

*This procedure should be read in conjunction with the Client Safeguarding (Adult) Policy.*

## 1.0 PROCEDURE

The following Procedure provides processes for responding to allegations and/or identification of actual or suspected abuse or harm to a client aged 18 years and over. 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 and Procedures* for further details on reporting procedures.

### 1.1 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 Autism Queensland (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.
- Legal guardians should be informed of any concerns unless there are safety issues directly related to the guardian. In the instance that there are concerns related to a guardian, AQ staff should be guided by Police or NDIS.

### 1.2 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.
- 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 Manager Client Safety & Wellbeing;
- Follow all directions given to you by managers.

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 Manager Client Safety & Wellbeing;
- Follow all directions given to you by managers.

**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 and Procedures*).
- If it is determined that a report needs to be made to the Office of the Public Guardian (OPG), 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 Manager Client Safety & Wellbeing and, where relevant, added to the Incident Report.

**Employees will NOT:**

- Discuss the incident with any person other than to the relevant managers;
- Communicate with any staff member suspended as a result of the incident;
- Discuss or comment on the incident with any other client.

### 1.3 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 and Procedures*.
- If it is a **Critical Incident level 1** (see *Incident Management Procedures – Appendix 1 Incident Categories* 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 Manager Client Safety & Wellbeing.
- Follow all management directions.
- For all other incident levels, direct communication to the ELT is not required, but you must inform the Manager Client Safety & Wellbeing 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?”*.
  - 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 Manager Client Safety & Wellbeing, 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 OPG 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.
- Advise the client and/or their family members/guardian they can request a disability advocate via: [Disability Advocacy Finder | Ask Izzy](#)
- Ensure all the above obligations have been carried out, e.g.:
  - Incident Report has been properly completed and forwarded to you and the Manager Client Safety & Wellbeing;
  - 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 NDIS 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, HR are to be informed as soon as possible. HR will ascertain if reporting to Blue Card Services and/or the relevant Professional Registration Body is required. This may be alongside any formal external investigation from services such as the Police.

## 1.4 Manager Client Safety & Wellbeing

### IF YOU ARE THE MANAGER CLIENT SAFETY & WELLBEING 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 incident management system;
  - Ongoing monitoring of staff member/s and situation;
  - A report has been made to the 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).

## 1.5 Chief Executive Officer

### THE CHIEF EXECUTIVE OFFICER WILL:

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

## 2.0 COMPLAINTS

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

## 3.0 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

National Disability Standards (Cth)

NDIS Quality & Safeguarding Framework

### NDIS Modules and Practice Standards

#### Core 1: Rights and Responsibilities

- 09 Independence and Informed Choice
- 10 Violence, Abuse, Neglect, Exploitation and Discrimination

#### Core 2: Governance and Operational Management

- 12 Risk Management

### Internal

Client's Right Policy + Easy Read

Client Safeguarding (Adult) Policy

Code of Conduct

Complaints & Feedback Management Policy + Easy Read

Incident Management Policy and Procedures

Privacy Policy + Easy Read

Reportable Incident Investigation Form – NDIS Participants Only

Restrictive Practices Policy and Procedure

Risk Management Policy & Framework

Work Health & Safety Policy

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