



Disability Services Commission

What do I do if I am concerned about the wellbeing or safety of a person with disability?

Your responsibility

As a person who works in a disability service organisation you must speak up if you see, suspect or hear about an incident or allegation of ill-treatment or neglect in relation to a person with disability in the care of your organisation.

Our community has zero tolerance for the abuse and neglect of people with disability. If you know or suspect there has been ill-treatment or neglect of a person with disability in the care of your organisation, it is your responsibility to take action in a prompt and sensitive way. It's the right thing to do – and a legal requirement under disability services legislation.

You and your organisation

Organisations that support people with disability have a responsibility to protect and support the rights of all people with disability who use their service. This includes ensuring the wellbeing and safety of people with disability at all times.

Any ill-treatment or neglect of a person with a disability is considered a serious incident.

Ill-treatment can be a form of:

- **Physical abuse:** Any non-accidental physical injury or injuries to a child or adult. This includes inflicting pain of any sort or causing bruises, fractures, burns, electric shock, or any unpleasant sensation.
- **Sexual abuse:** Any sexual contact between an adult and child 16 years of age and younger; or any sexual activity with an adult who is unable to understand, has not given consent, is threatened, coerced or forced to engage in sexual behaviour.
- **Psychological or emotional abuse:** Verbal assaults, threats of maltreatment, harassment, humiliation or intimidation, or failure to interact with a person or to acknowledge that person's existence. This may also include denying cultural or religious needs and preferences.
- **Constraints and restrictive practices:** Restraining or isolating an adult for reasons other than medical necessity or 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.

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- Financial abuse: The improper use of another person's assets or the use or withholding of another person's resources.
 - Legal or civil abuse: Denial of access to justice or legal systems that are available to other citizens.
 - Systemic abuse: Failure to recognise, provide or attempt to provide adequate or appropriate services, including services that are appropriate to that person's age, gender, culture, needs or preferences.

Neglect can be (but is not limited to):

- Physical neglect: Failure to provide adequate food, shelter, clothing, protection, supervision and medical and dental care, or to place persons at undue risk through unsafe environments or practices.
- Passive neglect: A caregiver's failure to provide or willful withholding of the necessities of life, including food, clothing, shelter or medical care.
- Willful deprivation: Willfully denying a person who, because of age, health or disability, requires medication or medical care, shelter, food, therapeutic devices or other physical assistance - thereby exposing that person to risk of physical, mental or emotional harm.
- Emotional neglect: The failure to provide the nurturance or stimulation needed for the social, intellectual and emotional growth or wellbeing of an adult or child.

(Source: National Disability Abuse and Neglect Hotline, 2015)

Your organisation is required to have policies and procedures to guide employees about how to respond to serious incidents and to provide training on how to access and implement these policies and procedures. This training should be included in your induction and then provided as required after that. It is important you are familiar with, and follow, your organisation's policies and procedures. If you have concerns, it is important you speak to an appropriate senior staff member.

Your organisation and the National Standards

The National Standards for Disability Services support and reinforce individual human rights, outcomes for people with disability and the associated benchmarks for service provision required by all disability service organisations and their employees.

The Standards underpin Western Australia's Quality System, which was implemented on 1 July 2014. For more information, visit: www.disability.wa.gov.au > Disability service providers > Quality system.

What to do if you see, suspect or hear about a serious incident at your organisation

The Disability Services Act 1993 includes legal requirements for disability service organisations funded by the Commission to report serious incidents concerning people with disability in their care.



This applies to any serious incident concerning a person in your organisation's care, whether or not they were actually receiving a service at the time of the incident.

If you need to report a serious incident, you should follow your organisation's policies and procedures on serious incident reporting.

For more information, visit: www.disability.wa.gov.au > Disability service providers > Contracts > Serious incident reporting.

What to do if you are concerned about actions by your own organisation

If you are concerned that your organisation has not adequately addressed an issue relating to ill-treatment or neglect of a person with disability, it may be appropriate to take action under the Public Interest Disclosure Act 2003 (PID Act).

The PID Act enables anyone to make a disclosure about a matter of public interest, such as wrongdoings within a public body. This includes government agencies like the Disability Services Commission and disability service organisations funded by the Commission.

As a disability service organisation employee, the PID Act enables you to disclose information, and provides you with protection for doing so if you feel there is a risk of any adverse action being taken against you by your employer as a result of making the disclosure.

The PID Act ensures the discloser's identity is protected, and a person may make a disclosure of public interest information anonymously.

There are PID Officers employed throughout the WA Public Sector, including the Disability Services Commission. The PID Officers are available to assist you in determining whether your concern is a matter that can be dealt with under the PID legislation, and guide you through the process. A contact directory of PID Officers is below:

<https://publicsector.wa.gov.au/document/pid-officer-contact-directory>

Alternatively you can contact the Commission's Consumer Liaison Officer, and ask to speak with a PID Officer.

What to do if you need further information about making a disclosure

You can contact the Commission's Consumer Liaison Officer on 9426 9244 and talk confidentially about how to disclose sensitive information about a disability service organisation.

For more information, visit: publicsector.wa.gov.au > Conduct & integrity > Public interest disclosures.

For more information contact:

Disability Services Commission
9426 9200 or 1800 998 214



Health and Disability Services Complaints Office (HaDSCO)

Telephone: 6551 7600

Country Free Call: 1800 813 583

Email: mail@hadsco.wa.gov.au

www.hadsco.wa.gov.au