

Consumer Protection Policy and Procedure

INTRODUCTION

St George Community Transport (STGCT) Consumer Protection Policy aims to reduce the risk of abuse occurring, and to ensure that a caring and appropriate response is taken should Abuse occur.

PURPOSE

The purpose of this policy is to provide clear guidelines for the Board and team members in relation to safeguarding the rights of consumers.

DEFINITIONS

Abuse, can consist of one or more of, but is not restricted to, the following:

Elder Abuse

- a single or repeated act, occurring in any relationship where there is an expectation of trust, which causes harm or distress to an older person.

Physical Abuse

Any non-accidental physical injury resulting from practices such as:

- hitting, punching, kicking (marks from belt buckles, fingers), shaking, burning (irons, cigarettes), biting, pulling out hair, alcohol and/or other drug administration.

Sexual Abuse

- any assault or abuse of a sexual nature, sexual molestation, indecent exposure, sexual harassment or intimidation.

Emotional Abuse

The chronic attitude or behaviour of one person, which is directed at another person, or, the creation of an emotional environment which erodes a person's self-esteem and social confidence over time. Behaviours may include:

- Insulting, bullying, devaluing, ignoring, rejecting, corrupting, isolating, disrespecting someone's cultural values or beliefs, terrorising or other extreme acts in the aged or vulnerable person's presence.

Financial Abuse

May include:

- Activities by an attorney in violation of their powers, duties and responsibilities under an Enduring Power of Attorney (EPA),
- Misappropriation of money, valuables or assets,
- Forging signatures on cheques,
- Denial of access to personal assets,
- Accessing a person's funds electronically and/or
- Forced or unauthorised changes to legal documents.

- May also occur where a person takes advantage of an older person who has already lost (or is losing) capacity, by coercing or arranging for the older person to sign an EPA in circumstances where the older person is unable to understand the nature and effect of the document.

This raises questions about the actions of witnesses to EPA's.

Neglect

- Characterised by the failure to provide for basic needs. Any serious omission or commission which jeopardises or impairs a person's health or development.

Exploitation

- the act of treating someone unfairly for one's own advantage.

Discrimination

- treating or proposing to treat someone unfavourably because of a personal characteristic protected by law.

Please also note the definitions below:

Child

- Any person under the age of 18.

Leader

Any person (paid or unpaid) over the age of 18 who is responsible for the control and safety of members placed in their care whilst holding a formal position in a named Organisation. A leader could include but is not limited to:

- Activity Coordinators,
- Religious,
- Small group Leaders,
- Music, drama or other Leaders,
- Counsellors,
- Youth Leaders,
- Teachers,
- Volunteers,
- Club Leaders,
- Sports Coaches and Organisers.

Member

- Any person, including children, who attends or participates in the named Organisation's activities, objectives or strategic plan.

Volunteer

- Any unpaid person over the age of 16 who is invited to assist in the care of Aged and Vulnerable people.

Vulnerable Personal

- Any person who is or may be in need of community care services by reason of mental or other disability, age or illness.

Policy

STGCT is committed to providing a safe and secure environment for all its Employees, Members, Visitors, and Volunteers and particularly for Children, Aged and Vulnerable People.

Responsibility

Board, CEO, Managers, Coordinators, all team members, all consumers.

Obligations

STGCT treats all people with fairness and dignity and cares for those who are less powerful and in need of nurture and protection. STGCT has a moral, ethical and legal responsibility to ensure all consumers are safe and takes proactive steps to protect its consumers from harm.

Legal

All relevant organisations within Australia are bound by Federal and State legislation and principles established through common law. STGCT is committed to adhering to all relevant legislation.

Ethical

Some actions may not be regarded as abuse but are unacceptable behaviour for STGCT. These include:

- Inappropriate conversation of a sexual nature.
- Coarse language, especially that of a sexual nature.
- Suggestive gestures or remarks.
- Jokes of a sexual nature.
- Inappropriate touching.
- Inappropriate literature (e.g. PG, M, MA, R or X rated material used with Elderly or Vulnerable Persons).
- Recording or filming with or without prior consent.

Acts of violence committed by a Worker, Leader or Volunteer in the course of an activity.

