

# PROTECTION OF HUMAN RIGHTS & FREEDOM FROM ABUSE

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## POLICY

Riverlink Interchange Incorporated (Riverlink) will ensure that the legal and human rights of our clients are respected, their well-being is safeguarded, and that they are not exposed to any form of abuse and/or neglect (including but not limited to sexual, physical and emotional abuse) while in our service.

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## DEFINITIONS

### **Reportable Allegation:**

An allegation against a person of a reportable incident or an allegation of behaviour that may involve a reportable incident (*The Disability Inclusion Act 2014*).

### **Reportable Conviction:**

A conviction (within the meaning of the *Criminal Records Act 1991*) of an offence involving a reportable incident.

### **Allegation based scheme:**

It is the nature of the alleged conduct (and not the findings of any inquiries) that determines whether or not an incident should be reported to the NSW Ombudsman.

### **Sexual Offence:**

Sexual offence encompasses all criminal offences involving a sexual element that are committed against, with, or in the presence of a person with disability and includes, but is not limited to sexual assault, aggravated sexual assault, indecent assault and any offences deemed to be sexual in nature under *The Crimes Act 1900 (NSW)*.

### **Sexual Misconduct:**

To constitute a reportable incident, the alleged misconduct must have been committed against, with, or in the presence of a person with disability in supported group accommodation **by an employee**. There are three categories of sexual misconduct:

- Crossing professional boundaries
- Sexually explicit comments and other overly sexual behaviour;
- Grooming behaviour

### **Ill-Treatment:**

Ill-treatment captures those circumstances where a person treats a client in a seriously inappropriate, improper, inhumane or cruel manner.

### **Neglect:**

Neglect includes an action or failure to act by a person who has care responsibilities

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towards a person with disability in supported group accommodation. Neglect can also include supervisory neglect, carer neglect, failure to protect from abuse and reckless act/failure to act.

**Serious Injury:**

Serious injury can include (but it is not limited to) fractures, burns, deep cuts, extensive bruising, or concussion.

**Supported group accommodation (under the Disability Inclusion Act 2014):**

Defined as where;

- Two or more people with disability live in a shared living arrangement, but not a family household (where one of the people with disability has their guardian or family member living onsite and providing support for them); and
- Paid disability support is provided onsite, noting that centre-based respite care is included even where it is provided at no cost to the resident or family Noting that under the legislation, premises are not supported group accommodation where;
  - The premises are not under the control, direction or management of the disability service provider (for example, the residents or their family may own the premises, or rent from a private landlord or social housing provider which chooses residents and sets the rules); and
  - The onsite support provided by the disability service provider is controlled, directed or managed by:
    - One or more of the residents; or
    - A guardian or family member responsible for the care of a resident.

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**PROCEDURE**

To minimise the risk of participants being subject to abuse and/or neglect and to ensure that their rights are not infringed, Riverlink will:

- 1) Promote the human rights of all clients;
- 2) Maintain recruitment procedures to a high standard including:
  - a) Pre-appointment criminal screening of new employees, Management Committee members, contractors and volunteers - including Police Checks and Working with Children Checks (where required);
  - b) Referee checks for all new employees;
  - c) Three-month probationary period for all new employees, with performance being closely monitored during the probationary period;
  - d) Formal induction and orientation procedures for all new employees;
  - e) Regular supervision of all employees.
- 3) Use team meetings and training sessions to remind employees of their responsibilities for safeguarding clients and to raise any matters of concern.

- 4) Identify resources to assist and support Riverlink to empower clients in relation to issues of human rights and self-advocacy;
- 5) Foster a safe, supportive environment that encourages everyone to raise concerns without fear of retribution;
- 6) Reflect in the services which are provided, the protection of human rights and freedom from abuse and/or neglect;
- 7) Seek participant and carer feedback via a variety of feedback mechanisms to establish levels of satisfaction with the service.
- 8) Ensure that any instances of abuse or/or neglect are responded to promptly, professionally and sensitively;
- 9) Protect client's rights to dignity, confidentiality and privacy in accordance with Riverlink's policy on Privacy, Dignity & Confidentiality (Ref: 2.14) and Riverlink's duty of care (Ref: 2.22) obligations;
- 10) Respond to any concerns or allegations relating to an infringement of human rights, or abuse or neglect of a client another client by:
  - a) Encouraging and supporting all clients to report any concerns to a Riverlink employee immediately;
  - b) Requiring all employees and volunteers to report any concerns to that person's relevant line manager or an appropriate line manager, immediately;
- 11) If the line manager believes that the client is at immediate risk, take whatever steps are required to mitigate the risk and ensure the client's safety while the matter is fully investigated;
- 12) Respond to any allegations of abuse and neglect by implementing Riverlink's Management of Abuse, Injury & Neglect (Ref: 2.21);
- 13) Once the matter has been finalised, identify areas of service improvement with the aim of preventing any similar incidences occurring in the future; and
- 14) Ensure that clients and their families or advocates have access to the Human Rights and Freedom from Abuse and Neglect policy and are informed that a full copy is available on request.

