Quality - Participant Rights - Policy

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Introduction

Ability Options acknowledges each person's rights and responsibilities and is committed to ensure that these are respected at all times.

Participant rights set a clear context for how our supports and services are provided.

All participants have the right to:

- receive **person-centred** supports
- have individual values and beliefs respected
- privacy and dignity
- independence and informed choice
- be free from violence, **abuse**, **neglect**, **exploitation** or **discrimination**.

Ability Options is committed to upholding each person's legal and human rights in all aspects of service delivery and will act to promote and protect these rights in accordance with the United Nations Convention on the Rights of Persons with Disabilities, the Disability Inclusion Act 2014 (NSW) and the National Standards for Disability Services.

Applicability

When
• applies to supports and services provided to all participants.

Who
• applies to all representatives including key management personnel, directors, full time employees, casual employees, sub-contract Labour contractors, students, people on Work Experience and volunteers.

Document custodian:	Chief Quality, Practice and Outcomes Officer

Governing obligations for this policy

- NDIS Practice Standards 1.1.1 Person-centered supports
- NDIS Practice Standards 1.1.2 Person-centered supports

Governing regulations for this policy

- National Disability Insurance Scheme (NDIS) (Provider Registration and Practice Standards) Rules 2018 (Cth)
- National Disability Insurance Scheme (NDIS) (Quality Indicators for NDIS Practice Standards) Guidelines 2018
- National Disability Insurance Scheme (NDIS) Act 2013 (Cth)

Applicable processes for this policy

- Operations - Disability - Implementing Behaviour Support - Process
- Operations - Disability - Providing Specialist Behaviour Support - Process
- Operations - Disability - Sexuality and Relationships - Process

Commitments

Ability Options is committed to the safety and wellbeing of children, young people, and adults receiving supports and services. We are committed to providing a safe environment where participants feel safe and are safe, and their voices are heard in decisions that affect their lives.

We support the cultural safety of all people including Aboriginal and Torres Strait Islander people and individuals from culturally, linguistically, and diverse backgrounds. Understanding cultural nuances, historical trauma, and fostering an inclusive atmosphere is required to recognise and value diversity.

We have a zero tolerance for any form of Violence, Abuse, Neglect & Exploitation of all people, whether it is in a workplace, community, or any other setting.

Ability Options Services will ensure that:

- all Ability Options People demonstrate, in their words and actions, a culture of respect and inclusion for all people they interact with
- all Ability Options People recognise and promote individual freedom of expression
- each person's decision-making style and individual choice is supported, including the timely provision of information in appropriate formats to support individuals, families, friends and carers to make informed decisions and understand their rights and responsibilities
- each person is provided support strategies that are based on the least restrictive option and are current, values-based, transparent and reviewed as the person and/or their life evolves and changes
- preventative measures are in place to ensure that people are free from discrimination, exploitation, abuse, harm, neglect and violence
- any breach of rights are promptly and systemically investigated to ensure opportunities for improvement are captured
- people are provided with necessary and appropriate information dependent on the specific circumstance, their learning and communication style, and if required, are supported to access legal advice and/or advocacy services
- the role of families, friends, carers and advocate are recognised in safeguarding and upholding the rights of people with disability
- information will be kept confidential and private in the collection and handling of personal information
- each person will receive information, and support to understand and exercise their legal and human rights both within the service and in the broader community
- Ability Options People are trained on the importance of recognising and respecting the legal and human rights of people who use the service
- training and information is provided to Ability Options People to ensure they are skilled in identifying and addressing risk factors and in responding effectively and proactively to allegations of abuse or assault
- participants are supported to voice concerns, provide feedback, and make complaints without fear
- services are culturally safe, sensitive, and respectful of the diverse backgrounds of participants, staff, and others
- supports are provided using a trauma informed approach in line with the Ability Options Framework

- co-design process is applied where applicable to amplfy the voices of all individuals being supported.

Ability Options will promote the rights of people using its services at every opportunity and will support people to meet their responsibilities as users of Ability Options services.

These responsibilities include:

- treating all people with respect and in a manner that is free from discrimination or harassment
- providing correct information and advising Ability Options of changes to their circumstances to ensure the best possible service can be provided by Ability Options
- complying with the conditions outlined in their Service Agreements or Participant Services Guarantee, and
- maintaining confidentiality regarding information about other people participating in an Ability Options programs or services.

