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Participant Rights & Responsibilities Policy Statement

Nesian Point (NP) strives to provide excellent, respectful and caring services to all participants accessing our service.

Our service facilitates self-determination and encourages all participants to develop to achieve their goals and reach their full potential.

In providing support services we always seek to demonstrate our belief that the participant's rights and responsibilities is a key part of this process.

We respect all participants' differences, individuality and dignity. We develop and implement processes that support our staff to demonstrate their understanding of and support for undertaking their duties.

The continued communication of participant's rights and responsibilities is central to Nesian Point's approach to service delivery.

Policy Scope

Nesian Point has put in place policies and procedures that provides all participants with clearly defined rights and responsibilities whilst accessing our services.

These rights and responsibilities are outlined within the **NDIS Code of Conduct HR5** and the **Participant Rights & Responsibilities Statement C15**.

This policy applies to all staff involved in participant related support services.

We are committed to embedding a person-centred approach to all services and support delivered.

A person-centred approach is about ensuring our participants are engaged in all decisions which relate to their life.



The Director and Operations Manager is responsible for implementing our person-centred process through the involvement of staff working closely with participants by listening, supporting discussions, sharing ideas, and seeking feedback.

This process is ongoing and ensures each of our participants are supported in achieving their personal goals, even as they evolve and change.

All staff has a general responsibility to keep confidential any private information regarding participants, management or other staff. This commitment is set out within the **Code of Conduct HR5** and **Confidentiality Agreement HR12** and extends to collecting and recording only such information as is required by management for service provision.

We restrict access to such information to authorised persons except for the purpose of urgent medical treatment.

All staff has a further general responsibility to respect the physical privacy of participants and other parties and for delivering services in ways that supports their dignity.

The Director and Operations is responsible for ensuring that staff is trained in the requirements of this policy.

The Director is further responsible for ensuring that approvals are in place for the disclosure of information where it is required externally and that all service provision information is kept secure.

Participant Rights

The **Participants Rights & Responsibilities Statement C15** is supplied to all participants during the service intake process.

- Participants have the right to provide feedback, make a complaint, or raise concerns about their support services without fear of reduced services or any other ramifications



- Participants will be treated in a professional, courteous, and caring manner that is respectful and taking into account differences in race, ethnicity, national origin, gender, sexual orientation, religion, personal values, age, disability, and economic status.
- Participants have the right to be informed about other services that are available and suit their current needs
- Individual personal privacy will be respected and confidentiality protected to the greatest extent permitted by law.
- Participants have a right to be assessed and receive support services without discrimination
- Nesian Point will provide participants with a safe environment
- Participants have the right to refuse or end any supports or services provided by Nesian Point and will be informed that should they do so this decision will not risk any future requests to access these services
- Participants will receive prompt support services and Nesian Point will provide the best possible service.
- Participants have the right to access personal information kept about them by Nesian Point.
- Participants will have the complete attention of our support worker(s) and avoid interruptions during support service delivery.
- Participants have the right to make use of an advocate of their choice.
- Nesian Point will ensure participants receive accurate and relevant information in a timely manner.
- Participants can request transfer to another staff member for support services
- Participants can make a request to have an interpreter service and or receive information in a suitable and appropriate type that is appropriate for their needs.



Participant Responsibilities

The **Participants Rights & Responsibilities Statement C15** is supplied to all participants during the service intake process.

- Participants must be respectful of others, including Nesian Point staff, and other participants.
- Take care of Nesian Point property.
- Assist Nesian Point to provide the agreed support services by keeping appointments, informing us of any changes to medication and any other changes in circumstances that may require changes to their **Support Plan**.
- Attend Nesian Point support services service in a fit state and not under the influence of drugs or alcohol
- Provide Nesian Point with clear information about how they want their agreed supports to be delivered in order to meet their needs.
- Participate in agreed support services in a positive manner to maximise benefits
- Provide Nesian Point with the required period of notice when cancelling a service.
- Participants should maintain confidentiality regarding information about other participants.
- Provide accurate information in order to receive the best possible support services.
- Follow strategies and activities as set out in the agreed Support Plans.

