

## Protection of Human Rights and Freedom of Abuse

### PURPOSE:

Service providers, under this Standard, are required to uphold the human rights of their service recipients, and to be proactive in ensuring that they prevent any potential abuse of their clients. The Disability Services Act 2006 specifically recognizes that people with a disability have the same human rights as other members of society and should be empowered to exercise their rights as follows:

People with a disability have the right to:

- Respect for their human worth and dignity as individuals; and
- Realize their individual capacities for physical, social, emotional, cultural, religious and intellectual development; and
- Live lives free from abuse, neglect or exploitation: and

This means that in delivering services, Breakaway Toowoomba Inc. acknowledges that they have a right to:

- respect for human dignity and freedom;
- equality before the law;
- privacy;
- protection from discrimination; and
- equal employment opportunity.

### SCOPE:

People with a disability are more likely to encounter abuse and/or neglect than the general population. Types of abuse include:

- *Physical abuse* – such as punching, hitting, burning, slapping etc
- *Sexual abuse* – forcing someone to take part in sexual activity against their will
- *Psychological or emotional abuse* – threatening, harassing or intimidating a person
- *Constraints or restrictive practices* – restraining or isolating people other than for medical necessity or to prevent immediate self harm
- *Financial abuse* - the wrongful use of another person's assets or denying a person the use of their own assets
- *Legal or civil abuse* –
- *Systemic abuse* –

Types of neglect include:

- *Physical neglect* – failure to provide adequate food, shelter, clothing and protection. Supervised medical or dental care which places people at undue risk through unsafe environments or practices;
- *Passive neglect* - withholding or failure to provide the necessities of life;
- *Willful deprivation* – willfully denying a person assistance and thereby exposing that person to the risk of physical, mental or emotional harm;
- *Emotional neglect* – restricting the social, intellectual and emotional growth or well being of a person.

### POLICY:

**The Management and Staff of Breakaway Toowoomba Inc. are committed to the prevention of abuse and neglect toward clients and ensuring the legal and human rights of all clients are upheld.**

### **1. Responsibility**

All staff of Breakaway Toowoomba have a responsibility for upholding the human rights of clients of the service, and are required to refer on to the Executive Officer any instance of abuse or neglect. The Executive Officer are responsible for formulating a response to any allegation of abuse or neglect. The Executive Officer are also responsible for ensuring staff receive training on reporting and recording instances of abuse and neglect, and on supporting clients. Staff in turn are responsible for informing clients about their human rights and what constitutes abuse or neglect.

### **2. Advocacy Support**

Staff will ensure that clients are informed about the role of advocacy support, and about which services are available to them. Clients will be referred to a service that best meets their cultural, religious and linguistic requirements. Advocates will be independent of the service. The Executive Officer will inform staff when an advocate is involved, and ensure that the contact details are readily available.

### **3. Duty of Care and Dignity of Risk**

Duty of Care is an obligation to take reasonable care. It exists where it is reasonably likely that a client will experience consequences as a result of what the agency may or may not do (Duty of Care is part of common law.) Dignity of risk is the belief that each person with a disability has the right to make informed decisions to experience and learn from life situations.

Staff will ensure that clients have all the information required to be able to make an informed decision about the risks and benefits associated with a course of action. Where clients decide to involve themselves in a course of action with potential consequences, having been informed of the associated risks, the staff member will record the instance in the client file and inform the Facilitator.

### **4. Abuse, Injury and Neglect**

Breakaway Toowoomba Inc. recognizes the right of each service user to live, feel safe and receive services in an environment free from any form of abuse or neglect. Breakaway Toowoomba Inc. accepts responsibility to create an environment for its service users, which is safe and where work practices aim to prevent any form of abuse or neglect.

Staff will receive training in responding to, reporting and following up instances of assault, accident or injury to clients. Should any staff member fail to report an instance of alleged, potential or actual abuse, they will be subject to disciplinary procedures. All such incidents will be reported to the Executive Officer. Staff will write an incident report and handle the matter in a private and confidential way.