



**Subject:** Rights

**Policy No:** NS1-1

**Disability Standard:** 1 – Rights

## Purpose

To outline how we create safe and positive environments for clients and promote clients' legal and human rights.

## Policy Statement

Our services promote choice, self-determination, freedom of expression, are free from discrimination and recognise the need for privacy. While acknowledging the dignity of clients choosing to take risks, we take proactive steps to protect against risks of neglect, abuse and violence.

## Responsibility

These roles are responsible for implementation and compliance monitoring of this policy in their work areas:

- CEO and delegates
- Client Services Managers
- Client Wellbeing Consultant
- Health Team
- [Contact Team](#)
- Manager, Safety and Environment

## Scope

This policy applies to current and potential clients and their families, and all staff and volunteers providing services to clients.

## Policy in Action

Staff must not have sexual engagement of any kind with any client. This is unethical and considered gross misconduct. Staff in no way can directly assist a client or their partner with a sexual act. Sexual activity between a staff member and a client with an [intellectual disability](#) constitutes a criminal offence.

If staff are in any doubt about a matter of client safety or wellbeing, they can phone the Contact Team in the first instance (see [Client Safety & Wellbeing – Who to Call](#) for regional Contact Team phone numbers).

- Our services are respectful of:
  - Human dignity and worth
  - Cultural and linguistic needs
  - Privacy and confidentiality
  - Self-determination
  - Freedom of expression
  - The role of family, friends, carers and advocates in safeguarding rights.
  
- Our services identify and respond to concerns in the areas of:
  - Emotional and mental health
  - [Behaviours of concern](#)
  - Child protection
  - Allegations of assault, abuse or neglect of adult clients
  - Behaviour support and use of [restrictive practices](#).
  
- Our services actively seek to protect against physical and emotional discrimination, abuse, [neglect](#) and exploitation.
  - We take proactive steps, with the support of the Client Wellbeing Consultant, to ensure [early identification of vulnerable clients](#) and monitor and support their wellbeing
  - Staff and prospective employees are screened against state and national registers
  - Staff are given mandatory training and refresher training to recognise indicators and follow procedure (see [Staff Training Guide](#))
  - Staff aware of any issues of this kind (current or historic) must immediately contact the [Contact Team](#).
  
- We maintain our [duty of care](#) in creating a safe environment, and respect the [dignity of risk](#) that may come with client choice.
  
- We fulfil obligations with regard to reporting of [children](#), [young people](#) and adults with disability who are at risk of significant harm in relation to their health and/or safety to the appropriate authorities – including, but not limited to, the NDIS Commission, child protection authorities (NSW and ACT), and the Human Services Registrar (as representative of the Director General, Community Services Directorate, ACT).
  
- We recognise that children and young people with disability have the same rights as other children and young people, and take each child's/young person's best interests into account when planning and providing services.
  
- All staff are [mandatory reporters](#) for children and young people at [risk of harm](#).
  
- In the interests of protecting children and young people and the reputation of staff, we do not permit staff to send or accept 'friend requests' via social media that relate to client children or young people (under 18 years of age).

- We provide information and respectful, sensitive and professional support for adult clients seeking expression of their sexual and relational needs.
- We respond to [behaviours of concern](#) in a way that is positive, ethical and evidence based (see [Behaviour Support policy](#)).
- We support clients in Accommodation (and, where applicable, Lifestyles services) to manage their finances independently, while protecting against [financial abuse](#) (see [Protection of Clients' Financial Rights](#)).
- We protect the [privacy](#) of client information in line with relevant legislation (see [Clients' Right to Privacy](#)), and have clear guidelines on access protocols (see [Child Protection – Sharing/Exchanging Information](#) and [Protection of Client Records – Sharing/Exchanging Information](#)).
- Any [conflicts of interests](#) that arise in the course of service provision to a client are proactively and positively managed and documented in a manner that is transparent and promotes the client's choice and control (see [Coordination of Supports](#)).
- We support clients, their families or carers to use, when appropriate, an independent advocate to support and represent them so they can make the most of their choice and control. Staff are not permitted to act as an advocate when there is an issue/matter between a client and the organisation's staff or services, or where there is an actual, perceived or potential [conflict of interests](#). Suitably trained staff may act as an advocate in matters outside of CPA issues/ services.

## Definitions

(Note: Commonly defined terms are located in the [CPA Common Definitions](#). Any defined terms below are specific to this policy and its related documents.)

Nil.

## Procedures/Forms/Appendices

NS1-1-Pr1	<a href="#">Child Protection</a>
NS1-1-Pr2	<a href="#">Child Protection – Sharing/Exchanging Information</a>
NS1-1-Pr3	<a href="#">Protection of Adults from Assault, Abuse or Neglect</a>
NS1-1-Pr3A	<a href="#">Responding to Assault, Abuse or Neglect of Adults</a>
NS1-1-Pr7	<a href="#">Duty of Care</a>
NS1-1-Pr8	<a href="#">Early Identification of Vulnerable Clients (Adults)</a>
NS1-1-Pr9	<a href="#">Supporting the Right to Relationships and Sexual Expression</a>
NS1-1-Pr10	<a href="#">Protection of Client Records – Sharing/Exchanging Information</a>
NS1-1-Pr11	<a href="#">Coordination of Supports</a>
NS1-1-F1	<a href="#">Consent Form</a>
NS1-1-F2	<a href="#">Authority to Release a Copy of the Client File</a>
NS1-1-F3	<a href="#">Initiate Provision of Information under Chapter 16A</a> (letter template)
NS1-1-F4	<a href="#">Letter of Request to Community Services for Information (Section 248)</a> (letter template)
NS1-1-F5	<a href="#">Letter of Request for Information (Chapter 16A)</a> (letter template)
NS1-1-F6	<a href="#">Response to Chapter 16A Request – Decline</a> (letter template)

