



Subject: 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.

Who is this policy for?

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

Who is responsible for this policy?

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](#)
- Senior Manager, Quality and Safeguarding
- Manager, Safety and Environment

Policy in action

If staff are in any doubt about a matter of client safety or wellbeing, they should discuss with their Manager in the first instance, or phone the [Contact Team](#) for advice regarding their concern (see also [Client Safety & Wellbeing – Who to Call](#)).

- Our services are respectful of:
 - Human dignity and worth
 - Cultural and linguistic needs
 - Privacy and confidentiality
 - Self-determination
 - Freedom of expression
 - Individual values and beliefs

- Each individual's right to make informed choices, exercise control and maximise their independence
- 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 safety and protection
 - Allegations of assault, abuse, neglect or exploitation 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 [CPA Learning Journeys](#))
 - Staff aware of any issues of this kind (current or historic) must immediately contact their Manager or the [Contact Team](#).
- As a safeguard for clients who live alone in the community and are supported on a one to one ratio, these clients will be supported by more than one worker across their service provision. Requests for only one worker to provide the service must be approved by the General Manager Lifestyles, and only with risk mitigation strategies identified and monitored, such as regular check-in with the client by the program coordinator, or regular check-ins with informal supports who are actively involved with the client.
- 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 (DCJ in NSW and CYPS in ACT), Human Services Registrar (as representative of the Director General, Community Services Directorate, ACT), Aging and Disability Commission and the Office of Children's Guardian.
- 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 to manage their finances independently, while protecting against [financial abuse](#) (see [Client Finances Policy](#)).
- We protect the [privacy](#) of client information in line with relevant legislation (see [Privacy and Information Security Policy](#) and [Collections Notice – Client Records](#)), and have clear guidelines on access protocols (see [Protection of Client Records – Sharing/Exchanging Information](#) and [Right to Privacy Policy – Easy Read](#)).
- Any [conflicts of interest](#) 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.
- 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 interest](#). Suitably trained staff may act as an advocate in matters outside of CPA issues/ services.
- All clients, their families and representatives have the right to provide feedback or make a complaint about CPA services. Feedback will be reviewed and responded to in a timely manner. (See [Feedback and Complaints Policy](#) and [Feedback and Complaints Policy – Easy Read](#).)
- Clients will be provided with information about the way CPA will protect and uphold the rights of people receiving services from CPA. Where required, this is available in an easy read version and interpreters are utilised for people from culturally diverse backgrounds. (See [Rights Information for Clients and Families](#) and [Rights Policy – Easy Read](#).)

Definitions

(Note: The meanings of words that are used a lot at CPA are located in the [CPA Common Definitions](#). The words in the list below are new and are only used in this policy and the other documents that are part of this policy).

Nil.

Documents that are part of this policy

Procedures

[Client Safety and Wellbeing – Who to Call](#)

[Contact Team Advice for Child Protection Issues](#)

[Contact Team Advice for Assault, Abuse or Neglect of Adults](#)

[Protection of Adults from Assault, Abuse or Neglect](#)

[Duty of Care](#)

[Supporting the Right to Relationships and Sexual Expression](#)

[Protection of Client Records – Sharing/Exchanging Information](#)

Forms

[Consent Form](#)

[Authority to Release a Copy of the Client File](#)

[Response to Chapter 16A Request – Decline](#) (letter template)

[Response to Chapter 16A Request – Agree](#) (letter template)

Guidelines

[Additional Resources - External](#)

[Rights Policy – Easy Read for Clients](#) (on CPA website)

Posters

[What is the Contact Team Poster](#)

[Client Contact Team Poster](#)

Practice Guides

[Rights Practice Guide](#)

A copy of this policy is available on our website at <https://cerebralpalsy.org.au/who-we-are/policies/>.