Consumer Rights

Each consumer of STGCT has the right:

- To full and effective use of his or her personal, civil, legal and consumer rights;
- To quality care which is appropriate to his or her needs;
- To full information about his or her own state of health and about available treatments;
- To be treated with dignity and respect and to receive services without exploitation, abuse or neglect;
- To have their cultural values and beliefs respected and considered in the planning of service delivery;
- To receive services without discrimination or victimisation, and without being obliged to feel grateful to those providing his or her care and accommodation;
- To personal privacy;
- To live in a safe, secure and home like environment, and to move freely both within and outside any residential care service without undue restriction;
- To be treated and accepted as an individual, and to have his or her individual preferences taken into account and treated with respect;

- To continue his or her cultural religious practices and to retain the language of his or her choice, without discrimination;
- To select and maintain social and personal relationships with any other person without fear, criticism or restriction;
- To freedom of speech;
- To maintain his or her personal independence, which includes a recognition of personal responsibility for his or her own actions and choices, even though some actions may involve an element of risk which the consumer has the right to accept, and that should then not be used to prevent or restrict those actions;
- To maintain control over, and to continue making decisions about, the personal aspects of his or her daily life, financial affairs and possessions;
- To be involved in the activities, associations and friendships of his or her choice, both within and outside any residential care service;
- To have access to services and activities which are available generally in the community;
- To be consulted on, and to choose to have input into, decisions about the living arrangements of any residential care service;
- To have access to information about his or her rights, care, accommodation and any other information which relates to him or her personally;
- To complain and to take action to resolve disputes;
- To have access to advocates and to other avenues of redress; and
- To be free from reprisals, or a well-founded fear of reprisal, in any form for taking action to enforce his or her rights.

PROCEDURE

STGCT's Board must promote best practice, continuous improvement and a service delivery culture that promotes and supports consumer safety. This will be assessed in yearly Performance Reviews of all staff.

Employees, Agency Staff, Contractors and Volunteers involved in activities or programs with children, aged and/or vulnerable people must be carefully selected and screened. Prior to commencing employment or volunteer services, the following precautions will be taken:

- All employees and/or volunteers must complete an application form which requests details of relevant experience, positions held, details of two referees and permission to contact them.
- Both referees will be checked.
- The questions of the referees will seek to establish the applicant's suitability for the role or position and the conversation will be documented and retained on file.
- All short-listed candidates must undertake a formal interview which includes an analysis of past experience working with children, the elderly or vulnerable people.
- A Police and/or Community Services check which complies with legislative requirements will be requested and received prior to the Employee or Volunteer commencing their proposed role. The check must show that the individual is not precluded from working in childcare or aged care.

- Hold a cleared / valid working with children check.
- Where STGCT has identified that an applicant has previously committed a violent or sexually related offence, they cannot, under any circumstances, be considered for employment or engagement with STGCT.

Training

All new Workers/Employees, including Agency Staff, Contractors and Volunteers will be issued with a copy of this policy and receive formal training in;

- The content and application of the Organisation's Consumer Protection Policy,
- Reporting procedures and the associated legal requirements.

Refresher training courses based on current "best practice" and changes to legislation will be provided on a regular basis.

Prevention

STGCT staff will introduce themselves to all consumers and will acquaint themselves with the consumers Risk Assessment, Medical Emergency Information, Consent to Store and Share Information and Client Registration Form/ Service Care Plan. All STGCT will wear the organisation uniform during the delivery of support services and should have their name badge clearly visible to the consumer.

STGCT will also provide a safe physical environment for the delivery of services.

The Finance, Audit and Risk Board Sub-Committee will review the incidents on a bi-monthly basis and will report to the Board on this item. STGCT will maintain a Continuous Improvement Register which will be reviewed during the Risk Management Review for each key criteria: Fleet, Claims and Damages, IT Security, Funding, Safety and Insurance, Training and People, Governance and Compliance.

All Conflicts of Interest are to be reported to the Chief Executive Officer and registered in the Conflict of Interest Register.

A Safe Environment

Incidents of Abuse are unlikely to take place in front of another person and the presence of a witness can assist in clarifying questionable allegations. For these reasons, working in pairs is the preferred method.

Wherever possible, workers will not visit Aged or Vulnerable Persons in their homes unless a friend or relative is present or another Worker accompanies them.

When transporting people under their care, Workers will take them directly to and from arranged venues and will not spontaneously detour or make additional arrangements.

Workers will respect a consumer's feelings and privacy when engaging in physical contact of any kind.

Adults and Children are expected to respect each other's privacy during times that require undressing, dressing or changing clothes. Workers will set an example by protecting their own privacy in similar situations. No Worker will be alone in a room with a Child or an Elderly or Vulnerable person while any/either is changing.

Initiations and secret ceremonies are prohibited. All aspects of every program related to children, aged and vulnerable people will be open to observation by family, friends or guardians.

Workers have the right to ask people who do not have a valid reason to be present at such activities to leave. Police may be contacted if such persons refuse to comply with any reasonable request to leave.

Reporting Procedures

STGCT actively encourages the reporting of all abuse including Sexual Abuse.

STGCT is committed to building an environment where either a victim or employee/volunteer feels able to report such abuse.

Employees and/or volunteers must report reasonable suspicions of abuse to the management of STGCT.

