

Participant rights

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Introduction

Participant rights set a clear context for how Connect Allied Health (CAH) provides supports and services and works in fair ways to prevent the infringement of rights.

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
- Access an advocate including an independent advocate if required or preferred
- Access an interpreter if required or preferred
- Accessible communication, as per participant preferences
- Inclusiveness, accessibility, choice and control in all aspects of their life

Applicability

When

- Applies to supports and services provided to all participants.

Who

- Applies to **all** representatives including key management personnel, full time workers, casual workers, contractors and the director.

Purpose and scope

This policy sets out the rights of participants and the responsibilities of providers that deliver supports and services to them.

Connect Allied Health (CAH) must ensure that participants are supported to access supports that are:

Person - centred:

Outcome: Each participant accesses supports that promote, uphold and respect their legal and human rights and is enabled to exercise informed choice and control. The provision of supports promotes, upholds and respects individual rights to freedom of expression, self-determination and decision-making.

To achieve this outcome, the following indicators should be demonstrated:

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

Reflect the participant's individual values and beliefs:

Outcome: Each participant accesses supports that respect their culture, diversity, values and beliefs.

To achieve this outcome, the following indicators should be demonstrated:

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

Maintain participant privacy and dignity:

Outcome: Each participant accesses supports that respect and protect their dignity and right to privacy.

To achieve this outcome, the following indicators should be demonstrated:

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

Support participant independence and informed choice:

Outcome: Each participant is supported by the provider to make informed choices, exercise control and maximise their independence relating to the supports provided.

To achieve this outcome, the following indicators should be demonstrated:

- Active decision-making and individual choice is supported for each participant including the timely provision of information using the language, mode of communication and terms that the participant is most likely to understand.
- Each participant's right to the dignity of risk in decision-making is supported. When needed, each participant is supported to make informed choices about the benefits and risks of the options under consideration.
- Each participant's autonomy is respected, including their right to intimacy and sexual expression.
- Each participant 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 participant's right to access an advocate (including an independent advocate) of their choosing is supported, as is their right to have the advocate present.

Are free from violence, abuse, neglect, exploitation and discrimination

Outcome: Each participant accesses supports free from violence, abuse, neglect, exploitation or discrimination.

To achieve this outcome, the following indicators should be demonstrated:

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

The rights of people with a disability

Connect Allied Health respects and fully commits to upholding the rights of all people, including those with disabilities. We are also committed to ensuring participants are aware of their rights and responsibilities and are supported to exercise them.

In supporting participants to exercise their rights, we must comply with the National Disability Insurance Scheme Act 2013 and NDIS Practice Standards (2018) - Rights and Responsibilities, as well as the following (including but not limited to):

Disability Discrimination Act 1992

The Disability Discrimination Act 1992 (DDA), has three key aims (Australian Human Rights Commission, 2016, p 62):

- *To eliminate 'as far as possible' discrimination on the ground of disability*
- *Ensure 'as far as practicable' equality before the law for people with disability*
- *Promote community acceptance of the rights of people with disability.*

Disability Standards

As well as the DDA, there are sets of standards that also protect the rights of people with disability. These include:

- The Disability Standards for Accessible Public Transport
- The Disability Standards for Education
- The Disability Standards for Access to Premises

As a result of the DDA, it is unlawful to discriminate against someone with a disability in the following areas: employment, education, access to premises used by the public, provision of goods, services and facilities, accommodation, buying land, activities of clubs and associations, sport and administration of Commonwealth Government laws and programs (Australian Human Rights Commission, 2016).

Human Rights

The *Universal Declaration of Human Rights* (UNHR) was implemented in 1948, by the United Nations General Assembly (Australian Human Rights Commission, 2016). While the UDHR does not ensure compulsory responsibilities, it forms the foundation for international human rights. The *Universal Declaration of Human Rights* addresses important rights including; rights to life, civil and political, privacy, free speech, economic, social, cultural, healthcare, education and social security (Australian Human Rights Commission, 2016).

As presented in the recording, in 1970's the disability rights movement raised awareness of the experience and oppression of people with disability. As a result the United Nations began to implement strategies to address the rights of people with disability (Australian Human Rights Commission, 2016).

- 1975 Declaration on the Rights of the Disabled Persons
- 1981 International Year of the Disabled Person
- 1992 International Day of Disabled Persons (December 3rd)
- 2008 Convention on the Rights of Persons with Disabilities

Convention on the Rights of Persons with Disabilities

The Convention on the Rights of Persons with Disabilities (CRPD) is an international treaty, established by the United Nations in 2008. Australia was one of the first countries to sign and ratify the CRPD.

