

## Protecting vulnerable persons policy

### Policy statement

Above and Beyond Disability Solutions Pty Ltd (AABDS) is committed to protecting all participants. This policy outlines the role of AABDS in ensuring all vulnerable participant and protected and safeguarded against harm.

AABDS recognises that any NDIS participant who is provided with personal support in their own home may experience a level of risk if those supports are provided by the same individual worker for any extended period of time. This risk is likely to be greater where the participant lives alone.

AABDS is dedicated to providing an environment where participants to whom it provides services are protected from abuse, neglect or harm and where employees work according to our organisational values.

This policy supports AABDS to apply the [National Standards for Disability Services](#), [NDIS Act 2013](#) and the [Disability Services and Inclusion Act 2023](#). This policy guides employees to support people to exercise their rights and exercise choice and control over their services.

### Scope

All employees and contractors are responsible for working within the policy and reporting when they believe a participant is in a vulnerable situation. This policy is owned by the Governing Body.

AABDS's policy on safeguarding and risk management applies at the same time as this policy.

### Definitions

**Appropriate** means appropriate having regard to the participant's risk factors.

**Face-to-face communication** or **face-face contact** means communication or contact in person and directly with the participant and does not include online or virtual communication or contact.

**Participant** means a participant who lives alone.

**Personal support** means the class of support referred to as assistance with daily personal activities in the National Disability Insurance Scheme.

**Risk factors** means factors that may have a significant detrimental impact on a participant's capacity to engage in the community.

**Service agreement** means a service agreement with respect to the provision of personal support.

**Support worker** means, in relation to a participant, an individual who provides the participant with personal support.

## Principles

- AABDS recognises that any NDIS participant who is provided with personal support in their own home may experience a level of risk if those supports are provided by the same individual worker for any extended period of time.
- This risk is likely to be greater where the participant lives alone.
- AABDS is dedicated to providing an environment where participants to whom it provides services are protected from abuse, neglect or harm and where employees work according to our organisational values.
- AABDS's safeguards are responsive to the individual's circumstances and are relevant to the risk within these circumstances. These factors may change over time.
- Every participant should be supported to develop their individual skills and capacity and be involved in determining their own vulnerability and safeguards.
- The risk factors are:
  - (a) The participant is not receiving, from any other NDIS provider, supports or services that involve regular, face-to-face contact with the participant.
  - (b) One or more of the following applies:
    - (i) The participant or the participant's plan indicates that the participant has limited or no regular, face-to-face contact with relatives, friends or other people with whom the participant is well-acquainted.
    - (ii) Without the assistance of another person the participant has limited or no physical mobility.
    - (iii) The participant uses equipment to enable them to be physically mobile or to facilitate their physical mobility.
    - (iv) Without the assistance of another person the participant has limited or no ability to communicate with others.
    - (v) The participant uses equipment to enable or facilitate communication with others, including to enable or facilitate the use of a phone or other device.

## Practice requirements

- AABDS will always opt to have a least two workers support a participant who lives alone, unless the participant specifically requests to be supported by a sole worker, as per AABDS's Choice and Control policy.
- AABDS will work with the participant who lives alone in the provision of personal support to assess any risks to them.
- AABDS will:
  - (a) document its assessment of the participant's risk factors;
  - (b) as soon as reasonably practicable after completing the assessment, provide a copy of the assessment to the participant;
  - (c) place a copy of the assessment in the participant's file; and
  - (d) as soon as practicable after AABDS becomes aware of any change in circumstances that may have a significant impact on the provision of personal support to the participant:
    - (i) update the assessment to take account of the change;
    - (ii) provide a copy of the updated assessment to the participant; and
    - (iii) place a copy of the updated assessment in the participant's file.
- AABDS will not allow personal support to be provided by a sole support worker to a participant who lives alone if, after completing a risk assessment, the risk of harm to the participant is deemed to be high or very high in the residual risk rating.
- AABDS will, in consultation with the participant, select the most appropriate support worker based on the participant's need and level of risk.
- AABDS will establish appropriate arrangements for monitoring the quality of supports provided by a single worker to a participant who lives alone.
- AABDS will conduct face-to-face checks on the participant, and with appropriate frequency, to monitor the participant's level of satisfaction with the type, quality and frequency of personal support being provided.
- If any risk factor has been identified as existing in relation to the participant, AABDS ensure that:
  - (a) there is a documented plan for supervision of the participant's support worker that is appropriate, having regard to the participant's risk factors and the plan is implemented;
  - (b) all of AABDS's key personnel receive regular reports in relation to the care and skill with which personal support is being provided to the participant by the support worker, with the regularity of the reports being appropriate having regard to the participant's risk factors; and

(c) appropriate action is taken by AABDS, without any unreasonable delay, to address any concerns identified in those reports.