NS1-1-F7	<a href="#">Response to Chapter 16A Request – Agree</a> (letter template)
NS1-1-App1	<a href="#">Client Safety and Wellbeing – Who to Call</a>
NS1-1-App2	<a href="#">Additional Resources - External</a>
NS1-1-App3	<a href="#">Clients’ Right to Privacy</a>
NS1-1-App4	<a href="#">What is the Contact Team?</a> (poster)
NS1-1-App5	<a href="#">Client Contact Team Poster</a>

## Related Policies and Further Reading

NS1-2	<a href="#">Protection of Clients’ Financial Rights</a>
NS1-3	<a href="#">Behaviour Support</a>
NS4-1	<a href="#">Feedback and Complaints</a>
NS6-1-2	<a href="#">Conflicts of Interests</a>
NS6-5-1	<a href="#">Client Health Support</a>
NS6-7-1-F1	<a href="#">Photo/ Video Consent</a>

- <http://www.keepthemsafe.nsw.gov.au/>
- ACT Human Rights Commission <http://www.hrc.act.gov.au/humanrights/>
- Report Checklist: A guide for making a report to DoCS about children and young people at risk of harm (DoCS Publication)
- [Child Wellbeing and Child Protection - NSW Interagency Guidelines](#) (FACS)
- AS/NZS 10002:2014: Guidelines for complaint management in organizations
- [National Multilingual Disability Hub](#)

## Temporary Policy Documents for A&R Northern Sydney use only

TNS1-1-App6	<a href="#">Contact Team - AR NSyd</a>
TNS1-1-App7	<a href="#">After Hours Support - AR NSyd</a>

<b>Policy Owner</b>	Chief Operating Officer
<b>Date Approved</b>	31/07/17
<b>Approval Authority</b>	CEO
<b>Date of Commencement</b>	1 December 2016
<b>Date for Next Review</b>	
<b>Related Legislation</b>	<p>National Standards for Disability Services  Children and Young People Act 2008 (ACT)  Children and Young Persons (Care and Protection) Act 1998 (NSW)  Children and Young Persons (Care and Protection) Regulation 2012 (NSW)  Community Services (Complaints, Reviews and Monitoring) Act 1993 (CS-CRAMA)  Crimes Act 1900 (NSW)  Disability Discrimination Act 1992  Disability Inclusion Act 2014 (NSW)  Disability Inclusion Regulation 2014 (NSW)  Disability Services Act 1991 (ACT)  Disability Services Regulation 2014 (ACT)  Health Records and Information Privacy (HRIP) Act 2002 (NSW)  Health Records (Privacy and Access) Act 1997 (ACT)  Human Rights Act 2004 (ACT)  Human Rights Commission Act 2005 (ACT)  Ombudsman Act 1974 (NSW)  Ombudsman Act 1989 (ACT)  Privacy Amendment (Enhancing Privacy Protection) Act 2012  Privacy Amendment (Private Sector) Act 2000  United Nations Convention on the Rights of Persons with Disabilities 2007  Working with Vulnerable People (Background Checking) Act 2011 (ACT)</p>

## Revision History

*Note: Reviewed and rewritten policies and procedures took effect on 1 December 2016. For revision history prior to this date, contact the Company Secretary.*

Review Date	Revision Details
03/03/17	Added NS1-1-App3 Clients' Right to Privacy and NS1-1-Pr11 Coordination of Supports.
01/05/17	Redesigned Consent Form (NS1-1-F1) to align with Service Agreements. Content unchanged. Updated Photo/Video Consent (NS6-7-1-F1) to include section re Therapy and Client Services.
15/05/17	Updated Human Services Registrar (ACT) contact details in NS1-1-App2, NS1-1-Pr3, NS1-1-Pr1 – T: 6207 5474 / E: <a href="mailto:quality@act.gov.au">quality@act.gov.au</a> .
17/07/17	Added NS1-1-Pr3A Responding to Assault, Abuse or Neglect of Adults. Updated NS1-1-Pr1 Child Protection to include process around Chapter 16A requests and add links to definitions of 'duty of care' and 'mandatory reporter'. Updated Part A of NS1-1-F1 Consent Form, and added Part C re photos/videos for therapy and client services (moved from NS6-7-1-F1 Photo/Video Consent).
12/12/17	Updated NS1-1-F1 Consent Form.
09/02/18	Updated NS1-1-App1 Client Safety and Wellbeing – Who to Call.
23/02/18	Added NS1-1-App4 What is the Contact Team? (poster) and NS1-1-App5 Client Contact Team Poster.
07/03/18	Added links to temporary A&R Northern Sydney policy documents.
12/03/18	Updated NS1-1-App1 Client Safety and Wellbeing – Who to Call.
13/07/18	Updated NS1-1-App1 Client Safety and Wellbeing – Who to Call in line with updates to Health Hotline poster and to add after hours mental health contact numbers.
08/08/18	Deleted the following procedures as these are now covered in Behaviour Support Policy and Client Incident Response, Reporting and Investigation Policy: NS1-1-Pr4 Protection and Response NS1-1-Pr5 Emotional and Mental Health, and Behaviours of Concern NS1-1-Pr6 Authorisation of Restricted Practices (Children and Adults)