

Purpose

This policy describes the process for managing allegations of a failure to provide appropriate care to an Access4u customer where the allegation is made against an Access4u employee or volunteer. It explains when the police must be informed about an occurrence at the service and the steps involved.

Access4u recognises the role of the Department of Communities and Social Inclusion Special Investigations Unit and will work co-operatively with the Unit in investigations as required.

Responsibilities and delegations

This policy applies to	Governing Body. Staff and Volunteers
Specific responsibilities	The Board – Responsible for ensuring effective governance mechanisms are in place. The CEO and Managers – Responsible for monitoring and ensuring adherence to Policy and related procedures. Ensure due diligence and take reasonable steps to ensure Access4u are meeting their obligations. Ensure objectives of the policy are achieved. Staff – Responsible for adherence to this and related policies, procedures and forms that support this policy.
Policy approval	CEO

Policy context – this policy relates to:

Standards	• Family and Community Services Act 1972 • National Disability Insurance Scheme Quality and Safeguarding Framework • National Standards for Out-of-Home care (NOOHCS) • The Office of the Guardian for Children and Young People - Charter of Rights
Legislation	• Children and Young People (Safety) (Transitional Provisions) Regulations 2017 • Children and Young People (Safety) Act 2017 • Children's Protection Law Reform (Transitional Arrangements and Related Amendments) Act 2017 • Disability Discrimination Act (DDA) 1992 • National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018 • National Disability Insurance Scheme Act 2013 • Privacy Act 1988 (Cwlth), including the Australian Privacy Principles inserted by the Privacy Amendment (Enhancing Privacy Protections) Act 2012 (Cwlth) • United Nations' Convention on the Rights of Persons with Disabilities 2006

	• The Disability Act 2006 • The Disability Services Act SA 1993
Contractual obligations	• Government of SA, DCP Contract Management Framework • NDIS Code of Conduct
Organisation policies and procedures	• Privacy policy • Duty of Care policy • Person centred care policy • Protection of Human Rights and Freedom of Abuse policy
Forms, record keeping, other documents	

Definitions for the purpose of this policy the following definitions apply:

Word	Definition
<i>Care concerns</i>	are defined as acts or situations where there has been a failure by the employee/volunteer/placement student to meet an agreed minimum standard of care that may jeopardise the wellbeing of a customer or has caused harm to a customer. Care concerns are assessed as minor, moderate or serious.
<i>Minor Care Concerns</i>	are deficits in accepted care standards where the observed actions of the employee/volunteer are likely to pose a minor risk to the customer's safety, wellbeing and quality of life if intervention does not occur. Minor care concerns may include, but are not limited to: • Poor attention to a customer's grooming needs (e.g. nails dirty or untrimmed, teeth not brushed, clothing unclean, hair not combed etc) • Being distracted when interacting with the customer (e.g. talking on personal mobile, listening to portable music device, watching television etc) • Failure to participate with interest and enthusiasm in activities designed to foster a customer's participation in the activities of daily living • Restricting opportunities for a customer to act independently in the absence of any real safety concerns • Requiring reminders to meet deadlines for a customer's appointments, day activities or work • Requiring reminders to maintain accurate records
<i>Moderate Care Concerns</i>	are deficits in accepted care standards where the alleged actions of the employee/volunteer have placed the safety, wellbeing and quality of life of the customer at moderate risk. Moderate care concerns may include, but are not limited to: • Frequently ignoring direction from the supervisor/manager regarding the support needs of a customer • Persistently ignoring a customer's dietary and hydration needs after clear instruction and training

	• Persistent teasing or making fun of a customer • Taking unauthorised photos of a customer • Requiring reminders and guidance to attend to a customer's health needs
<i>Serious Care Concerns</i>	are breaches in accepted care standards where the alleged actions of the employee/volunteer has placed the customer at significant risk of harm, in immediate danger of harm or has already caused the customer serious harm. Serious care concerns may include, but are not limited to: Exposing the customer to extreme safety risks Witnessing an act of abuse or neglect without intervening and failing to make an immediate report of the abuse to the manager/supervisor Restricting a customer's freedom of movement without authorisation Intentionally withholding food or drinks from a customer for a considerable period of time Adding staff names to a customer's bank accounts or property without the approval of the person, and/or family or guardian

Policy Statement

Access4u is committed to ensuring the quality standard of care, safety, protection and wellbeing of all its customers.

This policy is underpinned by international, national and state obligations in relation to the human rights of people with disability. The United Nations Convention on the Rights of Persons with Disabilities emphasises that all appropriate measures must be taken to protect people with disability from all forms of exploitation, violence and abuse, and ensure that all instances are identified, investigated, and where appropriate, prosecuted. Access4u aims to promote these principles within all aspects of policy and service delivery.

General Principles is that our customers:

- are informed of their inherent human rights and are supported to exercise these rights.
- have the right to live free from abuse, neglect, intimidation and exploitation.
- have the right to be respected for their worth, dignity, individuality and privacy.
- have the right to have access to appropriate assistance and support that will enable them to maximise their capacity to exercise choice and control and realise their potential.
- have the right to pursue any grievances without fear of the discontinuation of services or of recriminations or retribution.
- are empowered to determine their own best interests, including the right to exercise informed choice and take calculated risks.
- receive quality standards of care.

- Receive any intervention in the least intrusive way, with the smallest infringements on the fewest rights.

Implementation

Assessing the level of a care concern

When assessing the level of a care concern, the following information needs to be taken into consideration:

- seriousness of the allegation
- previous investigations of care concerns involving the employee/volunteer and the period of time in which they have been raised
- actual harm or a significant risk of harm to the customer.

