# Freedom from abuse, neglect, exploitation, discrimination and harassment

## Policy

*futures in sight* is committed to ensuring that all people who we come in contact with are free from all forms of abuse, neglect, exploitation, discrimination and harassment.

*futures in sight* responds promptly and sensitively to protect the person from further harm, and to coordinate appropriate responses in line with our duty of care obligations.

We are mandated to report if we receive an allegation that a child or vulnerable person is at risk of significant harm; observe an incident; physical signs or behavioural indicators that lead us to suspect that a child or vulnerable person may be at risk of harm.

### Scope

*futures in sight* Partners, Contractors, Employees and Volunteers

### Principles

Everyone is entitled to feel safe, and to live in an environment in which they are protected from assault, neglect, exploitation, or any other form of abuse.

### Definitions

|  |  |
| --- | --- |
| Abuse | Behaviour or actions that are intended to cause harm to a person including:   * Threatened or actual physical, sexual or verbal abuse, harassment, including physical and medical restraint * Abusive behaviour management practices * Taking advantage of legal and financial situations to the detriment of the person * Accidents or near accidents caused by unsafe equipment or practices * The threat of retribution for disclosure of any potential or actual abusive or neglectful practice or situation * Use of punitive or coercive behaviours to ensure a person’s compliance. |
| Assault | As described in the Crimes Act 1900, assault is against the law. For the purpose of this policy, assault is any attempt or threatened attempt to cause unwanted immediate physical contact or bodily harm that puts the victim in fear of such harm or contact. |
| Neglect | Is the failure of a person responsible for another person’s (eg consumer, child, person who is older or ill) to provide the necessities of life.  The necessities of life are usually considered to be adequate food, shelter, clothing, medical or dental care.  Neglect may also involve the refusal to permit others to provide appropriate care to that person. |
| Exploitation | When someone is taking advantage of a person in any way |
| Discrimination and harassment | Occur when a person is discriminated against or harassed in the workplace and in certain areas of public life:   * because of their race, colour, descent or national or ethnic origin, as defined under the *Racial Discrimination Act 1975* * or because of their sex, marital status, pregnancy as defined under the *Sex Discrimination Act 1984* * or because of a disability as defined under the *Disability Discrimination Act 1992* * or because of age as defined under the *Age Discrimination Act 2004* * and some grounds under the *Australian Human Rights Commission Act 1986.*   For information about each of the pieces of legislation see <http://www.humanrights.gov.au/info_for_employers/law/index.html#summary> |

### Related Documents

Complaints Policy

Police Checks

NDIS Workers Check

Child Protection Policy  
Mandatory Reporting Guide

Duty of Care & Dignity of Risk Policy

### Legislation

Age Discrimination Act 2004 (Commonwealth)

Anti-Discrimination Act 1977 (NSW)

Australian Human Rights Commission Act 1986 (Commonwealth)

Carers (Recognition) Act 2010 (NSW)

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

Crimes Act 1900 (NSW)

Disability Discrimination Act 1992 (Commonwealth)

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 1991 (NSW)

Racial Discrimination Act 1975 (Commonwealth)

Sex Discrimination Act 1984 (Commonwealth)

National Disability Insurance Scheme Act (2013)

## Procedures

**1. Prevention**

In relation to Children and young people the relevant policy applies.

*futures in sight* implements practices and safeguards which can help prevent abuse, neglect, etc. to occur

