

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 (AQ) adult clients.

2.0 SCOPE

This Policy applies to all people in the AQ community, including employees, clients (over the age of 18), volunteers, contractors, external providers, parents/guardians, and other family members and visitors. This policy applies in all AQ environments, physical and on-line including off site (e.g. Community Access or excursions).

Please refer to the *Child Safeguarding Policy* for protections related to clients under the age of 18.

3.0 POLICY STATEMENT

AQ is committed to promoting and protecting the safety and wellbeing of all clients and does not tolerate any form of harm against clients including neglect, physical, sexual or psychological abuse.

All AQ employees, volunteers, carers and the community will:

- Always act in the best interest of the client.
- Actively encourage clients and their families to have a say about things that are important to them.
- Act quickly on any client safety concerns or allegations of abuse.

The United Nations Convention on the Rights of Persons with Disabilities (CRPD) is an international human rights convention that sets out the fundamental human rights of people with disability. AQ are guided by the principles of the CRPD when developing policies, procedures and training:

- Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;
- Non-discrimination;
- Full and effective participation and inclusion in society;
- Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- Equality of opportunity;
- Accessibility;
- Equality between men and women;
- Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

AQ supports the active participation of 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.

AQ 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

AQ has made a commitment to client safety and wellbeing by implementing the following principles:

- Ensuring client safety and wellbeing is embedded in organisational leadership, governance and culture.
- Families and communities are informed and involved in promoting client safety and wellbeing.
- Equity is upheld and diverse needs respected in policy and practice.
- Clients are informed about their rights, participate in decisions affecting them and are taken seriously.
- People working with AQ are suitable and supported to reflect client safety and wellbeing values in practice.
- Processes to respond to complaints and concerns are client focused.
- Staff and volunteers are equipped with the knowledge, skills and awareness to keep clients safe through ongoing education and training.
- Physical and online environments promote safety and wellbeing while minimising the opportunity for clients to be harmed.

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 –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 with disability for sexual activity;
- 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;
- Chemical abuse – withholding of medication or abuse of prescribing rights by employees or over-administration of medication;
- Legal or civil abuse – denial of access to legal systems or remedies such as phone or internet;
- Systemic abuse – abuse that involves rules, policies, or practices that harm or discriminate.

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;
- Wilful deprivation – wilfully 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 National Disability Advocacy Program

The National Disability Advocacy Program (NDAP) provides people with disability with access to effective disability advocacy that promotes, protects and ensures their full and equal enjoyment of all human rights enabling community participation.

Advocacy for people with disability can be defined as speaking, acting or writing with minimal conflict of interest on behalf of the interests of a disadvantaged person or group, in order to promote, protect and defend the welfare of and justice for either the person or group by:

- Acting in a partisan manner (i.e. being on their side and no one else's);
- Being primarily concerned with their fundamental needs;
- Remaining loyal and accountable to them in a way which is empathic and vigorous (whilst respecting the rights of others); and
- Ensuring duty of care at all times.

5.8 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.

5.9 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 COMPLAINTS

Suggestions of non-compliance with this Policy may be submitted and will be managed in accordance with AQ's *Complaints & Feedback Management Policy* and/or the AQ *Code of Conduct*.

7.0 PROCEDURES

For procedures relating to client protection, refer to:

- Client Protection (Adult) Procedure

8.0 RELATED DOCUMENTS

Legislation and Regulations

Australian Human Rights Commission Act 1986 (Cth)

Disability Services Act 2006 (Qld)

Disability Services Regulation 2017 (Qld)

Disability Services and Other Legislation (Worker Screening) Amendment Act 2020

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)

Standards and Principles

Australian Privacy Principles

Human Services Quality Standards

National Disability Standards (Cth)

NDIS Quality & Safeguarding Framework

NDIS Modules and Practice Standards

Core 1: Rights and Responsibilities

- 10 Violence, Abuse, Neglect, Exploitation and Discrimination

Core 2: Governance and Operational Management

- 11 Governance and Operational Management
- 12 Risk Management

Internal

Child Safeguarding Policy

Client (Adult) Risk Management Strategy

Client Protection (Adult) Procedure

Client Safety Management Guidelines

Clients' Rights Policy

Code of Conduct

Complaints & Feedback Management Policy

- Incident Management Policy and Procedures
- Privacy Policy
- Reportable Incident Investigation Form – NDIS Participants Only
- Restrictive Practices Policy and Procedure
- Risk Management Policy
- Work Health & Safety Policy

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