



Office of the Public Advocate

Interagency Guideline for Addressing Violence, Neglect and Abuse (IGUANA)



IGUANA is a good practice guideline for organisations, staff members and volunteers working with adults who are at risk of violence, neglect or abuse.

Some adults with a cognitive impairment, communication disability, mental illness or other trait are at greater risk of harm than other adults.

The guideline was developed by the Victorian Office of the Public Advocate in collaboration with statutory agencies, family violence and sexual assault services, Victoria Police, and representatives from the disability and mental health sectors in Victoria. The guideline draws on national and international research and practice, as well as the United Nations Convention on the Rights of Persons with Disabilities.

IGUANA clearly states what action should be taken if a situation involving violence, neglect or abuse is reported to, witnessed by, or suspected by a staff member or volunteer. Staff and volunteers should be aware that women with disabilities are more likely to experience violence than both men with disabilities and women in the general population.

Many organisations will already have policies to guide staff responses to allegations of violence, neglect or abuse. Some services will be legislatively or otherwise required to respond in certain ways to such allegations. This guideline should be read in conjunction with existing laws and organisational policies. It is recommended that organisations ensure their policies are compatible with IGUANA.

Scope of the guideline

Definitions

Violence

is behaviour towards a person that is physically, sexually, emotionally, psychologically or economically abusive. It also includes 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.

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.

Abuse

is the violation of an individual's human rights resulting from the act or actions of any other person or persons.

The guideline has been designed for organisations providing services to adults with disability or mental illness, including, for example, in-home care, accommodation services and day services.

The organisations listed at the end of this document have endorsed IGUANA. Other organisations are also encouraged to use and endorse the guideline.

The guideline promotes timely, appropriate and empowering responses to instances of violence, neglect and abuse. This guideline does not address the significant duty of care organisations also have for their staff in these circumstances, which should be addressed by the organisations' human resources policies.

What should happen

If violence, neglect or abuse is witnessed, disclosed or suspected, immediate action should be taken to ensure the person's safety and wellbeing. All action should be undertaken in a way that is respectful of the person, is culturally appropriate, and empowers them to make their own choices and decisions wherever possible.

Please note that the following actions are not listed in a strict sequential order. Some may need to be undertaken concurrently and specific situations may mean certain actions should be prioritised.

The most senior staff member present should take the following actions:

① Protect the person

- > Ensure the person is safe and also feels as safe as possible. In an emergency, call 000 for police assistance.
- > Support the person to see a doctor for assessment and treatment of any injuries, including psychological trauma. Call 000 for emergency medical assistance.
- > If a staff member is accused or suspected of serious misconduct such as being violent towards, neglecting or abusing a service user, that staff member should be immediately removed from contact with the victim pending an investigation.
- > If a service user is accused or suspected of harming another service user, they should be removed from contact with the victim pending an investigation.
- > Consider whether an intervention order may be required. Discuss this option with the person and provide support to contact the local police station or Magistrates' Court as appropriate.

② Support the person

- > Reassure the person, discuss their options with them and ask them how they would like to be supported.
- > If a sexual assault has occurred, or is suspected, support may be sought from the Centres Against Sexual Assault by telephoning 1800 806 292.
- > If family violence has occurred, or is suspected, support may be sought from the Women's Domestic Violence Crisis Service on 1800 015 188.
- > Ensure the person is kept informed of actions taken and the progress of any investigation.
- > Consider referring the person to an independent advocacy organisation or victim support service, for example, the Victims Support Agency on 1800 819 817.
- > Plan for the provision of ongoing support to the person, as their needs and responses to the matter may change and the option of referrals may need to be revisited.

3 Report the matter immediately

- > Advise the manager or supervisor immediately.
- > Subject to the next point, if a crime has occurred, or is suspected of having occurred, the police should be called. In urgent cases – situations where a serious crime is suspected or alleged to have occurred, or where there is ongoing danger – the police should be called immediately. In non-urgent situations, the manager or supervisor should contact the police as soon as possible.
- > If the victim wishes not to report the matter to police, and has capacity to make this decision, this wish should be respected unless:
 - there is evidence aside from the victim's testimony of a crime having been committed, or
 - the victim suffered serious harm, or
 - the victim's decision was made under duress, or
 - the victim or other service users are still at risk of violence or abuse.
- > In some situations, organisational policies or service agreements will require the police to be called and these policies should be followed.
- > Prepare a written report as soon as possible, this should include a record of allegations and observed instances of violence, neglect and abuse. (Many organisations call these incident reports.)