1. *futures in sight* is independent of traditional disability service provision.
2. All contractors, employees and partners provide either NDIS Worker Screening Check or Working with Children Check and Police check.
3. Contractors and partners proactively aim to identify and understand the communication modes, and individual needs of people with disability we support.
4. *futures in sight* Statement of Purpose explicitly focuses on the UNCRPD and various disability rights legislations.
5. We ensure all partners, contractors and employees are informed of their obligation in interacting with people with disability, families and allies and to conduct these interactions in a manner that reduces the opportunity for abuse and neglect to occur.
6. All *futures in sight* people supported, partners, contractors, employees and volunteers are informed of the relevant policies including the Complaints policy.
7. Information on recognising and responding to indicators of potential neglect, abuse and trauma, discrimination and harassment is provided to partners, contractors and volunteers.
8. We use our work with people we support, to provide information to people and their families/allies, to increase their knowledge and decrease their vulnerability to abuse and neglect.
9. We identify resources that will assist and support us to strengthen the knowledge of the people we support in relation to issues of human rights and self-advocacy.
10. We work collaboratively with others organisations, and establish referral practices and interagency policies and procedures with those that provide other services to the people we support.
11. We foster a safe, supportive environment, which encourages everyone to raise concerns without fear of retribution.

**2. Responding to abuse, neglect, discrimination or harassment**

*futures in sight* will respond quickly, professionally and compassionately.

1. It is the responsibility of everyone associated with *futures in sight* to communicate any concerns relating to an infringement of human rights, or the abuse, neglect, etc of a person we support to two of the *futures in sight* partners within 24 hours of the concern arising, or immediately if it is believed that the person concerned is at imminent risk of harm.
2. The two partners will determine how the matter should be managed and they will reassure the reporter that their concerns will be managed in a confidential and professional manner.
3. The two partners will assist the contractor/employee/volunteer raising the concern or allegation to factually and non-judgementally document an account of the concern or allegation on an incident form. This should be done within 24 hours of the two partners being made aware of the concern.
4. If the two partners believe that the person concerned is at immediate risk, they will take whatever steps are required to mitigate the risk, and ensure the person/s are safe while the matter is fully investigated.
5. Except for contractors who have been given specific authority to do so, no contractors, or employees, will undertake any level of investigation of a concern or allegation. Generally, it will be expected that the contractor or partner who the person concerned trusts informs them of the concern, reassures them and ensures their involvement in deciding the course of action to be taken. However, it is recognised that in some situations this might not be possible due to the concerned person’s disability or the nature of the concern.
6. If the person concerned is not to be involved in decision-making about the concern, the reasons for this decision will be documented, and consideration given to the need to involve an advocate to represent their interests.
7. The two partners involved will jointly decide on the appropriate actions to be taken. The actions could be:
   1. to manage the matter within *futures in sight*;
   2. to engage in discussion with family members or advocate;
   3. to elicit the advice and expertise of another organisation or individual from outside the company;
   4. to involve an organisation with the required legislative mandate to take action (e.g the Department for Community Services, NSW Police, the Office of the Public Guardian);
   5. to take no further action at this time, however to continue to monitor the situation and review at a specified later date; or
   6. to take no further action.
8. The two partners will document the decision taken and the reasons that led to the decision. If the matter is assessed to involve any actions that are unlawful, all partners need to be informed.
9. Duty of care carries greater weight than the duty to maintain confidentiality in matters of care and protection. The partners must refer to the Child Protection Policy.
10. In reporting a concern/allegation, *futures in sight* will ensure that the customer’s right to dignity, confidentiality and privacy is maintained in accordance with *futures in sight* Privacy Policy and the requirements of relevant legislation.
11. The two partners will provide feedback to support the contractor/employee who raised the concern or made the allegation regarding the outcome. Debriefing will be undertaken with all relevant individuals when the matter reaches a conclusion. The partners will determine who the appropriate person is to conduct the debriefing.
12. When the matter is concluded, the two partners will arrange for a review to be conducted, to evaluate the company’s performance in responding to the matter, and to identify opportunities to develop strategies to prevent a future occurrence of a similar incident.

**When the abuse or neglect is alleged to have been perpetrated by a *futures in sight* contractor, employee, partner or volunteer**

*futures in sight* Partners, Contractors, Employees and Volunteers will be reported to the NSW Ombudsman when they are alleged to have engaged in reportable conduct against a child and this must be investigated.

