



Mater Dei: Protection of Human Rights, Freedom from Abuse

National Standard 1 - Rights

201409005	PROTECTION OF HUMAN RIGHTS, FREEDOM FROM ABUSE
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Applies to: Children, Students, Young People, Service Users and Stakeholders
Specific Responsibility: Staff, Management, Board of Directors, Volunteers

Version: 001
Date approved: 09/14
Next review date: 09/16

Policy context: This Policy relates to	
Standards or other external requirements	NSW Disability Services Standards 1993
Legislation or other requirements	Community Services Complaints and Appeals Monitoring Act (NSW) 1993 Disability Services Act (NSW) 1993 Human Rights and Equal Opportunity Commission Act (Commonwealth) 1986 Disability Discrimination Act (Commonwealth) 1992 Anti-Discrimination Act (NSW) 1977 Disability Inclusion Act 2014
Contractual obligations	Family & Community Services (FaCS) National Disability Insurance Scheme (NDIS) Disability Care Australia (DCA)

POLICY STATEMENT

Mater Dei is committed to developing an Organisational culture that supports the legal and human rights of clients and ensures they are able to exercise those rights as outlined in relevant legislation including the:

- Age Discrimination Act 2004
- Australian Human Rights Commission Act 1986
- Disability Discrimination Act 1992
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984

Mater Dei understands and supports the principles of fairness and human rights in all aspects of service delivery. It will ensure that services are provided in an environment free from discrimination, financial, sexual, physical and emotional abuse, neglect or exploitation.

Mater Dei is committed in its efforts and endeavours to provide an environment and services that are free from abuse for every person with a disability receiving support.



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Mater Dei will deal with all complaints of abuse in a confidential and prompt manner, and will act to stop such behaviour immediately.

Mater Dei will

- provide easily understood and accessible information to all children, students, young people, service users and stakeholders (clients) at service commencement about what the Organisation does, how clients can contact the Organisation, clients rights, the service standards clients can expect and opportunities to provide feedback or make a complaint
- ensure clients have access to a fair and transparent system for making complaints and for reporting any breach of their rights
- support clients to exercise choice and participate in service delivery and direction, and
- involve clients in the development of Policies and Procedures that impact on their service.

Mater Dei Client Service Charter outlines these rights and responsibilities in a way that is accessible and easily understood by clients.

PRINCIPLES

Mater Dei is committed to providing a quality service for every person with a disability receiving support and one that upholds their legal and human rights in relation to the prevention of abuse, educates them on their rights and empowers them to act on and report breaches of these rights for themselves and others.

Mater Dei facilitates this commitment by

- ensuring all levels of Management and staff understand, comply with and implement this Charter
- implementing the written Policy and Procedures on the prevention of abuse and making these available in appropriate formats including plain English and easy read formats
- implementing procedures for reporting and responding to abuse and ensuring every person employed in a paid or voluntary capacity to provide a service to a person with a disability is aware of their responsibilities
- ensuring the children, students, young people, service users, stakeholders and other people who use the services at Mater Dei have the opportunity to participate in the development and review of these procedures
- ensuring every staff member in a paid or voluntary capacity employed to provide a service is trained in the prevention and identification of sexual, physical, emotional and financial abuse of people with a disability
- ensuring allegations of abuse are investigated promptly, sensitively and as confidentially as possible
- ensuring every person supported by Mater Dei who alleges a breach of their human rights (including abuse) is fully supported to express and explain the nature of the allegation regardless of their disability, cultural or linguistic background by seeking, where required, assistance from interpreters, communication specialists, advocates and relevant advocacy support agencies
- acting in a timely manner to address specific and/or systemic issues identified through the investigation process, with input from those affected and/or others who use the service where appropriate and seek guidance from relevant specialist services and organisations as appropriate



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or beneficial

- ensuring the privacy and dignity of those involved is respected and maintained at all times
- supporting the involvement of family, significant others or advocates of each person with a disability in the process unless otherwise requested by the person receiving support, and
- ensuring all disclosures, allegations and/or suspicions of abuse based on physical or behavioural evidence by external sources are acted on in a timely manner and as sensitively and confidentially as possible. This includes but is not limited to
 - reporting to the relevant authorities as required by legislation and other specialist services
 - ensuring the person with a disability has the support and advocacy of family, guardians, advocates as required by the person receiving support from Mater Dei
 - Mater Dei respects the cultural and religious diversity of every person and their family receiving support from its services but will always act in accordance with the law
 - the review of processes and systems according to the Mater Dei Quality Framework and continual improvement strategies, and
 - ensuring adherence to Policies and Procedures by all staff, Management and members of the Mater Dei Community.

Mater Dei is committed to providing children, students, young people and service users with training of individual rights and responsibilities so that the exercise of such rights becomes an everyday occurrence to respond appropriately to, if or when the need arises.

