

PRACTICE EXCELLENCE POLICY RIGHTS & RESPONSIBILITIES FOR CLIENTS

1. POLICY PURPOSE:

This policy sets out the rights and responsibilities for our clients and our responsibility to deliver supports and services. This policy supports us to apply the NDIS Practice Standards, in particular Core Module 1: Rights and Responsibilities.

2. POLICY SCOPE:

This policy applies to all paid staff, contract workers, temporary agency workers, students on placement and volunteers. Staff are expected to be familiar with and apply this policy in all their actions. This policy is owned by the Chief Executive Officer.

3. POLICY CONTEXT AND STATEMENT:

We recognise all people with disability have human and legal rights which should be respected at all times. We promote and protect those rights as an integral component of each and all our services. Our clients are at the centre of our thoughts, our actions, our service intent, expectations and experiences.

This policy promotes the rights and responsibilities for clients during the planning and provision of services, ensuring each client accesses supports that:

- promote, uphold and respect their legal and human rights
- promote, uphold and respect individual rights to freedom of expression, self-determination and decision-making
- respect their culture, diversity, values and beliefs
- respect and protects their dignity and right to privacy
- support them to make informed choices, exercise control and maximise their independence relating to the supports provided, and
- are free from violence, abuse, neglect, exploitation or discrimination.

4. ROLES AND RESPONSIBILITIES:

4.1 Minda Board

- Ensures there is an organisation-wide approach to rights and responsibilities for clients.
- Ensures there are effective organisation-wide governance systems in place for managing and governing all aspects of rights and responsibilities for clients.

4.2 Chief Executive Officer and Executive Team:

- Promote a culture of shared responsibility for rights and responsibilities for clients.

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- Regularly evaluate and review risks and other relevant information in relation to rights and responsibilities for clients.
- Delegate the day-to-day responsibility for ensuring the activities related to this policy are implemented and monitored by the relevant senior managers.
- Ensure there are appropriate escalation processes in place for rights and responsibilities for clients that could result in substantial liability and/or have the potential to come to the attention of the Chief Executive Officer.

4.3 Senior Managers and Managers:

- Have responsibility for ensuring the activities related to this policy are implemented and monitored.

4.4 Employees, Contractors, Volunteers, and Students will:

- Adhere to the principles and aims of this policy and its related procedures and guidelines.

5. LEGISLATIVE REQUIREMENTS:

Commonwealth Legislation

- United Nations Convention on the Rights of Persons with Disability 2006
- Australian Human Rights and Equal Opportunities Act 1986
- Privacy Act 1988
- Disability Discrimination Act 1992
- National Disability Insurance Scheme Act 2013
- National Disability Insurance Scheme (Code of Conduct) Rules 2018
- National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018
- National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018
- National Disability Insurance Scheme (Restrictive Practices and Behavioural Support) Rules 2018
- National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018

South Australian Legislation

- Disability Inclusion Act 2018 (SA)
- Disability Inclusion (NDIS Worker Check) Regulations 2020 (SA)
- Equal Opportunity Act 1984 (SA)

6. SUPPORTING DOCUMENTS AND ADDITIONAL INFORMATION:

Internal Resources:

All Rights and Responsibilities documents are available via Practice Excellence Framework and Minda internal SharePoint site.

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7. KEY PERFORMANCE INDICATORS (KPI), RECORDS, AUDIT:

7.1 Demonstration of compliance with this policy will include:

7.1.1 Person-centred supports

- Each client's legal and human rights are understood and incorporated into everyday practice.
- Communication with each client about the provision of supports is responsive to their needs and is provided in the language, mode of communication and terms that the client is most likely to understand.
- Each client is supported to engage with their family, friends and chosen community as directed by the client.

7.1.2 Individual values and beliefs

- At the direction of the client, the culture, diversity, values and beliefs of that client are identified and sensitively responded to.
- Each client's right to practice their culture, values and beliefs while accessing supports is supported.

7.1.3 Privacy and Dignity

- Consistent processes and practices are in place that respect and protect the personal privacy and dignity of each client.
- Each client is advised of confidentiality policies using the language, mode of communication and terms that the client is most likely to understand.
- Each client understands and agrees to what personal information will be collected and why, including recorded material in audio and/or visual format.

7.1.4 Independence and informed choice

- Active decision-making and individual choice is supported for each client including the timely provision of information using the language, mode of communication and terms that the client is most likely to understand.
- Each client's right to the dignity of risk in decision-making is supported. When needed, each client is supported to make informed choices about the benefits and risks of the options under consideration.
- Each client's autonomy is respected, including their right to intimacy and sexual expression.
- Each client has sufficient time to consider and review their options and seek advice if required, at any stage of support provision, including assessment, planning, provision, review and exit.
- Each client's right to access an advocate (including an independent advocate) of their choosing is supported, as is their right to have the advocate present.

7.1.5 Violence, Abuse, Neglect, Exploitation and Discrimination

- Policies, procedures and practices are in place which actively prevent violence, abuse, neglect, exploitation or discrimination.

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- Each client is provided with information about the use of an advocate (including an independent advocate) and access to an advocate is facilitated where allegations of violence, abuse, neglect, exploitation or discrimination have been made.
- Allegations and incidents of violence, abuse, neglect, exploitation or discrimination, are acted upon, each client affected is supported and assisted, records are made of any details and outcomes of reviews and investigations (where applicable) and action is taken to prevent similar incidents occurring again.

7.2 Audit & Review

- This policy is subject to internal and external audit.
- This policy will be reviewed and updated as required by our document management processes or as legislation requires.

8. DEFINITIONS:

For the purpose of this procedure the following definitions apply:

Word	Definition
Human rights	are often defined in different ways. The Australian Human Rights Commission defines human rights as: -the recognition and respect of people's dignity -a set of moral and legal guidelines that promote and protect a recognition of our values, our identity and ability to ensure an adequate standard of living -the basic standards by which we can identify and measure inequality and fairness -those rights associated with the Universal Declaration of Human Rights.

9. Document Approval:

Approved by: Kym Shreeve, Chief Executive Officer

Date: 10/09/2021