If anyone at *futures in sight* becomes aware, directly or indirectly, of an allegation of reportable conduct by another person working/contracting/volunteering at *futures in sight* towards a child or young person, they must report the matter *immediately* to all the Partners at *futures in sight*. They must maintain confidentiality when they become aware of an allegation of reportable conduct. If one or more of the Partners is involved in the allegation, the person can report the matter to the Partner/s not involved in the allegations or to a nominated person from the Company.

If the allegation is to be notified to the Ombudsman, the Partner/s or the nominated person, is responsible for ensuring that the allegation is reported within 30 days of becoming aware of the allegation. This must be done using Part A of the Ombudsman Notification Form available from [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)

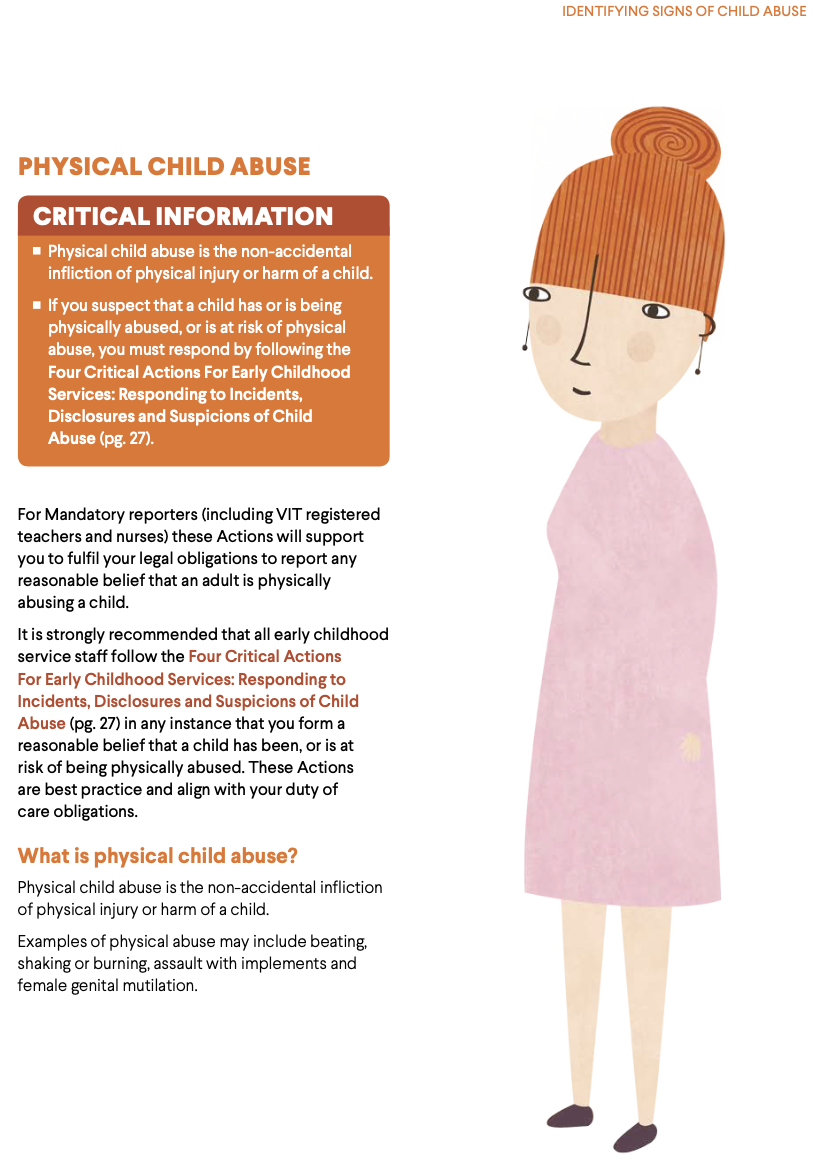
A report to the Children’s Guardian either by phone or via the MRG [www.keepthemsafe.nsw.gov.au](http://www.keepthemsafe.nsw.gov.au) should be completed if there is a risk of significant harm to the child/ren and a report made to the police if the matter is criminal in nature or the risk immediate.