The Director is responsible for ensuring that all Nesian Point staff and management are aware of, and follow these processes.



Definitions

Human rights are often defined in different ways. The Australian Human Rights Commission defines human rights as:

- the recognition and respect of peoples 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.

Privacy: Privacy is the state of being free from intrusion or disturbance in one's private life or affairs. This is also referred to as "the right to privacy".

Physical Privacy: Physical Privacy refers to the right to have access to a separate and individual space in particular in relation to personal use of bedrooms and bathrooms.

Dignity: Dignity refers to an individual's innate right to respect and ethical treatment.

Confidentiality: Confidentiality is the act of keeping secure and private all information (verbal and written) that has been entrusted to you in confidence. It also implies the act of limiting access to, or usage of, such information to authorised persons.

Security and Integrity of Information: Security refers to physical measures to restrict access to information such as by locking filing cabinets. Integrity refers to the act of keeping information free from unauthorised alteration or corruption.



Duty of Care: Duty of Care is an ethical and legal concept relating to the law of negligence. It arises whenever a person is paid or has direct or indirect responsibility for the welfare of another person.

Disclosure: Disclosure is the transfer of information to a third party outside the organisation.

Use of Information. Use refers to the handling of information within an organisation in relation to the primary purpose for which it was collected.

All Nesian Point participants will be informed in a supportive way about their rights and responsibilities both verbally and in writing at their initial intake assessment meeting and any future reviews.

This process will also take place should a participant make an informal or formal complaint. (**Participant Feedback, Complaints & Appeals Flow Chart FC6**)

Participants rights & responsibilities will be set out in the Nesian Point **Participants Rights & Responsibilities Statement C15** which is given to all participants and their advocates at their initial meeting. A copy of this policy & procedure is also accessible via our website or provided in hard copy to participants if requested.

All staff and management will have participant rights and responsibilities covered during initial induction, training and supervision support activities. (**Staff Induction & Orientation Checklist HR11**)

Person Centered Supports

Nesian Point is committed to ensuring a person-centred approach to all participant support services delivered by our organisation.

Information to support this process is accessible via our website or provided in hard copy format on request, these include:

- **Participant Meetings Easy Read ER3**
- **Supporting Your Choices Easy Read ER7**



A person-centred approach ensures participants are at the centre of decision making that relates to the services they receive, how they are supported in developing choices and making decisions that impacts them.

Nesian Point will ensure its approach to person-centred planning by:

- building on the participants experiences, strengths, skills and abilities, goals and objectives
- supporting personal empowerment through decision making and choice
- providing meaningful options for the participant to express preferences and make informed choices.
- assisting and support as needed in order to identify and achieve their hopes, goals and aspirations
- developing a framework for providing services, supports and interventions that meets the participant's needs in line with our duty of care
- ensuring our service reflects the participants' goals and aspirations for a lifestyle that promotes dignity, respect and independence.
- creating community connections such as social inclusion
- encourages the use of informal supports as well as those from specialist and mainstream services if required.
- seeing the participant in the context of their culture, ethnicity, language, religion, sexuality, gender identity that compose the participant's individuality is respected and valued in the planning process.



- supporting mutually respectful partnerships between the participant, their family, friends and other service providers and recognises the legitimate contributions of all parties involved.

Nesian Point contributes to the success in achieving person centred outcomes as set out within this policy by undertaking the following:

- each participant will be provided with the opportunity to communicate and achieve their personal goals and aspirations.
- establish and maintain clear procedures on how a person-centred approach will be embedded within our participant support services.
- engage with and empower staff to implement person-centred service delivery and supports.
- each participant will have a **Service Agreement and Support Plan** developed to guide the achievement of their needs, aspirations and wishes for their future, and this plan will build upon the strengths of the individual.

Individual Values & Beliefs

Nesian Point believes that people with disabilities have the same right as other members of Australian society to realise their full potential and should be supported to participate in and contribute to social and economic life.

