

Prevent and Respond to Harm Policy

V1.0 | Last Reviewed: 1/01/2019

Purpose & Scope

Persons under the service provision of EnableOT may experience or be dealing with the consequences of actual or potential harm during their involvement with our service. These incidents may be directly or indirectly related, or entirely unrelated, to our service provision. Whatever the circumstances, we have a responsibility to our clients to ensure their safety and to minimise the effect of harm through prompt and appropriate action. It is essential therefore that we have clear guidance for how to respond in the most appropriate and effective way when the safety or wellbeing of a client is compromised. This is most important when the client is a child, (See *Early Childhood Intervention Policy*)

Legislative Requirements

Disability Discrimination Act 1992:

This Act aims to eliminate discrimination due to disability in employment, access to facilities, provision of goods and services, legislation and promote equality and equity between persons with a disability and ensure they have the same fundamental rights and others within the community

NDIS Act 2013 (The Act):

The National Disability Insurance Scheme (NDIS) was developed to enable people with disability to live 'an ordinary life' as others in society do. The associated Act aims to provide for the National Disability Insurance Scheme in Australia, support the independence and social and economic participation of people with disability, provide reasonable and necessary supports, including early intervention supports, for clients in the National Disability Insurance Scheme launch, enable people with disability to exercise choice and control in the pursuit of their goals and the planning and delivery of their supports, facilitate the development of a nationally consistent approach to the access to, and the planning and funding of, supports for people with disability, promote the provision of high quality and innovative supports that enable people with disability to maximise independent lifestyles and full inclusion in the mainstream community, raise community awareness of the issues that affect the social and economic participation of people with disability, and facilitate greater community inclusion of people with disability.

Supporting Documents

- *Hazard and Incident Reporting Form*
- *Complaint Management Procedure*
- *Positive Supports Policy*
- *Service Access, Entry and Exit Policy*
- *Feedback and Improvement Policy*

General Principles

EnableOT is always committed to protecting the safety and wellbeing of our clients and their stakeholders. We take every possible action to prevent harm occurring to our clients by providing a safe and healthy environment.

Specifically, we will:

- Implement safeguarding guidelines for staff recruitment and client intake to ensure an optimal match is found between supports and our clients in line with NDIS frameworks specific to our services.
- Working with Children and Vulnerable Persons is obtained and maintained and/or National Police Check is completed every 3 years

- Where appropriate, staff will receive training in protective behaviours in order to minimise the possible risk of abuse, assault or neglect; and their responsibilities regarding Restrictive Practice
- Ensure appropriate physical access to the service; and an appropriate fire evacuation plan for both staff and clients;
- Train our staff, including contractors and volunteers to be aware of our procedures and their own Duty of Care and upholding of Dignity of Risk when dealing with cases of actual or suspected harm
- Be vigilant for signs of harm in our clients and their stakeholders
- Assess the risk of harm in such a way that identifies potential accidents, injuries and illnesses as well as compromised well-being in service environment
- Take action to reduce the potential for harm to clients and to ensure their safety within our services
- Minimise the risk of aggressive behaviour or physical threat
- Inform clients and their stakeholders about the ways safety and wellbeing will be protected, and any actions they are required to take or not take while using the service
- Communicate with integrity and transparency with management and staff to provide a safe and healthy environment for the provision of services
- Adopt “Zero Tolerance” approach with respect to mistreatment, abuse, neglect, or exploitation when delivering services to clients and their stakeholders
- Review our approach to harm prevention regularly, and particularly after any critical incident within our service
- Respond to allegations of harm arising in the service with sensitivity and in accordance with policies and standards provided by the current governing body such as NDIS.
- Manage an incident that has caused or could cause harm to clients with sensitivity and care
- Act decisively, sensitively, within the law and within our duty of care when a client discloses actual or potential harm, whether within the service or elsewhere
- Investigate all allegations of harm through a structured process and supporting clients and their stakeholders during this process

Prevention of Harm

EnableOT takes its duty to provide anyone who attends our service or participates in any way in any of our services, with a safe and healthy environment seriously.

