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| **Policy** | name of service acknowledges its responsibility to identify and respond to suspected and actual abuse and neglect of service users. The following principles and requirements will apply throughout the processes described in this document:   * The safety of the service user is paramount. * name of service will adhere to the requirements of the [Crimes Act](http://www.childmatters.org.nz/171/whats-new/new-legislation-crimes-amendment-act-2011) and the [Health Practitioners Competence Assurance Act](http://legislation.govt.nz/act/public/2003/0048/latest/DLM203812.html). * Only staff qualified/trained in managing abuse, neglect, care and protection issues will manage the processes. * Any actions taken will not cause more harm than the abuse or neglect nor undermine the rights of the service user and/or their whānau/family. * The safety of staff need be considered – no staff member will work in isolation. * Actions taken will be supportive and will assist service users to make choices. * Cultural and other values need to be respected and considered. * The service ensures that a collaborative and intersectional approach will contribute to the solutions sought. * Only professional interpreters will be used when assessing or managing neglect and/or abuse issues. |
| **Purpose** | This document provides guidelines for identifying and responding to abuse and/or neglect issues. |
| **Scope** | This document applies to   * All adult service users. * All service providers/employees. * Abuse and neglect by family/ whānau, staff, other service providers, agencies and/or service users. |
| **Note!** | Abuse and neglect in regards to children and young people is addressed in the ‘Vulnerable Children’ policy and procedure. |
| **Performance Indicator** | Implementation of this policy/procedure through internal audit processes.  Feed-back on the processes implemented by service users. |
| **References** | |
| **Type** | **Title** |
| **Legislation** | [Domestic Violence Act 1995](http://www.legislation.govt.nz/act/public/1995/0086/latest/DLM371926.html)  [Privacy Act 1993](http://www.legislation.govt.nz/act/public/1993/0028/latest/DLM296639.html)  [Health Act 1956Section 22(C)(2)(c) and (f)](http://www.legislation.govt.nz/act/public/1956/0065/latest/whole.html#DLM306636)  [The HDC Code of Health and Disability Services Consumers' Rights Regulation 1996](http://www.hdc.org.nz/the-act--code)  [HPCA Act](http://www.legislation.govt.nz/act/public/2003/0048/latest/DLM203312.html)  [Crimes Amendment Act (No. 8) 2012 (151, 152, 195 and 195A)](http://www.legislation.govt.nz/act/public/1961/0043/latest/DLM327382.html)  [Vulnerable Children Act 2014](http://www.legislation.govt.nz/act/public/2014/0040/latest/DLM5501618.html) |
| **Guidelines** | [Establishing a Violence Intervention Programme](http://www.health.govt.nz/our-work/preventative-health-wellness/family-violence/establishing-vip-programme)  [Family Violence Intervention Guidelines: Child and partner abuse (MOH 2002)](http://www.health.govt.nz/publication/family-violence-assessment-and-intervention-guideline-child-abuse-and-intimate-partner-violence)  [Citizen Advise Bureau](http://www.cab.org.nz/vat/fp/va/Pages/Reportingabuse.aspx#1)  [Family Violence Intervention Guidelines – elder abuse and neglect](http://www.health.govt.nz/publication/family-violence-intervention-guidelines-elder-abuse-and-neglect)  **MOH link:** <http://www.moh.govt.nz/familyviolence>  **NZ Police link**: <http://www.police.govt.nz/safety/home.domesticviolence.html>  [NZ Family violence clearing house includes links to Cultural Diverse Practice Resource](https://nzfvc.org.nz/training)  [On-line learning](http://www.ednurse.org/certificationNZ/index.htm)  [Culturally and linguistic diverse family violence resources](http://2013.qualityaccounts.health.nz/quality-initiatives/clinically-effective-care/stories/type/view/storyid/116) |

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| **References** *cont.* | |
| **Type** | **Title** |
| **Standards** | [NZS 8134:2008 Health and Disability Services Standard](http://www.health.govt.nz/system/files/documents/pages/81341-2008-nzs-health-and-disability-services-core.pdf)  NZS 8158:2012 Home and community support sector Standard  [NZS8006:2006 Screening, Risk assessment and Intervention for](http://www.police.govt.nz/resources/2006/nzs-8006-2006/nzs-8006-2006.pdf)  [Family Violence including Child Abuse and Neglect.](http://www.police.govt.nz/resources/2006/nzs-8006-2006/nzs-8006-2006.pdf) |
| **Policies/**  **Procedures** | Adverse Event Management  Complaints Management |
| **Definitions** | |
| **Abuse** | An action or behaviour that results in physical, psychological, spiritual, sexual or material maltreatment of service users. |
| **Neglect** | An omission or non-action that results in physical, psychological, spiritual, sexual or material maltreatment of service users. |

**Types of Abuse and Neglect**

**Cultural**

**Discrimination**

**Institutional**

Allowing actively or passively any form of abuse or neglect considering such behaviour and actions as a part of the service/programme/treatment.

Allowing actively or passively any form of abuse or neglect considering such behaviour and actions as a part of the service user’s culture.

Limiting choices not based on the needs or ability of the service user but made with prejudice about ethnicity, race, sex, sexual orientation, religion.

**Psychological**

**Material/Financial**

Behaviour that causes anguish or fear such as: threats, verbal abuse, isolation, demeaning insults, removal of decision making power.

Improper exploitation or use of funds or other resources which are the property of the service user. This includes also deprivation of treatment, food or care.

**Physical**

**Sexual**

Abusive and exploitative sexual behaviour. For example:

Sexual innuendo, uninvited exposure to sexually explicit material, sexual activities including inappropriate touching, rape or sexual assault.

Any situation where consent has not been obtained for a sexual activity.