Related policies and further reading

[Protection of Clients' Financial Rights Policy](#)

[Behaviour Support Policy](#)

[Client Incident Response, Reporting and Investigation Policy](#)

[Feedback and Complaints Policy](#)

[Conflicts of Interest Policy](#)

[Maintaining Client Health Policy](#)

[Photo/ Video Consent Form](#)

For clients and families

[Rights Information for Clients and Families](#) (Brochure – on CPA website)

[Children's Rights at Cerebral Palsy Alliance](#) (Brochure – on CPA website)

Easy Read Policies (also available on CPA website)

[Right to Privacy Policy – Easy Read for Clients](#)

[Feedback and Complaints Policy – Easy Read for Clients](#)

[Service Access Policy – Easy Read for Clients](#)

[Person Centred Service Planning Policy – Easy Read for Clients](#)

Restrictive Practices:

NSW Family & Community Services (FACS) - [Restrictive Practice Easy Read Guide](#)

ACT Community Services factsheet - [What is Restrictive Practice?](#)

Other websites

- <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](#)

Policy Owner	Chief Operating Officer
Date Approved	19/10/21
Approval Authority	CEO
Date of Commencement	1 December 2016
Date for Next Review	
Related Legislation	<p>NDIS Act 2013</p> <p>NDIS (Provider Registration and Practice Standards) Rules 2018</p> <p>NDIS (Quality Indicators) Guidelines 2018</p> <p>Children and Young People Act 2008 (ACT)</p> <p>Children and Young Persons (Care and Protection) Act 1998 (NSW)</p> <p>Children and Young Persons (Care and Protection) Regulation 2012 (NSW)</p> <p>Community Services (Complaints, Reviews and Monitoring) Act 1993 (CS-CRAMA)</p> <p>Crimes Act 1900 (NSW)</p> <p>Disability Discrimination Act 1992</p> <p>Disability Inclusion Act 2014 (NSW)</p> <p>Disability Inclusion Regulation 2014 (NSW)</p> <p>Disability Services Act 1991 (ACT)</p> <p>Disability Services Regulation 2014 (ACT)</p> <p>Health Records and Information Privacy (HRIP) Act 2002 (NSW)</p> <p>Health Records (Privacy and Access) Act 1997 (ACT)</p> <p>Human Rights Act 2004 (ACT)</p> <p>Human Rights Commission Act 2005 (ACT)</p> <p>Ombudsman Act 1974 (NSW)</p> <p>Ombudsman Act 1989 (ACT)</p> <p>Privacy Amendment (Enhancing Privacy Protection) Act 2012</p> <p>Privacy Amendment (Private Sector) Act 2000</p> <p>United Nations Convention on the Rights of Persons with Disabilities 2007</p> <p>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: quality@act.gov.au.
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).
01/04/19	<ul style="list-style-type: none"> • Updated Policy: <ul style="list-style-type: none"> ○ Responsibility section - Added Senior Manager, Quality and Safeguarding. ○ Policy in Action section – Added paragraphs re clients providing feedback and how we provide clients with information about their rights. • Added links to all Easy Read versions of Policies. • Updated Contact Team details in NS1-1-App1 Client Safety & Wellbeing – Who to Call. • Deleted TNS1-1-App6 Contact Team – AR NSyd. Contact Team info on the Hub applies to all CPA services. • Deleted NS1-1-Pr8 Early Identification of Vulnerable Clients (Adults) – staff should contact the Client Wellbeing Consultant or Clinical Governance Team where there are concerns.
20/06/19	<ul style="list-style-type: none"> • Deleted link to CPA Restrictive Practices Easy Read Policy and replaced with links to NSW Family & Community Services (FACS) 'Restrictive Practice Easy Read Guide' and ACT Community Services factsheet 'What is Restrictive Practice?'.
31/07/19	Updated the following procedures to reflect current legislation and reporting requirements and the advisory role of the Contact Team: <ul style="list-style-type: none"> • NS1-1-Pr1 Contact Team Advice for Child Protection Issues (renamed from 'Child Protection') • NS1-1-Pr3 Protection of Adults from Assault, Abuse or Neglect • NS1-1-Pr3A Contact Team Advice for Assault, Abuse or Neglect of Adults (renamed from 'Responding to Assault, Abuse or Neglect of Adults'). Updated definitions in NS1-1-Pr3 Protection of Adults from Assault, Abuse or Neglect in line with NDIS Act. Updated NS1-1-F1 Consent Form – deleted DOCS and ADHC from Part B.
23/08/19	Updated NS1-1-App1 Client Safety and Wellbeing – Who to Call to add after hours GP.
14/10/19	Updated NS1-1-App3 to remove references to ACT Human Services Registrar.