Responsibilities

Clients have a right to be protected from harm to their safety or wellbeing, and they have a responsibility to play an active role in protecting themselves and others from harm. We inform our clients about the ways their safety and wellbeing will be protected, and any actions they are required to take or not take while using the service. These responsibilities are provided to the Client or their stakeholders during service entry in the *EnableOT Service Agreement*, the associated *Consent Form* and the *Client Handbook*.

Our first step in protecting the safety and wellbeing of our clients is to understand how, where and when they may be at risk of harm. The potential and actual risks of harm to Clients and their stakeholders, and the range of actions we can take to reduce the incidence of each are indicated in the Workplace Health and Safety Policy.

Risk of Harm During Service Provision

During service entry, informal risk assessments are carried out on relevant service environments, including the home, vehicle, and external meeting or training locations. Information regarding the Client and their stakeholders as well as the service environment is collected and noted in the person’s file.

Assessments regarding transport, home and external meeting places are documented in the Clients file and should be reviewed regularly by staff providing services in the community. Staff are trained in the ongoing informal assessment of a home, transport, and meeting or training location and any risks are to be recorded or reported as soon as is practicable.

When using a staff-owned vehicle to provide transport to Clients or their stakeholders, a road worthy vehicle and comprehensive insurance are an important part of ensuring personal safety and wellbeing. Vehicle Startup Checklists remain in the vehicle and if any hazards are identified, the hazard must be addressed immediately. If the hazard cannot be minimized or eliminated immediately, the vehicle must not be used in the provision of service delivery and the hazard must be reported using the Incident Report Form.

Hazards

Hazards or risk of injury must be risk assessed to minimize or eliminate the risk of harm to clients and their stakeholders. Any hazards that cannot be immediately minimized or eliminated should be isolated and reported verbally to the Director. Hazards that are not serious harm, abuse or neglect are reported using an Incident and Hazard Report Form and submitted within one business day hours to the Director. These reports contribute to the Risk Management Plan and Continuous Improvement Plan reviewed periodically by EnableOT.

If hazards are identified in service not directly provided by EnableOT, then staff must verbally inform most relevant responsible persons of the identified hazard. This may be the client, their stakeholders, support worker, professional or service delivery manager of the other direct service provider.

If a hazard within the service provision of EnableOT is identified by staff of a disability service provider connected directly or indirectly and communicated to EnableOT staff, then that staff member will be requested by the person provide a verbal report of the hazard identified. Once the report has been received, EnableOT staff will fill out an incident/hazard report form and address the hazard as per EnableOT procedures.

Serious (Reportable) Incidents

Some people with disability can be vulnerable and susceptible to serious harm, including mistreatment, abuse and neglect. Serious harm may be perpetrated by a member of staff, another person with disability, family, friends or strangers. A report of serious harm may be received from:

- A person with disability using any communication method.
- Another person with disability, member of staff or any other person, who may witness abuse of the person and make a report or
- Staff, a family member or others who know the person well upon observing one or more indicators of abuse, suspects that a person or people with disability have been or are being mistreated, abused or neglected.

Serious harm (reportable) may be identified within the service provision of EnableOT staff but also may be identified in a disability service provider that is connected directly or indirectly to EnableOT. When the serious harm is identified in a disability provider who is connected directly or indirectly with EnableOT and EnableOT staff are witnesses to the event or the immediate response then EnableOT staff still have a duty of care to ensure the serious harm is reported and addressed.

The formal investigation process and resolution may be through the harm policies and procedures of the relevant disability service provider but the incident must be also reported using an Incident Reporting form so the incident information can contribute to ongoing risk management plans and continuous improvement processes.

Serious harm (reportable incident) means alleged or actual:

- the death of a person with disability; or
- serious injury of a person with disability; or
- abuse or neglect of a person with disability; or
- unlawful sexual or physical contact with, or assault of, a person with disability; or
- sexual misconduct committed against, or in the presence of, a person with disability, including grooming of the person for sexual activity; or
- 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.

Zero Tolerance

Zero tolerance is an initiative led by National Disability Services in partnership with the disability Sector. It aims to assist service providers to understand, implement and improve practices which safeguard the rights of people they support. Built around an evidence-based framework, it outlines strategies for service providers to improve prevention, early intervention and responses to abuse, neglect and violence experienced by people with disability. See www.nds.org.au/resources/zero-tolerance.