When to contact the police over a care concern:

An incident must be immediately reported to SAPOL if:

- it is of serious concern or a criminal offence, (e.g. rape, unlawful sexual intercourse, indecent assault, aggravated physical assault, significant customer abuse), or
- there is a need to preserve physical evidence (e.g. medical or scene examination, seizure of clothing), or
- there is a serious risk to the safety/security of any person/s on site; or where a party has an obvious injury resultant from an offence. Note: An incident is also to be reported if the preceding conditions apply and the customer complains of an injury which may not be obvious but is considered reasonably likely to have occurred given the circumstances of the incident.

Other incidents of concern which, after consideration, are felt to require police intervention should be reported as soon as it is reasonably practicable to do so.

Such concerns that may require further intervention include incidents of neglect (e.g. withholding services, withholding food or drink for excessive periods, denial of access to basic amenities) or alleged verbal threats/abuse.

All care concerns that are not referred to SAPOL will be resolved in compliance with relevant Access4u policies and procedures.

How to contact the police over a care concern:

If an incident is to be reported to SAPOL, this should be done by telephone 131 444 and a request made for police attendance. Employees/volunteers/placement students should obtain details of the police officer to whom the report was made and of police members attending the scene (e.g. name, identification number/rank, posting details).

Once SAPOL have been informed:

As soon as an incident is referred to SAPOL, the SAPOL investigation takes precedence over any organisational process and no further investigation should be undertaken by Access4u until SAPOL's proceedings have been finalised.

Access4u should take any necessary action to separate or distance parties directly involved in the incident, which may necessitate suspension from duties of an employee or suspension of service delivery to another customer, where he/she is alleged to be the offending party.

Access4u should not engage in any communication with the parties involved regarding the incident, nor anyone else who may be a witness or required to make a statement/testify re the incident.

Access4u should ensure that employees are appropriately supported (e.g. referred to critical incident debriefing, offered appropriate alternative duties, etc.).

Access4u personnel should not attend interviews of employees or customers by SAPOL unless there is a direct and reasonable request for such advocacy which does not present a conflict of interest for Access4u.

Access4u should ensure that relevant and suitably detailed documentation is kept and stored for appropriate periods as prescribed under relevant legislation.

Responsibilities of All Employees/Volunteers:

All employees are responsible for:

- Modelling appropriate customer support behaviours at all times.
- Protecting the customer from harm.
- Ensuring up-to-date training has been undertaken and compliance with preventative care measures and service standards that promote ethical, respectful and safe service delivery that at least meets legislative requirements and achieves positive outcomes for people with disability
- Seeking medical attention for the customer if required.
- Providing appropriate emotional support to the customer.
- Advising the customer of the employee/volunteer's responsibility in terms of reporting.
- Reporting the care concern to the immediate supervisor/manager.
- In the case of abuse of customer under the age of 18 years enacting mandatory reporting obligations under the Children's Protection Act 1993 (SA) Part 4, Division 1, Section 11.
- Compliance with the procedures of the Special Investigations Unit within the Department for Education and Childhood Development where applicable.
- In moderate or serious care concerns they will be asked to provide a written description of the event including the name of the customer and employee/volunteer involved.
- Debrief with a view to review and improving processes to continuously improve service provision and service responses.
- Record accurate and complete information on any allegations of deficits in care and store records securely in accordance with the principles of the Privacy Act 1988 (Cwlth), including the Australian Privacy Principles inserted by the Privacy Amendment (Enhancing Privacy Protections) Act 2012 (Cwlth)

Support for the customer during a care concern investigation:

Customers who are involved in a care concern investigation must be assigned a support person to assist them through the investigation process.

In consultation with the customer, the support person may be any of the following:

- the customer's guardian
- an appropriate relative
- an Access4u employee, where the employee is not the subject of the care concern and does not have a conflict of interest in the matter
- an established friend of the customer
- a formal advocate

The support person must:

- have an understanding of the investigation process
- be acceptable to the customer
- not be involved in the investigation in any way
- be available during the course of the investigation
- be respectful of privacy and confidentiality principles
- focus on the customer's issues and maintain a sense of separation from the investigation.

Support for Persons Subject of a Care Concern Investigation:

Employees/volunteers who are the subject of a care concern referral should be advised of the following:

- they have a right, where appropriate, to be advised that a care concern referral has been raised and about the process to be followed
- they have a right to support throughout the process from a person who has no conflict of interest in the matter
- they have a right to competent and objective assessment of the concerns and a prompt resolution
- employees responsible for managing the care concern will make no assumptions about the validity of the concerns until the process is complete and all available information has been considered and assessed
- they will be given an opportunity to reply to the concerns
- at the end of the process the employee/volunteer will be informed of the outcome
- they have a right to make a complaint about the process
- they have a right to follow up support and debriefing as required
- they have a right to access information held by Access4u under the provisions of the Privacy Amendment Act 2012 (Cwlth)
- they have the right to be kept informed of progress (at least once per month) if any delays are anticipated in finalising the concerns

Role of the Department for Communities and Social Inclusion Special Investigations Unit

The Special Investigations Unit is responsible for:

- Investigating allegations of abuse and neglect of children and young people in foster care and/or those in residential and secure care facilities by carers, employees or volunteers
- Investigating allegations of abuse and neglect of vulnerable people who are customers of Disability SA and/or government-funded disability service providers by carers, employees or volunteers.