

Policy 28 Human Rights Information Sheet

What is Abuse & Neglect?

Abuse - is the violation of an individual's human or civil rights, through the act or actions of another person or persons.

- Types of abuse include (but are not limited to):

Physical abuse - Any non-accidental physical injury or injuries to a child or adult. This includes inflicting pain of any sort or causing bruises, lacerations or welts, fractures, dislocations, burns, electric shock, or any unpleasant sensation.

- threats of violence
- refusing consumers of a service food because they have not done what they were asked to do
- hitting, smacking, biting, shaking or kicking
- pulling arms, hair or ears
- bending back fingers or bending an arm up behind the back
- placing hot substances in the mouth for swearing
- leaving consumers in clothing or bedding that has been soiled
- physically restraining a consumer of a service which is not justified, authorised or excused by law
- inappropriate use of medication including the unauthorised use of medication as a chemical restraint

Sexual abuse - Any sexual contact between an adult and child 16 years of age and younger; or any sexual activity with an adult who is unable to understand, has not given consent, is threatened, coerced or forced to engage in sexual behaviour.

Psychological or emotional abuse - Verbal assaults, threats of maltreatment, harassment, humiliation or intimidation, or failure to interact with a person or to acknowledge that person's existence. This may also include denying cultural or religious needs and preferences.

- abuse humiliating consumers of a service for losing control of their bladder or bowels
- shouting orders to consumers of a service
- using humiliating names when speaking to consumers of a service
- treating adult consumers of a service as children
- humiliation, emotional blackmail, blaming, swearing, intimidation, name calling or isolation from friends and relatives
- the use of social isolation (ignoring consumers of a service)
- staff locking consumers of a service in their bedroom
- using other consumers of a service to provide physical control over another consumer of a service
- harassing consumers of a service to eat food they don't want to eat (or which is contrary to their cultural or religious beliefs)

Constraints and restrictive practices - Restraining or isolating an adult for reasons other than medical necessity or the absence of a less restrictive alternative to prevent self-harm. This may include the use of chemical or physical means or the denial of basic human rights or choices such as religious freedom, freedom of association, access to property or resources or freedom of movement.

Financial abuse - The improper use of client's assets or the use or withholding of their money and personal finances.

- taking money or other property of consumers of a service without their consent (which is likely to also constitute a criminal offence) or where their consent is fraudulently obtained
- misappropriation of money, valuables or property
- changes to wills or other legal documents, by coercion, misrepresentation or where consent for changes was fraudulently obtained
- denying the consumer access to information or documentation concerning their personal finances or individualised funding package
- personal use of a consumer's telephone by staff which is not recorded or reimbursed, leaving the consumer to pay the cost of the calls

- staff borrowing clients possessions even for a brief period, eg CDs, lawn mowers etc
- staff purchasing client's possessions at grossly below the real and accepted value of the item
- staff using clients vehicle for their own purposes

Legal or civil abuse - Denial of access to justice or legal systems that are available to other citizens.

Systemic abuse - Failure to recognise, provide or attempt to provide adequate or appropriate services, including services that are appropriate to that person's age, gender, culture, needs or preferences.

Neglect - is a failure to provide the necessary care, aid or guidance to dependent adults or children by those responsible for their care.

- assisting consumers of a service to eat and drink in an incorrect or hurried and rushed manner, causing physical discomfort, illness, injury or resulting in or contributing to death
 - failure to provide consumers of a service adequate food, shelter, clothing or basic personal health care
 - giving one consumer of a service another consumer of a service's medication because it is similar
 - giving over the counter medication to a consumer of a service without first checking with the consumer's doctor for appropriateness or any potential harmful side effects
 - continuing to administer medication to a consumer of a service after the use by date has expired
 - not utilising a consumer's communication devices to allow the expression of needs, choices or preferences
 - failure to recognise or acknowledge non-verbal messages conveyed by consumers of a service who have limited communication abilities
 - leaving consumers of a service alone in a vehicle for extended periods
 - not obtaining or seeking the appropriate medical, specialist, therapy or other allied health support for a consumer based on the identified individual need
 - not ensuring that a consumer has access to regular medical support including assessments for medication blood levels, blood pressure, diet and nutrition or access to regular health screening tests
- Types of neglect include (but are not limited to):

Physical neglect - Failure to provide adequate food, shelter, clothing, protection, supervision and medical and dental care, or to place persons at undue risk through unsafe environments or practices.