Zero Tolerance is:

- a way for organisations to understand actions they can do to prevent and respond to abuse, neglect and violence of people with disability
- a clear message that abuse, neglect and violence are not okay
- a way of thinking about abuse as a human right issue not a disability issue
- an organisational and personal commitment to act on:
 - anything that makes a person with disability be or feel unsafe
 - anything that doesn't support a person's human rights
 - anything that we could be doing better
- a collection of resources to educate and train staff at all levels to understand their responsibilities in preventing and responding to abuse (see *Staff Induction Manual*)
- a way of working collaboratively within and outside the disability sector to prevent and respond to abuse

Response to Harm

EnableOT takes disclosure of hazards and incidents seriously and follows a clear procedure to manage the risks and protect the Participant or their stakeholders. In incidents that are NOT reportable EnableOT will:

- exercise their duty of care to the extent of the law by acting immediately hazards or incidents
- investigate all incidents as per the EnableOT Complaints and Improvement Policy and the Prevention and response to Harm Policy
- uphold a person's dignity prior to and during an investigation of an incident

Staff shall be responsible for ensuring that our standard practices are implemented to uphold the participant's legal and human rights, prevent abuse, workplace bullying, harassment and assault in the workplace and on each service site. Staff are required to be vigilant and report any suspected abuse or neglect of participants. In these instances, the response to Serious Harm (Reportable Incidents) section below must be followed.

Hazards or incidents may be identified within the service provision of EnableOT staff but also may be identified in a disability service provider that is connected directly or indirectly to EnableOT. When the incident is identified in a disability provider who is connected directly or indirectly with EnableOT and EnableOT staff are witnesses to the event or the immediate response then EnableOT staff still have a duty of care to ensure the incident is reported and addressed. The formal investigation process and resolution may be through the harm policies and procedures of the relevant disability service provider but the incident must be also reported using the EnableOT Hazard/Incident Reporting form so the incident information can contribute to ongoing risk management plans and continuous improvement processes.

Failure to act immediately on a hazard or incident (including and especially Serious harm (reportable) increases risk to the welfare and safety of a person and is a breach of duty of care. Staff who fail to act can be subject to disciplinary action, and the involvement of external authorities (State Police or NDIS Commission).

When a hazard or incident is identified or disclosed, the immediate response is to protect the person and others from further harm. The following steps must be followed when a hazard or incident is witnessed or suspected:

Step 1: Protect the Person

Make the person who has experienced the abuse safe, offer to arrange for medical assistance if required, and/or remove the source of harm or potential harm from the person (e.g. other people, harmful objects).

Explain to the person what is happening.

Step 2: Preserve and Record the Evidence

Where relevant, and especially for criminal acts, maintain the scene of the incident, take photos and protect any personal articles involved. As soon as is safe and practicable to do so, complete the Hazard/Incident Report that outlines the necessary details for all hazards and incidents, write down what you know. Include what you know about the situation, the harm or potential harm to the person, the people and services involved, and any witnesses.

Step 3: Report the Incident

Check if the incident is a Serious harm (Reportable Incident), if you suspect it may be a serious harm incident, call the Director immediately and they will report to the State Police Service and the NDIS Commission within 24 hours.

After the Incident (Internal Process)

The incident report will be treated as a formal complaint by the Director as per the EnableOT Harm Policy. Briefly, the Director will:

- follow the EnableOT Complaints Procedure and the mandatory reporting guidelines as advised by the current governing body such as the NDIS Commission for serious and reportable harm
- acknowledge hazard and incident reports within 24 hours of receipt to those involved including participant and staff
- contact the complainant within 2 business days to discuss the incident
- address allegations of hazard, incident or harm so that the person's dignity is upheld
- All information and reports must be kept confidential to protect people's rights and privacy.
- Take steps to support and protect the person who has experienced the incident and the whistle-blower, if applicable. Ensure that they are not subject to retribution and stop any attempts at further abuse or retribution. Actions may include:
 - involving victim support services
 - counselling for staff, participants or other whistle-blowers
 - suspending staff if suspected of perpetrating unnecessary risk or harm.

