

## Purpose

LWB is strongly committed to upholding the rights of people with disability and providing an environment free of any form of violence, abuse, neglect, exploitation, or discrimination. Understanding appropriate prevention strategies is the best protection from abuse and neglect. Respecting the rights of people with disability and being aware of current policies and legislation about abuse and neglect, minimises the risk.

LWB acknowledges that people with disability and Aboriginal and Torres Strait Islander people are more likely to experience sexual assault or abuse compared to other Australians. Sexual Violence is all-encompassing and includes a range of offences involving a sexual element including, but not limited to sexual assault, rape, and sexual abuse. This can also include non-contact sexual acts such as exposure and sharing explicit images/photos without consent. Sexual Violence can be experienced at any life stage and is perpetrated in different spaces – such as a person’s home, large and small institutions, public spaces and online.

This procedure will direct LWB staff in the safe and fair response to all types of sexual violence to support all parties including the people we support, their families, advocates or decision makers, and other LWB staff. This procedure will be reflected in our practice in supporting children and young people within LWB Children Youth and Families foster care, residential care and aftercare services, and adults in Disability and Mental Health Services.

## Our approach to responding to a report of sexual violence

How an allegation or incident of sexual violence is responded to will significantly influence an individual’s welfare, pursuit of justice and longer-term recovery. Disclosing sexual violence can take considerable courage from the survivor and trust in the recipient of the information. Staff must ensure they respond in a manner that:

- is respectful, empathetic, and validates the person’s experience
- meets the person’s individual support requirements and preferences
- provides a safe environment for all parties
- is timely to ensure prompt support to all parties and reduce the loss of evidence where possible
- is culturally safe and responds sensitively to people’s needs, including the lived experiences of people identified with specific vulnerabilities and additional barriers
- fosters healing and recovery
- will ensure that sufficient supports are available at each step in the process to enable appropriate and ongoing support of the person, other individuals who may require support, and subsequent parties, including families and staff.

## Supporting the Person

- Ensure the person is safe from immediate harm. This can include exploring whether the person is likely to have contact with the alleged perpetrator in the future and taking steps to protect them from further engagement.
  - If the alleged perpetrator is a co-tenant as much as practicable ensure they are kept separate, always keeping the alleged victim in line of sight until additional support is received. See below for guidance on how to support the alleged perpetrator.
- Provide reassurance, validation and, as much as possible, create a safe, calming environment.
- Unless otherwise obliged, engagement of emergency or other specialist services is a decision for the person and/or their authorised decision maker. Staff and management will provide information and guidance to support this decision making. Ensure that privacy and confidentiality is always upheld.
- Allow the individual to communicate as they wish, but **do not investigate** or ask questions regarding the incident. When the person has provided information that gives you a general understanding of their allegation, do not keep questioning them – you might affect further investigations.
- Remember throughout the process to explain clearly and respectfully what you are doing and why.

### If the incident has just occurred:

- Protecting evidence is critical to any future investigation.
  - Preserve the person's clothing. They can stay in their clothes or, if they change, place the clothes in a sealed plastic bag.
  - Try to delay the individual showering, bathing, or wiping themselves clean.
  - If the incident occurred on site, ensure no one enters or tampers, including any cleaning, with the setting.
- Validate the person's experience and listen intently so the person is heard, identify what is important to and for the person and involve the person as much as they can.
- In a person-centred manner provide information about the seriousness of the allegation and the need to inform others such as your manager, the person's family or other supports and emergency services. Answer any questions they have and note any questions to be discussed with management if you are not confident.
- Ask the person if there is anyone else they would like to inform or support them.
- If the person indicates that they do not want the matter reported to emergency services, you must discuss this with your line manager.
- Ensure the person is safe and comfortable. While keeping them in sight, call the relevant LWB manager (not SMS or email) to provide a detailed report and receive advice.

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- If the line manager is unavailable, then a verbal report should be made to the next available manager or the on call manager if outside normal operating hours.
- Throughout the conversation, ensure the rights and choices of the person are heard, acknowledged, and respected.
- When speaking to the relevant manager ensure the following is reported:
  - What is alleged to have occurred
  - Any injury to the person that has been identified
  - Any views communicated by the person including, who they would like to inform and if they would like to involve emergency services
  - Any actions you have taken or intend to take to preserve evidence
  - Any preferences the individual may have mentioned regarding a support person and making arrangements for an additional LWB support to be provided.
- If the person has given consent (or if they are unable to give informed consent), determine with the manager if there is an authorised decision maker or family member that should be notified to provide support.
- Continue to provide support to the person, providing reassurance and explanations of what is happening until the DSL, on call manager, family or other designated support person arrives.
- Once you have completed your support of the individual and they have alternative support, take time to record all your recollections while they are fresh. This will be used to complete an incident report and may support you if you are called to give evidence.

