

POLICY STATEMENT

Melba Support Services (Melba) recognises that all people (including adults, children and young people) are equal and have the same rights by virtue of being human. Melba is committed to respecting and safeguarding the human rights of the people we support and it is expected that everyone associated with the organisation will, at all times, respect and uphold the right of the people who access our services to be treated with dignity and respect, including their right to be safe, well and free from violence, abuse, neglect and exploitation.

Melba has a zero tolerance to violence, abuse, neglect and exploitation exhibited toward any person supported. Melba's zero tolerance approach is underpinned by human rights legislation, including but not limited to the Victorian Charter of Human Rights and Responsibilities (2006) and the United Nations Convention of the Rights of Persons with Disabilities (2006), National and Victorian State Disability Strategy, the UN Convention on the Rights of the Child, and best practice frameworks.

Violence, abuse, neglect, and exploitation, are all violations of a person's human rights. Violence, abuse, neglect or exploitation can occur through deliberate acts, neglect, accidental behaviour and/or as a result of systemic issues at an organisational level. The impact of violence, abuse, neglect, and exploitation can have a significant effect on an individual's identity, emotional health, physical health, development, their relationships, sense of ownership and economic position, social status and education.

Melba's commitment is to:

- recognise, raise and respond to any contravention of the human rights of people purchasing services from Melba Support Services. It is everyone's responsibility to be aware of violence, abuse, neglect and exploitation and take action on any behaviour that contravenes the human rights of any person supported. This includes **immediate reporting** of any allegation of abuse, neglect or violence of people supported;
- recognise and be better informed about the known risks and prevalence of violence and abuse for people with a disability;
- have knowledge of the barriers and challenges to the disclosure of abuse;
- recognise and address cultural and religious insensitivity, bias and ignorance;
- recognise assault as a criminal act, and a supported person's right to effective access to justice, while understanding the barriers to justice experienced by people with a disability. Melba will support people to report all allegations of violence, abuse, neglect and exploitation to police, in accordance with the *Responding to and Reporting Allegations of Violence, Abuse, Neglect and Exploitation procedure*. In addition, Melba will report all allegations of neglect, physical or sexual assault, harm and abuse of a person we support to the NDIS Quality and Safeguards Commission (as required by the NDIS Rules 2018), and of a child or young person to Child Protection and the Commission for Children and Young People (as relevant);
- Melba will investigate all allegations of abuse of a person we support by employees, volunteers, or other persons associated with, or acting on behalf of, Melba;
- understanding the specialist approaches required for investigation and support into allegations of abuse, neglect and violence, particularly for people with cognitive impairment and/or communication support needs.

Melba is further committed to promoting practices and safeguards which:

Title: Zero Tolerance Policy	Date Last Reviewed: 18 June 2024
Position Responsible: General Manager Practice, Quality & Safeguards	Next Review Date: 18 June 2025
Accountable: Board	Page 1 of 4

- prevent abuse (primary prevention);
- identify and address particular risk factors (targeted prevention);
- Respond to incidents and allegations of abuse (secondary prevention); and
- Identify and address underlying causes and systemic issues (tertiary prevention).

Together these key features represent a rights-based, culturally sensitive, and person-centred framework for safeguarding people’s right to be free from abuse in Melba’s services. These approaches are important not only for developing effective abuse prevention and intervention strategies, but also for promoting a quality culture, where people with a disability are heard, their rights upheld, and better service outcomes are delivered.

In addition to this, Melba recognises that Children and Young People may also be at an increased risk of harm. As such Melba is committed to promoting safeguarding practices in order to uphold and maintain a child safe environment, where children are and feel safe. Melba is also committed to promoting the rights of children and young people ensuring their voices are heard and they are able to contribute to decisions that affect their lives.

Melba stands by its philosophy and culture which is built on a human rights framework, and recognises that abuse, neglect and violence is a human rights issue, not a disability issue, and any breach of a person’s human rights by a Melba employee or an employee acting on behalf of Melba may be seen variously as:

- Serious misconduct;
- A criminal offence

SCOPE

This policy applies to all people supported in Melba services (regardless of service funding type). It also applies to Melba stakeholders, including permanent and temporary staff, agency staff, casuals, contractors, consultants, students, and persons working in a voluntary capacity (referred to as ‘staff’ in this policy).