Dignity of Risk

When assessing harm, EnableOT will support the dignity of risk of the people we serve. We balance the rights of people using services to make choices, including taking risks, with our responsibility to help protect vulnerable people from themselves, other people or other hazards and to help protect stakeholders and the public.

Briefly, we will:

- Follow legal requirements and processes as described in EnableOT policies and procedures such as the *Positive Supports Policy*
- Address issues of risk and duty of care in ways that protect people's health and safety as well their privacy and dignity.
- Follow a clear decision-making procedure to decide whether and how to intervene if a client wants to do something that puts them or others at risk that considers:
 - The law and related EnableOT policies
 - The risk of injury, misfortune, or critical incident
 - Precautions to minimise or eliminate risk
 - Dignity of risk and the benefits this might provide
 - Provide training on dignity or risk and supporting decisions without bias or influence

Restrictive Practices

A restrictive practice is any intervention that prevents rights or freedom of movement of a person with a disability with the purpose of protecting the person or others from harm. This could include seclusion, containment, chemical restraint, mechanical restraint, physical restraint or environmental restraint. EnableOT may or may not onboard clients with restrictive practice but if we do, we are committed to being trained in and following approved restrictive practices outlined within a PBSP and is committed to data collection and input into least restrictive alternatives in collaboration with a positive behaviour practitioner and the organization responsible for development and implementation of a PBSP.

Using regulated restrictive practice, specifically we will:

- only use RP if it is outlined in a PBSP that indicates consent has been given for RP
- only use RP once the rights of the person have been considered
- only use RP as a last resort and document everything else that has been tried first
- only use RP if there the behaviour presents a risk of harm to the person or others
- used in a least restrictive way that is reasonable and proportionate to the risk of harm
- only use RP for the shortest time possible with the least force possible

EnableOT will support the regular reporting through effective and complete incident reporting of any authorised or unauthorised RP while providing services with the client. EnableOT will also stay informed about the requirements of the NDIS Commission regarding restrictive practice, will liaise with the QLD Principal Clinician when needed regarding restrictive practice and will review this policy statement against current regulatory advice. (See *Positive Behavioural Support Policy and Implementing Behavioural Support Policy*)

