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## **P044 – CLIENT PROTECTION POLICY**

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### **1. Policy Statement**

District 360 is committed to providing a safe and secure environment for all its Employees, Members, Visitors, Volunteers and particularly to Children, Aged and Vulnerable People.

District 360 Client Protection Policy aims to reduce the risk of Abuse occurring, and to ensure that a caring and appropriate response is taken should Abuse occur.

### **2. Scope**

This Client Protection Policy applies to:

- All service organisations or subsidiary bodies authorised by or under the control of District 360,
- All Employees, Members, Volunteers, Contractors and Visitors within District 360 or engaged by District 360.

### **3. Authority**

This Client Protection Policy was adopted for use by District 360 Pty Ltd on 24 March 2021.

District 360 are committed to implementing the Client Protection Policy and to training our Employees, Members, Contractors and Volunteers in its content and application.

### **4. Definition**

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, 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.

Financial abuse 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.

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.

Organisation, the District 360 Pty Ltd, located at U19, 153 Kensington Street, East Perth WA 6004.

Volunteer, any unpaid person over the age of 16 who is invited to assist in the care of Aged and Vulnerable people.

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

## **5. Obligations**

### **1. Responsibility**

The core expectations of any responsible Organisation require us to treat all people with fairness and dignity and to care for those who are less powerful and in need of nurture and protection.

### **2. Legal**

All relevant organisations within Australia are bound by Federal and State legislation and principles established through common law.

District 360 is committed to adhering to all relevant legislation.

### **3. Ethical**

Some actions may not be regarded as Abuse but are unacceptable behaviour for District 360. 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.
- District 360 governing body will ensure that high standards of conduct are maintained at all times.

Note: The term 'residential care service' below means the same as 'aged care home'.

Each client of District 360 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 receive services without discrimination or victimization, 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 client 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.

## **6. Selection and Screening**

1. Employees, Agency Staff, Contractors & 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 past experience, positions held, details of two referees and permission to contact them (see Appendix 2).
  - Both referees will be checked and spoken to, using an agreed set of questions which have been drafted by District 360.
  - The questions 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 the legislative requirements of (\*State where the Organisation is located) 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.

Where the Organisation 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 District 360.

## **Equal Access**

We undertake that people will be given equal access to the organisation's services, taking into account people's individual and relative level of need, their resources, their culture and their geographic location.

We will ensure that services are available to all eligible people living WA without discrimination.

People will not be excluded from the service because of their gender, marital status, religious or cultural beliefs, political affiliation, particular disability, ethnic background, age, sexual preference, inability to pay, geographical location or circumstances of their carer.

## **Promotion of services**

District 360 will promote their services in a manner which makes sure that people have and equal chance to get service. The service will be responsible for

- developing easy to read promotional material and ensuring it is printed in a clear format;
- developing and maintaining community brochures which give information about the organisation's services and how to access them;
- making information available in other languages if requested. We will offer and use bilingual staff and professional interpreters where required. Printed material (privacy policy, agreement, pamphlets) will be translated where required.
- distribution of material through all major health and welfare agencies in the region, including government and non-government services and agencies providing services for special needs groups and minority groups, and public places such as shopping centres, libraries and chemists;
- promoting the organisation and its activities through appropriate media releases;
- appointing relevant staff as guest speakers to talk about the organisation's services to interested groups of people;
- providing culturally sensitive and appropriate services for people from culturally and linguistically diverse backgrounds;
- maintaining a list of relevant organisations and for ensuring they have adequate supplies of promotional material.

## **Planning and Evaluation**

We will collect information and statistics about people living in the local areas we service. We will compare this demographic information with those people who use the service. This will help us to ensure that the service is available to all groups in the community who qualify for the service and that no particular group of people misses out.

We will monitor our service provision to ensure that people of Aboriginal and Islander descent receive equitable access to our support considering the disability and need characteristics of Aboriginal people.

## **Records**

Records will be kept to monitor all requests for services, the outcome of the request and if service is refused, the reason for refusal.

## **Eligibility**

People are eligible to receive support, through one of our programs if they meet the criteria for access as determined by funding guidelines for that program. District 360 will;

- use clear measures to determine participants' needs over time;
- assess their need in relation to our other participants;
- determine how important it is for participants to be helped with organising their support;
- assess participants' ability to obtain service from other organisations;
- consider particular difficulties people may have because of their disability, lack of community supports, problems with housing, availability of other options, isolation and their cultural and language needs;
- take active steps so that disadvantaged groups have an equal chance to get service; particularly if they are a member of the Aboriginal and Torres Strait Islander community, if English is not their first language, if they have dementia, live in an isolated rural area or if they are financially disadvantaged;
- refer people, who fail to gain access to District 360's support, to other appropriate agencies if they ask us to do so.

People with the highest level of need may not be given highest priority to come on to a particular program. For example, a person's needs may be very high, but they may have enough other resources, for example support from relatives, other community members or services. Alternatively, the organisation's resources may be insufficient to make a significant difference to meeting the person's support needs. This is what we mean by relative need.

