



## **1. Introduction**

### **1.1 Purpose**

This Policy and the Policies and Procedures and related documentation set out in section 1.5 below (Related Documentation) supports Aardvark Autism Services to apply the Violence, Abuse, Neglect, Exploitation and Discrimination NDIS Practice Standard.

### **1.2 Policy Aims**

Aardvark Autism Services is committed to ensuring that each Participant accesses supports free from violence, abuse, neglect, exploitation, or discrimination.

### **1.3 NDIS Quality Indicators**

In this regard, Aardvark Autism Services aims to demonstrate each of the following quality indicators through the application of this Policy and the relevant systems, procedures, workflows, and other strategies referred to in this Policy and the Related Documentation:

- (a) Policies, procedures, and practices are in place which actively prevent violence, abuse, neglect, exploitation, or discrimination.
- (b) Each Participant is provided with information about the use of an advocate (including an independent advocate) and access to an advocate is facilitated where allegations of violence, abuse, neglect, exploitation, or discrimination have been made.
- (c) Allegations and incidents of violence, abuse, neglect, exploitation, or discrimination are acted upon, each Participant affected is supported and assisted, records are made of any details and outcomes of reviews and investigations (where applicable) and action is taken to prevent similar incidents occurring again.

### **1.4 Scope**

- (a) This Policy applies to the provision of all services and supports at Aardvark Autism Services.
- (b) All permanent, fixed term and casual Staff, contractors and volunteers are required to take full responsibility for ensuring full understanding of the commitments outlined in this Policy.
- (c) The relevant persons specified in the column corresponding to a procedure described in this Policy have the responsibility to implement the relevant systems, procedures, workflows, and other strategies referred to in the relevant procedure.

### **1.5 Related Documentation**

The application of the above NDIS Practice Standard by Aardvark Autism Services is supported in part by and should be read alongside the Policies and Procedures and related documentation corresponding to this Policy in the Policy Register.

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## 2. Definitions

### 2.1 Definitions

**Aardvark Autism Services** means Aardvark Autism Services Pty Ltd ABN 89 665 926 367.

**Client** means a Client of Aardvark Autism Services (including an NDIS Participant).

**Key Management Personnel** means Jayne Franklin and other key management personnel involved in Aardvark Autism Services from time to time.

**Legislation Register** means the register of legislation, regulations, rules, and guidelines maintained by Aardvark Autism Services.

**Policy Register** means the register of policies of Aardvark Autism Services.

**Principal** means Jayne Franklin.

**Related Documentation** has the meaning given to that term in section 1.1.

**Worker** means a permanent, fixed term or casual member of Staff, a contractor or volunteer employed or otherwise engaged by Aardvark Autism Services and includes the Principal.

### 2.2 Types of Abuse

**Abuse** is the violation of a person's human rights, through an act or actions of commission or omission, by another person, or persons. There are different kinds of abuse and they may include:

- (a) **Chemical abuse** refers to any misuse of medications and prescriptions, including the withholding of another person's resources by someone with whom the person has a relationship implying trust.
- (b) **Cultural abuse** is abuse that is received primarily because of a person's cultural background. It can be an outcome of discrimination and harassment and can take different forms including emotional, psychological, or social abuse.
- (c) **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.
- (d) **Harm** is any detrimental effect of a significant nature on the person's physical, psychological, or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by physical, psychological, or emotional abuse or neglect or sexual abuse or exploitation. It may be caused by a single act, omission or circumstance or a series or combination of acts, omissions, or circumstances.
- (e) **Physical abuse** is when a person suffers physical trauma or injury that is not accidental. It does not always leave visible marks or injuries. What matters most is the act itself that caused the trauma or injury. Physical abuse can include hitting, shaking, throwing, burning, biting, poisoning.
- (f) **Psychological/emotional abuse** happens when a Client's social, emotional, or intellectual development is damaged or threatened. It can include constant rejection, teasing or bullying, yelling, criticism, exposure to domestic or family violence.
- (g) **Sexual abuse** is any form of forced or unwanted sexual activity. The perpetrator of sexual abuse may use physical force, make threats, or take advantage of a person unable to give consent. Sexual

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activity includes intercourse, genital manipulation, masturbation, voyeurism, sexual harassment, and inappropriate exposure to pornographic media.

### 2.3 Types of Neglect

**Neglect** is 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:

- (a) **Physical neglect** means the failure to provide adequate food, shelter, clothing protection, supervision, and medical and dental care or to place persons at undue risk through unsafe environments or practices.
- (b) **Passive neglect** means the failure to fulfil care taking responsibilities because of inadequate caregiver knowledge, infirmity, or the failure to implement prescribed services.
- (c) **Wilful deprivation** means 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.
- (d) **Emotional neglect** means the failure to provide the nurture or stimulation needed for social, intellectual and emotional growth or wellbeing of an adult or child.
- (e) **Crimes of omission** means negligence i.e., the failure to act with the appropriate duty of care.

