

1.0 PURPOSE

The purpose of this policy is to provide information and guidance about the appropriate conduct and reporting to ensure the wellbeing and safety of Autism Queensland adult clients.

2.0 SCOPE

This Policy applies to all employees of Autism Queensland (AQ). A reference to “employees” or “staff” includes permanent, fixed-term, temporary and casual employees, directors, contractors, volunteers and other representatives acting on behalf of Autism Queensland in any capacity.

The protections included in this Policy apply to all clients aged 18 years and over on AQ premises or accessing services provided by AQ at other locations.

Please refer to the *Child Protection (Non-School) Policy & Procedure* (for AQ services other than the AQ School) and the *Child Protection (School) Policy & Procedure* for protections related to clients under the age of 18.

3.0 POLICY

Autism Queensland supports the active participation of our adult clients in our organisation. We want all those who participate in our programs and services to have a safe, enjoyable and fulfilling experience. We listen to clients’ views, respect what they say and involve them when we make decisions, especially about matters that will directly affect them.

Autism Queensland is committed to ensuring all clients engaged in AQ services, facilities or activities are protected from harm and abuse. Worker Screening checks and written procedures are in place to support compliance with all relevant legislation including the *Work Health and Safety Act 2011 (Qld)* and the *Disability Services Act 2006 (Qld)*. All employees must ensure their behaviour towards and relationships with clients reflects proper standards of care in accordance with AQ policies and procedures.

When AQ receives any information alleging harm to an adult client, AQ will deal with the situation compassionately and fairly to minimise any likely harm.

All staff will participate in regular training on Client Protection, Incident Reporting and Workplace Health & Safety. Updates of any aspects of these processes will be communicated by various means as relevant, including at scheduled staff and individual supervision meetings, and weekly CEO Updates.

4.0 PRINCIPLES

Autism Queensland:

- recognises the safety, wellbeing and best interests of the client are paramount;
- recognises the right of clients to feel safe and to be in an environment where they are protected from harm and abuse;
- encourages and supports any person who has witnessed harm or abuse of a client, or who suspects that abuse has occurred, to make a report;
- ensures that any person who makes a report can be confident of doing so without fear of retribution;
- acknowledges prevention is the best protection from abuse and recognises its duty of care obligations to implement prevention strategies;
- maintains a rigorous and consistent recruitment, selection and worker screening process and provides regular Client Protection training and information sessions to ensure employees respect the rights of clients, understand this policy, and are aware of current legislation about abuse and neglect;
- where possible, discourages employees from being alone with a client or out of “sight and/or sound” of other adults and where this is not possible, applies robust risk assessment;

- maintains transparent procedures for clients and employees to raise concerns or complaints, including the requirement for employees to assist clients and/or their families or guardians to raise any concerns and access the complaints process;
- will respond quickly, considerately and effectively where harm or abuse has occurred, to protect the client from any further harm;
- will assist clients throughout their involvement with counselling, medical and/or legal services that may take place as a consequence of harm or abuse, including any investigations;
- will assist clients and/or their families, where appropriate, to access advocacy support;
- will take disciplinary action against an employee who fails to report or attempts to cover up any incidents of actual or potential harm or abuse.

5.0 DEFINITIONS

5.1 Abuse

is the 'violation of an individual's human or civil rights, through the act or actions of another person or persons'. Types of **abuse** may include:

- Physical abuse – the use of physical force against another such as punching, hitting, slapping, burning etc.;
- Sexual abuse - forcing someone to take part in sexual activity against their will;
- Psychological or emotional abuse - threatening, harassing or intimidating a person;
- 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;
- Systemic abuse.

5.2 Neglect

is a 'failure to provide the necessary care, aid or guidance to dependent adults or children by those responsible for their care'. Types of **neglect** may include:

- Physical neglect - failure to provide adequate food, shelter, clothing, protection, supervision, medical or dental care that places people at undue risk through unsafe environments or practices;
- Passive neglect - withholding or failure to provide the necessities of life;
- Willful deprivation - willfully denying a person assistance and thereby exposing that person to the risk of physical, mental or emotional harm;
- Emotional neglect - restricting the social, intellectual and emotional growth or well-being of a person.

5.3 Queensland Police Service

The primary law enforcement agency for Queensland.

5.4 Community Visitor Program

Safeguards the interests of adults with impaired capacity in some residential or respite facilities. Community visitors regularly visit facilities to make inquiries about the adequacy and standard of services and resolve complaints.

5.5 The Office of the Public Guardian (OPG)

An independent statutory officer, the Public Guardian has discretion to conduct an investigation into allegations of abuse, neglect and exploitation of an adult with impaired capacity.

5.6 National Disability Abuse and Neglect Hotline

An Australia-wide telephone referral service that accepts reports of abuse and neglect of people with a disability using funded services.

5.7 NDIS (National Disability Insurance Scheme) Quality and Safeguards Commission

An independent government agency established to improve the quality and safety of NDIS supports and services, including the implementation of Positive Behaviour Support and the use of Restrictive Practices.