Riverlink has developed policies and procedures relating to the prevention of abuse and neglect through staff and volunteer:

- 1) Recruitment procedures
- 2) Adherence to the Staff Code of Ethics and Conduct (Ref: 3.05)
- 3) Staff training and orientation programs
- 4) Reporting and responding to abuse

Riverlink has also developed policies and procedures regarding service delivery that:

- 1) Respect the values, culture and heritage of Aboriginal and Torres Strait Islander people. Riverlink acknowledges the importance of working together with

Aboriginal and Torres Strait Islander communities to develop and deliver services and supports that reflect identified needs that empower people through person-centred planning and upholds their rights. Riverlink recognises that quality of life, health and wellbeing of families is essential to promoting the safety of people with a disability in Aboriginal families and communities

- 2) Recognise and uphold the rights of people from culturally and linguistically diverse backgrounds who have a disability and their Carers. Service delivery will be sensitive to the needs and requirements of children, young people and adults with a disability from culturally and linguistically diverse backgrounds and their Carers. Riverlink recognises that quality of life, health and wellbeing of families is essential to promoting the safety of people with a disability in CALD families and communities

**Related Forms:**

2.23a Safeguarding People Living with Disabilities from Abuse

Complaints Record Form

Online MRG interactive tool

<http://sdm.community.nsw.gov.au/mrg/app/summary.page>

Online VOOHC register

[www.kidsguardian.nsw.gov.au/voluntary-out-of-home-care/voohc-register-log-in](http://www.kidsguardian.nsw.gov.au/voluntary-out-of-home-care/voohc-register-log-in)

**Related Policies:**

1.10 Hazard and Risk Management

1.11 Quality & Workplace Health & Safety

2.14 Privacy, Dignity and Confidentiality

2.22 Duty of Care

2.20 Complaints

2.21 Management of Abuse, Injury & Neglect

2.22 Duty of Care

2.27 Cultural and Linguistic Diversity

2.29 Behaviour Support

2.32 Child Protection

3.05 Staff Code of Ethics and Conduct

3.06 Staff Recruitment

3.13 Staff Performance Issues

3.12 Staff Training

3.17 Probity in Employment

**Relevant Standards:**

NSW Disability Services Standards:

Standard 1; Rights

Standard 2; Participation and Inclusion

Standard 5; Service Access

National Standards for Disability Services

Standard 1; Rights

Standard 2; Participation and Inclusion

Standard 5; Service Access

Children's Standards in Action:

Standard 7; Complaints and Disputes

Standard 10; Protection of Human Rights and Freedom from Abuse

**Related documents with reference to:**

"Keep them Safe" framework

Children's Guardian VOOHC - Register Manual & Statutory Procedures

**Legislation:**

*Age Discrimination Act 2004 (Commonwealth)*

*Anti-Discrimination Act 1977 (NSW)*

*Australian Human Rights Commission Act 1986 (Commonwealth)*

*Carers (Recognition) Act 2010 (NSW)*

*Children and Young Persons (Care and Protection) Act 1998*

*Children and Young Persons (Care and Protection) Regulation 2000*

*Community Services (Complaints, Reviews and Monitoring) Act 1993 (NSW)*

*Crimes Act 1900 (NSW)*

*Disability Discrimination Act 1992 (Commonwealth)*

*The Disability Inclusion Act 2014*

*Equal Opportunity for Women in the Workplace Act 1999 (Commonwealth)*

*Guardianship Act 1987 (NSW)*

*Health Records and Information Privacy Act 2002 (NSW)*

*Privacy Act 1988 (Commonwealth)*

*Privacy and Personal Information Protection Act 1998 (NSW)*

*Public Health Act 2010 (NSW)*

*Racial Discrimination Act 1975 (Commonwealth)*

*Sex Discrimination Act 1984 (Commonwealth)*



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Ray Palmer

Executive Officer

Date : 3/4/2018