

SHAPE DISABILITY

PERSONAL RELATIONSHIPS & SEXUALITY

POLICY

1. Purpose

The purpose of this policy is to ensure that:

- The rights in the area of personal relationships and sexuality of people with a disability receiving services from the Shape Disability Services are protected.
- An individual's need for information, education and support in this area is met, ensuring that the cultural rights, views, values and expectations of people with disability are not compromised, including those of Aboriginal people with disability, and of people with disability from culturally and linguistically diverse backgrounds.

2. Scope

This policy applies to all Shape Disability Services workers involved in/ responsible for providing individuals with information, education and support in the complex area of personal relationships and sexuality.

3. Definitions

Term	Definition
Sexuality	An aspect of human development that relates to a person's capacity and learned behavior that allows them to experience and respond to sexual feelings, to behave sexually, and to participate in sexual activity and intimacy with others. It includes sexual identity and preference. Sexuality has psychological, behavioural, emotional and reproductive aspects that are influenced by gender, class, politics and social and cultural factors. A person's understanding of their sexuality is central to their self-image, self-worth and self-awareness. This understanding impacts greatly on how they relate to themselves and others. A person's sexuality and sexual behavior should be viewed in the context of overall personal and social development, knowledge and skills and the environment in which they were raised and reside
Personal Relationships	A close, intimate connection between people, often built on emotional bonds, mutual experiences, and interdependence.
Consent	Consent, as it relates to consenting to a sexual relationship, is the permission or agreement given by each partner to the relationship. To give valid consent the person must understand what they are physically consenting to, for example - touching, kissing or penetration. They must also understand the sexual nature of any touching, as opposed to non-sexual touching associated with washing or receiving medical treatment. Additionally, the consent given by the person must be given freely and the person must understand and be able to exercise their right to refuse sexual behavior. When

	the person's ability to consent is in question, referral to a qualified professional is required.
Sexual Consent	Sexual consent is a free, voluntary and informed agreement between people to participate in a sexual act. This agreement is only present when these people mutually and genuinely feel they want to engage in that sexual act and actively make sure their partner does too.
Legislation Rights	These are rights which are protected by law. This includes the legal age of consent, the right to marry, the right to live in a defacto relationship, the right to have protection against unwanted sexual advances – as legislated by law.
Protective Behaviours	Learned behaviours that enhance the person's ability to protect themselves from sexual assault and other forms of abuse and exploitation.

3. Principles

People with disabilities have:

- The right to access unbiased information, education, resources and support, in the area of personal relationships and sexuality, that is presented to them in a manner they understand.
- The same rights as other members of the community to develop relationships and to determine the nature of those relationships.
- Sexual feelings and the same right to express their sexual feelings as other members of the community.
- A right to live in environments which enable emotional and physical privacy in the area of personal relationships and sexuality and in the management of their personal hygiene and sexual health.
- A right to make informed choices about the form of contraception they will use.
- The right to make informed decisions about the reproductive aspects of their lives.
- The right to be free from exploitation and harassment, including that of a sexual nature.
- The right to form their own values and beliefs, while being aware of the range of values held by their peers and society.

4. Relationships between employees and participants

Personal relationships of a sexual nature between a Shape Disability employee and a participant is considered to be a serious offence. If, following an investigation, an employee is found to have conducted such a relationship, they will be dealt with in accordance with Shape Disability's incident management processes. Additionally, external agencies such as the Police, may be informed, where necessary. It is a breach of the NDIS Code of Conduct, for workers to engage in sexual activity with a participant.

5. Sexual Misconduct

Sexual misconduct involving Shape Disability employees and participants, is a Reportable Incident that will be managed in accordance with Shape Disability's incident management processes. Inappropriate behaviour that may include sexual misconduct:

- a. asking the person on a date
- b. touching any part of a person's body in a sexual way
- c. touching a person in a way they do not wish to be touched
- d. displaying their genitals to the person
- e. coercing, by pressuring or tricking, a person to engage in sexual behaviours or acts
- f. making sexual or erotic comments to the person – in person or by text message, email or social media message (as well as written comments, this includes images and audio)
- g. making sexually suggestive comments or jokes
- h. intentionally staring at a person in a way that makes them feel uncomfortable
- i. making comments about a person's sexuality or appearance
- j. making requests of a sexual nature, including to remove clothing, for sexually explicit photographs, videos or for sexual activities
- k. showing the person pictures or videos of naked people, or people undertaking sexual activities
- l. ignoring or encouraging sexual behaviour between people with disability that is non-consensual or exploitative.

This list doesn't cover all situations and there may be other activities or behaviours that constitute sexual misconduct.

5. Review of the Policy

This policy will be reviewed every two years or as required.