We support inclusion of, and access for people with disabilities to mainstream and community-based activities in line with their interest and abilities.

Nesian Point commits to cultural diversity and to support our participants by respecting their culture, values and beliefs. We will recognise and value the multicultural nature of Australian society and provide specific acknowledgement and support to the customs of Indigenous Australians.



This process focuses on inclusiveness of all community groups and freedom from discrimination that belongs to all people, irrespective of their sexual orientation, gender identity, disability, race, sex, cultural and linguistic diversity, age and stage of development.

Nesian Point will deliver flexible services that are designed to meet the needs of a diverse range of people.

We actively provide a work environment that supports, values and encourages cultural diversity by training our staff to develop their cultural understandings.

We will identify any real or potential barriers for the participant to access our services.

Our strategies to ensure equity for all peoples may include:

- Treating all people equally according to their human rights
- Ensuring inclusion of all people regardless of their background, ethnicity, culture, language, beliefs, gender, age, sexual orientation, socioeconomic status, level of ability, additional needs, family structure or lifestyle
- Promoting inclusive practices and ensuring the successful involvement of participants in the community to enable them to reach their goals and aspirations.

We will collaborate with the participant to identify their culture, diversity, values and beliefs.

Nesian Point acknowledges the participant's right to practice their cultures, values and beliefs. We will work with the participant to ascertain how and when they wish to participate in any religious or cultural practices.

Staff must respond sensitively to the participant's requirements and work with the participant to access their required supports.



Nesian Point recognises, respects, promotes and celebrates the value of cultural diversity.

Our management team and staff will adopt and implement inclusive and culturally diverse policies and strategies.

Our organisation will work in partnership with the community, including the regions Aboriginal and Torres Strait Islander people, culturally and linguistically diverse groups, people with different sexual orientations and those with disabilities.

To improve and support the varying needs of participants, their families and advocates, Nesian Point will access links between other service systems. To achieve this we will:

- Consult with our participants to facilitate the provision of fair, equitable and transparent services
- Work with services in the community to ensure our participants are provided with relevant contacts to other services and community networks to enable the development of their personal goals, outcomes and aspirations, in line with their individual support plan
- Actively encourage and support our participants to maintain personal networks, community connections and participate in their community
- Use networks and community engagement feedback to inform our management processes.

Nesian Point will gather information about participant's cultural beliefs, values and diversity.

Participant's decisions and choices regarding their beliefs and cultural practices are supported and recorded in their individual support plan.

Nesian Point's commitment is to make sure participants are connected into their communities by:

- Providing information on mainstream services and community activities which will benefit participants, as well as their families and advocates



- Contributing to relevant links and networks within the community
- Encouraging participation and inclusion of people with participants by working in partnership with community organisations.

Nesian Point is committed to identifying and liaising with other stakeholders. Stakeholder identification and contact are dependent on the participant and may include local community support organisations, employment assistance providers, training organisations and housing agencies.

Nesian Point will uphold and promote the legal and human rights of all participants and abide by the United Nations Convention on the Rights of People with Disabilities.

Nesian Point will support the participant to access supports linked to their culture, diversity, values and beliefs. The type of support and responses will be determined through consultation with the participant and will follow the choices made by the participant. (**Supporting Your Choices Easy Read ER7 & Support Planning Flow Chart FC4**)

To assist the participant in making choices about their level of participation in their relevant supports, our team may:

- Pursue contacts that have been chosen by the participant
- Contact local communities, e.g. Cultural, religious, sexual orientation groups or spiritual groups including Aboriginal and Torres Strait Islander communities
- Contact government agencies to seek support for individual participants
- Source community members and groups to provide input into the service
- Contact advocates to assist with the development of community support plans for the participants



Promoting Inclusion:

Nesian Point promotes inclusion through:

- Working closely with a network of health and allied health professionals to be able to support the holistic needs of our participants
- Building effective partnerships with the participants and their families, advocates and support people to discuss and foster shared priorities and understand the participant's individual needs and goals
- Focusing efforts on building social inclusion and participation opportunities within the range of services provided
- Providing information on community events and other relevant networks that meet participants' needs and identified goals
- Working within a participant's networks and supports, e.g. Childcare, kindergarten, school or home environments to allow our service to assist the participant foster relationships and increase participation in familiar surroundings
- Operating in a manner that ensures all people can access our services.

