

Issued: 3/02/2020

Stage: Issued

Objective:

To outline the rights afforded to all people with a disability under the Disability Act 2006 and the NDIS Act 2013 in keeping with Australia's commitment to the United Nations Convention on the Rights of Persons with Disabilities.

This policy will embed our commitment to:

- upholding, defending, and incorporating these rights into everything we do, every day,
- advocating principles of fairness and human rights in all aspects of service delivery.
- ensuring that services are provided in an environment free from discrimination, financial, sexual, physical and emotional abuse, neglect or exploitation

This policy is made in accordance with the following NDIS Practice Standards:

Core Module: Division 1 - Rights and Responsibilities

'Each participant accesses supports that promote, uphold, and respect their legal and human rights and is enabled to exercise informed choice and control. The provision of supports promotes, upholds and respects individual rights to freedom of expression, self-determination and decision making'.

Supplementary Module 5: Specialist Disability Accommodation - Rights and Responsibilities

'Each participant's access to specialist disability accommodation dwellings is consistent with their legal and human rights and they are supported to exercise informed choice and control'.

Scope:

This policy applies to:

The **focus** governing body and key personnel

All **focus** staff

All volunteers and contractors operating within **focus**

All people with a disability.

The **focus** Easy Read "**Your Rights**" booklet outlines these rights and responsibilities in a way that is accessible and reflects different communication abilities of people supported by **focus**.

Policy Statement:

focus is committed to maintaining an organisational culture that upholds the legal and human rights of clients and ensures they are able to exercise those rights as outlined in relevant legislation including the:

- Age Discrimination Act 2004
- Australian Human Rights Commission Act 1986
- Disability Discrimination Act 1992
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984

Client Rights - Policy



People with a disability are guaranteed fundamental human rights which are the equal of rights enjoyed by all citizens.

In Australia these fundamental rights have been defined and protected in:

- The NDIS Act 2013 - the legislation which establishes the National Disability Insurance Scheme
- the Disability Act 2006 - which provides the basis of services to people with an intellectual disability.
- The Charter of Human Rights and Responsibilities Act 2006 - a Victorian law that sets out the basic rights, freedoms and responsibilities in Victoria. It is about the relationship between the Victorian Government and the people it serves.

The Charter requires public authorities, such as Victorian state and local government departments and agencies, and people delivering services on behalf of government, to act consistently with the human rights in the Charter.

In certain circumstances, some rights may be limited, however, this must be necessary and reasonable and there must be clear reasons for the decision.

No clients rights will be limited at **focus** without due process and in all cases these rights limitations will be documented in a Behaviour Support Plan (BSP).

focus will provide easily understood and accessible information to all clients at service commencement about:

- what the organisation does
- how clients can contact the organisation
- the service standards clients can expect
- opportunities to provide feedback or make a complaint

focus will involve clients in the development of policies and procedures that impact on their service

At **focus** clients are entitled to:

- participate in decisions about their lives
- receive sufficient information about the service and its terms of use
- privacy and confidentiality
- access information that the service has about them
- be treated with dignity and respect
- be free from physical, sexual, emotional and verbal abuse
- information on how to lodge a complaint if they are unhappy with any aspect of the service
- have complaints dealt with fairly and promptly
- be free from discrimination
- appeal decisions made about them and to have their appeal dealt with fairly
- a safe and healthy environment within the service and their facilities
- understand information to make informed life choices

Clients living in **focus** Supported Accommodation are entitled to:

- reasonable adjustments and modifications to their dwellings to meet their needs
- respect of their autonomy, right to privacy, intimacy and sexual expression

Clients will be supported by **focus** to exercise choice and control over their lifestyle.

Client Rights - Policy

Clients will be informed on their rights, in a manner which is understandable:

- at the beginning/before services are delivered
- on an ongoing basis
- when their rights change

Client of **focus** will be informed of what rights can be changed without their consent

Responsibilities:

Executive Management are responsible for guiding the organisational culture and implementing policies that support the legal and human rights of clients.

Area Managers are responsible for continually ensuring that staff are actively engaging in maintaining people's rights through adherence to the relevant policies and procedures.

They will do this through regular collaboration and communication with their frontline leadership group and staff.

Customer Relationship Leaders and Activities Facilitators are responsible for ensuring that people's rights are being upheld and protected.

They will do this by providing education and discussion in team environments

They will assist and guide staff to advocate for the people they support.

Active Support Workers are responsible for actively upholding, protecting, and advocating for the rights of the people they support.

They will do this through ensuring they are familiar with the relevant legislation that protects these rights and will demonstrate this awareness in their daily support work.

Any consideration of restricting these rights should be carefully considered, discussed, documented, and approved by an Authorised Program Officer (APO).

A BSP must be implemented with a timeframe for review.

The APO is responsible for authorising any restriction to a person's rights once the analysis and planning has been completed.

Client Rights and Responsibilities

As a client of **focus** you have a right to:

- Be treated in a professional, courteous, and caring manner that respects and appreciates differences related to race, ethnicity, national origin, gender, sexual orientation, religion, personal values, age, disability and economic status
- Live an independent, active and fully productive life, regardless of the severity of disability, whether physical, mental, sensory or hidden, or whatever combination of these.
- Determine your own future, lifestyle and life choices, and to have access to the information necessary to make your own decisions.
- Expect that your personal privacy will be respected and confidentiality protected to the greatest extent permitted by law.

Client Rights - Policy

- Form relationships and participate in family life.
- Appropriate assessment, counselling, physical and mental health care, and to the equipment, assistance and support services necessary to live a fully productive life.
- Make decisions about your medical treatment and to access the information necessary to this.
- Communication and information, available in an accessible format appropriate to the individual, enabling full and independent participation in society and underpinning the exercise of all other rights.
- Equality of opportunity in all aspects of social, recreational and cultural life.
- Education provision suited to your individual needs.
- Personal mobility and to live in an environment free of physical, information and communication barriers.
- Appropriate housing, which meets your need to live as independently as possible.
- An income that provides for the necessities of life, taking into account individuals different needs.
- Training and employment without discrimination and with proper regard to your abilities and choices
- Challenge and to seek changes in attitudes and perceptions which limit your participation in all aspects of community life.
- Join a trade union and to have their specific needs properly represented by that body.
- Legal representation and to equal protection under the law.
- Protection from discrimination in all areas, including the legal system itself.
- Choose to use or not to use our services.
- Make a complaint about the service received from **focus**, and expect that this complaint will be investigated appropriately.
- View information about you held by the organisation with reasonable notice.
- Be consulted and participate in decisions concerning the type of assistance you receive and the manner in which it is provided.

As a client of **focus** you have a responsibility to:

- Be respectful of the rights and needs of others, including **focus** staff, volunteers and other clients.
- Be respectful of **focus** property and contribute to providing a safe working environment for **focus** staff.
- Maintain confidentiality regarding information about other clients or participants in programs offered by **focus**
- Provide accurate information about yourself in order to receive the best service.
- Care for your own health and well-being as far as possible.
- Inform us if your needs or circumstances change.

Examples of Rights Restrictions

Some common examples of restricting the rights of people are:

1. Taking away a "possession" that is important to the person = Right not to be deprived of property
2. Removing an outing as "punishment" for poor behaviour = Right to take part in public life
3. Barriers/locks to prevent people from accessing "normal" areas of their environment (ie. kitchen) = Right to freedom of movement
4. Denying access/visit to a friend or relative = Right to freedom of association

Staff should always remember that these rights are protected and enforced by legislation and they cannot be limited or restricted without adhering to the proper processes required to develop and implement an authorised Behaviour Support Plan.