



1.0 Policy Statement

Peckys Limited recognises the legal and human rights of people with a disability to feel safe and receive support in an environment free from sexual, physical and emotional abuse. Peckys Limited has a duty of care to ensure that the person's right to dignity, confidentiality and safety is upheld in terms of the prevention of abuse and the appropriate response to abusive situations. Peckys Limited acknowledges the responsibility all people have to one another to respect each other's rights and safety.

- 1.1** Peckys Limited has a responsibility to create an environment for our clients that is safe and actively works to reduce the risks of any form of abuse.
- 1.2** Peckys Limited will respond promptly and sensitively to allegations of abuse and will provide any support that is required.
- 1.3** Peckys Limited has the responsibility to address both the short and long term issues that may lead to any abuse occurring in the program operating environments.

2.0 Definitions of Abuse

Physical Assault: is any reckless or intentional act, which causes another person to think that they may be subject to immediate or unlawful violence. Battery is actually a separate offence to assault and refers to the resulting injuries, although the term assault generally includes battery.

- 2.1** **Emotional Abuse:** refers to the allegation that a person has been harmed through having experienced the following behaviours such as severe verbal abuse, continual rejection, physical or social isolation such as punishment, threats or abuse, harassment, frightened, dominating or bullying actions.
- 2.2** **Neglect:** is harm to a person as a result of a failure to provide adequate support, food, clothing, shelter or hygienic living conditions. It also includes failure to provide adequate information and education in the use of poisons, alcohol and drugs.
- 2.3** **Sexual Assault:** occurs when a person is subjected to sexual activities without their consent. Such activities include:
 - Penetration of the vagina, anus or mouth by any part of the offender's body or any object used without the person's consent;
 - Sexual/genital fondling, fellatio, cunnilingus without the person's consent;
 - Unwilling exposure to exhibitionism and/or masturbation;
 - Suggestive behaviours and comments that are inappropriate or make the person feel uncomfortable or intimidated.



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There are two types of situations involving sexual assault in which the notion of consent is not relevant. They are where any of the above behaviours are perpetrated by:

- An adult on a child;
- A Support Worker who is in a professional caring/supporting relationship with the person that has a disability.

In these instances sexual assault has occurred whether or not consent was obtained from the person whom the assault was committed. Furthermore, sexual assault includes any person having sex with a person with an intellectual disability with the intention of taking advantage of their vulnerability to sexual exploitation.

- 2.4** Domestic Violence: Violence, abuse and intimidation perpetrated by one person against another in a personal, intimate relationship. Domestic violence occurs between two people where one has power over the other causing fear, physical and/or psychological harm.
- 2.5** Restraints and Restrictive Practices: Restraining or isolating an adult for reasons other than medical necessity or in the absence of a less restrictive alternative to prevent self-harm. This may include the use of chemical or physical means or the denial of basic human rights or choices such as religious freedom, freedom of association, access to property or resources or freedom of movement. These practices are not considered to be abuse if they are applied under a restricted practice authorization.
- 2.6** Financial Abuse: The improper use of another person's assets or the use or withholding of another person's resources.
- 2.7** Systemic Abuse: Failure to recognize, provide or attempt to provide adequate or appropriate services, including services that are appropriate to that person's age, gender, culture, needs or preferences.

3.0 Purpose

The purpose of this document is to outline how Peckys Limited meets legislative requirements.

- 3.1** Peckys Limited ensures the legal and human rights of people with a disability are upheld in relation to the prevention of sexual, physical and emotional abuse within our service.

4.0 Useful Contacts Numbers

- Intellectual Disability Rights Service: (02) 93180144
- Criminal Justice Support Network: 1300 665 908
- Law Access NSW: 1300888529

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Definition of Client: A person that receives a service and supports from Peckys Limited, including people exiting the criminal justice system and tenants whom occupy Peckys community houses.