**Review**

This policy will be reviewed on a two-yearly basis.

However, if at any time the legislative, policy or funding environment is so altered that the policy is no longer appropriate in its current form, the policy shall be reviewed immediately and amended accordingly.

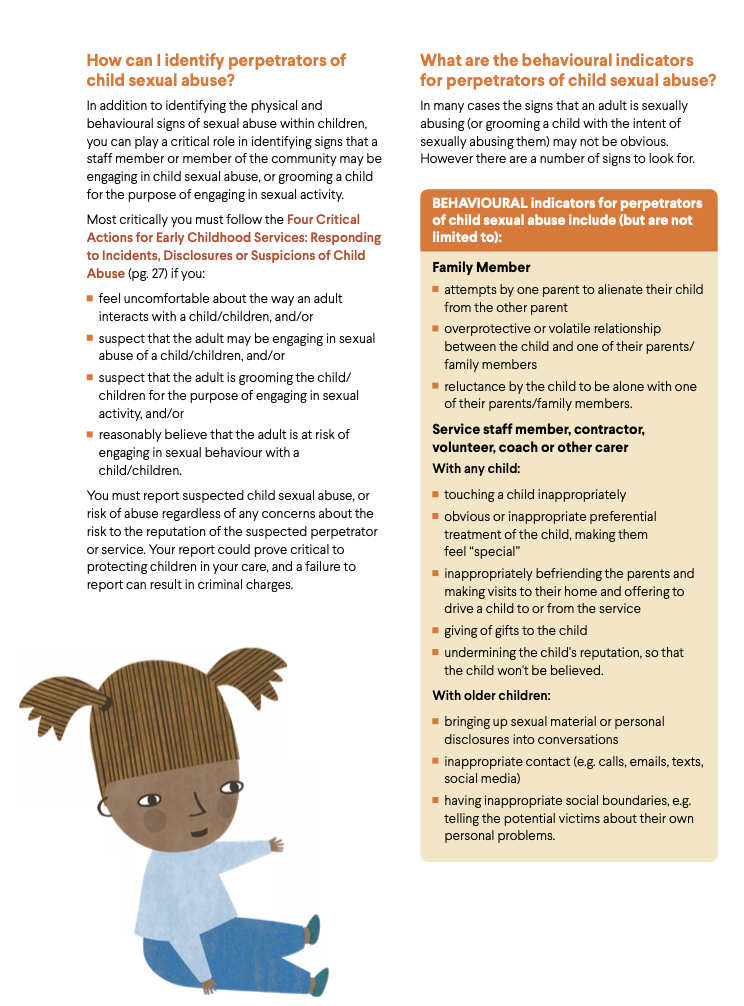
|  |  |  |  |
| --- | --- | --- | --- |
| Signed by all Partners |  |  |  |
| Date effective | 1 May 2023 | Version | V-3 |
| Review date | 1 May 2025 | No of pages | 19 |