### **Disclosure of a past (historical) event:**

- Individuals may disclose, or tell you, about an incident of sexual violence that occurred in the past.
- A person may choose to share their experiences weeks, months or even years after an event has occurred.
- No matter when the event occurred, it is important to respond in a manner that is respectful, reassuring and validating.
- Allow the individual to communicate as they wish, but do not investigate or ask questions regarding the incident. When the person has provided information that gives you a general understanding of their allegation, discuss with them if they would like to report the matter to the police.
- Verbally report the incident to the relevant LWB manager (not SMS or email).
  - If the line manager is unavailable, then a verbal report should be made to the next available manager or to on call manager if outside normal operating hours.
  - This report should include:
    - What is alleged to have occurred

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- Any views communicated by the person including, who they would like to inform and if they would like to involve emergency services.
- Any actions you have taken or intend to take
- If the person has given consent (or if they are unable to give informed consent), determine with the manager if there is a family member or authorised decision maker that should be notified to ensure support and decide regarding the engagement of police or external support services.
  - If consent is not received, it is always important we respect an individual's right to make their own choice and seek justice in the manner they elect.
  - The relevant State Director must be informed and, as appropriate, can request an urgent care review to ensure all appropriate supports are considered for the person.

### **If the person is under the Age of 18**

At LWB we all share the responsibility for child safety. Every day, we offer support and care to children. We want each and every one of those children to feel as safe and respected as they should. For further information on your jurisdictions' reporting obligations for alleged incidents of abuse/neglect towards children and young people, refer to your state-based procedures. For further information on how LWB keeps children safe, you can access the We Put Children First resources. For any child (including children in Statutory and Voluntary Out of Home Care), assessment of Reportable Incidents and any associated risk of harm should consider jurisdictional reporting and legislative requirements.

### **Disability Support Leader or On Call staff will:**

- Attend the location as soon as possible to support the person and other staff, and ensure the actioning of this procedure.
- Ensure the person has been provided information about who has and may need to be informed. This should include information about reporting to emergency services as well as an appropriate alternative medical practitioner, like their preferred General Practitioner or a Sexual Assault Clinic.
- Ensure the person is supported by the most appropriate staff member/s on shift. This may mean additional staffing is required.
- Ensure information is being documented to enable the completion of an i-Sight report within the required 24 hour time frame.
- Contact their Regional Operations Manager (ROM) (or equivalent line manager) as soon as practically possible to inform them of the allegations.

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- The Disability Support Leader in collaboration with the ROM will contact the person's family, advocate, or decision makers (where appropriate) as soon as practically possible. Where possible organise a face-to-face meeting.
- If consent is provided by the person or their authorised decision maker, call the police or ambulance by dialling 000 to provide support.
  - If consent is not received, it is always important we respect a person's right to make their own choice and seek justice in the manner they elect.
  - The relevant State Director must be informed and, as appropriate, can request an urgent care review to ensure all appropriate supports are considered for the person.
- Ensure the provision of all necessary communication assistance, required legal and other support to assist any subsequent Police interview and for the proceeding investigation and prosecution.

### **Engagement with the police**

- Once the person or their family member/authorised decision maker provides consent to engage emergency services, make the report as soon as possible and be clear.
- Ensure emergency services are informed about the person's disability and their preferred means of communicating/engaging.
- Provide details regarding the family member, authorised decision maker and/or preferred support person who will be supporting the person or arrange for an independent person. Ensure that the individual will be accompanied by a preferred support person.
- As the witness/trusted recipient of the information, be aware that you may be asked to provide a witness statement or be called to court as a witness. As a result, you should not be present when the person is being interviewed as this may impact your objectivity. Your role is to provide support and reassurance to the person.
- Refer to the [NDIS LWB 923e Reportable Incidents - Working with Police](#) for detailed instructions.

### **What Happens Next**

- Reportable Incident: Allegations of sexual assault are considered Reportable Incidents that must be reported to the NDIS Quality and Safeguards Commission. Refer to [NDIS LWB 923 Reportable Incidents - Procedure](#) for detailed instructions on how to complete this report.
- In the 24 hours following the incident, ROMs should liaise with the National Safeguarding Unit's Safeguarding Incident Manager to ensure the accuracy of information, in chronological order, is provided to meet reportable incident obligations.