Person-centred supports

Ability Options is committed and reinforces the following principles:

- each participant can access supports that promote, uphold and respect their legal and human rights
- each participant is enabled to exercise informed choice and control
- all people should be able to access information on their rights and be supported to exercise these rights
- active partnerships between services and the person accessing services and where appropriate, their families, friends, carers and/or advocates
- all people have the opportunity to engage in forums designed for collaboration, learning, and continuous improvement
- Ability Options duty of care and legislated responsibilities for each person's safety may take precedence over confidentiality under certain circumstances (e.g. subpoena, mandatory reporting obligations).

Individual values and beliefs

- Each participant can access supports that respect their culture, diversity, values and beliefs.
- Each participant’s autonomy is respected, including their right to intimacy and sexual expression.
- All people have the right to full participation in the community equal to all other people, according to their individual and cultural needs and preferences.
- Participants are supported to maintain connections with family and social networks.

Privacy and dignity

- Each participant can access supports that respect and protect their dignity and right to privacy.
- All people have the right to receive services which maintain the privacy of their personal information in line with relevant legislation.
- Participants have access to private spaces for confidential discussions and examinations.
- Participants are supported by employees that are culturally sensitive to diverse cultural norms regarding privacy and dignity.

Independence and informed choice

- Each participant is supported to make informed choices, exercise control, and maximise their independence in relation to their care, support, and daily activities.

- Supports provided promote, uphold, and respect individual rights to freedom of expression, self-determination, and decision-making.
- Participants have the right to refuse treatment or services, and their autonomy in decision-making should be respected.
- Participants are supported to engage in opportunities for personal development and growth, tailored to their individual needs and aspirations.

Freedom from violence, abuse, neglect, exploitation or discrimination

- Each participant can access supports free from violence, abuse, neglect, exploitation, or discrimination.
- Each participant can access supports that are physically and emotionally safe including access to secure facilities where safety hazards are addressed in a timely manner.
- Each participant has access to confidential reporting mechanisms to report any concerns or incidents and feel empowered to use them.
- Access to resources such as counselling, advocacy, and therapy services to support victims of violence, abuse, neglect, exploitation, or discrimination where the participant may have been exposed to a traumatic event or situation.

Advocacy

Advocacy is acting, speaking or writing to promote and protect the human rights and welfare of a vulnerable person or group of people. Examples of vulnerable people include Aboriginal and Torres Strait Islander peoples, children and their families, refugees, the elderly, the LGBTQIA community, the homeless, and people with disability. Advocacy services for people with disability in Australia are funded by The National Disability Advocacy Program (NDAP) which ensures there is no cost for participants or service providers to access advocacy services. Disability advocacy ensures the human and legal rights of people with disabilities are promoted and protected so they can fully participate in the community. Advocates work to ensure the rights of people with disabilities are upheld and that those rights support people to make decisions affecting their lives.

Types of advocacies include:

- individual advocacy - a one-on-one advocacy aimed to prevent or address instances of discrimination or abuse to a person with disability
- systemic advocacy - advocacy to influence or secure long-term changes to ensure the collective rights and interests of people with disability
- family advocacy - when a parent or family member advocates with and on behalf of a family member with disability
- group advocacy - advocacy for a group of people with disability, such as a group of people living in shared accommodation
- citizen advocacy - where community volunteers advocate for a person with a disability over the long-term, supported by a citizen advocacy organisation
- legal advocacy - where a lawyer provides legal representation, pursues positive changes to legislation, or gives legal advice to people with disability about discrimination and human rights.

Individual advocates can:

- provide direct advocacy on behalf of a person
- provide information and advice so a person can advocate for themselves (e.g. deal with a landlord, go to court, deal with police, get legal advice, negotiate deals, deal with problems at work or education, deal with guardianship and financial matters)
- connect a participant to relevant services e.g. solicitor
- help a participant work through problems
- help a participant make formal actions on matters e.g. assist to make a complaint with the anti-discrimination board.

Advocates do not:

- provide counselling
- make decisions for another person
- provide mediation
- provide case management.

Advocacy commitment

- Upon commencing services, new participants are informed of the role of advocates, their right to use advocates and advocacy services, and how to contact and involve advocacy agencies.
- Participants are supported if they choose to self-advocate, change advocates, or withdraw their authority for an advocate.
- If a participant needs an advocate and a family or carer cannot provide it, we will attempt to introduce an advocate chosen by the participant. Ability Options employees should not act as formal advocates for participants.
- We will work with the advocate chosen by a participant and involve the advocate in all areas of the participant's service planning and decision making.
- Participants may choose to receive support from an advocate for a variety of reasons e.g. to assist them in making informed decisions, or to support them through the complaints process. All employees must support and respect this decision and, when requested or required, assist the participant with a referral to an appropriate advocacy agency.
- Whenever an advocate assists a participant, we will document this.