



Subject: Upholding Human Rights

Purpose

To promote client safety and wellbeing by providing guidance and clear procedures to outline how we create safe and positive environments for clients and promote clients' legal and human rights.

Policy statement

In line with our [Model of Care](#), we are committed to providing services that 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
- [Contact Team](#)
- Quality and Safeguarding Team
- Safety and Environment Team
- Practice Leadership and Clinical Governance Team

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 [Model of Care](#) provides the framework for staff to provide supports and services to clients.
- In alignment with the [NDIS \(Quality Indicators for NDIS Practice Standards\) Guidelines 2018](#), we support the following rights:

1. Right to Person-centred Supports

- We provide services and supports, aligned with the NDIS Code of Conduct, that respect the dignity, rights and values of our clients and their families and uphold their legal and human rights.
- We provide services and supports that promote, uphold and respect clients' rights to freedom of expression, self-determination and decision-making, and that enable clients to exercise informed choice and control. (See also Section 4 below).
- We support clients' rights to engage with their chosen support networks and communities.
- 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 as well as common languages other than English. Interpreters are also used where required for people from culturally diverse backgrounds. (See [Rights Information for Clients and Families](#) and [Upholding Human Rights Policy – Easy Read](#)).

2. Right to Individual Values and Beliefs

- Our services and supports embrace diversity and treat everyone with respect and dignity.
- We recognise, respect and seek to respond to and support the diversity of cultures, values and beliefs of clients.
- We support clients' rights to practice their culture, values and beliefs while accessing CPA services.

3. Right to Privacy and Dignity

- We protect clients' privacy and only share information outside of CPA where consent has been given or where we are required to by law.
- We protect the [privacy](#) of client information in line with relevant legislation (see [Privacy and Information Security Policy](#), [Privacy Statement](#) 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](#)).
- We will ask clients and their families to sign a consent form telling us how they would like us to share their information outside of Cerebral Palsy Alliance, and if we wish to take and use photographs and / or videos.

4. Right to Independence and Informed Choice

- We maintain our [duty of care](#) in creating a safe environment. We support clients' and families' right to make choices, including the right to the [dignity of risk](#) that may come with client choice.

- We provide information and respectful, sensitive and professional support for adult clients seeking expression of their sexual and relational needs.
 - We support clients in Accommodation to manage their finances independently, while protecting against [financial abuse](#). Where clients require more support with managing their finances, we have additional safeguards in place. (See [Client Finances Policy](#)).
 - We encourage clients, their families or carers to use, as 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](#).
 - We acknowledge that all clients have the right to communicate and receive information in accessible, alternative and augmented formats in order to voice their own choice and control and will adapt our communication methods as appropriate for the individual.
5. Right to protection from violence, abuse, neglect, exploitation and discrimination
- Our policies, procedures, practices and services actively seek to protect against physical and emotional discrimination, violence, abuse, [neglect](#) and exploitation.
 - We take proactive steps, to enable early identification of vulnerable clients and monitor and support their wellbeing
 - Staff and prospective employees are screened against state and national registers
 - We have procedures for reporting and investigating incidents of abuse or neglect (see [Client Incident Response, Reporting and Investigation Policy](#)).
 - Staff are given mandatory training and refresher training to recognise indicators and follow procedure (see [CPA Learning Journeys](#))
 - Staff report any issues of this kind (current or historic) in line with the [Client Incident Response, Reporting and Investigation Policy](#).
 - Allegations and incidents of violence, abuse, neglect, exploitation or discrimination are responded to, clients affected are supported and assisted (including facilitating access to an advocate if needed), records are made of details and outcomes of reviews and investigations (where applicable) and action is taken to prevent similar incidents occurring again (See [Client Incident Response, Reporting and Investigation Policy](#)).
 - 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 Senior Manager Lifestyles Operations. The approved request must have 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 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 (see [Child Safety Policy](#)).