- As per new law from July 2021, AABDS will report sexual offending against children to the police unless there is a reasonable reason not to.
- AABDS will keep an up-to-date record (Vulnerable persons register) of all participants to whom the provider allows personal support to be provided by a sole support worker.

### **Related policies**

- Code of Conduct policy
- Choice and Control policy
- Safeguarding policy

### **Related links**

- [National Standards for Disability Services](#)
- [National Standards for Mental Health Services.](#)
- [NDIS Practice Standards](#)
- [NDIS Act \(2013\)](#)
- [NDIS Quality & Safeguarding Framework](#)
- [National Standards for Disability Services – evidence Guide](#)
- [Carers Recognition Act 2010](#)
- [Disability Services Act 1993 \(WA\)](#)
- [Guardianship & Administration Act 1990](#)
- [Disability Services and Inclusion Act 2023](#)

### **Acknowledgements**

AABDS adheres to the [NDIS Code of Conduct](#) and [NDIS Practice Standards](#) for providers and workers. Our Quality Services and Supports promote the [National Standards for Disability Services – evidence Guide](#)

The organisation promotes the Human Rights principles of the Convention on the Rights of Persons with Disabilities.

### POLICY HISTORY

Policy name	Protecting Vulnerable persons	Policy owners	Governing Body
Policy created	Nov 2020	Approved by Board	Nov 2020
Policy reviewed	Aug 2021	Approved by Board	Aug 2021
Policy reviewed	Dec 2022	Approved by Board	Dec 2022
Policy reviewed	Feb 2024	Approved by Board	Feb 2024
Current version no.	V3	Due for review	Feb 2026

## Protecting vulnerable persons procedure

This procedure explains how Above and Beyond Disability Solutions Pty Ltd (AABDS) will implement its policy for protecting vulnerable persons both generally and for the participants it supports. This policy supports AABDS to apply the [National Standards for Disability Services](#) and the [NDIS Act 2013](#).

### Managing risk

AABDS is dedicated to providing an environment where participants to whom it provides services are protected from abuse, neglect or harm and where employees work according to our organisational values.

AABDS recognises that any NDIS participant who is provided with personal support in their own home may experience a level of risk if those supports are provided by the same individual worker for any extended period of time. This risk is likely to be greater where the participant lives alone.

As part of AABDS's process to manage risk, the organisation recognises six steps to help protect participants from harm:

- **Identify and assess** the risks and any legal and ethical obligations.
- **Commit** to managing risks of working with vulnerable people.
- **Prevent** harm and mitigate risks with clear and comprehensive policies, procedures and systems.
- **Engage** people, including those from third parties, to help manage risks by adhering to policies, procedures and systems.
- **Detect** changes in risks, instances of harm and of non-compliance with obligations.
- **Take action** when concerns, suspicion or complaints arise.

### Identify and assess

There are three important actions in this step:

- Understand AABDS's obligations to ensure participants are safeguarded against harm.
- Identify participants at risk (vulnerable people who live alone with no informal supports and are supported by an individual support worker).
- Conduct a risk assessment for each vulnerable participant to determine their vulnerability and risk of harm.

The risk assessment aims to identify the risks for the participant who chooses to be supported by a single carer. It prioritises each risk according to its likelihood and consequences, and identifies the policies, procedures and systems that will deal with the risks.

When conducting a risk assessment, AABDS will determine:

- the level/severity of the participant's disability and/or functional capacity to independently communicate, access the community, be mobile, be self-sufficient in the home, etc.
- the participant's informal supports i.e. regular visits from family, friends, charities, etc.
- the participants other formal supports i.e. regular visits to Allied Health professionals
- what forms of harm, neglect, abuse, exploitation or coercion could happen to them
- what other community-based activities the participant regularly participates in i.e. church, charity group meetings, etc.

AABDS will use a register of all vulnerable participants to record the participant's level of risk and ongoing monitoring.

## Commit

AABDS is committed to ensuring the safety of all of its participants. We do this by:

- Having a clear and accessible policies and procedures
- Allocating adequate resources, leadership and authority to manage the risks
- Making sure that all management and employees share the commitment.
- All AABDS employees have easy access to the policy.

