

Code of conduct for disability service workers

Zero tolerance of abuse of people with a disability

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Introduction

The *Code of conduct for disability service workers* applies an obligation of zero tolerance of abuse of people with a disability and prescribes the behaviour expected of you as a disability service worker and the requirements of disability service provider organisations.

The purpose of this code of conduct is to promote adherence to a zero tolerance of abuse of people with a disability in Department of Health and Human Services funded, delivered or registered disability services.

The code of conduct:

- contains five obligations that all disability service workers must abide by
- explains each obligation and provides example behaviours that demonstrate what each obligation looks like in practice, and what it may look like if the obligation has been violated
- does not cover every possible situation but summarises the minimum standards of behaviour required by disability service workers to ensure a zero tolerance of abuse
- does not include all responsibilities of a disability service worker
- does not replace other codes of conduct, policies and guidelines that may apply in disability service provider organisations.

Zero tolerance of abuse obliges a worker to uphold the human rights of people with a disability. A worker must not commit any form of abuse, harassment, exploitation or neglect. A worker must also actively report cases of abuse or neglect and speak up if they suspect that abuse is occurring.

What is abuse?

Abuse is a violation of a person's human rights and has a number of forms such as financial abuse, emotional abuse, physical abuse, sexual abuse and neglect. To be effective, zero tolerance of abuse requires a clear understanding of what abuse is and the types of behaviour that are abusive.

- **Financial abuse:** The misuse of a person's assets, property, possessions and finances without their consent. It includes:
 - denying a person with a disability the use of their own assets, property, possessions and finances
 - theft, fraud, exploitation and pressure in relation to assets, property, possessions and finances
 - obtaining assets through deception.

This also includes financial abuse perpetrated by other people with a disability.

- **Emotional abuse:** Actions or behaviours that reject, isolate, intimidate or frighten by threats, or the witnessing of family violence, to the extent that the person's behaviour is disturbed or their emotional/psychological wellbeing has been, or is at risk of being, seriously impaired. This includes:
 - rejecting, isolating, terrorising and ignoring behaviours
 - denying cultural or religious needs and preferences
 - emotional abuse perpetrated by other people with a disability.

- where a person subjects another person to behaviour that may result in psychological trauma, such as bullying, harassment, humiliation and threats.
- **Physical abuse:** Actions that involve the inappropriate use of physical contact or force against a person. This includes:
 - threats of physical abuse made to a person with a disability by another person
 - excessive use of physical force or restraint by a staff member
 - physical abuse perpetrated by other people with a disability, as well as by caregivers or staff.
- **Sexual abuse:** Actual or attempted unwanted sexual actions that are otherwise forced on a person with a disability against their will or without their consent, through the use of physical force, intimidation or coercion.
- **Neglect:** The failure to care adequately for a person with a disability to the extent that the health, wellbeing and development of the person is significantly impaired or at risk.

Employer obligations

The code of conduct also imposes the following obligations on the employers of disability service workers.

Employers must:

- not tolerate any form of abuse of people with a disability by workers or other people with a disability; they must promote zero tolerance of abuse (the minimum obligations of zero tolerance of abuse of people with a disability must be supported by clear rules to assist workers to identify and respond quickly and appropriately to allegations of exploitation, abuse, harassment and neglect)
- provide you with information to correctly apply the obligations of the code of conduct (this could include training to understand the Victorian *Charter of Human Rights and Responsibilities Act 2006* and how to identify and report abuse and suspected abuse)
- assist you to undertake your role, such as keeping support plans up to date, and provide training opportunities so you can meet the needs of the people with a disability you support (such assistance can be formal training, mentoring or on-the-job supervision)
- act on all reported cases of abuse or suspected abuse
- never take negative action against you if you report abuse or neglect
- base all necessary disciplinary action on the principle of procedural fairness if you violate the obligations of the code of conduct
- respect, recognise and value the diversity of people and cultures, and create an inclusive environment where it is safe for people with a disability to express their cultural identity
- actively maintain a working environment in which the risks of abuse are minimised
- create and maintain a positive complaints culture in which people are not afraid to 'speak up' and foster a culture of zero tolerance of abuse of people with a disability.

Disability service worker obligations

The code of conduct imposes five obligations that all disability service workers must abide by:

1. A disability service worker must provide services without engaging in abuse, exploitation, harassment or neglect.
2. A disability service worker must report any form of abuse or suspected abuse.
3. A disability service worker must not engage in sexual abuse or misconduct and must report any such conduct by other workers, people with a disability, family members, carers or community members.
4. A disability service worker must show respect for cultural differences when providing services.
5. A disability service worker must act ethically, with integrity, honesty and transparency.

