

Abuse, Neglect and Exploitation Policy and Procedure

Version 1.0 | Effective: July 2026 | Next review: July 2027

Policy Statement

To ensure that all people supported within Positive Pathways Services receive a service in an environment that is free from abuse, harassment, assault, neglect, and exploitation.

To ensure that Positive Pathways Services responds to and prevents, wherever possible, the abuse, neglect and exploitation of people with a disability across all of its services.

This policy is made in accordance with the NDIS Practice Standards Core Module Division 1, Rights and Responsibilities: Violence, Abuse, Neglect, Exploitation and Discrimination. Each participant accesses supports free from violence, abuse, neglect, exploitation, or discrimination.

This extends to all workers and meets relevant laws, regulations, and standards applicable in Queensland.

Policy

All Positive Pathways Services staff are responsible for ensuring that procedures are implemented to prevent abuse, harassment, assault, and neglect.

Positive Pathways Services will promote and adhere to the human rights of people with disability and empower them to exercise their rights. We are committed to creating a culture where the safety of people we support is essential to service delivery, and where everyone feels empowered to speak up and report abuse.

We will foster a culture where all staff are committed to preventing abuse. All workers will undertake training in abuse prevention, participant rights, and the NDIS Code of Conduct. We will ensure our staff recruitment and screening process is thorough.

Suspected cases of abuse and/or neglect will be reported, recorded, and actioned according to legal, government, and moral obligations.

Positive Pathways Services supports a Zero Tolerance approach to violence, neglect, and abuse of people with disability.

To put this commitment into practice, Positive Pathways Services will:

- Ensure the health, safety, and wellbeing of the people we support is the paramount consideration in service provision, with practices that provide maximum protection from abuse, neglect, and exploitation
- Promote a culture of no retribution when reporting suspected or alleged abuse, neglect, or exploitation, or incidents suggestive of it
- Ensure there are systems to identify abuse, neglect, or exploitation of the people we support
- Ensure timely, adequate, and appropriate responses to incidents
- Foster best practice through ongoing review of our systems
- Promote an integrated, evidence-based approach to preventing, identifying, and responding to abuse, neglect, and exploitation, supported by ongoing workforce development and training
- Assess the risks of abuse
- Take active steps to prevent abuse from occurring
- Create a culture of “see something, say something,” where workers and participants feel supported to speak up
- Ensure all workers feel they can speak up without fear of punishment or retribution
- Develop clear whistleblower protections to encourage transparency and prevent abuse from going unreported

Definitions

Abuse is the violation of a person's human or civil rights through an act or omission by another person or persons. Some forms of abuse are criminal offences and punishable by law. Abuse is any form of violence, coercion, exploitation, discrimination, harm, or neglect that causes another person psychological or physical pain or suffering.

Types of abuse include, but are not limited to:

- Physical abuse: any non-accidental physical injury, including inflicting pain of any sort, causing bruises, fractures, burns, electric shock, or any unpleasant sensation.
- Sexual abuse: any sexual contact between an adult and a child, or any sexual activity with an adult who is unable to consent, has not given consent, or is threatened, coerced, or forced.
- Grooming: predatory conduct undertaken to prepare a child for sexual activity, including where the intended victim has an intellectual disability and does not have the capacity to make an informed decision about disclosure.
- Psychological or emotional abuse: verbal assaults, threats, harassment, humiliation, intimidation, or failure to interact with or acknowledge a person's existence, including denying cultural or religious needs.
- Financial abuse: improper use, or withholding, of another person's assets or resources by someone in a position of trust.
- Legal or civil abuse: denial of access to justice, legal systems, or advocacy support.
- Systemic abuse: failure to provide or attempt to provide services appropriate to a person's age, gender, culture, needs, or preferences.
- Chemical abuse: misuse of medications, including withholding medication or administering PRN medication for reasons unrelated to its prescribed purpose.

Neglect is the failure to provide necessary care, aid, or guidance to a person who depends on others for their care. Types include physical neglect, passive neglect (wilful withholding of life's necessities), wilful deprivation, and emotional neglect (failure to provide the nurturance needed for a person's wellbeing).

Crimes of omission refers to the failure to act with appropriate duty of care, including failing to report witnessed incidents.

