

# Abuse and Neglect

## COUNCIL POLICY NO. 137

### 1. POLICY PURPOSE

Gannawarra Shire Council affirms the right of older people and people with disabilities to live their lives free from abuse, neglect and exploitation. The purpose of this policy is to:

- Promote the human rights of people accessing supports and services provided;
- Create a service environment where risks to the rights and wellbeing of people receiving supports and services are minimised; and
- Ensure that if we become aware of an instance of abuse or neglect, we respond promptly, professionally and compassionately to address the situation in accordance with National Disability Service Practice Standards, *Aged Care Act 1997* and Critical Incident Management System.

### 2. DEFINITIONS

#### Abuse

- Any physical injury which has been caused by other than accidental means, including any injury which is different to the explanation given to the injury.
- Sexual molestation.
- Mental injury (also known as emotional abuse), which is harmful to an individual's ability to think reason, or has a harmful effect on an individual, which can be observed.
- Threat of harm, which includes all activities, conditions and persons which places an individual at substantial risk of physical or sexual abuse, neglect, or mental injury. This includes exposure to domestic violence.

#### Neglect

- When an individual's basic needs, such as their developmental, emotional and physical wellbeing and safety, have not been met.

#### Employee

- Staff, Volunteers and Contractors are classified as employees in this policy.

#### Caregiver

- Any person that provides informal supports for family, friends or community residents.

### 3. SCOPE

This policy highlights the responsibility of all employees to immediately report all suspicion or allegations of abuse and neglect to Gannawarra Shire Council management within appropriate timeframes.

## 4. REQUIREMENTS

Gannawarra Shire Council is committed to:

- Ensuring clients are safe – older people and those with a disability experience physical and emotional safety and are free from abuse, neglect and avoidable injury.
- Providing information in regard to accessing advocacy to deal with allegations of abuse and neglect.
- Providing training to all community care staff upon commencement of employment in regard to identification and reporting of abuse and neglect.
- Responding to any suspicion regarding any potential abuse and neglect to Department Families, Fairness and Housing/Department of Health/NDIS Quality and Safeguards Commission or the local police within the required timeframe.
- Upholding fairness and equity standards throughout the investigation of all abuse and neglect allegations.
- Ensuring clients are in receipt of the highest level of quality care.

## 5. POLICY DETAILS

Abuse is a term that may have different meanings for different people. It is fundamentally a violation of an individual's human rights by another person and reflects a power imbalance between the two parties. Older people or those with disabilities may be more vulnerable to abuse as their level of dependence increases and they rely on others for assistance with activities of daily living. Abuse may involve a single act, repeated behaviour or a lack of appropriate action.

Neglect refers to the failure of the employee and/or caregiver to provide necessities or meet basic needs of the client. Neglect can be deliberate or unintended. If it is deliberate, it is considered to be a form of abuse. If it is unintentional, the response will be different and may include the introduction of other services to provide assistance.

Gannawarra Shire Council recognises that each situation is different and that there is an expectation to exercise a degree of professional judgement when determining the most appropriate responses. Gannawarra Shire Council will endeavour to always act in the best interests of the individual who has been abused.

### 5.1 Types of Abuse

**Elder Abuse:** this is the non-accidental use of force to inflict injury or pain on the elderly. Elder abuse can take form in the following ways; Financial abuse, Physical abuse, Sexual abuse, Psychological/Emotional abuse and Social abuse. These types of abuse are also addressed below.

**Financial Abuse:** is defined as the illegal or improper use and/or mismanagement of a person's money, property or resources. It includes forgery, stealing, forced changes to a will, unusual transfer of money or property to another person, withholding of funds from another person, incurring debts for which the individual is responsible, failure of others to repay monies loaned and lack of financial information provided to an individual by their power of attorney.

**Physical Abuse:** is defined as a non-accidental act which results in physical pain or injury and includes physical or chemical restrains or coercion, hitting, slapping, burning, pushing, pinching or forced confinement to a bed, chair or particular place.