Obligation 1:

A disability service worker must provide services without engaging in abuse, exploitation, harassment or neglect

Components of the obligation	<p>As a worker you must:</p> <ul style="list-style-type: none">• treat people with a disability with dignity and respect, and uphold their human rights• never abuse, exploit, harass or neglect a person with a disability• always take action to ensure a person with a disability you have reason to believe may have been abused, exploited, harassed or neglected receives appropriate support (for example, medical support, counselling and support to report abuse to the police)• actively listen to people with a disability and their families, carers and advocates to deliver support with their interests and needs in mind• support people with a disability to meaningfully engage with their local community and society• exercise professional and ethical judgement when providing services.
Explanation	Zero tolerance of abuse of people with a disability requires that a disability service worker appreciates people with a disability have needs, preferences and feelings just like everyone else. It also requires workers to actively listen to, and prioritise, the preferences of people receiving support services, where it is safe to do so.
Example behaviours	<p>As a worker you must:</p> <ul style="list-style-type: none">• acknowledge that people with a disability best understand their own needs and interests• make efforts to understand the needs of people with a disability by actively listening to their preferences for receiving support services• accept the life choices made by, and beliefs of, the people you support• never make judgements about any aspects of a person's choices or beliefs that differ from your own• advocate for the needs of people to whom you provide support where these needs are otherwise not being met by taking appropriate steps such as advising your supervisors/managers of the issues and suggesting potential actions or solutions, if appropriate• assist people with a disability to present themselves in the community as they choose (in terms of clothing and appearance). <p>As a worker you must NOT:</p> <ul style="list-style-type: none">• abuse, exploit, harass or neglect any person with a disability• tolerate abuse of any kind by others• mock or make fun of people with a disability• speak or act towards people with a disability with contempt or ridicule• use unapproved restrictive interventions such as physical restraints• restrict freedom of movement by denying access to assistive technologies such as mobility devices• withhold access to communication tools for people with complex communication support needs• ignore dietary requirements or meal assistance plans.

Obligation 2:

A disability service worker must report any form of abuse or suspected abuse

Components of the obligation	<p>As a worker you must:</p> <ul style="list-style-type: none">• take all allegations of abuse seriously• report any abuse or suspected abuse to your supervisor or manager and, if necessary, other relevant authorities in line with your organisation’s reporting policy and procedures. This includes reporting incidents that raise concerns about the support provided by another worker• if you think your employer has not acted on your first report and people with a disability are at risk, report the abuse or suspected abuse to other authorities such as the Disability Services Commissioner• facilitate access to independent support, such as an advocacy service or the Office of the Public Advocate, where a person’s rights are not being upheld.• participate in training, information sessions and supervision provided by your employer that assists you to understand:<ul style="list-style-type: none">○ what abuse is and its various forms○ the application of this code of conduct.
Explanation	<p>Reporting abuse is critical to prevent abusive situations from escalating and future incidents from occurring.</p> <p>Zero tolerance of abuse of people with a disability requires all disability service workers to report any form of abuse.</p> <p>Reporting in this context means reporting to your supervisor or manager. Reporting to other authorities should occur in line with your organisation’s reporting policy and procedures.</p> <p>This includes reporting any abuse committed by colleagues, other workers, family members, carers, people with a disability or community members.</p>
Example behaviours	<p>As a worker you must:</p> <ul style="list-style-type: none">• take seriously and report all allegations of abuse made by a person with a disability• report all abuse or suspected abuse or mistreatment, even if the allegations are against a colleague or someone in a more senior position, a family member or a person with a disability• take action to ensure a person with a disability you have reason to believe may have been abused, exploited, harassed or neglected receives appropriate support (for example, medical support, counselling and support to report abuse to the police)• facilitate access to independent support, such as disability advocacy, where a person’s rights are not being upheld or where they express the desire to access such supports (you may refer matters to your direct supervisor or manager where this is beyond your capacity)• take all reasonable actions to ensure other people with a disability who live in the same house or use the same service are provided with appropriate support. <p>As a worker you must NOT:</p> <ul style="list-style-type: none">• tolerate any form of abuse, exploitation, harassment or neglect• disregard the views and concerns of people with a disability, particularly if they are worried about their own safety• disregard or ignore allegations of abuse• wait until there is definite proof before you act on an allegation of abuse.

Obligation 3:

A disability service worker must not engage in sexual abuse or misconduct and must report any such conduct by other workers, people with a disability, family members, carers or community members