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

Challenging behaviour is behaviour that places a person or others at risk, or reduces a person's access to environments, activities, or experiences.

Restrictive Practices

A restrictive practice is any intervention used to restrict the rights or freedom of movement of a person with disability, including chemical, mechanical, environmental, or physical restraint, and seclusion, as well as denial of basic rights such as freedom of association, religion, or access to property.

Restraint is only to be used when it is included in a person's NDIS behaviour support plan and has been authorised in accordance with Queensland's regulated restrictive practices framework. Restrictive practices become abusive when they are not authorised, not aimed at preventing injury, not part of a holistic behaviour support plan, lead to injury, are used excessively or for prolonged periods, or are not the least restrictive response available.

Positive Pathways Services will ensure policies and processes are in place to minimise and work towards eliminating the use of restrictive practices, recognising that their misuse can constitute a form of abuse.

Prevention

To prevent abuse and neglect as far as possible:

- It is the duty of all staff to report suspected incidents of abuse or neglect immediately, regardless of where they occurred, including in a participant's home or in the community
- Allegations of abuse, neglect, exploitation, or denial of a participant's rights will be investigated, either internally or by external agencies as appropriate

- All staff are provided with this policy during induction, and are required to understand their responsibilities and remain compliant at all times
- Information provided to participants promotes awareness of abuse, neglect, and exploitation, and clearly outlines available avenues of support
- Any concerned person, including a participant, another client, a staff member, a family member, or a member of the community, can make a report without fear of retaliation or retribution
- The participant's guardian or substitute decision-maker will be informed of alleged or suspected instances of abuse, neglect, or exploitation, except where management believes this would place the participant at greater risk

Responding to Abuse, Neglect, or Exploitation

Anyone who witnesses or is notified of an incident or allegation involving a person with disability should take immediate action.

Protect the person

Make the person safe, provide medical assistance as required, and remove the source of harm where possible. Explain what is happening and that it is not their fault. In an emergency, call 000.

Preserve and record the evidence

Where relevant, especially for criminal acts, preserve the scene and any evidence, take photographs where appropriate, and write down everything observed, including a record of allegations and observed instances. Store documentation securely.

Report the incident immediately

Report criminal acts or deaths to police immediately. Report the incident to your manager, or to Positive Pathways Services' on-call contact after hours. The person who witnessed the incident, or to whom the allegation was made, must document it in line with our incident reporting procedures. All information must be kept confidential and protect the person's rights and privacy.

The incident must be reported to the Director, who will help establish the nature of the incident and determine next steps. In all cases of abuse and neglect, the allegation must be reported to police and the NDIS Commission, with a copy of the initial report provided.

If the person affected does not wish to report the matter to police, and has the capacity to make that decision, this wish should generally be respected unless there is independent evidence of a crime, the person suffered serious harm, the decision was made under duress, or others remain at risk.

Information about an allegation is confidential. Details must not be shared with any staff or people who do not have a legitimate need to know.

Positive Pathways Services will apply the following principles when responding:

- Participant safety is paramount to all procedures
- Participants will be treated with dignity and respect
- Participants have the right to self-determination
- Workers understand and act on their duty of care
- Workers have undertaken cultural competency training and are considerate of individual cultural differences
- All legal and police options are considered when responding
- Confidentiality is respected but will not be a barrier to action
- Every allegation is considered and taken seriously

Reportable Incidents

Abuse, neglect, sexual misconduct, or unauthorised use of restrictive practices are defined as reportable incidents under Section 73Z(4) of the National Disability Insurance Scheme Act 2013.

Reportable incidents will be reported as soon as possible to the Director. Positive Pathways Services will take all reasonable steps to notify the NDIS Commission within 24 hours of becoming aware of the incident. Unauthorised use of restrictive practices will be reported to the NDIS Commission within five business days.

Reportable incidents include:

- Death of a person with disability
- Serious injury
- Abuse or neglect
- Unlawful sexual or physical contact with, or assault of, a person with disability
- Sexual misconduct committed against or in the presence of a person with disability, including grooming
- Use of a restrictive practice that is unauthorised or not in accordance with a behaviour support plan

Contacting Family or Carers

Where the affected person consents, or does not have capacity to make an informed decision, their family or carer should be contacted and advised of the situation and any actions taken.

