



pathways
southwest

Towards better mental health

Patron

Mayor Gary Brennan (City of Bunbury)

Pathways SouthWest Inc

ABN: 91 769 457 185

P O Box 275

Bunbury WA 6231

1/14 Rose Street

Bunbury WA 6230

Telephone: 08 9791 1257

Fax: 08 9791 3804

Email: info@pathwayssouthwest.org.au

Website: pathwayssouthwest.org.au

Freedom from Abuse and Neglect Policy Disability Standards 1.4

Approved by: Pathways SouthWest Board of Management

Approval Date: May 2019

Review Date: April 2021

Version: 1.0

This policy applies to: Pathways SouthWest Board of Management, Staff, Students, Volunteers, Consumers, Carers, other Stakeholders and the General Public



Policy

The purpose of this policy is to establish standards of practice that recognise and respect that all people that access the Pathways SouthWest services have the same rights to safety, integrity and freedom from violence and abuse as other people in the community. The policy is written in accordance with the principles outlined by the Australian Human Rights and Equal Opportunity Commission Act (1986). It has been framed around Standard 1 of the National Standards for Disability Services.

The service affirms the rights of all people including people with disabilities, to live their lives free from neglect, abuse and exploitation. Pathways SouthWest also supports the rights of any person to have any observation or allegation of abuse, neglect or exploitation addressed, whilst safeguarding their well-being and dignity; and to have measures put in place to prevent any subsequent abuse occurring.

Definitions

Concerns:

A concern is any situation where a staff member has information sufficient to raise a concern that a person with disability is suffering abuse, neglect or exploitation.

Disclosure:

A disclosure is information provided to a staff member that a person with a disability has suffered or is suffering abuse, neglect or exploitation.

Serious Incidents:

A serious incident can be defined as follows;

- An allegation of physical, sexual, psychological or financial abuse or neglect.
- Omission of duty of care to a person with a disability.
- Unlawful or inappropriate behaviour by staff of Pathways SouthWest or staff of other service providers or sub-contractors.
- Any situation where there would be adverse publicity from the actions of a service provider, its staff or sub-contractor.

Any situation where there is risk to self or others.

1. Procedure - protection of Human rights

Staff, volunteers and board members of the organisation will;

- 1.1 Minimise the risk of the person with a disability safety being compromised.
- 1.2 Have recruitment procedures of a high standard where the best available staff are appointed through:
 - a) pre-appointment screening including national police clearances.
 - b) reference checking.
 - c) placing new staff on a minimum probationary period of six months.
and
 - d) regular appraisal and performance management.
- 1.3 Implement sound staff and volunteer orientation and induction, which includes information about the National Standards for Disability Services.

- 1.4 Provide on-going training to all staff about issues relating to human rights.
- 1.5 Empower the person with a disability and their family members / carers by informing them of community resources, supporting them in self-advocacy and reminding them of their rights.
- 1.6 Display posters and brochures to create an organisational environment that encourages awareness of the rights of all people, including people with disabilities and their families / carers.
- 1.7 Will work collaboratively with other organisations.

2. Procedure - Responding to allegations of abuse and neglect

If a person with a disability's rights are compromised, or we have reason to believe that they have been abused or neglected, the service will respond quickly, professionally and compassionately.

1. It is the personal responsibility of all paid staff, volunteers and board members to report any concerns relating to an infringement of human rights, or the abuse or neglect of a person with a disability to the CEO or Managers of Pathways SouthWest within 24 hours of the concern arising, or immediately, if it is believed that the person with a disability is at imminent risk of harm.
2. The staff member raising the concern will document a factual and non-judgemental account within the client's case notes and complete a Serious Incident Report Form and/or Mental health Commission Notifiable incident Report Form.
3. If the CEO or Manager believes that the person with a disability is at immediate risk, he or she will take whatever steps are required to mitigate the risk and contact relevant services.
4. Except for staff who have been given specific authority to do so, no staff member will undertake any level of investigation of a concern or allegation.
5. The CEO or Manager will decide on the appropriate action to be taken according to the circumstances and generally taking into account the person with a disability's concerns.

The action could be:

- a) To manage the matter within the organisation and document in the person's file;
 - b) To engage in discussion with family members or advocate;
 - c) To elicit the advice and expertise of others;
 - d) To involve an organisation with the required legislative mandate to take action (eg the Department of Communities – Child Protection and Family Support, WA Police, the Office of the Public Advocate);
 - e) To take no further action at this time, but continue to monitor and liaise with others.
6. Duty of care carries greater weight than the duty to maintain confidentiality in matters of care and protection. This means that the matter may be discussed between those reporting or investigating, but not with any other person. This includes confidentiality of consumer and alleged perpetrator information.
 7. If the matter is considered to be a serious incident, it must be reported to the Department of Communities - Disability Services, or the Mental Health Commission by the Chief Executive Officer within seven (7) working days, in accordance with the Serious Incident Reporting policy.
 8. Debriefing will be undertaken with all relevant individuals when the matter reaches a conclusion. The Chief Executive Officer will determine who the appropriate person is to conduct the debriefing.



9. When the matter is concluded, the CEO or Managers will review the actions taken, to evaluate Pathways SouthWest response to the matter and to identify opportunities to develop strategies to mitigate further risks.

Related documents:

Occupational Health and Safety Policy and procedure

Incident Report

Department of Communities – Disability Services Notification of Serious Incident reporting system

Mental Health Commission Notifiable Incident Report form

Serious Matter Procedure

Incident, Near Miss and Sentinel Event Management Policy (new, in preparation)

DRAFT