The CRPD features eight general principles (Australian Human Rights Commission, 2016, pg. 83):

- *respect for the inherent dignity, individual autonomy - including the freedom to make one's own choices - and independence of persons*
- *non-discrimination*
- *full and effective participation and inclusion in society*
- *respect for difference and acceptance of persons with disabilities as part of human diversity and humanity*
- *equality of opportunity*
- *accessibility*
- *equality between men and women*
- *respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to prevent their identities*

National Disability Strategy 2010 - 2020

To achieve the rights set out in the Convention on the Rights of Persons with Disabilities, the Commonwealth Government set out a strategy. The National Disability Strategy 2010-2020 includes six key areas:

1. Inclusive and accessible communities
2. Rights protection, justice and legislation
3. Economic security
4. Personal and community support
5. Learning and skills
6. Health and well-being

Disability Services Act 1993 (SA)

Under the *Disability Services Act 1993 (SA)*, people with a disability have the same basic human rights as other members of Australian society, irrespective of the nature, origin, type or degree of disability. These rights include:

- the right to respect and dignity
- the right to live in and be part of the community
- the right to realise their individual capacities for physical, social, emotional and intellectual development
- the same right to access services to support a reasonable quality of life
- the right to choose their own lifestyle and to have access to information
- the right to participate in decisions which affect their lives
- the right to receive services in a manner which results in the least restriction of their rights and opportunities
- the right to pursue any grievance without fear of reprimand from service providers or discontinuation of services, and
- the right to protection from neglect, abuse and exploitation

Quality of life:

Connect Allied Health are dedicated to supporting participants to access their right to choice and control to improve quality of life.

Definition: *“Quality of Life as an individual's perception of their position in life in the context of the culture and value systems in which they live and in relation to their goals, expectations, standards and concerns. It is a broad ranging concept affected in a complex way by the person's physical health, psychological state, personal beliefs, social relationships and their relationship to salient features of their environment”* (World Health Organisation, 2019)

Quality of Life for People with Intellectual Disability

There are domains that contribute to the quality of life of people with intellectual disability (Schalock, 2000). These include:

- Personal development (activities of daily living, education, work, volunteering)
- Self-determination (autonomy, choice, person control)
- Interpersonal relationships (social networks, natural supports, family, friendships)
- Social inclusion (social and community inclusion, social roles)

- Human rights (human rights, respect, dignity, equality, legal rights, access)
- Emotional well-being (safety, security, lack of stress, contentment, positive experiences)
- Physical well-being (health, nutrition, recreation, leisure)
- Material well-being (financial resources, employment, possessions, housing)

Responsibilities

It is Connect Allied Health's responsibility to (including but not limited to):

- Inform and uphold participant rights.
- Provide Supports in a way that promotes, upholds and respects the participant's rights to freedom of expression, self-determination, decision-making, and Dignity of Risk, whilst maintaining Connect Allied Health's Duty of Care.
- Treat the participant fairly, with courtesy, dignity and respect and without discrimination.
- Respect participant autonomy, including their right to intimacy and sexual expression.
- Support participants to make informed choices, exercise control and maximise independence in relation to the supports we provide.
- Communicate with the participant/representative openly and honestly, in a timely manner.
- Build the capacity of people with disability, their families, and their carers to make informed decisions.
- Support the participant to connect with other services, including but not limited to advocates (including an Independent Advocate), interpreters and translators, as per their individual needs and preferences.
- Provide information about our services, as per the participant's preferred means of communication, including easy read documents where applicable.
- Provide safe and appropriate services that are culturally relevant and support your individual needs and goals.
- Provide services that consider and respect your lifestyle, cultural, linguistic and religious background and preferences.
- Give the participant/representative information about managing any complaints or disagreements and details of the provider's cancellation policy (if relevant).
- Promptly address enquiries and complaints about the supports you are receiving and resolve problems quickly.
- Support participants to provide feedback on our service.
- Involve participants in decisions about supports, as well as our policies.
- Provide participants/representatives with sufficient time to consider and review support options and seek advice if required, at any stage of our service delivery.
- Provide ongoing review of the provision of supports with the participant/representative.
- Once agreed, provide supports that meet the participant's needs at mutually appropriate times.
- Communicate openly and honestly in a timely manner.
- Consult the participant/representative on decisions about how supports are provided.
- Give the participant/representative notice if the provider has to change a scheduled appointment to provide supports.
- Give the participant/representative the required notice if the provider needs to end the Service Agreement.
- Protect the participant/representative privacy and confidential information.
- Provide supports in a manner consistent with all relevant laws, including the [National Disability Insurance Scheme Act 2013](#) and [rules](#), and the Australian Consumer Law; keep accurate records on the supports provided to the participant.
- Utilise and maintain an appropriate governance and operational management system relevant (proportionate) to the size, and scale of the provider and the scope and complexity of supports delivered.
- Identify and manage risks to participants, workers and the provider in a timely and effective manner.
- Utilise and maintain a quality management system relevant and proportionate to the size and scale of the provider, which promotes continuous improvement of support delivery.
- Ensure each participant's information is identifiable, accurately recorded, current and confidential. Each participant's information is easily accessible to the participant and appropriately utilised by relevant workers.
- Ensure each participant has knowledge of and access to the provider's complaints management and resolution system. Complaints and other feedback made by all parties are welcomed, acknowledged, respected and well-managed.