Nesian Point will support the rights of the participant to seek contact with those in the community relevant to their wishes, goals and aspirations. In these cases the participant will be encouraged to join with related community links, as required.

We will:

- Follow the participant's aspirations and needs to participate in the community actively.

Nesian Point will make relevant contacts for the participant to assist in initial involvement with their selected group or individual.

Where required we will work with Aboriginal and Torres Strait Islander people and culturally diverse groups to actively engage with their communities. Any support provided from their community is



incorporated within the Support Plan of the individual participant.

(Support Planning Flow Chart FC4)

This support will be assessed, monitored and reviewed to ensure that goals and aspirations of participants are met using the relevant community supports. **(Support Plan Reviews and Quality Management Flow Chart FC21)**

Nesian Point will provide services that meet the aspirations and goals of the participant for inclusion within the community where they live or work.

We will be active within the community to actively encourage the participant to engage in their preferred activities, including employment, education, sporting activities, cultural events and any relevant activities.

Nesian Point is committed to building relationships with and between key stakeholders, including governments, organisations and communities, to obtain the best result for their participants.

Our staff will undertake cultural competency training to increase knowledge and build strategies on how to work inclusively.

Privacy & Dignity

Nesian Point affirms and respects the right of each participant to privacy and confidentiality in all aspects of his or her life.

This policy also describes how private information of other parties is protected.

This process documents the principles of privacy that Nesian Point adheres to and the measures that are taken to protect clients' privacy, to maintain personal dignity and to keep information confidential to those who have a right and need to know.

Our services are delivered in ways that respect the dignity of participants and their families. **(Participants Rights & Responsibilities Statement)**



C15) Nesian Point further ensures the confidentiality and security of the personal information of other parties including staff and management.

We will protect privacy and ensure that the collection, storage, use and disclosure of any personal information collected comply with the relevant legislation.

Staff are guided through this process by the **Information Management Flow Chart FC22** and participants are provided with access to **Information Collection & Confidentiality Easy Read ER2** to assist with their understanding of these processes.

Nesian Point will treat all participants with courtesy, dignity and will recognise their human rights to self-determination and privacy.

We will ensure that all participants are treated fairly and in a non-discriminatory manner. This intent incorporates both intake and service delivery processes. Information provided will be in an Easy Read format, but we will arrange relevant support in the form of an interpreter, as required.

If a participant has a barrier of not being able to read or understand information, then a support person will be provided to assist the participant in understanding what's said to them.

Independence & Informed Choice

Nesian Point supports participants to make the best informed choices and decisions with regards to supports and services which will best suit the participants agreed needs and goals.

The purpose of this policy is to guide the delivery of services and ensure that Nesian Point staff supports participants to exercise their rights and have choice and control over the supports and services they receive.

We are committed to promoting and protecting participant's rights including freedom of expression, self-determination and decision-making.



During the intake process participants are provided with a Welcome Kit that includes:

- **Code of Conduct Easy Read ER1**
- **Participant Rights & Responsibilities Statement C15**
- **Supporting Your Choices Easy Read ER7**

Nesian Point recognises participant's right to participate as fully as possible in making decisions and making choices when it comes to their day to day activities and long term planning.

We will support and encourage each individual participant to be involved in this process all through their support provision timelines.

Our staff will support participants in the use of an advocate to assist in making choices and decisions where they feel it is needed. This process is guided by Using a **Support Person or Advocate Easy Read ER9**, **Advocacy Flow Chart FC3** and **Participant Notification of Support Person or Advocate Form C17**.

We understand that participants may have a wide range of physical or cultural needs and will respect those needs in the provision of supports by providing a proactive approach in encouraging participants in making decisions and choices.

