



POLICY NO: SP-11

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Rights Policy

1.0 Introduction

Like everyone else, people with a disability have the right to respect for their human worth and dignity and to full participation in society equal to all other citizens. They have the right to exercise choices that are the same, or close to the conditions of everyday life enjoyed by other people in the community.

Under the Disability Services Act 1993 each person has the right to receive services which respect and promote their legal and human rights and which place them at the centre of decision making on all aspects of the way they live their life.

As a service provider ConnectAbility Australia (ConnectAbility) is aware of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and applies the guiding principles of fairness and human rights in all aspects of its service delivery.

2.0 Purpose

This policy outlines the principle expectations of ConnectAbility in regards to the application and maintenance of rights and responsibilities. It has been incorporated in to the organisations Quality Framework to serve as an important guidepost in articulating the rights and responsibilities of people using the service, their families, carers and other important people who form part of the person's support network. It will function as a tool to stimulate and promote trust and cooperation and clarify expectations.

3.0 Scope

The scope of this policy covers all of the activities and operations of ConnectAbility Australia.

The policy applies to all participants, their families, carers and other important stakeholders, staff, volunteers and contractors.

4.0 Definitions

- **Participant:** For the purposes of this document, the term participant refers to all potential, current and previous participants of ConnectAbility.
- **Right:** acceptable within a community's range of actions, beliefs and values; guided by mutual understanding, agreement and current practice; permitted and given to a person under law, e.g. equal opportunity, equity and access and anti-discrimination.
- **Responsibility:** things or actions within one's power or control for which an individual is answerable
- **Capacity:** the ability of a person 'to make decisions about things that affect their daily life'.

A participant's capacity to make a particular decision should only be doubted if there is a factual basis to doubt it. It should not be assumed that a client lacks capacity because she or he has a particular disability.

Capacity is unique to each individual and should not generally be assessed simply on the basis of a type of disability. A participant has capacity to consent if she or he is able to understand the general nature and effect of a particular decision or action, and can communicate an intention to consent (or refuse consent) to the decision or action. (ADHC Decision Making and Consent Policy and Procedures 2012)

5.0 Principles

ConnectAbility ensures that the intent of the following principles are implemented in the course of service delivery.

- All people have the right to respect for their human worth and dignity;
- All people have the right to be free from discrimination, abuse or neglect and receive services which respect and promote their legal and human rights;
- All people have the right to full participation in society equal to all other people, according to their individual and cultural needs and preferences;
- All people have the right to make their own decisions on the way they live their life;
- All people should be able to access information on their rights and be supported to exercise these rights;
- All people have the right to receive services which maintain the privacy of their personal information in line with relevant legislation;
- Equality between men and women;
- Active partnerships between services and people with disability; and where appropriate, their families, friends, carers and/or advocates;
- ConnectAbility's duty of care and legislated responsibilities for participant safety may take precedence over confidentiality under certain circumstances (e.g. subpoena)
- When a participant is unable to make a critical decision without assistance, the family, with regard to the best interests of the participant, may provide informal support to make the decision;
- In the cases of any disagreement about what constitutes the best interest of the participant or particularly critical decisions, a legally appointed guardian with the specific decision making function may be required to give or withhold consent;
- Sometimes there are disputes between families, legally appointed guardians and service providers in relation to what is in the best interests of participants who lack the capacity to make decisions. If these cannot be resolved through discussion, and a decision is required, it will be made by the legally appointed guardian with the specific function;
- Families and carers have the right to make choices and be involved in decisions about all aspects of services offered to their child;
- Participants have a right to be consulted directly about decisions that impact on them in age appropriate ways;
- ConnectAbility is committed to providing each person using a service with information, and support to understand and exercise their legal and human rights both within the service and in the broader community;

- ConnectAbility is committed to providing training to staff on the importance of recognising and respecting the legal and human rights of people who use the service;
- ConnectAbility is committed to providing training and information to staff which ensures they are skilled in identifying and addressing risk factors and in responding effectively and proactively to allegations of abuse or assault;

6.0 Policy Statement

ConnectAbility believes each person (including children, young people and adults) with a disability has rights and should have them respected, upheld and maintained at all times. ConnectAbility has a commitment to upholding each person's legal and human rights in all aspects of receiving a service and will act to promote and protect these rights in accordance with the United Nations Convention on the Rights of Persons with Disabilities.

