



Upholding Human Rights Policy

Model of Care Outcome: 1 – Upholding Human Rights



Purpose

This policy is for CPA clients and staff who support clients. It guides staff in how to:

- provide safe and positive environments for clients.
- promote, respect and protect the human rights of clients.

Rights are rules that say people can choose how they live their own life. They explain how people must treat each other. People with disability should have the same rights as everyone else.

Human rights mean people with disability:

- Are free to make their own decisions
- Will not be discriminated against
- Will have the same rights to be included in society as others
- Are to be respected for who they are
- Will have equal opportunities and equal access.

Policy statement

At CPA we aim to provide services:

- where clients can make their own choices
- that support clients to make their own decisions to live the way they want to
- where clients can have their own opinions and share their ideas
- that are free from discrimination, and
- where clients' privacy is respected.

At CPA we:

- know that some clients will want to make choices that involve some risks.
- take steps to protect clients against risks of neglect, abuse and violence.

Who is this policy for?

This policy is for everyone at CPA, including:

- all staff
- clients and their families
- volunteers
- contractors and
- students

Who is responsible for this policy?

These CPA roles support staff to follow this policy in their work area:

- CEO and delegates
- Client Services Managers
- [Contact Team](#)
- Quality and Safeguarding Team
- Work Health and Safety Team
- Practice Leadership and Clinical Governance Team

Policy in action

This policy aligns with the CPA [Model of Care](#) framework. The Model of Care says how staff will provide services and supports to clients. It says:

- The person is at the centre of services we provide. We make sure our services meet the needs of each person.
- All clients have the right to high quality services.
- We support each client in the best way for them. We make sure the care is right for the person. It is what they want and need.

- We see each client as a whole person. We respect their social, spiritual, physical, and emotional wellbeing.
- We work together with clients, their families, and other service providers.
- Our services are legal, ethical, safe, and high quality.
- Our services are based on best research and practice evidence.

This policy aligns with the [NDIS \(Quality Indicators for NDIS Practice Standards\) Guidelines 2018](#). We support the:

1. Right to Person-centred Supports

Clients are at the centre of any decision that is related to them.

2. Right to Individual Expression, Values and Beliefs

CPA respects the ways people are different from each other. Like different:

- places people come from
- languages people speak
- abilities people have
- sexual and gender identity
- ways people live their life.

Clients can choose what they believe in. They can show their culture, religion or beliefs in public or private. They can show their culture, religion or beliefs on their own or in a group.

3. Right to Privacy and Dignity

Clients can keep their life private. CPA cannot share information about clients unless clients or their person responsible say we can. There are times when the law says client information can be shared.

4. Right to Independence and Informed Choice

CPA will communicate with clients in ways that are right for the client. Clients are provided with the information they need to make a decision. Clients can choose the outcome of decisions that affect them. Clients may have an advocate (or representative) to help them have their say and give information and advice.

Clients are supported to have increased independence to actively participate in their life and care.

5. Right to protection from violence, abuse, neglect, exploitation and discrimination

CPA will work hard to protect clients from:

- Discrimination – when someone is treated unfairly because they are different from others
- Violence- when someone is hurt physically
- Abuse – when someone is treated badly
- Neglect – when someone is not helped the way they are supposed to be helped
- Exploitation- when someone is taken advantage of

Our policies, procedures, practices, services and training support staff to do this.

Definitions

(Note: The meanings of words 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)

[Your Rights as a client of CPA](#) (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](#)

[Surveillance of Clients Guidelines](#)

[Photo/ Video Consent Form](#)

For clients and families

[Your Rights as a client of CPA](#) (Brochure – on CPA website)

[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	19/03/24
Date Effective	16/04/24
Approval Authority	CEO
Date of Commencement	1 December 2016
Date for Next Review	March 2025
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

Please email policyfeedback@cerebralpalsy.org.au for access to past policies and/or further revision history details.

Review Date	Revision Details
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)
21/08/23	Updated 'Additional Resources – External' to update a link and add two additional services.
07/11/23	Updated Client Safety and Wellbeing – Who to Call to reflect the Health Team's current ways of working and contact details.
05/12/23	Updated brochure name from 'Rights information for clients and families' to 'Your Rights as a client of CPA'.
16/04/24	<p>Scheduled review.</p> <p>Major changes made to:</p> <ul style="list-style-type: none"> • Upholding Human Rights Policy (and translated to Plain English) • Upholding Human Rights Practice Guide (and translated to Plain English) • Additional Resources – External. <p>Minor changes made to:</p> <ul style="list-style-type: none"> • 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 • Consent Form • What is the Contact Team Poster. <p>Added:</p> <ul style="list-style-type: none"> • Upholding Human Rights Guidelines.