Family or carers should not be contacted where a criminal investigation is underway or expected and police advise the family or carer is a witness or suspect, where the alleged offender is the family or carer and contacting them may increase risk of harm, or where the person has a guardian who should instead be consulted about whether contact is appropriate.

Where contacted, families and carers should be kept informed of the progress and outcome of any investigation.

Investigation

Positive Pathways Services will conduct an investigation as soon as possible, which will not be carried out by anyone suspected of involvement in the incident. A preliminary assessment may determine the scope of the investigation, including whether an external investigator should be engaged.

Where a police investigation occurs, an internal investigation must still take place in line with our duty of care, with the timing and scope agreed with police.

The investigation must include a full review of the incident and subsequent actions, to determine the effectiveness of the response and identify improvements to reduce the risk of recurrence.

This may include disciplinary or other action, such as counselling, additional training, transfer of duties, increased supervision, an official warning, or dismissal.

The outcome and any subsequent actions must be documented and stored securely, with access restricted to those with a proper or lawful right to the information.

Before taking any action, Positive Pathways Services will ensure the person alleged to be responsible has been afforded natural justice, and that any decision is based on a full, documented consideration of the facts, context, intent, and impact of the incident.

Where the Alleged Offender Is a Staff Member

The Director will ensure all reasonable steps are taken to avoid contact between the affected person and the alleged offender. This may involve supervised interactions, reassignment to alternative duties, or immediate suspension from duties, depending on the circumstances, generally on full pay pending investigation.

Positive Pathways Services will notify NDIS Worker Screening where required and will ensure the legal rights of the employee are met in line with natural justice and applicable industrial instruments.

Where the Alleged Offender Is an Outside Worker

Positive Pathways Services will ensure, where possible, that interactions are avoided or only occur where required and under appropriate supervision.

Where the Alleged Offender Is a Participant of the Service

Management will develop a plan to prevent contact between the affected person and the alleged offender, which may include relocation of either party. The plan should ensure interactions are supervised where necessary, both parties are assisted with any interactions with police or other authorities, and both are given accessible information about their legal rights and support services.

Positive Pathways Services will also ensure the alleged offender has access to a support person or advocate to assist with the investigation and interview process.

Support for Participants

Where a participant reports abuse or neglect, staff will:

- Offer support of the participant's choice
- Listen non-judgementally
- Take the disclosure seriously
- Reassure the person, for example: "I'm glad you told me. That was a brave thing to do."
- Tell the person it is not their fault
- Clearly explain what will happen next

Positive Pathways Services will help the affected person access support, counselling, or debriefing as needed.

Support Services

- National Disability Abuse and Neglect Hotline: 1800 880 052 (Monday to Friday, 9am to 7pm AEST). Not an emergency line.
- 1800RESPECT (national domestic, family and sexual violence support, 24/7): 1800 737 732
- DVConnect Womensline (Queensland): 1800 811 811
- DVConnect Sexual Assault Helpline (Queensland): 1800 010 120
- NDIS Quality and Safeguards Commission: 1800 035 544
- Office of the Public Guardian (Queensland): 1300 653 187
- In an emergency, always call 000

If a police investigation occurs and the person has a cognitive impairment or mental illness, police should ensure an Independent Third Person is present during any recorded interview, to help the person understand their rights.

The affected person should be kept informed of actions taken and the progress of any investigation, and support should be reviewed and revisited as their needs change.

Support for Employees

Supporting a participant through a case of abuse or neglect can be stressful, and staff are encouraged to access the support available to them, including direct support from management, the Employee Assistance Program (EAP) where available, and training opportunities. Support, counselling, and debriefing may also need to be offered to other participants, families, carers, or advocates affected by the incident.

Worker Screening

Positive Pathways Services is committed to ensuring all employees and agency staff hold a valid NDIS Worker Screening Check, administered in Queensland through Disability Worker Screening (workerscreening.qld.gov.au). This is a "no card, no start" requirement for risk-assessed roles.

Any allegation of abuse or neglect by a Positive Pathways Services staff member will be assessed against our worker screening and reporting obligations, and notified to the NDIS Commission and relevant screening authority where required.