### 2.4 Exploitation

Exploitation is taking advantage of the vulnerability of a person with disability in order to use them, or their resources, for another's profit or advantage.

### 2.5 Discrimination

**Discrimination** occurs when an individual or a group is treated unfavourably because of a personal attribute protected by law.

Unlawful discrimination can occur:

- (a) **Directly** – when a person or group is treated less favourably than others because they have a protected attribute, compared with another person or group without that attribute.
- (b) **Indirectly** – when an arbitrary or unreasonable system, procedure or requirement treats everyone the same, but in doing so ends up (actually or potentially) disadvantageous to a person or group with an attribute protected by the law.

Attributes protected by the law include:

- (a) Age
- (b) Breastfeeding
- (c) Disability/impairment (including genetic predisposition to disability, visible or invisible, temporary, or permanent)
- (d) Employment activity (e.g., asking your boss about your Workplace entitlements)
- (e) Gender identity (being transgender or intersex)

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- (f) Industrial activity/inactivity (union membership or non-membership)
- (g) Irrelevant criminal record
- (h) Lawful political belief or activity
- (i) Lawful sexual activity
- (j) Marital status (having or not having a domestic partner)
- (k) Medical record
- (l) Physical features (including height, weight, or appearance)
- (m) Pregnancy (including potential pregnancy)
- (n) Race (including language spoken at home, citizenship, country of origin)
- (o) Religious belief or activity
- (p) Gender
- (q) Sexual orientation
- (r) Social origin
- (s) Status as a parent or carer (with a broad and inclusive definition of both)
- (t) Personal association or relation to another person with any of the above attributes (e.g., being related to someone with a disability). Some exclusions apply to this point.

### 3. Policy Statement

#### 3.1 General

- (a) Aardvark Autism Services prohibits violence, abuse, neglect, exploitation and discrimination in all forms.
- (b) Aardvark Autism Services recognises that people with disability have the same human rights as other members of society and should be empowered to exercise their rights. These include the right to:
  - (1) respect for their human worth and dignity as individuals; and
  - (2) live lives free from violence, abuse, neglect, exploitation, and discrimination.
- (c) Aardvark Autism Services has systems to prevent the occurrence or recurrence of violence, abuse, neglect, exploitation, and discrimination within the service delivery context.

#### 3.2 Aardvark Autism Services' principles of identification of violence, abuse, neglect, exploitation and discrimination

- (a) Workers are aware of and trained in early identification of violence, abuse, neglect, exploitation, and discrimination involving people with disability, taking particular care of known risk situations, both systemic and individual.

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- (b) Regular system reviews are in place so that gaps which may contribute to a person experiencing violence, abuse, neglect, exploitation, or discrimination are identified and remedied.

**3.3 Aardvark Autism Services’ principles of effective response**

- (a) Workers are committed to reporting and openly disclosing any suspected or alleged incidents of violence, abuse, neglect, exploitation, and discrimination in accordance with the Aardvark Autism Services Incident Management and Reporting Policy. Aardvark Autism Services affords protection to any person who makes a disclosure.
- (b) Any alleged incidents of violence, abuse, neglect, exploitation, and discrimination involving Clients that are Reportable Incidents are reported in line with the requirements of the Aardvark Autism Services Incident Management and Reporting Policy.
- (c) Clients who experience violence, abuse, neglect, exploitation, or discrimination have the right to:
  - (1) make a complaint about the services and supports they receive, or any form of violence, abuse, neglect, exploitation, or discrimination experienced without fear of retribution in accordance with the Aardvark Autism Services Feedback, Compliments and Complaints Management Policy;
  - (2) pursue grievances and complaints with Aardvark Autism Services and the NDIS Commission and the criminal justice system without fear of the services provided by Aardvark Autism Services being discontinued; and
  - (3) access appropriate support services to assist with the effects of violence, abuse, neglect, exploitation, and discrimination.
- (d) Any person who reports suspected or alleged incidents of violence, abuse, neglect, exploitation, and discrimination involving a Client has the right to have their safety and rights respected and safeguarded.
- (e) Families and carers of Clients who identify and report incidents of violence, abuse, neglect, exploitation, and discrimination have the right to be provided support by Aardvark Autism Services.
- (f) Clients and members of their support network are provided information about the use of an advocate (including an independent advocate). Aardvark Autism Services facilitates access to an advocate where allegations of violence, abuse, neglect, exploitation, or discrimination are made which involve a Client.

**3.4 Aardvark Autism Services’ Principles of Workforce and Workplace Reform:**

- (a) Human resource management systems and practices set out in Aardvark Autism Services’ Human Resources Management Policy support effective recruitment and selection (including compliance with statutory requirements such as criminal history screening), performance monitoring and development, and performance management.
- (b) The workplace culture supports continuous learning and professional development to respond to the needs of individuals being supported.

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