Passive neglect - A caregiver's failure to provide or wilful withholding of the necessities of life including food, clothing, shelter or medical care.

Wilful deprivation - Wilfully denying a person who, because of age, health or disability, requires medication or medical care, shelter, food, therapeutic devices or other physical assistance - thereby exposing that person to risk of physical, mental or emotional harm.

Emotional neglect - The failure to provide the nurturance or stimulation needed for the social, intellectual and emotional growth or well being of an adult or child.

Exploitation - Exploitation means people using clients' homes, utilities, possessions or money for their own benefit or profit. Staff should be aware that clients could be taken advantage of by people with whom they mix.

Actions by staff which would be considered exploitation include:

- staff providing a paid service to a client outside their working hours
- staff doing their own washing or ironing at clients' homes
- staff borrowing clients' possessions even for a brief period, eg CDs, lawn mower
- staff using clients' vehicles for their own purpose.

Misappropriation of clients' property or moneys by staff is a criminal offence.

Identifying Instances of Abuse and Neglect

Management, staff, volunteers, people with a disability, their families, friends, carers, and advocates all play a significant role in preventing and detecting the occurrence of abuse, assault or neglect.

The table below provides some examples of indicators of abuse and neglect of children and adults. It is important to remember that the indicators listed below are not the only indicators and that the presence of one or more indicators does not necessarily 'prove' that abuse, assault or neglect has occurred. This list of possible examples should not be considered a complete list of possible indicators.

Type of abuse	Physical indicators	Behavioural signs
Physical abuse	<ul style="list-style-type: none"> • unexplained cuts, abrasions, bruising and/swelling: • on face, lips, mouth, torso, back, buttocks thighs in various stages of healing • unexplained burns or scalds: • cigarette burns especially on soles, palms, back or buttocks • rope burns on arms, legs neck or torso • unexplained fractures, strains or sprains: • to skull, nose, facial structure • dislocation of limbs in various stages of healing • bite marks • dental injuries • ear or eye injuries • ligature marks • welts 	<ul style="list-style-type: none"> • avoidance of a particular staff member • fearfulness or fear of a particular person • sleep disturbance • obvious changes in behaviour • changes in appetite • changes in daily routine • unusual mood swings • withdrawal • unusual passivity • out of character aggression • self-abuse • drowsiness • inappropriate or changing explanation of how an injury occurred • excessive compliance
Psychological / emotional abuse	<ul style="list-style-type: none"> • speech disorders • in the case of a child, there may be lags in physical development or a non-organic failure to thrive • injuries sustained from self abuse or self destructive behaviours • suicide attempts • anxiety attacks 	<ul style="list-style-type: none"> • self-abuse or self-destructive behaviour • challenging or extreme behaviours • excessive compliance • extreme low self esteem • depression • feelings of worthlessness • lack of interpersonal skills necessary for adequate functioning • extreme attention seeking behaviour
Sexual abuse	<ul style="list-style-type: none"> • direct or indirect disclosure of abuse or assault • difficulty in walking or sitting • pain or itching in genital and/or anal area • vagina or penile bruising, bleeding or discharge • self-abusive or self destructive 	<ul style="list-style-type: none"> • sleep disturbances • changes to eating patterns • inappropriate or unusual sexual behaviour or knowledge • changes in social patterns • sudden or marked changes in behaviour or temperament • anxiety attacks

	<p>behaviour</p> <ul style="list-style-type: none"> • attempts at suicide • torn, stained or blood stained underwear or bedclothes • sexually transmitted diseases • trauma to the breasts, buttocks, lower abdomen or thighs • unexplained accumulation of money or gifts • pregnancy 	<ul style="list-style-type: none"> • refusing to attend usual places eg, work, school, respite • depression • going to bed fully clothed • excessive compliance of staff
Financial abuse	<ul style="list-style-type: none"> • no access or unwarranted restrictions to personal funds • no control over personal funds or bank accounts • no records or incomplete records kept of expenditure and purchases • no inventory kept of significant purchases • person controlling the finances does not have the proper legal authority • misappropriation of money, valuables or property • forced changes to wills or other legal documents • persistent failure to produce receipts • receipts indicating unusual or inappropriate purchases 	<ul style="list-style-type: none"> • person has insufficient money to meet normal budget expenses • person is persistently denied outings and activities due to a lack of funds