

Elder Abuse and Neglect Policy and Procedure

Purpose and Scope

The purpose of this policy and procedure is to demonstrate HomeMade's commitment to safeguarding HomeMade customers and preventing elder abuse and neglect as well as responding effectively and promptly where any concerns regarding elder abuse or neglect arise. HomeMade ensure that relevant tools are in place to support identification of and appropriate action to respond to cases of actual or suspected elder abuse and neglect. HomeMade will act in the best interests of any customer who has been abused or neglected, upholding their rights and ensuring that the dignity and respect of the customer is maintained at all times.

This policy and procedure applies to HomeMade staff and contractors.

Applicable legal & compliance instruments

- *Aged Care Quality Standard 1. Consumer Dignity and Choice*
- *Aged Care Quality Standard 8. Organisational Governance*
- *Aged Care Act 1977 (Cth)*
- *Quality of Care Principles 2014 (Cth)*

Definitions

Cognitive capacity

Is the ability to understand an act, a decision or transaction and its consequence. A person has the capacity to make an informed decision if they understand the

Self Managed Support trading as HomeMade

ABN 88 638 372 960

1300 655 688 | info@homemadesupport.com.au

L10, 255 Pitt st Sydney, NSW 2000

www.homemadesupport.com.au

general nature and effect of a particular decision or action and can weigh up the consequences of different options and communicate their decision.

Duty of care

Is a legal obligation to avoid causing harm or to prevent harm occurring to another person through any act that is careless or negligent and arises from a relationship between parties. Health and aged care workers have a duty of care to the older people they are assisting.

Elder abuse

Is any act within a relationship of trust which results in harm to an older person. It can be emotional, psychological, financial, physical or sexual abuse. It can also be the result of intentional or unintentional neglect. It may include, but is not limited to, the following acts:

- frightening someone by threatening to hurt a pet or break belongings;
- intimidating, humiliating, or harassing a person;
- threatening to evict someone or put them in a nursing home;
- stopping a person from seeing family or friends;
- denying someone the right to make their own decisions;
- pension skimming;
- selling someone's belongings without permission;
- misusing an Enduring Power of Attorney by taking money or property improperly;
- forcing a person to change their will;
- denying someone access or control of their own funds;
- not allowing services to help someone;
- neglecting a person's physical, medical or emotional needs;
- slapping, hitting, pushing or restraining; or
- making unwanted sexual approaches or behaving indecently.

Neglect

The failure to provide a person with the basic necessities of life, such as food, clothing, shelter, medical attention or supervision, to the extent that their health and development is, or is likely to be, significantly harmed.

Key Principles of Working with Older People

The following principles guide HomeMade staff and contractors in safeguarding older people living in community settings:

Equal Rights to Protection

We firmly believe that all individuals, regardless of their age, gender, race, religious beliefs, disability, sexual orientation, or family or social background, have equal rights to protection from abuse and neglect.

Safeguarding

Is protecting the welfare and human rights of people who receive services from HomeMade; particularly people who may be at risk of abuse, neglect, or exploitation.

Customer Participation

We actively encourage and support the participation of our customers in decision-making, the development and oversight of support plans and services, and we seek their feedback on the quality and safety of the services provided.

Education and Engagement

We are dedicated to educating and engaging with our customers about their rights, safe environments, and protective strategies for staying safe and seeking help when needed.

Staff Training

We provide comprehensive information and training to our staff to ensure they understand person-centred and rights-based approaches. Our training equips them with the knowledge and skills needed to prevent and respond to allegations or incidents of abuse and neglect.

Appropriate protection

Where a person is not sufficiently competent to make their own decisions, it may be necessary to appoint a guardian or administrator. Even if a person is represented, their wishes should still be taken into account, as far as possible.

Best Interests

The interests of an older person's safety and wellbeing are paramount.

Collaborative responses

Effective prevention and response requires a collaborative approach which recognises the complexity of the issue, and the skills and experience of appropriate services.

Community responsibility

The most effective response is achieved when agencies work collaboratively and in partnership with the community.