Signs of physical abuse include injury or bruises in different stages of healing, abrasions, welts, rashes, swelling, unexplained injuries or hair loss, tenderness or pain when being touched, acting fearfully and being over or under medicated or sedated.

**Sexual Abuse:** includes non-consensual sexual contact, language or exploitation behaviour including rape, indecent assault, sexual harassment or interference. It may also include viewing obscene material or making obscene phone calls in the presence of a child, older person or person with a disability without their consent.

**Psychological/Emotional Abuse:** comprises any language or actions designed to intimidate another person and cause fear of violence, isolation, deprivation, or feelings of powerlessness. Examples include insults and intimidation.

**Social Abuse:** involves restricting or ceasing activities and/or social contact with others, including family members. The alleged abuser may not allow the individual to be alone with other people and may attend medical and other appointments with them. They may also withhold mail and monitor, restrict or prohibit use of the telephone. In some cases the individual may be moved away from their family and community.

## 5.2 Types of Neglect

Neglect can be physical, emotional or financial. It refers to situations where a person has a responsibility to provide care or assistance to an individual but fails to do so. For example, a neglectful caregiver may be one that ceases paying bills or providing food. Abandoning the client is also a form of neglect.

## 5.3 Reporting

Gannawarra Shire Council's Chief Executive Officer is required by law under the *Children, Youth and Families Act 2005* (Vic) and the *Crimes Act 1958* to immediately report any suspected cases of abuse or neglect. All suspected cases are to be reported to the Department of Families, Fairness and Housing/Department of Health/NDIS Quality and Safeguards Commission and Victoria Police.

## 5.4 Service Procedures

A report of abuse may be received from:

- A person using a service by verbal or written communication or any other communication method
- A member of staff or any other person, who may witness abuse of a person and make a report
- A member of staff observing one or more indicators of abuse and who suspects that a person/s has been or is being abused.

## 5.5 Support for Clients

Gannawarra Shire Council will assist any client, family member, guardian or other support person to access any debriefing, counselling, legal or other support services, if that is their expressed wish.

In addition, they will be referred to Victims of Crime – 1800 819 817 so that they are further aware of their rights and of other support services that may be available.

Gannawarra Shire Council will further endeavour to:

- Ensure that clients, both victim and offender, are adequately supported by an independent person, who could be a relative friend, advocacy service or legal practitioner
- Support the victim, family or guardian in accessing services and advice should they choose to pursue the matter through the legal system
- Provide information regarding legal rights, options and support services in a form that suits the client, family or guardian's communication needs.

## 5.6 Support for Staff

Gannawarra Shire Council managers will provide debriefing to their staff within 24 hours of an incident occurring and offer access to Council's Employee Assistance Program (EAP) in accordance with Employee Policy No. 020 – Employee Assistance Program.

## 5.7 Staff Training

Gannawarra Shire Council will discuss identification and reporting of suspected abuse and neglect during the staff induction process. Further training will be provided to all employees who have direct contact with clients upon commencement of their employment.

Gannawarra Shire Council aims to promote a culture of reporting, where all employees are encouraged to report all concerns and observations made to a Gannawarra Shire Council representative.

## 5.8 Access

The abuse and neglect policy and content will be communicated to all clients through the assessment and annual review process.

## 5.9 Confidentiality

All reports will be documented and protected. At the conclusion of any investigation the report may be transferred to the client's file. Confidentiality of all records will be strictly maintained.

# 6. POLICY REVIEW

Council will review this policy as required but always within two years after a general election of the Council.

At the time of review, this policy was compliant with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

# 7. FURTHER INFORMATION

Members of the public may inspect all Council policies at Gannawarra Shire Council's Kerang and Cohuna offices or online at [www.gsc.vic.gov.au](http://www.gsc.vic.gov.au).

Any enquiries in relation to this policy should be directed to the Director Community Wellbeing Chief Executive Officer on (03) 5450 9333.