# POL019: Safety and Wellbeing of Children, Young People and People with a Disability Policy

## 1. Purpose

IMPACT Community Services is committed to providing an environment free from risks to personal safety and wellbeing. This Policy has been developed to address the organisation's interactions with people with a disability, children and young people. It is complemented by other policies and procedures which exemplify this commitment to prevent and respond to violence, abuse, neglect and exploitation of all clients, staff, volunteers, visitors and others (to be known throughout this procedure as "*individuals*").

The Policy aims to ensure individuals rights are upheld through:

- compliance to Queensland's 10 Child Safe Standards and Universal Principals
- delivering quality services to individuals through the implementation of effective measures to prevent, identify and respond to violence, abuse, neglect and exploitation; and
- ensuring that individuals are provided with adequate and appropriate supports for the response to incidents of violence, abuse, neglect and exploitation, in the unlikely event that these should occur.

## 2. Definitions

**Abuse** The violation of a person's human rights, through an act or actions of commission or omission, by another person, or individuals. Abuse includes, but is not limited to the following:

- **Physical abuse** – any non-accidental physical injury or injuries to a child or adult, such as inflicting pain of any sort, or causing bruises, fractures, burns, electric shock, or unpleasant sensation (e.g. taste, heat or cold) as well as restrictive practices which are not contained in the client's Positive Behaviour Support Plan. Physical abuse does not always leave visible marks or injuries.
- **Sexual abuse** – any sexual contact between an adult and a child 16 years of age or under; or any sexual activity with a person with impairment of the mind (as defined under 'Definitions' in the *Queensland Criminal Code*). Sexual activity includes intercourse, genital manipulation, masturbation, voyeurism, sexual harassment, and also inappropriate exposure to pornographic media etc. Child sexual abuse happens when an adult, teenager or child uses their power or authority to involve another child in sexual activity.
- **Psychological or emotional abuse** – verbal communication that is threatening or demeaning, threats of maltreatment, harassment, humiliation, intimidation, failure to interact with a person or to acknowledge the person's presence, or denial of cultural or religious needs and preferences. Specific to children, abuse happens when a child is treated in a way that negatively impacts their social, emotional or intellectual development. Experiencing domestic and family violence can also lead to emotional harm.
- **Financial abuse** – refers to the illegal or improper use of a person's property or finances or the withholding of another person's resources by someone with whom the person has a relationship implying trust.
- **Chemical abuse** – refers to any misuse of medications and prescriptions, including the withholding of medication and over-medication.
- **Denial of access to legal system / remedies** – denial of access to justice or legal systems that are available to other citizens and denial of informal or formal advocacy support requested by the client or his/her substitute decision maker.
- **Systematic abuse -** inappropriate programs developed for clients and not using staff of the same gender to perform personal duties for clients. Also providing staff with insufficient training on duty of care, policies and practices related to preventing abuse**.**

**Neglect** The failure to provide the necessary care, aid or guidance to dependent adults or children by those responsible for their care. Neglect includes, but is not limited to the following:

- **Physical neglect** – failure to provide adequate food, shelter, clothing protection, supervision and medical and dental care, or to place individuals at undue risk through unsafe environments or practices.
- **Passive neglect** – the failure to fulfil care-taking responsibilities because of inadequate caregiver knowledge, infirmity, or the failure to implement prescribed services.

- **Wilful deprivation** – wilfully denying a person access to medication, medical care, shelter, food, a therapeutic device or other physical assistance, thereby exposing that person to risk of physical, mental or emotional harm.
- **Emotional neglect** – the failure to provide the nurturing or stimulation needed for the social, intellectual and emotional growth or wellbeing of an adult or child.
- **Crimes of Omission** – negligence, i.e. the failure to act with the appropriate duty of care.
- **Exploitation -** Taking advantage of the vulnerability of a person with disability in order to use them, or their resources, for another's profit or advantage (e.g. financial abuse).

**Child** As defined in section 8 of the Child Protection Act **-** An individual under 18 years

**Young Person** The United Nations defines youth as persons between the ages of 15 and 24 but also recognises that this varies without prejudice to other age groups as listed by member states.

**Person with Disability** A person's condition that is attributable to an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment or a combination of impairments. These conditions may result in a substantial reduction of the person's capacity for communication, social interaction, learning, mobility or self-care or management and the person needing support.