Nesian Point will undertake induction, training and supervision for all staff to support their understanding and ability to provide decision making, choice and control options for our participants. This process is managed through the use of our **Staff Training & Development Register R10** and individual **Staff Training & Supervision Review Plans HR24**.

We provide participants with access to a wide range of service related information in a format that is accessible to them. This includes printed Easy Read documents and downloadable PDF documents via our website. This information assists participants to be informed about decisions regarding their support services.



Nesian Point respects the rights of all participants in exercising choice and control about matters that affect them and is committed to collaborating and consulting with participants and other relevant stakeholders. This can include family members, carers and nominated advocates (**Participant Notification of Support Person or Advocate Form C17**) where appropriate.

We affirm that all participants who access our services are assumed to have capacity to make decisions, exercise choice, and provide informed consent regardless of their support needs.

Our staff work to develop our participant's capacity to make independent decisions and providing timely information in appropriate formats to support informed decision-making including a participant's rights and responsibilities (**Participant Rights and Responsibilities Statement C15**).

Nesian Point promotes choice making about every stage of the participants service provision, from goal setting to decisions about activities and supports. We strive to assist participants in a way that is appropriate to their circumstances and cultural needs so as to maximise their opportunities to make choices and have control over decisions that affect their lives.

We recognise the role of a participant's family, carers and advocates in representing participant's interests and promoting choice and control in the planning and delivery of supports. (**Support Planning Flow Chart FC4**)

During the initial intake assessment interview the Director will inform the participant and their advocate if relevant, of their rights and responsibilities

During intake, the feedback and complaints process, advocacy and other opportunities for the participant to make choices are discussed. (**Providing Feedback or making a Complaint Easy Read ER6**)



The Director or Operations Manager will follow the **Participant Intake Process Flow Chart FC1** and **Participant Orientation Checklist C10** to ensure that each individual participant will be given a consistent range of written and verbal information.

This information will be tailored so that it is suitable for teaching individual participants' needs, assist them to make informed choices about the support services they require and how the supports will be provided.

We will ensure that each participant is provided with services and support driven by the needs of the participant.

Nesian Point encourages and supports feedback from participants about the services and supports being provided. (**Providing Feedback or Making a Complaint Easy Read ER6** and **Participant Feedback, Complaints & Appeals Flow Chart FC6**) This information is used as part of the services continuous improvement strategy. (**Continuous Improvement Flow Chart FC11**)

We will ensure that all participants will participate where possible in developing a **Service Agreement** which is based around the individual's strengths, goals, needs and choices.

All participants agree to their **Support Plan** by signing and dating the agreed plan and keeping a copy for future reference.

Participants, and if relevant, their advocates have the right to make the final decision about the types of services they will accept from Nesian Point, how they will be delivered and how long they will be provided.



Preventing Violence, Abuse, Neglect, Exploitation & Discrimination

Nesian Point believes that the safety and best interests of the person who is the subject of suspected or alleged abuse, assault or neglect is paramount.

Participants and their families, and Nesian Point staff should:

- understand their rights
- be aware of what constitutes abuse, assault and neglect
- be aware of signs and indicators

Staff will be trained and supervised in the prevention and protection of participants from abuse and be committed to ensuring their safety.

Response to allegations of abuse or neglect shall occur promptly, sensitively and confidentially to protect the person from further harm and offer the person the medical, psychological and legal assistance to which they are entitled.

Staff, participants, carers, family members or advocates should be aware that any allegations or suspected instances of abuse or neglect should be reported.

Nesian Point management has the overall responsibility to ensure that each participant who uses our service accesses supports free from violence, abuse, neglect, exploitation or discrimination.

The policies, procedures and related documents we have guiding the organisations participant supports actively prevent violence, abuse, neglect, exploitation or discrimination.

Nesian Point provides each participant with a number of subject related easy to read documents, including:

- What is Safeguarding? Easy Read ER8
- Eliminating Restrictive Practices Easy Read ER5
- Code of Conduct Easy Read ER1



This process is facilitated by the Director where allegations of violence, abuse, neglect, exploitation or discrimination have been made.