## Prevent

AABDS's policies, procedures and systems can reduce the likelihood and consequences of incidents.

Examples of procedures and systems include:

- **Due diligence** - The research and background checks that all employees undergo before becoming an employee
- **Segregating duties and providing supervision** – AABDS's policy it that all participants have at least two support workers to minimise risk, unless the participant specifically requests only one carer.

## Engage

AABDS regularly communicates its expectations and raises awareness of potential issues to build a positive culture of protecting people. We do this through our Code of Conduct, policies and procedures, and less formal methods such as email updates, newsletters and staff meetings.

## **Detect**

AABDS understand the importance of detecting incidents of harm or neglect, and non-compliance with the organisation's policies and procedures.

To detect an incident of harm effectively, AABDS ensures that:

- Employees report any concerns they have through an alert in our Goals and Objectives Management system
- Management is always available to employees if they need to provide feedback, raise grievances and report suspected or actual incidents of harm
- Employees who report concerns or incidents of harm are protected from bullying, etc.
- There is guidance for managers and staff on detecting incidents – what kinds of situations have risks of abuse, neglect and exploitation?
- There is a supportive culture that encourages staff to speak up, backed by AABDS's Whistle-blower policy
- There is a clear and transparent system for investigating and responding to concerns.
- All vulnerable participants who choose to have only one carer and are considered high risk (from their risk assessment) will be physically visited by AABDS management at least once a month to speak with them to ensure they are being appropriately cared for and are happy with their support.

## **Take action**

In the event of a suspected incident, AABDS will take prompt action to understand what has happened, what risks might exist, and how to protect the people affected.

We will do this by:

- Clearly assigning roles and responsibilities for responding to the incident (with major roles and responsibilities reserved for people with appropriate training, skills and experience)
- Set out what is required at each stage of the response
- Include an internal investigation to understand what may have happened
- Provide guidance for when matters should be reported to an external party, for example, the NDIS Commission, the Police, etc.
- Include a step focussed on development and learning lessons

## **Assure**

AABDS's board regularly reviews all policies, procedures and systems to consider the following:

- Are they up to date, reflecting the current working environment, legislation and regulations?



- Do they reflect the current risks for the work AABDS does?
- Are AABDS employees following the policies, procedures and systems properly?
- Do the policies and procedures work, or are they ineffective?
- What feedback has AABDS received about its policies, procedures and systems?
- Are there any items on AABDS's Continuous Improvement register that will result in changes to the policies, procedures and systems?

## Responsibilities

AABDS employees are responsible for:

- safeguarding the wellbeing and safety of participants in receipt of service from the organisation. Any employee aware of any risk to a participant, whether that is a concern or a specific incident, must report it immediately to their manager.

AABDS managers are responsible for:

- recording any concern or allegation and follow the relevant procedure to minimise harm and prevent further occurrence or escalation.
- Conducting monthly face-to-face visits to all participants who choose to be supported by a single carer and who are considered to be at high risk.

AABDS Directors are responsible for:

- the implementation and monitoring of this procedure.

## Reporting

AABDS will keep a register of all vulnerable participants (those who live alone and choose to be supported by a single carer).

AABDS will conduct a risk assessment on all vulnerable participants. This will be updated if and when the participant's circumstances change.

AABDS Directors will complete and lodge a Serious Incident Report with the relevant funding body and provide a report outlining any changes required in policy and/or practices to prevent similar incidents from occurring again.

## Review and evaluation

Any time there are concerns or allegations about abuse, neglect or harm, once the risk or incident has been responded to, AABDS will explore opportunities to reduce the risk of the same thing happening again. AABDS Managers will engage with relevant stakeholders, including the affected person, families, advocates and employees to identify any strategies, systems, process or practice improvements that could be applied.

This procedure is reviewed every 12 months or sooner where improvements in practice are identified through internal or external monitoring of best practice. AABDS routinely monitors for any changes to the National Disability Insurance Scheme Quality and Safeguarding Framework and State Government policy and guidelines on vulnerable persons.

Any breach of this policy or procedure by employees will render the person liable to disciplinary action, and/or criminal proceedings.

The Directors shall consider and decide at what time disciplinary procedures shall be commenced, if the matter relates to employee negligence.

**Key contact**

Questions about how to implement this procedure should be directed to [Kristy McPherson](#), Director on 0417069124.

**PROCEDURE HISTORY**

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