Shape
Disability

Attachment A

FORMS OF ABUSE AND NEGLECT

Emotional Abuse

Emotional abuse (also known as psychological abuse), is verbal or non-verbal acts that cause significant emotional or psychological anguish, pain or distress including verbal taunts, threats of maltreatment, harassment, humiliation or intimidation, or a failure to interact with a person with disability or acknowledge the person with disability's presence

Examples of emotional abuse include:

- verbal abuse
- continual rejection
- controlling behaviour
- physical or social isolation
- threats of abuse and harm to the individual or another
- acts that humiliate, degrade or serve to deliberately undermine the individual's confidence
- use of psycho-social restraints such as withdrawing 'privileges' as a consequence of non-cooperation or direction a person to stay in a specific location or position until told to discontinue
- cyberbullying
- putdowns, ridicule and shaming aspects of the person's being such as their beliefs, opinions, skills, body, friends, or cultural background.

Financial and Economic Abuse/Exploitation

Financial and economic abuse/exploitation refers to the improper or illegal use of money (including NDIS funds where they are managed by the individual person with disability), property, resources or assets of a person with disability, including improperly withholding finances from that person, and coercing or misleading the person with disability as to how the funds or property will be used.

Examples of financial abuse include:

- denying the individual access to money
- incurring debts in the individual's name
- benefit fraud
- overcharging the individual for service provision
- making significant financial decisions without consulting the individual
- stealing money from the individual
- preventing the individual from getting or keeping employment
- taking or selling the individual's possessions.

Systemic Abuse

Systemic abuse is a failure to recognise, provide, or attempt to provide adequate or appropriate services, including services that are appropriate to the person's age, gender, culture, disability

support needs or preferences, that has a significant physical, emotional or psychological impact on the person with disability.

Physical Abuse

Physical abuse is the non-accidental physical acts towards a person with disability that are intended to cause hurt or harm. Acts that result in that person experiencing significant pain, shock or other unpleasant sensation. In some circumstances, acts of physical abuse will also amount to unlawful physical contact or assault, and may cause a serious injury to the person with disability.

Examples of physical abuse include:

- pushing, shoving, hitting, slapping, choking, hair pulling, punching or using weapons
- the use of unjustified restrictive practices, including the use of mechanical and physical restraints to control, prevent or subdue a person's movement.

Sexual Abuse

Sexual abuse is any actual or threatened sexual contact without consent, such as unwanted touching, rape, exposure of genitals and making someone view pornography against their will. The NDIS defines sexual abuse and misconduct as any sexual activity, unwanted sexual attention, or sexual exploitation against a participant.

In certain instances, sexual abuse has occurred whether or not consent of any form was sought or obtained from the person against whom the abuse was committed.

Examples of sexual abuse include but are not limited to:

- rape, including being forced or coerced to perform unwanted sexual acts, or to have sex with others
- unwanted touching of sexual or private parts
- causing injury to the individual's sexual organs
- forcing the individual to look at sexual material such as videos or pictures
- sexual denigration
- unsolicited telephone calls or text messaging of a sexual nature
- disclosing intimate knowledge, including threatening to share private photographs or information of the individual
- pressuring someone to agree to sex.

Social Abuse

Social violence is behaviour that limits, controls or interferes with a person's social activities or relationships with others, such as controlling their movement and denying them access to family and friends and activities.

Examples of social abuse include but are not limited to:

- monitoring movements, internet use and social communications
- isolating the individual from their social networks and supports

- preventing the individual from going out to meet new people
- prohibiting or limiting social engagement through environmental or mechanical restraints
- spreading lies about the individual through their support networks in order to discredit them.

Spiritual Abuse

Spiritual abuse is any behaviour that denigrates a person's religious or spiritual beliefs, or prevents them from attending religious gatherings or practicing their faith. It also includes harming or threatening to harm individuals or children in religious or occult rituals, or forcing them to participate in religious activities against their will.

Examples of spiritual abuse include but are not limited to:

- ridiculing or putting down the individual's beliefs and culture
- preventing the individual from belonging to or taking part in a group or ceremony that is important to their spiritual beliefs, or practicing their religion
- manipulating religious teachings or cultural traditions to excuse abuse and/or neglect.

Neglect

Neglect includes an action, or a failure to act, by a person who has care or support responsibilities towards a person with disability.

Examples of neglect include:

- forcing the individual to go without food, water, shelter, clothing or hygienic living conditions
- leaving an individual for extended periods of time in beds, bathtubs or on toilets that exceeds their comfort
- taking away or turning off aids/equipment that are needed for the individual to maintain some level of independence
- failure to provide support to attend appointments
- failure to provide adequate information and education surrounding medications and services.

Neglect can include a number of specific categories that must be reported including:

- Grossly inadequate care
- Failure to access medical care
- Supervisory neglect
- A reckless act or failure to act
- Failure to protect from abuse