**Resource: Identifying Child Abuse**

****

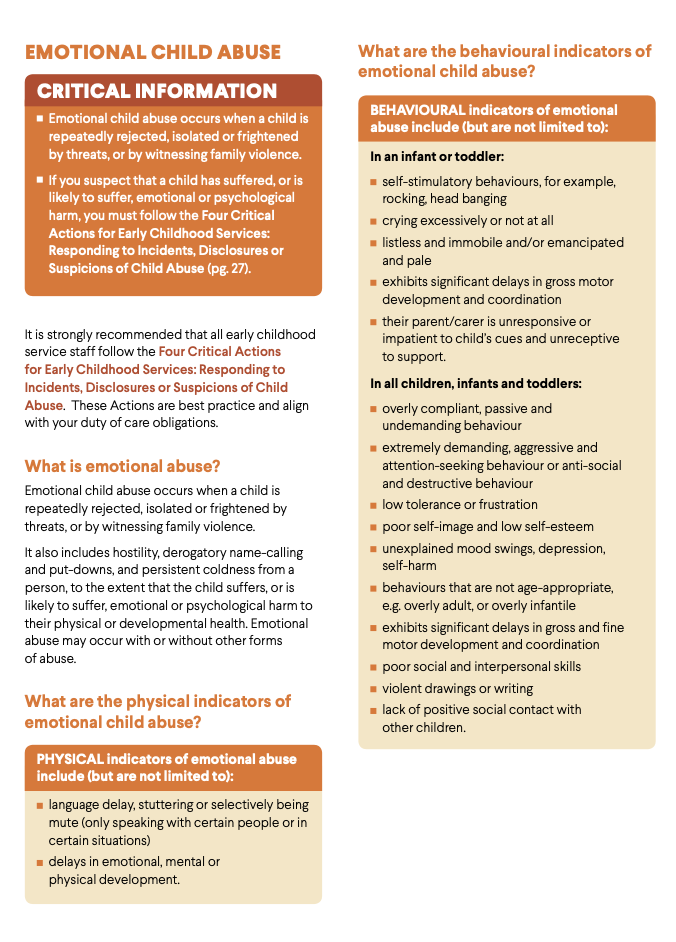
****

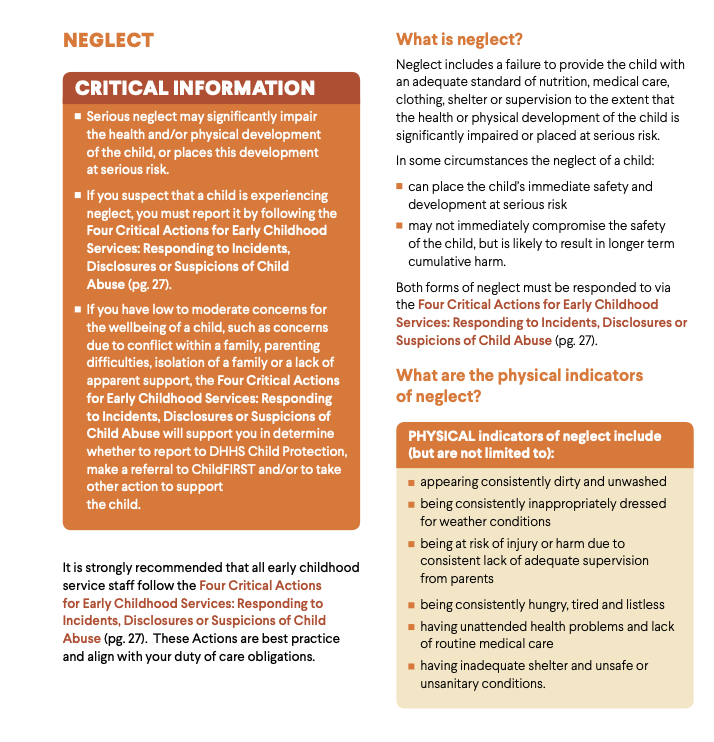
