

Abuse, Harm or Neglect

Policy

Purpose and scope

This policy affirms Spectrum Foundation's commitment to upholding the right of a disabled person to feel safe, respected, and hence free from all forms of abuse, harm or neglect. For the purpose of this policy, this includes maltreatment and exploitation.

These rights are provided by legislation and conventions, which include (but are not limited to) the following:

- New Zealand Bill of Rights
- Crimes Act 1961
- Oranga Tamariki Act 1989 and the Oranga Tamariki (National Care Standards) Regulations 2018
- Family Violence Act 2018
- Article 16 – Freedom from exploitation, violence and abuse (United Nations)

The scope includes abuse, harm or neglect by a staff member, a whānau member, another service provider and/or another person receiving support.

This policy applies to all activities and staff members, including employees, contractors (where applicable), volunteers and interns of Spectrum Foundation and its subsidiaries; Homes of Choice Limited and Spectrum Care Limited.

Statement of intent

Nobody is to ever be subjected to abuse, harm or neglect of any kind, which includes, but is not limited to, physical, sexual, emotional, psychological, financial and family violence.

Every person will live and be free from physical or psychological harm in an environment which safeguards them, without infringing on their individual rights. Spectrum Foundation regards any behaviour or inaction by anyone which causes or results in harm to any person as unacceptable. In determining if a behaviour or action has caused abuse, harm or neglect of a person, the thoughts, feelings and opinions of the person who is subject to the experience will be of paramount consideration.

To strengthen Spectrum Foundation's ability to ensure a person lives free from abuse, harm or neglect Spectrum Foundation will work proactively to embed a safeguarding culture into the design and delivery of a person's support as well as organisational processes.

Everyone at Spectrum Foundation will fulfil their legal and ethical duty by understanding:

- The indicators of potential abuse, harm or neglect.
- Their personal responsibility to prevent any abuse, harm or neglect from occurring and to report any concerns or instances.
- If potential abuse, harm or neglect is suspected, there must be an immediate response to investigate, monitor and implement such action as is required to keep the person safe.
- Where it is concluded that a staff member has been responsible for abuse, harm or neglect, Spectrum Foundation will not hesitate to activate a disciplinary process.

Responsibilities

Role	Responsibilities
Spectrum Foundation Board	<ul style="list-style-type: none"> ▪ Approve and review the Abuse, Harm or Neglect Policy. ▪ Responsible for agreeing levels of delegation to the Chief Executive and to sub-delegation immediately below. ▪ Responsible for holding management to account early and decisively to ensure policy intent is effectively implemented.
Spectrum Care Board and Homes of Choice Board	<ul style="list-style-type: none"> ▪ To fulfil their respective governance roles, the Spectrum Care Board Trustees and Homes of Choice Board Directors will ensure that subsidiary company management teams adhere to this policy.
Chief Executive Spectrum Foundation	<ul style="list-style-type: none"> ▪ Accountable to Spectrum Foundation for ensuring the policy intent is effectively implemented. ▪ Have in place systems for a person, their whānau and staff members to raise concerns regarding suspected abuse, harm or neglect via the Quality and Risk Manager. ▪ Receive advice of receipt of allegations of abuse, harm or neglect and provide appropriate resources to ensure effective response.
Quality and Risk Manager	<ul style="list-style-type: none"> ▪ Receive allegations of abuse, harm or neglect via email. ▪ Ensure process is followed as per related standard operating procedures. ▪ Provide support to service managers completing allegation investigations ▪ Review allegations with the 'Learning from Feedback and Critical Incidents' Group. ▪ Report on allegations, results of any investigations and learnings to the Chief Executive. ▪ Report data bimonthly by incorporating within the Quality and Risk Report.
Business managers	<ul style="list-style-type: none"> ▪ Responsible for delivering Spectrum Foundation's commitment to upholding the right of a disabled person to feel safe and respected and hence free from all forms of abuse, harm or neglect. ▪ Understand their responsibilities around being vigilant for and responsive to any indicators of abuse, harm or neglect. ▪ Design and deliver support to a person which safeguards the individual and minimises the risk they will experience abuse, harm or neglect. ▪ Ensure all staff members receive training on indicators of abuse, harm or neglect and understand their responsibility to notify any suspicion that abuse, harm or neglect may be occurring in the lives of a person being supported or the wider community. ▪ Lead the investigation of allegations.
Human Resources Team	<ul style="list-style-type: none"> ▪ Receive requests (via email from the relevant service manager and/or Chief Operating Officer) for support with employee relations and employment legislation pertaining to the outcome of allegation investigations, and support the necessary steps to address where required.
Change and Practice Manager/ Advocacy Lead	<ul style="list-style-type: none"> ▪ Support a person to develop capability to recognise when they are experiencing abuse, harm or neglect and to seek assistance and support to ensure their safety. ▪ Work to enhance a person's natural supports as participants in safeguarding the person from abuse, harm or neglect.
The Advocacy Team	<ul style="list-style-type: none"> ▪ Provide peer-to-peer support and advice to a person on their right to live a life free of abuse, harm or neglect. ▪ Communicate to management and the Board any observations on systemic issues which impact on a person's right to live a life free of abuse, harm or neglect.
All staff members	<ul style="list-style-type: none"> ▪ Understand their responsibilities to be vigilant for and responsive to, any indicators of abuse, harm or neglect. ▪ Understand their responsibility to notify any suspicion of abuse, harm or neglect if occurring in the lives of a person being supported or in the wider community.