Components of the obligation	<p>As a worker you must:</p> <ul style="list-style-type: none">• always report sexual misconduct and abuse• recognise the power imbalance between you and a person receiving your support and how this affects the kinds of behaviour that are appropriate• never engage in any sexual conduct with a person who you support, including actions committed by force, intimidation, coercion or manipulation• never engage in any form of sexual activity or behaviour with a person who you support. This includes sexual advances and sexual, personal or erotic comments.
Explanation	<p>All forms of sexual misconduct and sexual abuse are unacceptable and are a violation of this code.</p> <p>People with a disability face significantly higher risks of sexual assault and exploitation than the general population. This is particularly true for women with a disability. In addition, there can be barriers to disclosure that make it difficult for a person with a disability to report sexual abuse and misconduct.</p> <p>Breaches of this code include:</p> <ul style="list-style-type: none">• any sexual activity between a worker and a person with a disability to whom that worker provides support services• unwelcome behaviour of a sexual nature such as inappropriate comments, joking or touching• sexual activity where there is informed consent but that is inappropriate given the nature of the relationship that a worker has with a person they support.
Example behaviours	<p>As a worker you must:</p> <ul style="list-style-type: none">• assist the people you support to access and understand information on disability and human rights• always take any allegation of sexual abuse or misconduct seriously and report those allegations, regardless of whether there is clear proof at the time it is first reported• report all allegations of sexual misconduct by another disability service worker, a person receiving support services or family member• comply with your organisation's policy relating to providing intimate supports. <p>As a worker you must NOT:</p> <ul style="list-style-type: none">• engage in any form of sexual relationship with a person you support• make sexually suggestive comments about another person's sexuality, gender identity or the way they look. This includes comments made in person or via other forms of communication such as text messages, email or social media.• make unwanted sexual comments or jokes• touch anyone inappropriately.

Obligation 4:

A disability service worker must show respect for cultural differences when providing services

Components of the obligation	<p>As a worker you must:</p> <ul style="list-style-type: none">• be aware of and actively listen to the expressed needs, values and beliefs of people from cultural, religious and ethnic groups that are different from yours, about culturally relevant needs that affect the delivery of support services. This includes people with a disability, their families, carers and advocates• consult with families, carers, advocates and other supports to clarify cultural expectations when these are unclear or not currently being met• respect religious or spiritual beliefs and practices that are different to your own• ensure cultures that are different from your own are acknowledged and respected.
Explanation	<p>Respecting cultural differences is a vital safeguard against abuse of people with a disability and essential to zero tolerance of abuse. This is because an environment where cultural differences are not respected can be isolating and disempowering for people with a disability. This can create conditions in which abuse can occur. Being aware of cultural differences is an important consideration in delivering high-quality and culturally sensitive support services.</p> <p>Cultural respect involves recognising and valuing the diversity of people and creating an inclusive environment where it is safe for people with a disability to express their cultural, religious and sexual identity.</p>
Example behaviours	<p>As a worker you must:</p> <ul style="list-style-type: none">• treat people with dignity and respect regardless of their cultural, religious and ethnic backgrounds or sexual identity• be aware of any information relating to the needs, preferences and interactions (including cultural and religious practices) that may affect support and daily interactions• consult people you support about their cultural or religious practices that may affect support and daily interactions and, where practicable, make appropriate arrangements to support the observation of these• support people with a disability to pursue their cultural and personal interests such as attending sporting or musical events. <p>As a worker you must NOT:</p> <ul style="list-style-type: none">• prevent a person from following their preferred religious, spiritual or cultural traditions• mock or make fun of a person's culture, religion or sexual identity• make racist or homophobic comments or use any other disrespectful terms related to a person's race, culture, ethnicity or sexual identity• make fun of another language in a disrespectful way, for example, by mocking someone's accent• make generalisations about a minority group in an insulting or offensive way.

Obligation 5:

A disability service worker must act ethically, with integrity, honesty and transparency

Components of the obligation	<p>As a worker you must:</p> <ul style="list-style-type: none">• respect the privacy of people with a disability and their families, carers and advocates• display professionalism while providing support services• communicate in a language, form, manner and tone that enables people with a disability to understand the information provided and to make their preferences known• maintain appropriate professional boundaries, and act at all times to protect the boundaries of the professional relationship• always recommend and provide supports that serve the needs and interests of people with a disability• never use the power you have over people with a disability you support for personal gain.
Explanation	<p>Zero tolerance of abuse requires a worker to act ethically, with integrity, honesty and transparency at all times while providing support services.</p> <p>Acting ethically means upholding professional obligations while providing support services and avoiding situations that will violate community standards and the expectations of those receiving support.</p> <p>Acting with integrity means doing the right thing even if no one is watching.</p> <p>Acting with honesty and transparency means being open and clear about what you are doing and being careful to avoid situations that could be seen as a conflict of interest. By demonstrating these values in all aspects of your work, you can provide high-quality support services.</p>
Example behaviours	<p>As a worker you must:</p> <ul style="list-style-type: none">• always engage with people with a disability in an ethical and honest way• only provide services for which you are qualified as a disability service worker• demonstrate a professional relationship while providing support, for example, by being aware of behaviours that may look unprofessional and avoiding them• maintain and keep up to date all qualifications, police checks, licences and registrations required to provide support• fill out necessary paperwork accurately and in a timely manner to make sure that all incidents are documented and services are provided in a transparent way. <p>As a worker you must NOT:</p> <ul style="list-style-type: none">• accept gifts from people you support or use their money to pay for your personal expenses, for example, food or drinks on outings (unless the expenditure is part of an approved support plan)• provide support services while under the influence of alcohol or other drugs• manipulate, bully or threaten people with a disability• use a person's possessions or property in a way that the person is unaware of or does not approve• deny someone access to their own possessions, property or money• steal money or other possessions from people with a disability.