5.8 NDIS Quality & Safeguards Commission Reportable Incident

Registered NDIS providers must notify the NDIS Commission, via the NDIS Commission Portal, of all reportable incidents (including allegations) that occur in connection with the delivery of NDIS supports and services by the provider, as well as managing the incident in the provider's own internal incident management system.

Reportable incidents are serious incidents or alleged incidents which result in harm to an NDIS participant and **occur in connection with NDIS supports and services**. Specific types of reportable incidents include:

- The death of a person with disability;
- Serious injury of a person with disability;
- Abuse or neglect of a person with disability;
- Unlawful sexual or physical contact with, or assault of, a person with disability;
- Sexual misconduct committed against, or in the presence of, a person with disability, including grooming of the person for sexual activity;
- The use of a restrictive practice in relation to a person with disability, other than where the use is in accordance with an authorisation (however described) of a State or Territory in relation to the person or a behaviour support plan for the person;

6.0 PROCEDURE

The following Procedure provides processes for responding to allegations and/or identification of actual or suspected abuse or harm to an adult client. All actions in these matters are strictly confidential and are to be carried out in accordance with the *Privacy Policy*. Also refer to the *Incident Management Policy & Procedure* for further details on reporting procedures.

6.1 Responding to Reports of Harm

- In all aspects of service delivery, highlight and prioritise the importance of preventing and responding to concerns of harm to clients, whether it is alleged or actual.
- Respond immediately to any allegation of abuse or neglect of a client.
- Address detection, allegations and reporting of harm and abuse in accordance with training and relevant AQ policies and procedures.
- Support the client through the investigation of any allegations, as directed by the relevant authority.
- Maintain strict confidentiality around any allegations and/or investigations, including where an alleged perpetrator of harm is an AQ employee. Due process and fair treatment will be extended to every person throughout the investigation and in any legal proceedings.

6.2 Employees

IF YOU ARE AN AQ STAFF MEMBER AND YOU ARE CONCERNED ABOUT AN ADULT CLIENT

If the client is in immediate danger, then:

- Make the client safe, provide medical assistance as required, and/or remove the source of harm or potential harm from the person (e.g. other people, harmful objects) if it is safe to do so;
- Call emergency services if necessary;
- As soon as you are sure the client is safe, inform your direct manager, or, if not available, your managers' manager or any other manager or the Client Safety and Wellbeing Manager;
- If you cannot leave the client, direct any other staff member to contact the above people on your behalf;
- Where relevant, and especially for criminal acts, maintain the scene of the incident, take photos and protect any personal articles involved;
- Explain to the person what is happening and reassure them;
- Make written notes as soon as possible;
- Inform the Client Safety and Wellbeing Manager;
- Follow all directions given to you by your direct manager, the Client Safety and Wellbeing Manager and/or other managers involved.

If the client is **not in immediate danger/you suspect harm**:

- Inform your direct manager as soon as you have any concerns – this might not be one specific situation but an accumulation of observations;
- Make written notes of event/s as soon as possible;
- Inform the Client Safety and Wellbeing Manager;
- Follow all directions given to you by your direct manager, the Client Safety and Wellbeing and/or other managers involved.

Discuss with your direct manager to clarify what the next steps need to be;

- It is highly likely that this will require you to complete an Incident Report (see *Incident Management Policy & Procedure*).
- If it is determined that a report needs to be made to the Office of the Public Guardian, then you will need to do this (as the person with the direct knowledge of what has occurred and the nature of the concerns), supported by your manager.
- If it is determined that a report needs to be made to the police, your direct manager or their manager will initiate this, and you will need to provide the necessary information to the police when requested.

Ensure that all subsequent events that occur:

- as a result of the incident; and/or
- as a result of AQ's actions in response to the incident; and/or
- seem to otherwise relate to the incident/your concerns

are communicated to your direct manager, the Client Safety and Wellbeing Manager and, where relevant, added to the Incident Report.

Employees will NOT:

- Discuss the incident with any person other than their manager or senior manager and the Client Safety and Wellbeing Manager;
- Communicate with any staff member suspended as a result of the incident;
- Discuss or comment on the incident with any other client.