- 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 (see [Child Safety Policy](#) and [Client Incident Response, Reporting and Investigation Policy](#)).
- We respond to [behaviours of concern](#) in a way that is positive, ethical and evidence based (see [Behaviour Support Policy](#)).
- 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 (see [Conflict of Interest Policy](#)).
- 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](#), [Feedback and Complaints Policy – Easy Read](#) and [Rights Information for Clients and Families](#)).
- CPA supports the [Official Community Visitors \(OCV\)](#) as a valuable safeguarding service for CPA Accommodation and long-term respite clients (in NSW) to:
 - promote client rights
 - provide support and information for clients regarding advocacy
 - raise matters on behalf of clients and staff to CPA
 - raise concerns with other regulatory bodies.

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 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](#)

Guidelines

[Additional Resources - External](#)

[Upholding Human Rights Policy – Easy Read for Clients](#) (on CPA website)
[Rights Information for Clients and Families](#) (Brochure – on CPA website)

Posters

[What is the Contact Team Poster](#)
[Client Contact Team Poster](#)

Practice Guides

[Upholding Human 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

[Client Finances Policy](#)
[Behaviour Support Policy](#)
[Client Incident Response, Reporting and Investigation Policy](#)
[Feedback and Complaints Policy](#)
[Conflicts of Interest Policy](#)
[Promoting Client Health Policy](#)
[Child Safety Policy](#)
[Whistleblower \(Protected Disclosure\) Policy](#)
[Photo/ Video Consent Form](#)

For clients and families

[Children’s Rights at CPA](#) (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](#)
[Children’s Rights at CPA – 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

- ACT Human Rights Commission <http://www.hrc.act.gov.au/humanrights/>
- AS/NZS 10002:2014: Guidelines for complaint management in organizations
- [National Multilingual Disability Hub](#)
- [Official Community Visitors – Fact Sheet 1](#)
- [Official Community Visitors access to documents in visitable services- Fact Sheet 3](#)
- [Official Community Visitor Booklet – Plain English version](#)
- [Council for Intellectual Disability \(CID\)](#)

Policy Owner	Senior Quality Manager
Date Approved	24/01/23 (by COO in CEO's absence)
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

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

(2) Revision History from Date of Commencement to 31 December 2020 is held by the Policy Team. For access or information, please contact policyfeedback@cerebralpalsy.org.au

Review Date	Revision Details
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

	<ul style="list-style-type: none"> ○ 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) ○ 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	Updated NS1-1-F1 Consent Form: <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.
14/12/22	Deleted Contact Team Advice for Child Protection Issues. This document has been moved to the new Child Safety Policy and renamed to Contact Team Advice for Child Safety Concerns Procedure.

31/01/23	<p>Scheduled update and updated policy to align with Model of Care. Changed Policy owner to Senior Quality Manager (previously Chief Operating Officer).</p> <p>Renamed:</p> <ul style="list-style-type: none"> • Upholding Human Rights Policy (previously Rights Policy) • Upholding Human Rights Practice Guide (previously Rights Practice Guide) • Upholding Human Rights Policy Easy Read for clients (previously Rights Policy Easy Read for Clients) <p>Significant updates made to:</p> <ul style="list-style-type: none"> • Upholding Human Rights Policy • Protection of Adults from Assault, Abuse or Neglect • Contact Team Advice for Assault, Abuse or Neglect of Adults • Client Safety and Wellbeing – Who to Call • Additional Resources – External • Upholding Human Rights Practice Guide <p>Minor updates made to:</p> <ul style="list-style-type: none"> • Protection of Client Records – Sharing / Exchanging Information • Authority to Release a Copy of the Client File • Upholding Human Rights Policy Easy Read for Clients <p>Deleted (and moved to Child Safety Policy):</p> <ul style="list-style-type: none"> • Response to Chapter 16A Request – Decline (letter template) • Response to Chapter 16A – Agree (letter template)
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