****

****

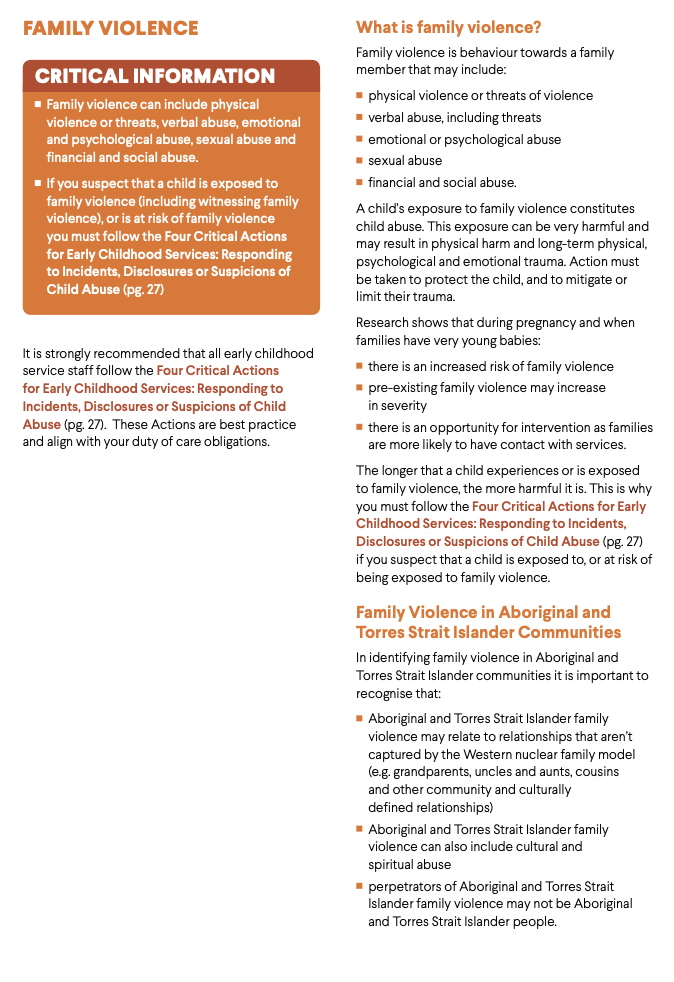
****

****

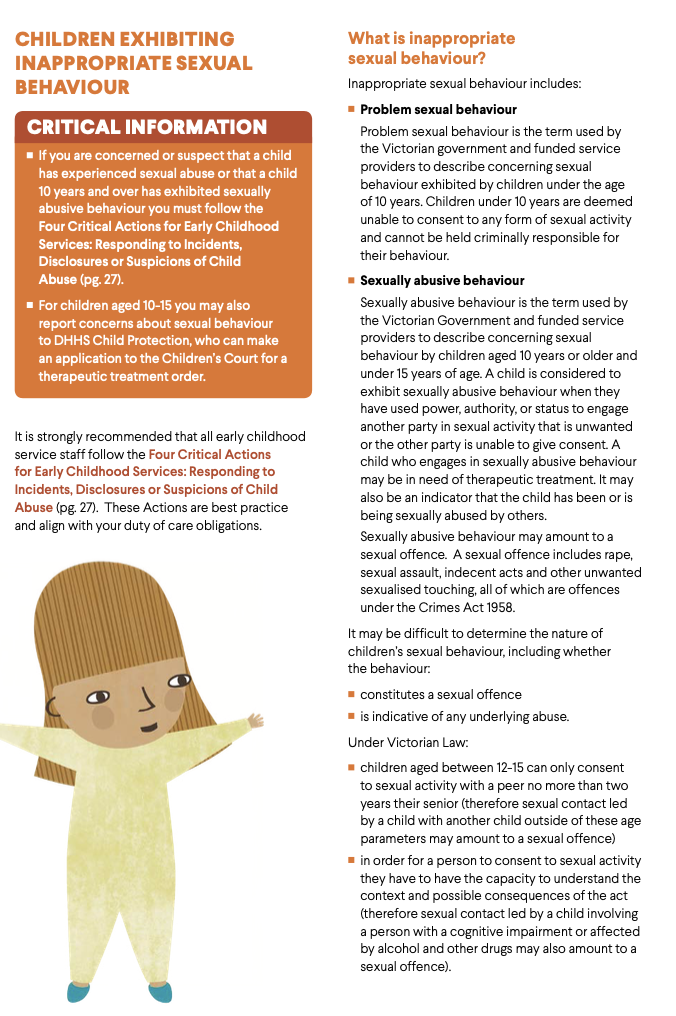
****

****

****

****

****

****