The Director is responsible for the ongoing supervision of staff to ensure that they follow the relevant organisational policies and procedures relating to any allegations, incidents, violence, abuse, neglect, exploitation or discrimination. Guiding this process is:

- Participant Risk Management Flow Chart FC7
- Incident Management Flow Chart FC9
- Maintaining a Safe Environment Flow Chart FC27
- Managing Participant Money & Property Flow Chart FC28

The Director will carry out investigations and reviews in line with our policies and ensure that each participant affected is supported and assisted, records are made of any details and outcomes of reviews and investigations and action is taken to prevent similar incidents occurring again.

A complete incident management process is documented within our **Operational Management PP1**.

Nesian Point recognises the right of participants to protection, regardless of gender, race, culture and disability.

We recognize the power dynamics inherent in working with participants and the potential for abuse & exploitation by staff of people we work with.

Nesian Point is committed to creating and maintaining an environment which promotes its core values and prevents abuse and exploitation of all participants. Our staff are expected to uphold the dignity of all participants with whom they come into contact ensuring that their personal and professional conduct is of the highest standards at all times.



We understand the unique needs of our participants and therefore commits itself to creating & maintaining an environment that protects these individuals.

Nesian Point staff and management are prohibited from causing any physical or emotional harm to participants.

Our staff and management team are prohibited from the exchange of money, employment, goods, or services for sex, including sexual favours.

Nesian Point staff and management are prohibited from any form of humiliating, degrading, or exploitative behaviour toward participants.

Staff and management are not to use their power or position to withhold assistance or services, or to give preferential treatment. Staff are prohibited from using their power or position to request or demand payment, privilege, or any other benefit.

Staff & the management are obliged to report any concern or suspicion of exploitation and abuse of a participant. Failure to report may put the participant and Nesian Point at risk and is a breach of the **Code of Conduct HR5**.

Staff should report concerns by staff from other organisations through established reporting mechanisms.

Nesian Point adheres to the highest human resource and recruitment standards to safeguard people we work with against exploitation and abuse.

This includes:

- safe recruitment– referencing and vetting prospective applicants with emphasis on good employment track record in carrying out their work in conformity with the **Code of Conduct HR5**.
- Induction – all staff have completed an induction on the **Code of Conduct HR5** and all relevant policy & procedures.



Output & Other Documents

1. Code of Conduct Easy Read C1
2. Participant Rights & Responsibilities Statement C15
3. Service Agreement
4. Support Plan
5. Consent Form C11
6. Participant Notification of Support Person or Advocate Form
7. Participant Meetings Easy Read ER3
8. Information Collection & Confidentiality Easy Read ER2
9. Eliminating Restrictive Practices Easy Read ER5
10. Providing Feedback or making a Complaint ER6
11. Supporting Your Choices Easy Read ER7
12. What is Safeguarding? Easy Read ER8
13. Using a Support Person or Advocate Easy Read ER9
14. Participant Feedback & Complaints Form C7
15. Participant Consent Form C11
16. Participant Request to Access Personal Information Form
17. Notification of Support Person / Advocate Form C17
18. Incident Report Form C19
19. Feedback, Complaints & Appeals Register R3
20. Incident Register R7
21. Participant Intake Process FC1
22. Advocacy Flow Chart FC3
23. Support Planning Flow Chart FC4
24. Participant Feedback, Complaints and Appeals Flow Chart



25. Incident Management Flow Chart FC9
26. Information Management Flow Chart FC22
27. Maintaining a Safe Environment Flow Chart FC27
28. Managing Participant Money & Property Flow Chart FC28

Relevant Legislation and Practice Standards

- NDIS Module Division 1 – Rights and Responsibilities
- NDIS Module Division 3 – Provision of Supports
- NDIS Code of Conduct Rules 2008
- United Nations Convention on the Rights of People with Disabilities.

Key Contact

For further information and support about implementing this Policy & Procedure please contact the Operations Manager.

Approvals, Updates and Reviews

Date of approval: 15th April 2022

Last updated: 14th April 2022

Date of next review: March 2023

Signature of Director:

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.