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- Community Legal Centre's: (02) 93182355
- NSW Ombudsman: 1800 451 524
- Individual and Group Advocacy Service: 1800 422 015
- Victims Support Line: 1800 633 063

Document References

- NSW Disability Services Act and NSW Disability Standards 1993
- Human Rights and Equal Employment Opportunity Commissions Act 1986
- Disability Inclusion Act 2014
- NSW Children Care and Protection Act 1987
- NSW Occupational Health & safety Act 2000 and Regulations 2001
- NSW Crimes Act 1900
- NSW Child Protection Act (Prohibited Employment) Act 1998
- NSW Child Protection (Offenders Registration) Act 2000
- Peckys Limited Grievance Policy
- Peckys Limited Complaints and Disputes Policy
- Probity in Employment Policy for FACS Funded Disability Service Providers 2015
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Forms

- Complaint Form



1.0 Procedure

All clients that attend Peckys Limited are given the opportunity to learn about their rights regarding sexuality and freedom from abuse. Peckys Limited encourages people to learn about their rights and responsibilities in all aspects of their lives and develop self respect and respect for others in relationships.

- 1.1** Peckys Limited will foster an environment that actively supports and encourages clients and their families or guardians, to access our complaint mechanisms and raise concerns about their service delivery.

2.0 Preventing Abuse

Effective prevention strategies include clear and precise recruitment screening processes that protect clients from exposure to any individuals who have a history of harming vulnerable people. The prevention strategies in recruitment and retention are outlined below:

- Clear position descriptions;
- Structured interview processes;
- Reference checking of all new employees;
- Criminal record checks on employment and conducted every four years on all staff;
- Working with Children Check number (WWC) provided by the employee prior to the start of their employment and provided again to Peckys Limited every five years. Staff name's and WWC number's are verified with the Office of Children's Guardian prior to them beginning employment and they are linked to working at Peckys Limited;
- Code of Conduct for all new staff to read and sign;
- Clear induction process.

- 2.1** All staff receives internal training in dealing with abuse situations in both prevention education and in responding to abuse. Other procedures include:

- Staff are encouraged to pursue further training;
- Regular staff meetings and ongoing supervision ensure staff receive support in dealing with abuse sensitively and with respect to confidentiality;
- Staff are also made aware of their significant role in the lives of people they work with and the importance of maintaining professional boundaries.

3.0 Identifying Abuse

Indicators of abuse are not always obvious, and while clients or others may suspect that abuse has occurred there might not be any evidence to confirm the



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suspicion. Indicators are variable, and people who are familiar with the clients and have a strong and positive relationship with them are best placed to recognize behavioural changes that may suggest a client is being abused.

3.1 The following outlines signs that may be indicators of abuse:

Physical Indicators	Behavioural Signs
Physical Abuse	
Facial, head and neck bruising or injuries. Drowsiness, vomiting, fits (associated with head injuries). Unexplained or poorly explained injury. Other bruising and marks may suggest the shape of the object that caused it. Bite marks or scratches. Unexplained burns or scalds. Unexplained fractures, dislocations, sprains.	Explanation inconsistent with the injury; explanation varies. Avoidance or fearfulness of a particular person or staff member. Sleep disturbance (eg. nightmares; bed wetting). Changes in behaviour: out of character aggression; withdrawal; excessive compliance.
Neglect	
Hunger and weight loss. Poor hygiene. Poor hair texture. Inappropriate or inadequate clothing for climatic conditions. Inappropriate or inadequate shelter or accommodation. Unattended physical problems or medical needs. Health or dietary practices that endanger health or development. Social isolation.	Requesting, begging, scavenging or stealing food. Constant fatigue, listlessness or falling asleep. Direct or indirect disclosure. Extreme longing for company. Anxiety about being alone or abandoned. Displaying inappropriate or excessive self-comforting behaviours.