All information obtained from clients or about clients, including all written information in files or computer, information obtained by word of mouth, visual media and electronic recording are included for the purposes of this policy. The rights and responsibilities are defined in legislation, and ConnectAbility policies.

6.1 Participant Rights:

Participants of ConnectAbility Australia have the right to:

Respect for their individual human worth, dignity and privacy;

- Participate fully in the life of their community;
- Be informed about available services/programs provided by ConnectAbility Australia and how to participate in and contribute to decision-making;
- Have services and supports to match their ongoing needs and goals;
- Have services and supports provided by appropriately qualified employees;
- Be consulted about their needs and preferences;
- Request to have their service provider changed;
- Involve an advocate of their choice;
- Have someone to speak on your own behalf;
- Have control over their own lives and have a say in the provision of services that affect them including participating in decisions concerning the type of support/assistance provided and the way it is provided;
- Appropriate support/assistance which is flexible in response to their changing needs and priorities;
- Access to quality services irrespective of sex, race, ethnicity, culture, language, religion, marital status, disability, sexuality or age;
- Expect support/assistance that is reliable, of high quality, culturally and linguistically relevant;
- Privacy and confidentiality (except where compelling ethical, moral or legal reasons prohibit);
- See any information about them held by ConnectAbility in their files (and to amend any incorrect information);
- Express grievances and seek redress without fear of it affecting decisions relating to the assistance they receive;
- Have complaints or grievances about service provision heard and dealt with in a fair and objective manner;
- Refuse a service/support (and refusal should not prejudice their future access to services).

6.2 Participant Responsibilities:

Those accessing the support of ConnectAbility Australia have a responsibility to:

- Respect ConnectAbility staff, volunteers and other person's using the service, their families and carers;
- Respect the rights of others including their rights to confidentiality and privacy;
- Inform ConnectAbility Australia of all support needs.
- Inform ConnectAbility Australia of any health, behavioural or wellbeing issues.
- Proactively participate in the development, implementation and review of person centred support plans and schedules
- Communicate any changes in circumstances and/or needs.
- Promptly pay any fees and charges associated with the provision of service.
- Inform ConnectAbility Australia as early as possible when support is not required.
- Act in a way which respects the rights of other participants and ConnectAbility Australia employees.
- Take responsibility for the results of any decisions they make.
- Seek a fair resolution of any complaints.

6.3 Decision Making and Choices

People with a disability have the same human rights as other members of society, and they have the right when using ConnectAbility to receive services in a way that results in a minimum restriction of their rights and to participate in the decisions which affect their lives, ConnectAbility staff members are to adhere to the following:

- ConnectAbility is committed to empowering all participants to participate as fully as possible in decision-making for choices of activities and events in their daily life. Participants will be provided with information and support to access to an independent support person or advocate involved in assisting them to make decisions, choices which affect their lives.
- ConnectAbility will support participants to access any information to enable them to participate in decisions affecting their lives, we will respond to the changing needs, goals, aspirations and choices of service users and we will communicate in appropriate formats to facilitate their informed decision-making and choice.
- ConnectAbility will provide appropriate and flexible opportunities for each individual to participate in decision making at all levels including individual choices in support planning, service delivery planning and review.

Where ConnectAbility is unable to meet the needs and goals of a person using the service or is not resourced to effectively meet the person's needs ConnectAbility will refer the person to other specialist service providers or community based organisations to facilitate their support needs.

- ConnectAbility will act upon the outcomes of the participants or their family and carers input into decision-making.
- Ongoing training will be given to employees in responding to the needs of participants and assisting them to make informed choices in the least restrictive way as possible.
- Employees are to offer the client different choices incorporating duty of care they are to empower clients in their own decision making where possible, and to treat the participants, their families and carers with dignity and respect.

- Where the person has the capacity for decision making, all options and risks involved must be discussed with them, all the risks and outcomes are to be clearly explained and all relevant stakeholders are involved in the decision making process.
- If the decision doesn't place anyone at risk then participants and staff are to comply with the decisions.

6.4 Consent to Restrictive Practices

In the context of Restricted Practices consent is the permission given by the participant (where they have the capacity to consent) or person(s) with appropriate legal authority for the use of a specific practice as a component of an overall behaviour support strategy.

6.5 Critical Decisions

Participants are required to make a number of important decisions in their lives. If a person lacks the capacity to provide or withhold consent, this may be done by a legally appointed guardian with a specific decision making function. These critical decisions may relate to particular medical and dental treatments, certain behaviour support and intervention practices, accommodation choices or service delivery decisions (ADHC Decision Making and Consent Policy and Procedures 2012).

