

Article Information

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Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability - Update

What does “neglect” mean within “violence, neglect, abuse and exploitation”?

Many organisations in the disability sector are preparing to respond to requests for information from the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Royal Commission).

A central issue for participants in the Royal Commission is the scope and meaning of the terms “*violence*”, “*neglect*”, “*abuse*” and “*exploitation*”. Of these terms, perhaps the one most open to interpretation is “*neglect*”, and how this might be distinguished from other quality of care issues.

As part of its call for written submissions from members of the public, the Royal Commission has published the following guidance about its approach to “*neglect*”:

“Neglect includes physical and emotional neglect, passive neglect and wilful deprivation. 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.”

The guidance indicates the Royal Commission might not focus on isolated poor quality of care issues, unless they are:

- significant incidents by themselves, and/or
- part of an underlying persistent/repeated/systemic issue.

The Royal Commission’s definition of “*neglect*” covers neglect caused by a systemic issue at a specific service provider. A systemic issue at a specific organisation may result in the organisation being called upon to provide evidence about the extent of the issue, and whether, and if so how, the issue has since been addressed.

The Royal Commission’s overall terms of reference also include industry-wide systemic issues. Accordingly, complaints and evidence about isolated neglect or poor quality of care issues may be highlighted as part of an industry-wide systemic issue. For example, a particular poor quality of care issue might only occur once at your organisation. However, if this were found to be an example of a broader systemic failing across the industry, then the single incident at your organisation might still come under closer scrutiny as an example of the broader systemic issue.

Examples of “neglect”

The Royal Commission emphasised that its guidance is not final at this stage. However, it provides a useful insight into the Royal Commission’s approach ahead of it commencing its first public sittings.

By way of example the Royal Commission’s approach to “*neglect*” will be a critical factor in the following factual situations:

- **Support workers sleeping during an active night shift at a residential service,**
- **Inadequate responses to unexplained health symptoms,** and
- **Inadequate responses to emotional needs of clients.**

In practice, there is a very wide range of possible scenarios that may constitute neglect or poor quality of care. If approached to provide instances of neglect providers will need to take a broad lens approach, and seeking legal advice about the scope of the enquiry is recommended.

Please contact us if you require a detailed outline of our offering or a formal Capability Statement for the Royal Commission.