Independent Decision Making

Independent decision-making is where the customer has the capacity to make all of their own decisions and solely control their customer account on the HomeMade platform. HomeMade empowers the customer to make informed choices, understand their options, and to be independent by enabling customers to self-manage their support, which includes selecting their own workers, when they receive support and the types of support they receive. There is a presumption that the customer has capacity to make their own decisions unless it is established otherwise.

Importance of relationships

All responses to allegations of abuse should be respectful of the existing relationships that are considered important to the older person.

Self Determination

With appropriate information and support, individuals should be encouraged to make their own decisions.

Policy

HomeMade is committed to providing an environment of safety and dignity to its customers and to establishing a formal process to identify, report and investigate all instances of actual and/or suspected elder abuse and/or neglect. This includes identifying contributing factors and making the necessary recommendations to safeguard our customers and to prevent a recurrence.

Personal beliefs and professional values, social, cultural and family experiences all influence perception of what constitutes abuse and neglect of older people.

Procedures

At HomeMade, all staff and contractors play a role in identifying and responding to actual and/or suspected neglect or abuse while protecting our customers. We are committed to safeguarding and ensuring the protection of vulnerable individuals.

Reporting and Investigation:

- We actively encourage the reporting of all concerns, and we are committed to providing an environment where staff, contractors and customers feel empowered to report their concerns, including abuse and neglect.
- All allegations of abuse or neglect are taken with the utmost seriousness. We will promptly, thoroughly, and equitably investigate, following our internal processes for incident management and escalation.
- We are committed to following state and federal legal requirements for reporting allegations or incidents of abuse or neglect to the appropriate authorities.
- We fully cooperate with any investigation conducted by law enforcement or other regulatory agencies, ensuring transparency and adherence to legal obligations.
- We actively support reporters of and alleged victims of abuse and misconduct, providing necessary assistance and guidance.
- HomeMade strictly prohibits any form of retaliation against any person who lodges a good faith complaint of abuse or neglect or who participates in any related investigation.

At HomeMade, we are committed to the protection and well-being of our customers. HomeMade promotes a safe and respectful environment for all.

Responsibilities regarding Elder Abuse

Approved Provider Responsibilities

The HomeMade Board ensures that HomeMade meets its responsibilities with respect to the prevention of elder abuse and neglect. This includes taking reasonable steps to:

- Ensuring that the safety and wellbeing of vulnerable people is embedded in organisational leadership, governance and culture.
- Ensuring that there are effective and appropriate ways for HomeMade staff to recognise and respond to potential or actual instances of elder abuse and/or neglect.
- Ensure HomeMade observes all relevant laws relating to safeguarding.

The Leadership Team Responsibilities

The Leadership Team at HomeMade is responsible for ensuring the safeguarding and well-being of our customers through:

- **Positive Safeguarding Culture:** Promoting a positive culture that prioritises safeguarding and ensures all team members understand its importance.
- **Serious Risk Assessment:** Situations of serious risk are escalated to the Leadership team for advice on responding and, if necessary, exercising their duty of care to make reports to the Police.
- **Emergency Response Support:** They support staff in responding to emergency situations, ensuring the documentation of any relevant evidence.
- **Risk Controls:** Ensuring that appropriate controls are in place to prevent, detect, and respond to incidents, including suspected abuse or neglect.
- **Response Options Identification:** This team supports operational teams to consider response options.

Managers and Team Leaders Responsibilities:

Managers and Team Leaders at HomeMade play a pivotal role in promoting a safe and respectful environment for our customers. Their responsibilities include:

- **Positive Safeguarding Culture:** Promoting a positive culture that prioritises safeguarding and ensures all team members understand its importance.
- **Policy Implementation:** Implementing HomeMade's safeguarding policy and associated workflow within their area of responsibility.
- **Reporting Encouragement:** Facilitating, encouraging, and supporting the reporting of any suspected abuse or neglect within their teams.
- **Discussion and Empathetic Support:** They engage in discussions with the customer or their appointed legal guardian (if applicable), supporting them with empathy and exploring their needs. This may include referring them to resources such as the Elder Abuse Helpline at 1300 651 192 or <http://www.eapu.com.au/>.
- **Specialist Agency Referral:** If appropriate, they make referrals to specialist response agencies for further assessment, investigation, or to negotiate a support Plan, such as through referral to the My Aged Care Portal.
- **Elder Abuse Incident Reporting:** They are responsible for preparing documentation for any [Serious Incident Reporting Scheme](#) (SIRS) incidents.
- **Support Plan Development:** If deemed necessary, they assist the relevant team member to develop a support plan to support the customer in

preventing further abuse. The plan includes interventions to prevent recurrence and may incorporate a safety plan, developed in consultation with the customer.

- **Staff Support:** They provide support to any staff member who identifies abuse or neglect, including facilitating access to debriefing, training and the access to HomeMade's Employee Assistance Program (EAP).

Staff Responsibilities:

All staff are responsible for:

- Reporting instances of actual or suspected cases of elder abuse or neglect to their Team Leader or Line Manager as soon as practicable.
- Contacting the Police Service and/or other emergency services and documenting clear and relevant evidence, in the case of an emergency.
- Supporting the customer with empathy, asking what the customer wants and helping them to explore any needs.
- Participating in the documentation of the incident following HomeMade's incident management policy & process.
- Participating in debriefings or reflective practice, where appropriate.

Contractors and Service Providers:

- Implement the provisions of this policy and HomeMade's processes in their dealings with HomeMade and HomeMade customers.
- Report and suspicions that an incident, abuse or neglect may have taken place, is taking place, or could take place.

Responding to Incidents/Reports of Elder Abuse and/or Neglect

In the first instance, if the situation is an emergency and the customer is in imminent danger of harm or death, staff must:

- Ensure their own safety prior to assisting the customer,
- Call 000 for assistance (contact police, fire brigade or ambulance services),
- Follow the instructions of the 000 operator and emergency services personnel in attendance
- As soon as safely possible, document the incident clearly as per the HomeMade Incident Management Policy.

In a non-emergency situation, team members need to follow HomeMade policies and procedures relevant to the situation These may include:

- Incident Management Policy and Procedure
- Clinical Escalation Procedure
- High Risk Customer Escalation Process

According to the individual customer situation, actions to be taken may include:

- Providing the customer with details on seeking an advocate, accessing an interpreter, or any other assistance that may be required to support them in communicating their situation, needs and preferences
- Seeking appropriate support to determine the customer's capacity and ability to provide consent following the Supported and Substitute Decision Making Framework, Policy and Procedure.
- Assessing the immediate and future risks and level of existing support the customer has and how these supports might be engaged to enhance their safety and wellbeing
- Accessing expert guidance and advice from the relevant Elder Abuse and Neglect Helpline in the relevant State or Territory

Supporting Documents

Organisational documents relevant to this policy and procedure:

- *Supported and Substitute Decision Making Framework, policy and procedure*
- *Incident Management Policy and Process*

Monitoring and Review

This policy and procedure will be reviewed at least annually by the Leadership Team and incorporate staff, customer and other stakeholder feedback.

HomeMade's *Continuous Improvement Plan* will be used to record and monitor progress of any improvements identified and where relevant will be incorporated into service planning and delivery processes.

Appendix A

State/Territory	Organisation or resource	Contact
Australian Capital Territory	Older Persons Abuse Prevention Referral and Information Line (APRIL)	02 6205 3535
New South Wales	NSW Elder Abuse Helpline	1800 628 221
Northern Territory	Elder Abuse Information Line	1800 037 072
Queensland	Elder Abuse Prevention Unit	1300 651 192
South Australia	Aged Rights Advocacy Service Elder Abuse Phoneline	08 8232 5377 1800 700 600
Tasmania	Tasmanian Elder Abuse Helpline	1800 441 169
Victoria	Seniors Rights Victoria	1300 368 821
Western Australia	Elder Abuse Helpline	1300 724 679

Document Control

Version No.	Issue Date	Document Owner
1	08/09/2023	Head of Quality and Safeguarding
Version History		
Version No.	Review Date	Revision Description