**Universal Principles** Requires child safe entities to provide an environment that promotes and upholds the right to cultural safety of children who are Aboriginal persons or Torres Strait Islander persons.

## 3. Responsibilities

### 3.1. Managing Director

The Managing Director has the following responsibilities:

*Prevention of violence, abuse, neglect and exploitation of children, young people or people with disability*

- To provide active support to staff to create an appropriate service culture in accordance with this Policy
- To develop a coordinated approach to promoting the rights of individuals within their families, communities and cultures

*Identification of violence, abuse, neglect and exploitation of children, young people or people with disability*

- To ensure that systems are in place to identify and remedy gaps which may contribute to individuals experiencing violence, abuse, neglect or exploitation

*Responding to violence, abuse, neglect and exploitation of children, young people or people with disability*

- To ensure that IMPACT's environment is considered a 'safe space', and there is a culture of no retaliation or retribution for any person who reports violence, abuse, neglect or exploitation of a child, young person or person with a disability.
- To implement a complaints process and to ensure that individuals are made aware of this
- To ensure policy on privacy and confidentiality is in place and staff are aware of their responsibilities
- To ensure that any violence, abuse, neglect or exploitation of individuals is reported to the relevant authority depending on the level of severity (ie, Police, relevant department and/or NDIS Quality and Safeguards Commission)
- To ensure that relevant staff advise clients, their families and advocates about:
  - support services, which are equipped to identify violence, abuse, neglect and exploitation and able to refer individuals to appropriate specialist services
  - their right to pursue grievances and complaints and access the criminal justice system

### 3.2. General Managers and Managers

Managers of IMPACT Community Services have the following responsibilities:

*Prevention of violence, abuse, neglect and exploitation of children, young people or people with disability*

- To ensure that all relevant staff and volunteers are aware of, trained in, compliant with and implement any policy and procedures which deal with preventing and responding to the violence, abuse, neglect and exploitation of individuals.
- To provide active support to staff to create an appropriate service culture in accordance with this Policy

- To ensure staff are trained to recognize and prevent/minimize the occurrence or recurrence of violence, abuse, neglect and exploitation of individuals within a service delivery context.

*Identification of violence, abuse, neglect and exploitation of children, young people or people with disability*

- To ensure that staff are trained in early intervention approaches where potential or actual violence, abuse, neglect or exploitation of individuals is identified

*Responding to violence, abuse, neglect and exploitation of children, young people or people with disability*

- To ensure that guardians or substitute decision makers are informed of alleged or suspected instances of violence, abuse, neglect and exploitation, unless the guardian or decision maker is the alleged or suspected perpetrator of the violence, abuse, neglect or exploitation, in which case a decision should be made on a case-by-case basis.
- To ensure that relevant staff advise clients, their families and advocates about:
  - support services, which are equipped to identify violence, abuse, neglect and exploitation and able to refer individuals to appropriate specialist services
  - their right to pursue grievances and complaints and access the criminal justice system
- To ensure privacy and confidentiality of all disclosures is upheld
- Encourage staff to support individuals with disclosures or grievances where appropriate ensuring they are respectful of their rights and needs.
- In consultation with the Managing Director, ensure that any violence, abuse, neglect or exploitation of individuals is reported to the relevant authority depending on the level of severity (ie, Police, relevant department and/or NDIS Quality and Safeguards Commission)

### 3.3. Staff

Staff of IMPACT Community Services have the following responsibilities:

- To provide services to individuals in a manner that is consistent with this Policy and all other relevant Policies and Procedures
- To support management to create a culture of no retaliation or retribution for reporting of suspected violence, abuse, neglect or exploitation
- To provide active support to other staff to create an appropriate service culture in accordance with this Policy.
- To ensure that clients, their families and advocates are advised about:
  - support services, which are equipped to identify violence, abuse, neglect and exploitation and able to refer individuals to appropriate specialist services
  - their right to pursue grievances and complaints and access the criminal justice system
- Adhering to Child Safe Standards, Universal Principles and IMPACTs procedures for child safety.
- Adhering to privacy policy and procedure and maintaining confidentiality
- To cooperate with the investigation of any complaint relating to the provision of services.
- Provide appropriate support to the person making any report of suspected violence, abuse, neglect or exploitation of children, young people or people with disability.