## **Referrals**

Different programs may have different referral pathways depending upon the criteria for access as determined by the funding body. For example, referrals for NDIS services must come from NDIA or other support services provider to be eligible for support.

Referrals can be accepted from anyone, provided they are made with the express consent of the person being referred or their representative. We will refer participants and people enquiring about services who are ineligible, or we are unable to assist, to other appropriate organisations, if the person wishes this and agrees to this.

## **Referral Processing**

### Administrative Staff

- transfer telephone enquiries to relevant Manager or leave phone message;
- receive and date stamp written referrals;
- enter details of the referral on to the referral data-base;
- allocate a referral number;
- attach a notes page and a prioritisation tool to the referral;

- place the referral in the intake pigeonhole.

### Manager

- responds to telephone enquiries as a matter of priority;
- investigates written referrals and contacts the referred person and/or the carer and/or others as appropriate and with the referred person's consent to discuss their needs;
- completes progress notes after each contact or action;
- enters data in the participant data base;
- determines whether referral meets eligibility criteria for the District 360's services
- prepares information for review by Intake Panel (Participant Services Manager, Program Manager and Support Planner);
- Intake Panel will review referral at earliest convenience and determine whether eligible. All intake decisions will be clearly documented, and outcomes clearly communicated back to the person making the referral. Will also determine priority in comparison to other referrals where there is a waiting list for services, using the prioritisation tool (in line with the 'prioritising requests for support' policy), enter data into the data base and write letters to the referred person and/or the carer and/or others to advise that the referral has been accepted and is on the program's waiting list;
- if a non-standard letter is required (either for a declined or accepted referral) then submit this to Management for approval and enter date letter sent into data base;
- archive declined referrals in the declined referrals folder;
- place accepted referrals in waiting list referral folders per program, per area, per priority;
- review all referrals whenever there is a vacancy;
- review referrals at least quarterly if there is no vacancy;
- follow up with the potential participant and/or the referrer to find out if support is still sought and if there are any changes in the person's situation which may affect their priority;
- inform the person referred of their status and of the outcome of their referral;
- note in the participant data base any contact made, action and outcomes;
- contact the person to ascertain if they still wish to have our support and to arrange a time for an assessment to be done.

### **Prioritising Requests for Support Principles**

Our financial resources may not be enough to meet the needs of all those people who need our help. That is why we have to make difficult decisions about whom we can offer a service. We consider;

- a person's needs and compare these with the needs of other people who also ask us for help;
- if our help can make a significant difference to the way the person lives. For example, are they able to continue living in their own home rather than having to move into group or shared home;

- if we can we give people enough help to maintain or improve their quality of life;
- the priority accorded by the referring agency;
- our organisation's resources;
- whether we can provide services safely to the person;
- the issue of geographic equity

## **Priority Criteria**

### We give priority to people who:

- have a culturally or linguistically diverse background;
- belong to the Aboriginal or Torres Strait Islander communities;
- are the carer of a participant of the organisation, at the time of the participant's death, and meet in their own right, the conditions of eligibility for one of the programs.
- are financially disadvantaged.
- cannot be adequately supported by other services, their family or the community.
- need an independent advocate to help them access adequate and sufficient support.
- live alone;
- have social contacts, which are limited, non-existent or under strain;
- are unsafe or insecure, possibly because of their home environment or physical, emotional or financial abuse or neglect;
- have been under significant stress or are emotionally distressed;
- live in a rurally isolated area.

### We also give priority to people whose carers:

- are unable to cope with the burden of care;
- are sole carers with limited support networks or dependent children;
- are frail, ill, stressed, have a disability or are getting little sleep;
- have extensive commitments;
- are socially, culturally or geographically isolated;
- are financially disadvantaged;
- experience strain in their relationship with the person for whom they are caring or with other significant people;
- are likely to have difficulty negotiating and obtaining the range of necessary supports.

## **Refusal of Service**

If a person is denied access District 360 will;

- explain, in writing, its reasons for refusing access to the participant;
- record the reasons for refusing access so that trends and unmet needs can be reported to the Board of Management, to the community and to government and can be fed into any planning about unmet needs;



- with their consent, refer the person to other appropriate agencies, according to normal referral procedures or provide contact information of relevant agencies.

## 7. Other relevant policies

Staff, especially managers and supervisors, are encouraged to read this policy in conjunction with other relevant District 360 policies, including

- Participant Decision Making and Choice Policy

### Relevant legislation;

- The National Disability Insurance Scheme Act 2013 (NDIS Act)
- NDIS Practice Standards
- WA Disability Services Act 1993
- VIC Disability Amendment Act 2017

## 8. More information

If you have a query about this policy or need more information, please contact the management team at [info@district360.com.au](mailto:info@district360.com.au)

## 9. Review details

Approval Authority	Tanya Johnston
Responsible Officer	Coco Johnston
Approval Date	14 April 2021
Last updated Date	30 July 2024
Next Review Date*	30 July 2025
Last amended	- Reviewed the up to datedness of the information.

*\*Unless otherwise indicated, this procedure will still apply beyond the review date.*

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