4 Preserve any evidence

- > If a recent violent incident is reported to the police, act to preserve the integrity of any crime scene until the police arrive. This includes ensuring people do not enter the area unnecessarily and, in cases of suspected sexual assault, talk to the victim about why they should not shower or have their clothes washed.
- > Evidence should also be preserved for consideration by non-police investigators.
- > Ensure relevant documentation is stored securely.

5 Contact the family or carer

- > Subject to the next point, where the victim consents, or does not have the capacity to make an informed decision about this, their preferred support person should be contacted immediately and advised of the situation and all actions taken in relation to the matter.
- > Do not contact support persons where:
 - A criminal investigation is in progress or soon will be, and the police advise that the support person is a witness or a suspect in the investigation.
 - The victim has a guardian, in which case the guardian should be informed about the matter and consulted as to whether it is appropriate for a family member or carer to be contacted.

- The support person is a family member and family violence is suspected, as contacting the family may increase the risk of harm to the person.

- > Where they have been contacted, the preferred support person should be kept informed about the progress and outcomes of any investigations.

6 Encourage the person to take part in any investigation

- > The person should be encouraged and supported to make statements to police and other independent investigators. For example, appropriate support may be sought from agencies including the Centres Against Sexual Assault, independent advocacy organisations and the Federation of Community Legal Centres.
- > If a police investigation occurs, and the person has a cognitive impairment or mental illness, police should ensure that an Independent Third Person is present at the Video and Audio Recorded Evidence police interview. Independent Third Persons will assist the person to understand their rights and support them through the process.

7 Take further action if you have doubts or concerns

- > If, at any stage, there are doubts or questions about responding to an instance of violence, neglect or abuse, call the Office of the Public Advocate's Advice Service during business hours on 1300 309 337.
- > If any person alleges violence, neglect or abuse in relation to a Victorian disability service, contact may be made with the Office of the Disability Services Commissioner on 1800 677 342. The Disability Services Commissioner can respond to complaints or provide advice on what further steps may assist the person.
- > If a person alleges violence, neglect or abuse in relation to a public mental health service, then a complaint may be lodged with the Mental Health Complaints Commissioner on 1300 246 054. Complaints about other mental health services, and health services more broadly, may be directed to the Health Complaints Commissioner on 1300 582 113.
- > If you are not confident of the independence, integrity or timeliness of any non-police investigation (see point B 'Ensure that an investigation occurs'), and the instance concerns the activity of a government authority, consider making a complaint to the Victorian Ombudsman.

In addition to these immediate steps, the head (usually a CEO) of the organisation or senior departmental officer should take the following actions:

A Ensure that the preceding actions have been completed

- > Confirm with the relevant staff and managers that the preceding actions have been undertaken. If not, ensure that they are undertaken as soon as possible.

B Ensure that an investigation occurs

- > Even if a police investigation occurs, an investigation must be organised by the organisation with the relevant duty of care to the person. Agreement about the timing and scope of this investigation should be reached with police if a police investigation has occurred or is occurring.
- > The investigation should be undertaken as soon as possible and should not be carried out by anyone suspected of being involved in the incident. A preliminary assessment may be necessary to determine the scope and conduct of the investigation, including whether an external investigator should be engaged.

C Protect the wellbeing and rights of service users

- > Ensure the person is supported to access counselling, trauma and victim support services as required and that, where relevant, preventative measures are put in place to protect them from further harm.
- > Ensure that, as far as possible, steps are taken to prevent future harm to service users. This includes implementing relevant recommendations from the investigation.
- > Where the alleged perpetrator is also a service user, ensure all duty of care responsibilities are also met with regard to them and that their rights are also upheld. For example, ensure that the service's role in providing appropriate support to the alleged perpetrator, such as behaviour support, is reviewed and that steps are taken to address identified needs.

D Protect whistleblowers

- > Ensure that any person who reports an instance of violence, neglect or abuse is not thereby subject to adverse consequences.

The agencies below have endorsed this guideline and many of them assisted in its development.



Office of the Public Advocate Level 1, 204 Lygon Street, Carlton, Victoria 3053
DX 210293 Local Call: 1300 309 337 TTY: 1300 305 612 Fax: 1300 787 510
www.publicadvocate.vic.gov.au

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