13/11/19	Added NS1-1-App6 After Hours On-Call Poster, which is applicable for all Accommodation and Respite sites. Deleted TNS1-1-App7 AR After Hours Support NSyd.
24/02/20	Updated NS1-1-F1 Consent Form to add further section in Part B for participants in the icare Foundation grant programs.
09/04/20	Updated NS1-1-App6 After Hours On-Call Poster to add section re COVID-19 and instruction to call for Category 2 incidents.
23/04/20	Updated NS1-1-Pr1 Contact Team Advice for Child Protection Issues to change NSW Ombudsman to Office of Children's Guardian (OCG), and FACS to Department of Communities and Justice (DCJ).
22/10/20	Updated NS1-1-Pr1 Contact Team Advice for Child Protection Issues to clarify Salesforce actions and add reference to Children's Guardian Act 2019.
03/11/20	Updated NS1-1-App6 After Hours On-Call Poster to improve formatting to emphasise that the 24/7 numbers at the top are to be used for COVID-19 cases only, and to add Hunter/Central Coast Health Team phone number.
25/11/20	Updated 'Policy in Action' to state that clients who live alone in the community and are supported on a 1:1 basis will be supported by more than one worker across their service provision. Any exceptions to this must be approved by the GM Lifestyles and appropriate risk mitigation strategies must be implemented.
19/01/21	Added NS1-1-PG1 Rights Practice Guide (as approved by CEO 04/12/20).
19/03/21	Updated NS1-1-App1 Client Safety & Wellbeing – Who to Call to change phone numbers for the Health Team and Contact Teams.
06/04/21	Removed NS1-1-App6 After Hours On-Call Poster from this Policy. It is now NS6-1-12-F12 (AR) Accom and Respite After Hours On Call Poster linked to the Service Continuity and Handover Policy.
14/04/21	<ul style="list-style-type: none"> • Updated Policy: <ul style="list-style-type: none"> ○ Removed focus on sexual engagement/abuse as this infers that this is the only right that this Policy relates to ○ Added references to DCJ, CYPS, Aging & Disability Commission and OCG ○ Added that staff should discuss client safety or wellbeing concerns with their Manager in the first instance, or phone the Contact Team for advice. • Renamed NS1-1-App3 Clients' Right to Privacy of Information (formerly Clients' Right to Privacy). • Updated the following: <ul style="list-style-type: none"> ○ NS1-1-Pr10 Protection of Client Records – Sharing and Exchanging Information (incorporated NS1-1-Pr2 Child Protection – Sharing/Exchanging Information; simplified process; updated and clarified roles and responsibilities) ○ NS1-1-App1 Client Wellbeing – Who to Call (updated contact details to align with current operations) ○ NS1-1-F2 Authority to Release Copy Client File (updated to align with Privacy Act and remove indemnity information which is not required as it is covered by the Privacy Act) ○ NS1-1-F6 Response to Ch16A Request – Decline (updated to add 'date' and highlight email/letter/fax) ○ NS1-1-F7 Response to Ch16A Request – Agree (updated to add date and reference to the Act and to include more detail on the reason information is being requested) ○ NS1-1-App5 Client Contact Team Poster – updated phone number. • Deleted the following: <ul style="list-style-type: none"> ○ NS1-1-Pr2 Child Protection – Sharing/Exchanging Information (incorporated into NS1-1-Pr10 Protection of Client Records) ○ NS1-1-Pr11 Coordination of Supports (CPA no longer provides COS services) ○ NS1-1-F3 Initiate Provision of Information under Chapter 16A (individual letter to be drafted by General Counsel based on request)

	<ul style="list-style-type: none"> ○ NS1-1-F4 Letter of Request to Community Services for Information (Section 248) (individual letter to be drafted by General Counsel based on request) ○ NS1-1-F5 Letter of Request for Information (Chapter 16A) (individual letter to be drafted by General Counsel based on request).
18/08/21	Updated NS1-1-App3 Clients' Right to Privacy of Information with CPA's new PO Box address.
21/10/21	<p>Updated NS1-1-F1 Consent Form:</p> <ul style="list-style-type: none"> • Addition of 'Part D: Medication Services – Consent and Notification Preferences' and 'Part E: Consent for Service – Health Support Plans' • Removal of section re icare Foundation grant programs (no longer running). • Additional signature boxes added – if changes are made to health support plans consent (Part E), these can be signed and dated in the table, and an additional signature box filled in instead of completing a new form each time a change is made.
18/03/22	Updated NS1-1-App4 What is the Contact Team Poster.
01/11/22	Deleted Clients' Right to Privacy of Information – this has been replaced by the Collections Notice – Client Records, which is linked to the Privacy and Information Security Policy.