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- Arrange immediate access to appropriate counselling or support if the person wishes. Ensure that counselling or sexual assault support services are accessible, and the provision of their services is inclusive of people with disabilities.
- If the person does not express interest in the first instance, this should be revisited periodically over the coming weeks and months.
- Hearing about allegations and incidents of sexual abuse can be traumatising for those providing support. Please talk to your Disability Service Leader or on call manager. They are there to help and assist you. You may like to contact LWB Employee Assistance Program (EAP) and chat with them. Call 1300 687 327 (24/7) or visit Converge online, find login details [here](#).
- Reactions to stressful events are very individual. Ensure all people involved in the incident are monitored for any changes in behaviour and are offered additional supports as required.

### **Supporting Family and Co-Residents**

#### **Disability Support Leader will:**

- Provide the ROM with the names and contact details of all family members and co-residents that require contact.
- Work with the ROM to coordinate and develop a response and communication to be shared with the family and co-residents.

#### **ROM and Disability Support Leader will:**

- Gather contact details for local specialist advice and assistance available to assist families and co-residents.
- Engages in open, honest and authentic conversations with families and co-residents, as appropriate.
- Acknowledge the event and adverse impacts they are experiencing.
- Where appropriate, offer an apology through our Active Apology process.

### **Supporting the Alleged Perpetrator**

- There may be cases where the alleged perpetrator resides or works in the same location as the person who has made a disclosure of sexual violence and is supported by LWB. LWB staff are required to support the alleged perpetrator with a safe and fair response. They will be provided with access to support services or EAP for staff.

## If the alleged perpetrator is a staff member

### Disability Support Leader will:

- Immediately notify the ROM that the allegation of sexual assault has been made against an LWB staff member or Agency staff.

### ROM will:

- LWB is obliged to report an allegation of abuse or neglect to the police and the NDIS Commission ([NDIS LWB 923 Reportable Incidents - Procedure](#)). The ROM will ensure this reporting is completed.
- Immediately inform the State Director of the allegation and make decisions regarding who will file the police report.
- As this behaviour constitutes a potentially serious breach of organisational processes, policies or values, responses are guided by LWB's Performance Improvement & Disciplinary Policy Guideline. The ROM or State Director must contact the LWB National Reportable Allegations Investigation Team (NRAIT) to inform them of the allegation and seek advice on the next steps.
- In line with policy, steps must be taken to ensure the temporary removal of the staff member from the service setting pending investigation by NRAIT.

## If the alleged perpetrator is a co-resident

### Disability Support Staff will:

- Prevent further contact between the alleged perpetrator and the person who has made the disclosure.
- Ensure that the alleged perpetrator is removed from the immediate location and supported separately from the person who has made the disclosure or otherwise identified victim, to prevent any further contact between them.
- Contact their Disability Support Leader (or equivalent line manager or on call) as soon as possible to inform them of the allegations.

### Disability Support Leader or On Call staff will:

- Ensure the person and perpetrator are supported by the most appropriate staff member/s on shift. This may mean additional staffing is required.
- In principle, the alleged perpetrator should be transferred from the service /residence while an investigation is undertaken.
- Consider the wishes of the person who made the disclosure when deciding who must be moved. Consult with the person who has made the disclosure, their independent advocate, relative/friend and/or any other interested party.

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- Find alternative accommodation for the alleged perpetrator if the person who made the disclosure chooses to remain in their home.
- Where this is not possible to speak with the person who has made the disclosure, any action taken must be based on the consideration of their best interests.

### **ROM will:**

- Ensure the required supports are rostered to support the alleged perpetrator within their alternative location.
- Ensure allocated support staff are separate from staff who support the person who made the disclosure.

## **National Resources:**



- The National **Sexual Assault**, Family & Domestic Violence Counselling Line



- Counselling, training and advocacy to support people impacted by **sexual**, domestic and family violence.

### [Sexual Violence Support](#)

- Directory of a variety of services including emergency and crisis care, information and advocacy, and counselling and support.

## **Related Policy, Procedure and Documents:**

[National Incident Management Procedure.docx](#)

[NDIS LWB 923 Reportable Incidents - Procedure.docx](#)

[NDIS LWB 925 Preventing and Responding to Violence, Abuse, Neglect, Exploitation or Discrimination - Policy Guideline](#)

[NDIS LWB 928 How to Access Advocacy Support – Easy English](#)

[‘Nature and extent of violence, abuse, neglect and exploitation against people with disability in Australia’, Centre of Research Excellence in Disability and Health, March 2021](#)