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Physical Indicators	Behavioural Signs
Sexual abuse	
<p>Direct or indirect disclosure. Sexual act described by client. Trauma to the breasts, buttocks, lower abdomen or thighs. Difficulty in walking or sitting. Injuries (e.g. tears or bruising), pain or itching to genitalia, anus or perineal region. Torn, stained or blood stained underwear or bedclothes. Sexually transmitted diseases. Unexplained accumulation of money or gifts. Pregnancy.</p>	<p>Repeat use of words eg "bad", "dirty"; Self-destructive behaviour, self mutilation. Sudden changes in behaviour or temperament, eg. depression, anxiety attacks (crying, sweating, trembling), withdrawal, agitation, anger, violence, absconding, seeking comfort and security. Inappropriate advances to others. Sleep disturbances, refusing to go to bed, going to bed fully clothed. Eating disorders. Refusing to shower or constant showering. Changes in social patterns, refusing to attend usual places (work, respite). Excessive compliance.</p>
Psychological or emotional abuse	
<p>Speech disorders. Weight loss or gain.</p>	<p>Feelings of worthlessness about life and self; extreme low self-esteem self-abuse or self-destructive behaviour. Extreme attention seeking behaviour and other behavioural disorders (eg. disruptiveness, aggressiveness, bullying). Excessive compliance. Depression, withdrawal, crying.</p>
Financial abuse	
<p>Restricted access to or no control over personal funds or bank accounts. No records or incomplete records kept of expenditure and purchases. Missing money, valuables or property. Forced changes to wills or other legal documents.</p>	<p>Stealing from others. Borrowing money. Begging.</p>



4.0 Responding to Abuse

Peckys Limited will support the person to inform their family members in line with the wishes and direction of the individual involved.

All Peckys Limited employees shall act immediately upon an allegation or suspicion according to the procedures outlined below.

Direct Staff Response

- Offer the person physical and emotional support;
- Report the allegation or suspicion of abuse directly to your Coordinator or Manager;
- Address the person's safety;
- Preserve any physical evidence;
- Let the person tell their story about what happened but do not ask detailed questions about the actual abuse;
- Record exactly the details of disclosure, witnessed event or suspicion;
- Advise the person of their right to complain and responsibility to report the abuse;
- All employees of Peckys Limited will maintain confidentiality of information and limit discussion to a "need to know basis" in consultation with the person with a disability;
- Peckys Limited staff must inform the person they have a duty of care and other people have to be informed (breaking confidentiality). For example, the staff member has to tell their supervisor and the General Manager needs to inform DOCS or the police. It is still up to the victim to decide whether or not to make a statement to the police or who else to inform;
- When the alleged offender is a staff member of Peckys Limited, then Peckys Limited Policy and Procedure pertaining to staff code of conduct and discipline would be followed;
- When the alleged offender is another client, Peckys Limited will provide appropriate support to assist both persons in accessing their rights;
At the same time Peckys Limited will act on its duty of care to protect the rights of the victim as a priority.

Management Response

- Address the person's safety. This may include talking to the police and taking out an AVO. The person's options are explained to them in a sensitive manner and the staff member is available to assist with the process;
- Provide information to the person to make decisions as to whether to access medical assistance or the sexual assault service;
- Advise the person of their rights to report the abuse. If the person is unable to make such a decision, the guardian or person responsible should decide for



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the victim. If the victim does not have a guardian or such is implicated in the assault then the police will be contacted.

5.0 Reporting Abuse – Incident Checklist

If abuse is suspected – discuss your concerns with your Coordinator or the General Manager to determine the need for further investigation.

5.1 When a client makes an allegation of abuse and/or a staff member witnesses an abuse of a client:

5.2 Immediate Staff Response – Action Plan

- Reassure the person, discuss their immediate safety and how they are feeling;
- Let the person tell their story about what has happened but do not ask detailed questions about the actual abuse;
- Explain that while this is a confidential matter it is very serious and you need to report it to the Coordinator, General Manager and CEO;
- Contact your Coordinator and/or your General Manager and discuss the situation;
- When able, fill in an incident report form detailing what has happened and how you responded.

5.3 Management Response – Action Plan

- Talk to the person about what support they would like over the next few days. Discuss informing their family, their right to tell the police and getting medical help or contacting the sexual assault service;
- Support the person to carry out their decision about telling the police, attending the sexual assault service, talking to the family and finding a safe place to stay.

5.4 Case management – Coordinator, Managers and CEO Role:

- Assess the situation and whether to be present to provide any additional support to the person and staff member;
- Formulate an action plan in relation to the person's wishes, staff member and family (if appropriate) to ensure the person's safety and support;
- Follow up contact with Police, Sexual Assault unit, Guardianship Tribunal and if required the family;
- Provide debriefing to the staff member involved and ongoing support.