Child Safe

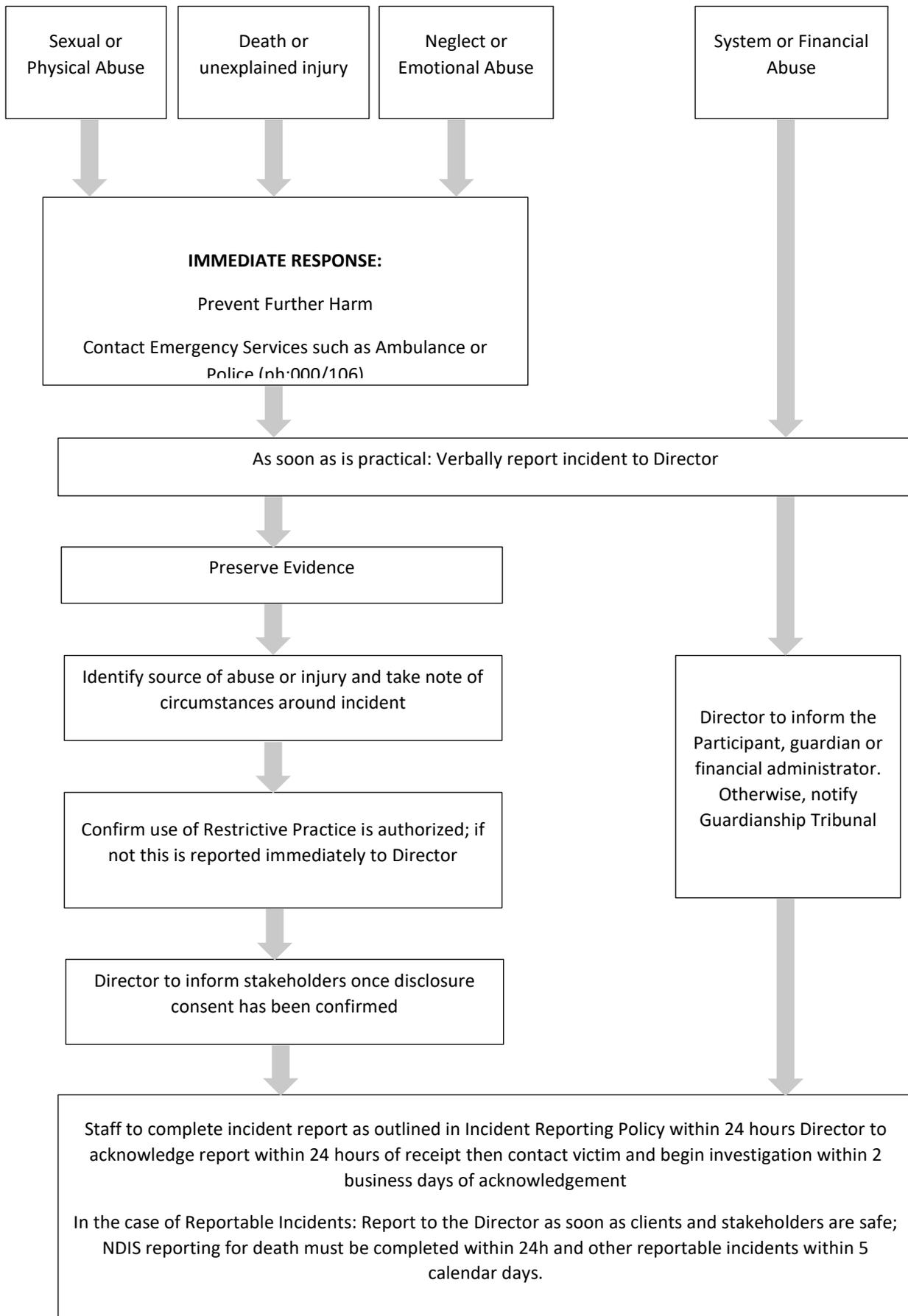
While providing supports under the NDIS, EnableOT is committed to the safeguarding of children and young people and are uniquely placed to identify and respond to needs and vulnerabilities of harm of these age groups with a disability. A child is defined as under 16 years and a young person as between 16 and 18 years of age whereas early childhood intervention under the NDIS is defined as a child under the age of 8.

To safeguard these age-groups we commit to:

- maintain professional and courteous relationship with the child and their family
- listen to and involve children in decisions that may affect them
- respect the diversity, equity and inclusion of children and young people under the principles of the UN Convention on the Rights of a Child, legislation relating to children and young people; follow mandatory reporting requirements when risk of harm is suspected
- safeguard children and young people always and not place them in an environment where they are at risk of abuse, harm or unsafe behaviour
- use appropriate communication with children and young people avoiding confronting or confusing topics and degrading or humiliating actions or words
- do not smoke while on duty, and not attend work while influenced by alcohol or drugs

EnableOT will maintain rigorous worker screening policies in line with the NDIS standards and requirements and discuss our policies openly with staff and volunteers as well as clients and their families. Failure to disclose offences that may affect children or the failure to protect children and young persons from risk of harm or abuse will be considered a breach of this policy and may result in disciplinary action; a serious breach may be considered a criminal offence.

Flowchart



Additional Considerations

Each client has the right to access supports that minimize the risk of harm to both clients and staff. An important part of this is identification of hazards and risks in the environment where clients carry out their activities and where staff work. See the Workplace Health and Safety Policy for supplementary information.

To ensure that clients are safeguarded and that workers are suitable for working with children and persons with a disability, worker screening requirements will be carried out in line with NDIS Commission Framework. Refer to Staff Recruitment and Training Policy for further information on worker screening requirements. In response to serious harm, abuse, neglect or exploitation by a staff member the Staff Recruitment and Training Policy also outlines disciplinary actions.

Review

This policy will be reviewed when required by changes to legislation or when organization operations require it. Employees will be consulted in relation to any proposed changes. It is recommended that this policy be assessed at 9 monthly internal review alternating with formal auditing processes.