6.3 Managers

IF YOU ARE A MANAGER AND YOUR DIRECT REPORT TELLS YOU THEY ARE WORRIED ABOUT AN ADULT CLIENT

- Ascertain whether urgent action is required as per the *Incident Management Policy & Procedure*.
- If it is a Critical Incident level 1 (see *Incident Categories Guidelines* for detailed information on Critical Incident levels), verbally inform a member of the Executive Leadership Team (ELT) and your direct manager as soon as possible. This may require another staff member to contact those people on your behalf, if your continued attendance at the scene is required.
- If it is a Critical Incident level 2, verbally inform a member of the ELT and your line manager - this may require another staff member to contact those people on your behalf, if your continued attendance on the scene is required.
- Inform the Client Safety and Wellbeing Manager.
- Follow all management directions.
- For all other incident levels, direct communication to the ELT is not required, but you must inform the Client Safety and Wellbeing Manager or ensure the staff member has done so.
- **For all incident levels:**
 - Gather further, more detailed verbal information from the staff member as soon as possible, without leading the informant, e.g., ask “*In your own words, who did you see? When did you see this? Was anyone else there?*”, not, “*Did you see Jimmy, was it about 9pm?*” etc.
 - Gather verbal information from other witnesses where possible.
 - Ensure the staff member/s have made written notes.
 - Make your own written notes as soon as possible.
 - In collaboration with the staff member and the Client Safety and Wellbeing Manager, determine what the appropriate next steps will be.
 - If it is determined that a report needs to be made to the police, you will need to do this as promptly as possible, and the staff member/s who reported the issue made aware that they will need to provide information to the police.
 - If a report to the Office of the Public Guardian is required, support and facilitate the staff member to do this (e.g., provide relief staffing to release the staff member, discuss the content of the report) before the end of the day.
 - Make provision for all staff involved to complete an incident report, if required, and other documentation before the end of the day (e.g., provide relief staffing to release the staff member/s).
 - If the client is accessing the service using NDIS funding and the incident meets the NDIS Quality & Safeguard Commission (‘the Commission’) criteria as a reportable incident – that is that the harm came about as a consequence of AQ providing an NDIS-funded service to the client – make a report to the NDIS Commission within 24 hours of the occurrence of the incident (see <https://www.ndiscommission.gov.au/providers/incident-management-and-reportable-incidents>), followed by a 5-day report.
- Support the client, the staff member/s and the client’s family (if harm was caused by somebody other than the parents/carers/guardians) throughout the situation.

- Ensure all the above obligations have been carried out e.g.:
 - Incident Report has been properly completed and forwarded to you and the Client Safety and Wellbeing Manager;
 - any further documentation has been added to the Incident Report;
 - you have been provided with the necessary information to complete the 5-day report to the Commission;
 - physical evidence has been provided (e.g., photos of scene or of injuries);
 - if, after investigation, it is confirmed that the perpetrator is an AQ staff member, a report is made to the appropriate professional registration board (if relevant).

6.4 Client Safety and Wellbeing Manager

IF YOU ARE THE CLIENT SAFETY AND WELLBEING MANAGER AND YOU ARE INFORMED BY A STAFF MEMBER OR THEIR MANAGER THAT THEY ARE WORRIED ABOUT AN ADULT CLIENT

- If it is a staff member who has contacted you, check they have informed their direct manager.
- Discuss the concerns and ask for further information if necessary.
- Discuss whether a report to the police is needed and talk to the staff member and their manager about this process.
- Discuss whether a report to the OPG is needed and talk to the staff member about this process if needed.
- Discuss whether a report to the Commission is needed and if so, that it is the direct manager who will need to upload this to the Commission portal.
- Check that the staff member / manager is aware of and addressing all requirements, i.e.:
 - Incident Report procedure and any associated documentation on the AQ database;
 - Ongoing monitoring of staff member/s and situation;
 - A report has been made to the NDIS Quality & Safeguards Commission, where necessary;
 - Where the perpetrator is an AQ staff member, that a report to the relevant professional registration board has been made (where relevant).

6.5 Chief Executive Officer

THE CHIEF EXECUTIVE OFFICER WILL:

- notify the Chair of the Board of Directors;
- ensure notification to the relevant insurance provider.

7.0 COMPLAINTS

Suggestions of non-compliance with this Policy & Procedure may be submitted and will be managed in accordance with AQ's *Complaints Management Policy*.

8.0 RELATED DOCUMENTS

Legislation and Regulations

Australian Human Rights Commission Act 1986 (Cth)
Child Protection Act 1999 (Qld)
Disability Services Act 2006 (Qld)
Disability Services Regulation 2017 (Qld)
Disability Services and Other Legislation (Worker Screening) Amendment Act 2020
Education (Accreditation of Non-State Schools) Act 2017 (Qld)
Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)
Education (General Provisions) Act 2006 (Qld)
Education (General Provisions) Regulation 2017 (Qld)
Human Rights Act 2019 (Qld)
National Disability Insurance Scheme Act 2013 (Cth)
National Disability Insurance Scheme (Practice Standards – Worker Screening) Rules 2018
Privacy Act 1988 (Cth)
Public Guardian Act 2014 (Qld)
Work Health and Safety Act 2011 (Qld)
Work Health and Safety Regulation 2011 (Qld)
Working with Children (Risk Management and Screening) Act 2000 (Qld)
Working with Children (Risk Management and Screening) Regulations 2011(Qld)

Standards and Principles

Australian Privacy Principles
 Human Services Quality Standards
 National Disability Standards (Cth)
 NDIS Quality & Safeguarding Framework

Autism Queensland Quality Assurance

Behaviour Emergency Response Agreement
 Child Protection (Non-School) Policy & Procedure
 Child Protection (School) Policy & Procedure
 Client Diversity and Inclusion Policy
 Client’s Right Policy
 Code of Conduct
 Complaints Management Policy
 Incident Management Policy & Procedure
 Privacy Policy
 Reportable Incident Investigation Form – NDIS Participants Only
 Restrictive Practices Policy and Procedure
 Risk Management Policy
 Workplace Health & Safety Policy

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