Staff and management will assist children, students, young people and service users to understand they have a wide range of legal rights for the prevention of and protection from sexual, physical, emotional and financial abuse, neglect or exploitation.

Students, young people and service participants will complete training on rights through formal and informal processes, including school education and program activities.

Easy to read print information will be displayed within the School and program environments to reinforce the principles of individual rights and responsibilities. Print information will provide reference to a range of alternate contacts and services that support people with a disability. Posters and brochures will assist to create an Organisational environment that encourages awareness of the issues.

All staff at Mater Dei have a duty of care to ensure the rights of children, students, young people and service users are upheld, safeguarded and respected. Staff will

- respect the value and dignity of people with a disability receiving support
- build trusting relationships with clients, their families and carers
- provide services in an environment that is safe and respectful for everyone
- empower people with a disability by helping them to understand their rights
- make everyone feel safe to raise concerns, and
- respond proactively to concerns and complaints when they are reported.

MINIMISING AND PREVENTING ABUSE

Mater Dei will minimise the risk of children, students, young people and service users being infringed or their being subject to abuse and neglect.



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Mater Dei recruitment procedures will be of a high standard and will ensure the right staff are appointed through

- pre-appointment screening of all staff including Working With Children Checks, Police Record Checks and National Criminal Checks
- referee checks
- placing new staff on a probationary period of three (3) months
- ensuring new staff undertake an induction and orientation process and their performance is regularly monitored during the probationary period
- regular appraisal of the performance of all staff, and
- regular training updates and refresher courses.

Staff and volunteer orientation and induction will include information about children's, students', young people's and service users' rights, issues of abuse and neglect, legislative requirements and the adherence to Policy and Procedures.

Staff Meetings will be used to remind staff of their responsibilities for safeguarding children, students, young people and service users and to raise any matters of concern.

RESPONDING TO ABUSE AND NEGLECT

If a child's, student's, young person's or service user's rights are infringed, or Mater Dei has reason to believe that a child, student, young person or service user has been abused or neglected, staff and/or management will respond quickly, professionally and compassionately.

Staff have a responsibility to communicate any concerns relating to an infringement of human rights, or abuse or neglect of a child, student, young person or service user to Management within 24 hours of the concern arising or immediately if it is believed that the child, student, young person or service user is at imminent risk of harm.

Management will reassure the reporting staff member that their concerns will be managed in a confidential and professional manner, and they have acted correctly in bringing their concern to attention.

Management will assist the staff member raising the concern or allegation to factually and non-judgementally document and account the concern or allegation. This should be done within 24 hours of Management being made aware of the concern or allegation.

If Mater Dei Management believes the child, student, young person or service user is at immediate risk Management will take whatever steps are required to mitigate the risk and ensure the child's, student's, young person's or service user's safety while the matter is fully investigated.

Except for staff who have been given specific authority by the CEO/Principal to do so, no staff member will undertake any level of investigation of a concern or allegation.

Management of Mater Dei will initiate action according to Policy. The action could be

- to manage the matter within the Organisation
- to engage in discussion with family members or an advocate
- to elicit the advice and expertise of a specialist organisation or individual
- to involve an agency with the required legislative mandate to take formal action such as Family and Community Services, Office of Children's Guardian or the Police
- to take no further action at this time and monitor the situation with review at a specified date, or



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- to take no further action.

The decision that is taken and the reasons that led to that decision will be documented and endorsed by signature of the CEO/Principal or delegated staff member.

If the matter is assessed to involve any actions that are unlawful the CEO/Principal or delegated staff member will notify the NSW Police and the Chairperson of the Board of Directors.

Duty of Care carries greater weight than the duty to maintain confidentiality in matters of care and protection. This means that the matter may be discussed between those reporting or investigating but not with any other person. This includes the confidentiality of the child, student, young person, service user and alleged perpetrator information.

Debriefing will be undertaken with all relevant individuals when the matter reaches a conclusion. Management will determine who the appropriate person is to conduct the debriefing.

When the matter is concluded a review will be completed to evaluate Mater Dei's performance in responding to the matter and to identify opportunities to develop strategies to prevent or minimise a future occurrence of a similar incident.

REVIEW

Mater Dei will review this Policy and Charter every 2 years in consultation via meetings with children, students, young people, service users, families, carers, stakeholders, staff and volunteers.

DOCUMENTATION

Documents related to this Policy	
Related Policies	Code of Conduct Complaints
Forms, record keeping or other organisational documents	Complaint Action Plan Complaint Form

Reviewing and approving this Policy		
Frequency	Person responsible	Approval
Two Yearly	Director of Services	Board of Directors

Policy review and version tracking			
Review	Date Approved	Approved by	Next Review Due
1			
2			
3			