Definitions

Term	Definition
Abuse	The harming and/or ill-treatment of a person by any other person including any of the following: physical abuse, sexual abuse, emotional or psychological abuse, neglect, maltreatment, exploitation, financial abuse, family violence, bullying, harassment, unauthorised restraints and restrictive practices.
Disclosure	Information given by a victim, family/whānau or third party in relation to an experience of abuse or neglect.
Emotional or psychological abuse	Any act or omission that results in mental or emotional anguish, stress, and/or fear. It may include, but is not restricted to: rejection, isolation, oppression, continued criticism, threats, humiliation or corruption.
Exploitation	An act of forcing, coercing or putting undue influence on people for the benefit of another.
Family or domestic violence	Abusive behaviours perpetrated in the person's home by a partner or family/ whānau or family group member.
Financial abuse or exploitation	Illegal/unethical or improper use of a person's funds, property or other resources for personal gain or the benefit of another person.
Harassment	Any unwanted physical or verbal conduct that offends or humiliates, including gender-based harassment. It can be a single incident or several incidents over time.
Indicators	Indicators are signs or symptoms that, when found either on their own or in various combinations, point to possible abuse or neglect. Indicators do not necessarily prove or mean that abuse has occurred, but alert us to the possibility.
Neglect or deprivation	Failure to provide adequate care and supervision. It may include, but is not restricted to: <ul style="list-style-type: none"> failure to provide food and/or basic necessities leaving a person in any situation without adequate care, protection and/or supervision failure to seek, obtain or follow through with medical care not intervening to prevent or stop ill-treatment and failure to report abuse.
Physical abuse	Any act or acts that results in non-accidental injury. It may include, but is not restricted to: hitting, pushing, kicking, burning, poisoning, suffocation, use of a weapon or use of restraints not in line with Spectrum Care's Restraint Minimisation Management Standard.
Sexual abuse and sexual assault	Any sexual activity between an individual under 16 years of age, or any sexual activity with an adult who is unable to understand, or who has not given consent or is threatened, coerced, groomed or forced to engage in sexual behaviour. Sexual assault is any unwanted sexual act or behaviour which is threatening, violent, forced or coercive and to which a person has not given consent or was not able to give consent, including sex with a person in a position of authority. It may include, but not be limited to, any unwanted or non-consensual sexual contact/behaviour, voyeurism, sexual innuendo, exhibitionism and exposure to pornography.
Unexplained injury	An injury that was not observed directly by someone and the injury is determined to not be reasonably related to the person's condition, surroundings or sequence of prior events.

Related documents

Policies	Management standards	Other documents
N/A	MS-16A Abuse, Harm or Neglect	SOP Abuse, Harm or Neglect
		SOP-07Ab Investigation of a Critical Incident or Serious Incident