Supporting Documents

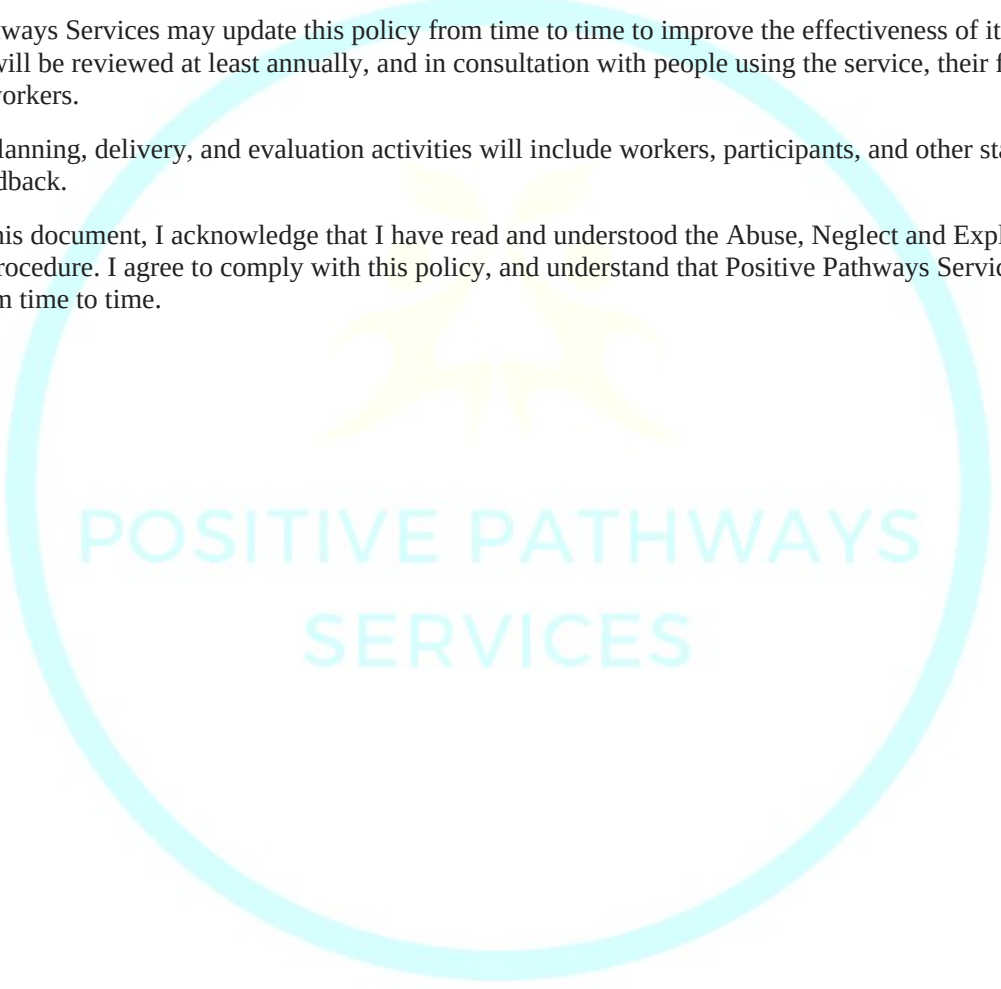
- Work Health and Safety Policy and Procedure
- Participant Incident Management Policy and Procedure
- Complaints Handling Policy and Procedure
- Risk Register and Risk Management Plans
- Behaviour Support Plans and Restrictive Practices Policy (CM.6.14)
- Human Resources Policy and Procedure

Policy Review

Positive Pathways Services may update this policy from time to time to improve the effectiveness of its operation. This policy will be reviewed at least annually, and in consultation with people using the service, their families, carers, and workers.

All service planning, delivery, and evaluation activities will include workers, participants, and other stakeholders, and their feedback.

By signing this document, I acknowledge that I have read and understood the Abuse, Neglect and Exploitation Policy and Procedure. I agree to comply with this policy, and understand that Positive Pathways Services may update it from time to time.

A large, faint, light blue circular watermark logo is centered on the page. It contains a stylized orange figure with arms raised and the text "POSITIVE PATHWAYS SERVICES" in light blue capital letters below it.

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