

# INDIVIDUAL SAFEGUARDING

**Merissa Van Der Linden**

Safeguarding individuals is fundamental to high-quality care and support, and all people, regardless of their disability, or capacity, should have their rights safeguarded<sup>1</sup>. The principles of safeguarding are founded on the articles of the *United Nations Convention on the Rights of Persons with Disabilities* (CRPD), and is enshrined in local and national legislation.

When people with disability are vulnerable or at risk of experiencing compromised rights, quality of life, or outcomes, safeguards can act as a response to minimise vulnerability and risk. Individual safeguards can be precautionary, preventative or reactionary; implemented to protect an individual from vulnerability and/or risk, harm, or reduce vulnerability and risk.

## **Understanding vulnerability**

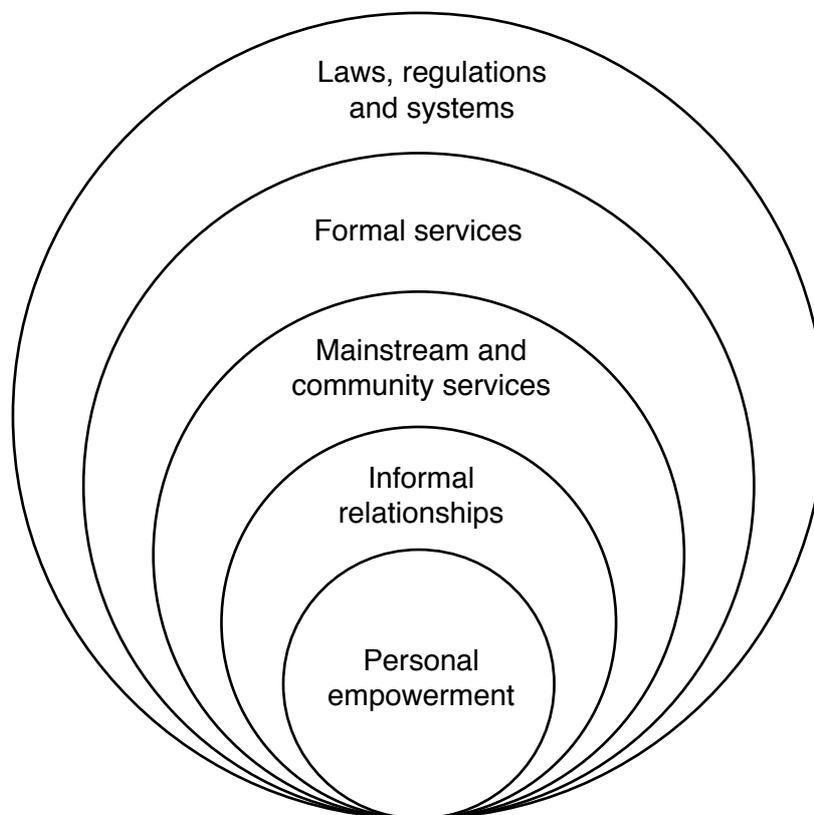
All people experience vulnerability and risks at points in their life. While it is not always in our control to prevent vulnerability and risks in our lives; we generally anticipate that we have the resources and capacity manage, or mitigate the vulnerability or risk we experience. The individuals we support within services may not always have the resources at their disposal.

While there are no pre-defined assessment tools, or checklists, that can reliably identify individual risk or vulnerabilities, social and other factors experienced by people with disability may reduce their ability to identify, manage and mitigate risks and vulnerabilities, and may exacerbate vulnerability. These factors can include personal characteristics, experiences, access to information, financial stability or instability, environmental factors and geographical location (where an individual lives), cultural identity, dependency on others for communication and basic needs, and health and wellbeing. While each of these factors can shape an individual's vulnerability, when multiple factors co-occur a person's vulnerability can be intensified<sup>2</sup>. When an individual is highly dependent on others for their communication, or to have their basic needs met, their vulnerability and need for safeguarding can be significant.

## **Developing safeguards**

There is standardised approach to developing and implementing individual safeguards<sup>3</sup>. For people with disability, safeguards can include a range of informal and formal supports and mechanisms operating at the level of the individual, the community, services sector and overarching government systems and legislation (see Figure 1). Safeguarding also encompasses effective responses to allegations of harm and abuse, responses that are in line with organisational policies and procedures, and contractual and legal requirements.

**Figure 1. The range of safeguards<sup>4</sup>**



Safeguards developed at all levels should balance individual dignity of risk with duty of care, and impose the least possible restrictions. Safeguards should be proportional, tailored to the individual, and include strategies to enhance the wellbeing and safety, while providing the individual with opportunities to make and assert choices in a ‘safe to fail’ and ‘safe to learn’ environment.

**Figure 2. Safeguarding considerations.**

Proportionality:	Safeguards are proportionate and responsive to the individual’s level of vulnerability and the potential risks/hazards.
Personal Power:	Safeguards maximise an individual’s opportunity to build capacity.
Prevention:	Safeguards prevent abuse, neglect and harm.
Capacity:	It is assumed the individual has the capacity to make decisions and exercise choice, regardless of their disability. Supports are provided to the individual to assist them in decision-making processes about safeguarding.
Minimal restriction:	Safeguards place the least possible restriction on the individual.
Accountability:	There is accountability and transparency in the delivering and monitoring safeguards.

All organisations that work alongside people with disability have a responsibility to do no harm and ensure the people they support are safe. To effectively safeguard individuals we are required to following some basic principles of 'good' support.

- Ensure there is deep understanding of needs, interests and preferences of individuals, and their supporters.
- Assume individuals have capacity to shape and guide their supports and services, and participate in decision-making processes.
- Assume all people have the right to live without fear, threat or violence, and can access support, advice or practical help (when required and relevant) about personal safety and risks.
- Implement all reasonable measures to ensure the risks of harm to individuals is minimised, without restricting the individual's rights.
- Ensure where there are concerns about the welfare of individuals that appropriate actions are taken to address and minimise or eliminate those concerns.
- Ensure all staff are aware of their safeguarding responsibilities and are able to recognise and respond to risks and vulnerabilities.
- Ensure safeguarding is considered at all stages of service design, provision and review.
- Work to agreed policies and procedures and demonstrate compliance with the relevant service standards and (changing) contractual and legislative requirements, and ensuring there are policies and procedures in place that demonstrate a commitment to safeguarding.

## Merissa Van Der Linden

Head of Quality, Safety, Health and Environment

merissa.vanderlinden@activ.asn.au

 [www.activ.asn.au](http://www.activ.asn.au)

---

<sup>1</sup>National Disability Insurance Agency (NDIA), (2014, n.p.) website indicates that the term 'safeguards' refers "...to a range of supports and mechanisms that ensure safety and wellbeing while supporting a person to have a good quality life, to be an active and equal citizen, and to be able to reach their potential". <http://www.ndis.gov.au/participants/safeguards>

<sup>2</sup>Martin, A. (n.d). *The Social Determinants of Vulnerability Framework*.

<sup>3</sup>Even capacity assessments undertaken through Guardianship and Administration processes, by the Office of the Public Advocate and the State Administration Tribunal are not based on standardised tools or assessments. They are instead heavily dependent on the input and reports of people who know the person (the Proposed Represented Person) well.

<sup>4</sup>Disability Services Commission (DSC). (2014). Position Paper: Individual Safeguarding.