## 4. Statement

IMPACT Community Services adheres to all legislation pertaining to the delivery of services to children, young people or people with a disability, including the *Human Rights Act 2019*, *Child Protection Act 1999, Child Safe Organisation Act 2024, Disability Services and Inclusion Act 2023, Disability Services Act 2006* and *National Disability Insurance Scheme Act 2013*. In accordance with these Acts and associated standards, the organisation recognises that children, young people or people with a disability have the same human rights as other members of society and should be empowered to exercise their rights. These include the right to:

- respect for human worth and dignity as individuals; and
- live lives free from violence, abuse, neglect and exploitation.

The following underpins the principles of preventing, identifying and effectively responding to violence, abuse, neglect and exploitation of children, young people or people with a disability.

- Strategies to prevent violence, abuse, neglect and exploitation of children, young people or people with a disability including the reduction of isolation and enhancement of social connections.
- Provision of tailored advice and support for those at risk including appropriate skill development in improving personal safety and the capacity for safe participation in the community.
- Early intervention approaches for the identification of violence, abuse, neglect and exploitation of children, young people or people with a disability
- Staff are encouraged and committed to report any suspected violence, abuse, neglect or exploitation of children, young people or people with a disability.
- Adherence to the requirement as stated in the Criminal Code Act 1899 (Qld), for mandatory reporting of sexual offending against children to the police, unless they have a reasonable excuse for not doing so.
- A Complaints process is in place and clients have the right to complain about the service they receive, or any form of violence, abuse, neglect or exploitation experienced in the delivery of service, without fear of retaliation or retribution.
- IMPACT Community Services acknowledges that individuals have the right to pursue grievances and complaints and to have fair and equitable access to the criminal justice system without recriminations.
- IMPACT Community Services will provide access to appropriate supports for clients, families and carers to assist with the effects of violence, abuse, neglect and exploitation where appropriate.
- IMPACT Community Services liaises, networks and integrates effectively with local services and would use these where appropriate to assist in providing supports to a child, young person or person with a disability who is abused, neglected or exploited.
- A culturally safe environment that allows Aboriginal and Torres Strait Islander people to feel welcome, valued, included and respected.
- The Risk Management Framework of the organisation provides a method for identifying, assessing and treating risks which arise in the delivery of service to children, young people or people with disability.
- IMPACT Community Services provides a robust system of recruitment, worker screening, performance monitoring and development to maximize the potential for continually providing high quality service.
- The cultural needs of individuals are safeguarded through the training of staff in cultural competency and the employment of staff from a wide variety of cultures and backgrounds.
- The workplace culture of IMPACT Community Services supports continuous learning and professional development to respond to the needs of individuals being supported.

## 5. References

**ACTS:** National Disability Insurance Scheme Act 2013 and Rules (Cwlth)
Disability Services and Inclusion Act 2023 (Cwlth)
Disability Services Act 2006 and Regulation 2017 (Qld)
Disability Discrimination Act 1992 and Regulation 1996 (Cwlth)
Child Protection Act 1999 and Regulation 2011 (Qld)
Child Safe Organisation Act 2024 (Qld)
Human Rights Act 2019 (Qld)

**STANDARDS**:
NDIS Practice Standards and Quality Indicators and Codes of Conduct (Provider and Worker)
Human Services Quality Standards
United Nations Universal Declaration of Human Rights
United Nations Convention on the Rights of Persons with Disabilities
National Principles for Child Safe Organisations
Queensland Principles for Child Safe Organisations
Universal Principles
United Nations Convention on the Rights of the Child

**QMS**: ***Children and Youth Risk Management Strategy***
***POL002 Risk Management Policy***
***POL003 Quality Policy***
***POL004 Privacy Policy***
***POL005 Work Health and Safety Policy***
***POL007 Whistleblower Policy***

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*POL009 Human Rights Policy*
*ADM024 Disclosure and Reporting of Violence, Harm, Abuse, Neglect and Critical Incident*
*ADM025 Complaints and Appeals: Clients and Visitors*
*ADM026 Grievance: Staff and Volunteers*
*ADM029 Privacy of Personal Information Including Access to Records*
*HRM001 Employment of Staff*
*HRM006 Bullying, Sexual Harassment & Discrimination*
*HRM007 Code of Conduct*
*NDIS006 Restrictive Practices*
*NDIS Detection & Prevention of Violence, Abuse, Neglect and/or Exploitation Booklet*
*WHS008 Injury, Incident & Hazard Reporting*

Changes to this version of the Policy have been approved by:

| Managing Director | Chair |
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