DEFINITIONS

Term	Definition
Abuse	is the violation of an individual’s human rights resulting from the act or actions of any other person or persons. Abuse covers a range of behaviours directed towards a person. These could include assault, sexual assault, constraints, forced treatments, forced interventions, humiliation and harassment, financial and economic abuse and significant violations of privacy and dignity on a systemic or individual basis.
Exploitation	Exploitation is when a person takes advantage of someone else. This could include behaviours that are threatening or coercive, or in any other way control or dominate the person and cause that person to feel fear for themselves or another person, including the improper use of another person or the improper use of or withholding of another person’s assets, labour, employment or resources including taking physical, sexual, financial or economic advantage.

Title: Zero Tolerance Policy	Date Last Reviewed: 18 June 2024
Position Responsible: General Manager Practice, Quality & Safeguards	Next Review Date: 18 June 2025
Accountable: Board	Page 2 of 4

Neglect	includes intentionally or negligently failing to take care of a person’s physical, psychological or financial wellbeing in breach of a duty of care. Neglect can be a single significant incident or a systemic issue that involves depriving a person with disability of the basic necessities of life such as food, drink, shelter, access, mobility, clothing, education, medical care and treatment.
Violence	covers a range of behaviours directed towards a person that is physically, sexually, emotionally, psychologically or economically abusive. .

PURPOSE


The purpose of this policy is to protect people supported by Melba, including children and young people, from violence, abuse, neglect and exploitation; and to raise awareness about violence, abuse, neglect and exploitation amongst people supported by Melba, family members, friends and advocates, and staff members at all levels of the organisation.

The purpose of this policy is further to articulate Melba’s commitment to recognise, raise and respond to any contravention of the human rights of people purchasing services from Melba Support Services. It is everyone’s responsibility to be aware of violence, abuse, neglect and exploitation and take action on any behaviour that contravenes the human rights of any person supported.




If staff are at any time suspicious of a person’s actions or behaviour, or witness interactions that they believe may constitute mistreatment or abuse of a person supported by Melba, it is their duty and responsibility to make an immediate report to their line manager and complete a critical incident report. Any breach of a supported person’s human rights may be seen as serious misconduct. Failure to report a suspected breach or abuse may also constitute serious misconduct. Please see Melba’s *Code of Conduct Policy* for further information.

REFERENCES

- Disability Act 2006 (Vic)
- Disability Discrimination Act 1992 (Cth.)
- NDIS Act 2013 (Cth.)
- NDIS National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018
- UN Convention on the Rights of Persons with Disabilities
- UN Convention on the Rights of the Child

	Related Policies	<ul style="list-style-type: none"> • Human Rights Policy • Child and Young Person Safety and Wellbeing Policy • Code of Conduct Policy • Recruitment Policy • Safety Screening Policy • Positive Behaviour Support and Restrictive Interventions Policy
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Title: Zero Tolerance Policy	Date Last Reviewed: 18 June 2024
Position Responsible: General Manager Practice, Quality & Safeguards	Next Review Date: 18 June 2025
Accountable: Board	Page 3 of 4

		<ul style="list-style-type: none"> Protected Disclosure (Whistleblowing) Policy and Procedure Incident Reporting – Supported Persons Policy
	Related Procedures	<ul style="list-style-type: none"> Child Safety Reporting Procedure Protected Disclosure (Whistleblowing) Procedure Recruitment Procedure -DSEAV Safety Screening Procedure Responding to and Reporting Allegations of Violence, Abuse, Neglect and Exploitation Procedure Incident Reporting – Supported Persons Procedure
	Related Supporting Documents or Tools	<ul style="list-style-type: none"> Human Rights Checklist Melba Employee Handbook NDS Zero Tolerance Framework - https://www.nds.org.au/resources/zero-tolerance NDS Empowerment Circle - https://www.nds.org.au/images/resources/resource-files/EMPOWERMENT-CIRCLE-UPDATED.pdf
	Relevant Standard/s	<ul style="list-style-type: none"> Human Service Standards - 1.2; 3.5 NDIS Practice Standards and Quality Indicators 2021. Victorian Child Safe Standards

<i>Title: Zero Tolerance Policy</i>	<i>Date Last Reviewed: 18 June 2024</i>
<i>Position Responsible: General Manager Practice, Quality & Safeguards</i>	<i>Next Review Date: 18 June 2025</i>
<i>Accountable: Board</i>	<i>Page 4 of 4</i>