counsel to the alleged perpetrator, it may be advisable for another person to assume this responsibility for the duration of any investigation.
- ◆ If the alleged abuse has taken place recently, clothing worn by the vulnerable adult should be retained and handed to the police for forensic examination.
- ◆ Maintain confidentiality at all times.

Any disclosures by a vulnerable adult, reports of suspected abuse and all details of the subsequent investigation will be documented and the documents will be held by the Manager, Human Resources in a secure location where a breach of privacy cannot occur.

PQSA reserves the right to carry out disciplinary procedures in accordance with its policies and procedures.

Where an allegation is made, the accused PQSA personnel will be removed from all PQSA activities and programs pending the outcome of all investigations.

Personnel making reports of abuse are encouraged to seek feedback about their reports and any subsequent intervention through their Managers/Supervisors.

The Manager, Human Resources will work with Managers/Supervisors to ensure an equitable, fair and transparent investigation of the allegations are completed.

PQSA recognize that it can be difficult for Aboriginal people and people from culturally and linguistically diverse back grounds to report cases of abuse and neglect in their communities. All reports of abuse and neglect of Aboriginal persons should be made to the **Yaitya Tirramangkotti** (24 hours every day) 13 14 78.

Other interpreting services available through the **SA Government Interpreting and Translation Services - 8226 1990**

The National Disability Abuse and Neglect Hotline – a telephone service for reporting cases of neglect and abuse of disabled members of the community. - 1800 880 052

Advocacy services can be sought for a client by a Manager/Supervisor through the:

Disability Advocacy & Complaints Service of SA Inc
 3/178 Henley Beach Rd.,
 TORRENSVILLE SA 5031
 8234 2229 (Hearing Impaired)
 1800 088 325 (Free Call)

Managers/Supervisors must ensure that PQSA personnel are appropriately supported and where necessary offered PQSAs Employee Assistance Program counseling.

Training

All personnel both paid and unpaid will undertake training in Reporting Abuse of Vulnerable Adults Procedures before commencing work with vulnerable adults. A refresher course in Mandatory Reporting is to be offered by PQSA and must be undertaken by all personnel every two (2) years. Personnel will be issued with a copy of this policy and all reviewed Policies.

RELATED LEGISLATION

- ◆ Children's Protection Act 1993 s11
- ◆ Aged Care Act 1997
- ◆ Criminal Law Consolidation Act 1955, (Telecommunications Offences, Subdivision C).
- ◆ The United Nations Convention on the Rights of a Person with a Disability.
- ◆ Disability Service Standards 2007
- ◆ Disability Services Act 1993
- ◆ DCSI Guidelines 271, People with Disability, Decision Making and Consent.
- ◆ DCSI Guidelines, Reporting of Incidents to SA Police by Non-Government Organisations.

SUPPORTING PQA DOCUMENTATION

- ◆ Advocacy Policy and Procedures
- ◆ Bullying in the Workplace Policy and Procedures
- ◆ Duty of Care Policy and Procedures
- ◆ Child Protection Policy and Procedures
- ◆ Employee Assistance Program Policy and Procedures
- ◆ Recruitment Policy and Procedure
- ◆ Confidentiality Policy and Procedure
- ◆ Code of Ethical Behaviour
- ◆ Discipline & Termination of Employment Policy and Guidelines
- ◆ Mandatory Reporting
- ◆ Behavioural Management Policy and Procedure.
- ◆ Complaints Management Policy and Procedures
- ◆ Privacy Policy and Procedures
- ◆ Criminal History Clearance Policy and Procedure.
- ◆ Risk Assessment Management Policy and Procedure

BREACHES OF THIS POLICY

A **breach** of this policy is grounds for disciplinary action, up to and including termination of employment. Ignorance of these procedures will not generally be accepted as an excuse for non-compliance. Only in extreme circumstances and where such ignorance can be demonstrated to have occurred through no fault of the individual concerned will PQSA accept such an argument.

DISTRIBUTION AND REVIEW

PQSA will ensure all persons engaged to provide services either paid or unpaid will be aware of this policy and will have easy access to it in an appropriate format. All policies are to be reviewed on a periodic basis or when legislation or government policy determines.