Reasonable Suspicion means fair and practical reason to believe an incident involving abuse has occurred based on verbal communication, hearsay, rumour or observation of behaviour.

The details of those reporting abuse will be kept private and confidential.

A documented reporting process with escalating procedures has been established by STGCT for handling allegations of abuse.

The escalating procedures will be as follows:

- The automatic suspension from all work or other duties within STGCT of any person while under investigation by STGCT, or by the police, for committing abuse;
- The automatic termination of their employment, or involvement with STGCT if found guilty of committing abuse, either by internal investigation or by a court.

If there is reasonable suspicion that a consumer has been or is suffering abuse, the Police and the Organisation's Insurer will be contacted immediately.

The Police will also be notified if a consumer discloses an incident of Abuse that has occurred somewhere other than STGCT premises, (e.g. an outing).

If a disclosure of abuse is made, the person who receives the disclosure will maintain appropriate pastoral care to the one making the disclosure.

This will include:

- Treating each allegation seriously and not attempting to deny the allegation or minimise its impact on the alleged victim. The matter should not be swept under the carpet.
- Not pushing the consumer to disclose details of the alleged assault or attempting to investigate the allegation.
- Assuring the consumer that they are understood: that their disclosure is being taken seriously; that what has happened is not their fault, and that they are correct in disclosing the incident.
- Reporting the abuse to the police and STGCT insurer.
- Not making contact with the alleged perpetrator. If the Worker or Volunteer is already providing counsel to the alleged perpetrator, it may be advisable for another person to assume this responsibility for the duration of any investigation.
- If the alleged assault has taken place recently, clothing worn by the victim consumer should be, if reasonably practical, retained and handed to the police for forensic examination.

The Chief Executive Officer will ensure the interests of the victim take precedence over those of the victim's family or of other members of the community and will:

- Assess the consumer's need for immediate medical attention and if required, ensure that it is provided;
- Arrange emergency respite care, admission to hospital or referral to the police if the alleged abuser needs to be separated to ensure the consumer's safety while respecting the rights of the abuser;
- Where necessary contact family members, the consumer's general practitioner and other community services involved;
- Report all suspected or confirmed cases of abuse to the Governance Body; and
- Once investigated, the Chief Executive Officer will determine if there is a legal requirement to report the incident and will ensure the matter is notified to the appropriate authority/s.

The Service acknowledges that each case of abuse is unique and that the determined interventions should take into account the nature and context of the abusive relationship and whether consent for intervention is given, other than in a situation where the law requires the matter to be reported.

Maintaining confidentiality.

Any disclosures or reports of suspected abuse and all details of the subsequent investigation will be documented promptly and the documents will be held in a secure location where a breach of privacy cannot occur.

REVIEW AND EVALUATION

The policy will be regularly reviewed as part of STGCT's quality assurance processes. It will be evaluated against the organisation mission, values and results framework, relevant state and/or federal standards and in consideration of consumer feedback and consultation.

STGCT's *Continuous Improvement Register* will be used to record identified improvements and monitor the progress of their implementation. Where relevant, this information will be fed into STGCT's service planning and delivery processes.

Refer to the Accident/Injury/Incident Procedure for more information regarding the actions following identification of violence, abuse, neglect, exploitation and/or discrimination.

Related Policies and Procedures

doc_031 Conflict of Interest Procedure
 doc_071 Behavioural Standard
 doc_008 Code of Behaviour & Confidentiality Procedure
 doc_020 Code of Behaviour and Confidentiality Agreement
 doc_393 NDIS Service Agreement
 doc_285 Duty of Care & Dignity of Risk Procedure
 doc_277 Abuse Identification Procedure
 doc_138 Service User Rights & Responsibilities Procedure
 doc_031 Conflict of Interest Procedure
 doc_130 Privacy & Confidentiality Policy
 doc_280 Privacy & Confidentiality Procedure
 doc_033 Continuous Improvement Procedure
 doc_066 Accident/Injury/Incident Procedure
 doc_477 NDIS Participant Incident Management Policy & Procedure

Related Templates

doc_464 Medical Emergency Form
doc_461 NDIS Consent to Store & Share Information
doc_462 NDIS Support Plan Form
doc_161 Risk Assessment Form
doc_249 Client Transport Access & Home Safety Check_
doc_163 Accident Injury Incident Report

Relevant Standard

Aged Care Quality Standards

1. Consumer Dignity & Choice
2. Ongoing Assessment and Planning with Consumers
3. Personal Care and Clinical Care
4. Services and Supports for daily living
5. Organisations Service Environment
6. Feedback and Complaints
8. Organisational Governance

NDIS Practice Standards

4. Provision of Supports (environment)
Safe Environment