7.0 Responsibilities

The **CEO** is responsible for the final review of this policy and forwarding to CoM for approval.

The **Operations Manager** is responsible, and will be held accountable for the following:

- ensuring the policy is effectively implemented in the service for which they have control;
- monitoring staff compliance with the requirements of the policy;
- ensuring staff are provided with training and information on the importance of recognising and respecting the legal and human rights of people who use the service;
- ensuring staff are provided with training and information so they are skilled in identifying and addressing risk factors and in responding effectively and proactively to allegations of abuse or assault.

The **Support Delivery Coordinators/Support Planner** are responsible and will be held accountable for the following:

- ensuring staff are familiar with the requirements of the policy, and have sufficient skills, knowledge and ability to meet the requirements.

All **Staff and Volunteers** will be held accountable for the following:

- complying with the requirements of this policy;
- completing mandatory training in relation to this policy.

8.0 Equity and Access Considerations

ConnectAbility Australia is committed to ensuring fair and equal access to physical environments, information, communication and services. For the communication and implementation of this policy, this may include:

- Considering the suitability of physical environments

- The use of augmentative and alternative communication methods to supplement or replace speech or writing for those with impairments in the production or comprehension of spoken or written language. These methods include the display of text, large print, tactile communication, easy English, accessible multimedia and accessible information and communications technology.

9.0 Cultural Diversity

Staff are to ensure that services are provided with sensitivity to and an awareness of the cultural beliefs and practices of people from culturally and linguistically diverse backgrounds. This is inclusive of the awareness of needs of Aboriginal and Torres Strait Islander people, their families and communities.

10.0 Quality assurance mechanisms

Supports provided by ConnectAbility must be underpinned by a quality framework that ensures consistency and a high level of quality care and support for participants, their families and carers. ConnectAbility acknowledges that it will be required to undertake third party verification of their performance against the National Disability Service Standards prior to June 30, 2015.

ConnectAbility's adopted Standards Policy framework must be informed by human rights principles, refer to nationally consistent standards, clear accreditation mechanisms, sound compliance and monitoring systems, and information readily available to participants, families and carers to inform them of minimum quality expectations.

11.0 Communication

Communication about this policy should be implemented in a way that suits each person with regard to their cultural background e.g. use of an interpreter or easy to read documents.

This policy will be:

- communicated to the key internal and external stakeholders of ConnectAbility;
- communicated to ConnectAbility Australia staff through professional development opportunities;
- accessible through ConnectAbility Australia's internal intranet and website.

12.0 Review of Policy

This policy will be reviewed in consultation with participants, their families and carers and staff every 3 years.

The move to a nationally recognised Standards Framework is a priority of the National Disability Agreement (NDA). The continued implementation of Stronger Together 2 and introduction of the National Disability Insurance Scheme will provide evidence as to the planning and review principles, guidelines and procedural direction for ConnectAbility. This policy is not intended to be a static document and ConnectAbility will make a commitment to its ongoing development.

13.0 Related Documents

1. [Participant Rights and Responsibilities Fact Sheet](#)

13.0 Related Policies

- Participant Access and Exit
- Participation and Inclusion

- Service Delivery
- Complaints Management
- Freedom from Abuse
- Planning and Review
- Privacy Code of Ethics and Practice
- Participant Advocacy
- Performance Management Policy
- Discrimination and Harassment

14.0 Related Legislation and Documents

- National Disability Service standards
- NSW Disability Services Act
- Disability Discrimination Act
- Racial Discrimination Act
- NSW Anti-Discrimination Act
- National Disability Insurance Scheme Act (2013)
- United Nations' Convention on the Rights of Persons with Disabilities 2006
- Living Life My Way Framework (ADHC)
- ADHC Decision Making and Consent Policy and Procedures 2012

Version	Date	Author	Reason	Sections
4	August 2014	Scott Harvey	Updated to reflect NSF and NDIS Approved by CoM	All
3	November 2013	Scott Harvey	Policy reviewed to reflect new National Standards Framework and introduction of NDIS.	All
2	October 2008	Scott Harvey	Policy reviewed in consultation with staff and service users. Ratified by CoM	All
1	October 2006	Shelley Williams	Policy created to reflect new DSS	All