Inflicting physical pain, injury or force. For example: restraint/seclusion, hitting, medical neglect, deprivation of food, drink or diet.

**Spiritual**

Disrespect for spiritual, religious values and beliefs, for example opportunity to practice rituals.

**Vicarious**

Bearing witness to another’s trauma.

**Other**

Destruction of treasured possessions, harm to pets etc.

**Name of service Processes for Responding to Actual or Suspected Abuse/Neglect**

* psychological
* physical
* sexual
* spiritual
* cultural
* discriminatory
* institutional
* material/financial

**Immediately**

**Staff**

**Identified/suspected**

abuse and/or neglect

**Contact the team leader/manager to:**

* discern what [action to take](http://www.cab.org.nz/vat/fp/va/Pages/Reportingabuse.aspx)
* enlist help
* seek reassurance
* listen, validate

* What is happening in the environment around the abuse victim?
* What is happening to the abused service user/vulnerable person?
* How is the service user’s wellbeing jeopardized?
* How can the service user maintain safety?

**Immediately**

**Manager**

**Assess immediate**

**risk**

**Contact the clinical responsible service provider if**

* Abuse/neglect is suspected or evident.

[**Contact the Police**](http://www.police.govt.nz/advice/family-violence/help) **if:**

* Immediate danger or harm is identified.
* Safety of other service users or staff is compromised.

[**Contact Age Concern if:**](https://www.ageconcern.org.nz/ACNZPublic/Services/EANP/ACNZ_Public/Elder_Abuse_and_Neglect.aspx?hkey=df8b9042-ce1e-4d3a-9fe5-861fc17d2ecf)

* The victim is over 65 years of age.

**NOTIFY**

**Follow the instructions given by the agency you notified.**

**Facilitate and/or support:**

* Safe living environment.
* Do not discharge service users into an abusive and neglectful environment.
* Do not support visits by persons abusing the service user.
* Do not support outings/leave with/to an abusive or neglecting person.

**Respond**

* Record facts and observations.
* Complete the adverse event report.
* [District Inspector](http://www.hdc.org.nz/media/201670/district-inspectors-apr2012.doc)
* [Health and Disability Commissioner](http://www.hdc.org.nz/contact-us)
* [Power of Attorney](http://www.lawsociety.org.nz/news-and-communications/guides-to-the-law/powers-of-attorney)

**Select whom to contact:**

* Social Worker
* [Police](http://www.police.govt.nz/about-us/structure/police-districts/auckland-city)

**Document**

* Regulatory Body (refer to [HPCA Act 2003](http://www.legislation.govt.nz/act/public/2003/0048/latest/DLM203312.html) if applicable).
* Funding agency if applicable.
* To HealthCert if applicable ([section 31](http://www.health.govt.nz/our-work/regulation-health-and-disability-system/certification-health-care-services/information-providers-health-care-services/notifying-incident-or-other-matter-required-under-section-31)) if Police investigates.

**As soon as the facts are**

**established**

**Manager**

* Staff to seek supervision/[debrief](http://www.nzno.org.nz/Portals/0/publications/Incident%20Debriefing,%202014.pdf) following involvement with abuse and neglect concerns.
* Follow ‘Adverse Event Management’ processes.

**Refer/Report**

**Managing Identified Abuse and Neglect**

* Notifies statutory or other agencies according to legislation.
* Fully cooperates and collaborates with statuary agencies involved.
* Attends relevant meetings.
* Contributes to investigations by providing relevant information.
* Reports to HealthCert if applicable ([section 31](http://www.health.govt.nz/our-work/regulation-health-and-disability-system/certification-health-care-services/information-providers-health-care-services/notifying-incident-or-other-matter-required-under-section-31)) if Police investigates.

**Manager**

* Implement processes to support the person reporting the neglect/abuse:
  + Safety planning.
  + Counselling.
  + Support.
* Referral to support agencies/Employee Assistance Program.

**Leadership team**

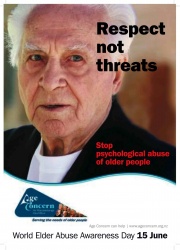
**Regulated health professional**

* Fulfills obligation to report a colleague to regulatory body under [HPCA Act 2003](http://www.legislation.govt.nz/act/public/2003/0048/latest/DLM203312.html).
* If a staff is involved in abuse or neglect disciplinary processes are implemented.
* Fulfills obligation to report a staff member to regulatory body under [HPCA Act 2003](http://www.legislation.govt.nz/act/public/2003/0048/latest/DLM203312.html).

**Manager**







**Mechanisms to Prevent/Avoid Abuse and Neglect**

**During service entry & service delivery**

**Staff**

**Implement:**

* Client satisfaction surveys.
* Staff supervision/peer review.
* Code of ethics/code of conduct.
* name of service values and mission.
* Evidence based/best practice.
* Service user and family centered practices.
* Legislative requirements.

**Inform clients:**

* [Of their rights](http://www.hdc.org.nz/the-act--code/the-code-of-rights).
* Of external [advocacy](http://advocacy.hdc.org.nz/resources/advocacy-guidelines).
* Of the complaints process.
* Of [supports available](http://advocacy.hdc.org.nz/find-an-advocate).
* Of government and community agencies.
* Name and role of staff.

**Monitor through:**

* Ongoing assessment and screening.

**Supports mechanisms to ensure abuse and neglect does not continue:**

* As required by statuary agencies.
* Participation in case management meetings/family conference/whānau hui.

**Ensure to:**

* keep boundaries
* training occurs including
* Cultural competency.
* Principles of increasing safety.
* Care and protection issues.
* Identification of abuse and neglect.
* Responding to abuse and neglect.
* Statutory obligations.

# Consultation

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| **Group/Role** | **Date** |
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