- Ensure each participant is safeguarded by the provider's incident management system, ensuring that incidents are acknowledged, responded to in a timely manner, well-managed and learned from.
- Ensure each participant's support needs are met by workers who are competent in relation to their role, hold relevant qualifications, and who have relevant expertise and experience to provide person-centred support.
- Support each participant to have access to timely and appropriate support in line with evidence based practices.
- Ensures that emergency and disaster management planning considers risks to the health, safety and wellbeing of participants that may arise in an emergency or disaster are considered and mitigated, and ensures the continuity of supports critical to the health, safety and wellbeing of participants in an emergency or disaster.
- Support participants to access the most appropriate supports that meet their needs, goals and preferences.
- Support participants to be actively involved in the development of their support plans, which reflect participant needs, requirements, preferences, strengths and goals, and are regularly reviewed.
- Ensure that each participant has a clear understanding of the supports they have chosen and how they will be provided.
- Support participants to access responsive, timely, competent and appropriate supports to meet their needs, desired outcomes and goals.
- Where preferred, support participants to transition to or from the provider.
- Ensure that participant accesses supports in a safe environment that is appropriate to their needs.

Responsibilities of the participant/representative:

- Provide us with information that will help us to best support you.
- Inform the provider about how they wish the supports to be delivered to meet the participant's individual needs.
- Treat the provider with courtesy and respect.
- Talk to the provider if the participant/representative has any concerns about the supports being provided.
- Give the provider the required notice if the participant needs to end the Service Agreement (see '[Ending this Service Agreement](#)' for more information).
- Provide us with feedback about our service and how we can improve.
- Let the provider know immediately if the participant's NDIS plan is suspended or replaced by a new NDIS plan or the participant stops being a participant in the NDIS.
- The participant's representative/appropriate guardian will attend all home sessions.
- If self-managing, payments must be made within 5 business days of receiving the invoice.
- To ensure there are sufficient funds in your plan for preferred services.
- The participant/representative agree to the completion of appropriate risk assessments to maintain their own safety, as well as the safety of staff providing supports.
- To assist in completion and ongoing review of an individual support planning, to the best of their abilities.

Policy

Connect Allied Health expect all workers to support and uphold participant rights in accordance with this policy and procedure, in all areas of service delivery.

This policy and procedure and the *Preventing Violence, Abuse, Neglect, Exploitation and Discrimination Policy and Procedure* outline how CAH ensures that workers are aware of their responsibilities to protect participants and their rights. As per CAH's *Human Resources Policy and Procedure* and the *CAH Worker Induction Policy and Procedure*, all staff must undergo induction, which includes training in participant rights via the the *NDIS Worker Orientation Module*.

The support planning process and documentation, as well as education and training for staff, supports their ability to understand and uphold participant rights. Staff knowledge and their application of supporting and upholding participant rights is monitored on a day-to-day basis, and discussed in annual performance reviews as required. Additional formal and on-the-job training is provided to staff, as determined by CAH.

CAH also facilitate opportunities for participants/representatives and key stakeholders to contribute to the governance of the organisation and have input into the development of organisational policy and processes relevant to the provision of supports and the protection of participant rights, via actively seeking participant/representative input through Participant Feedback Forms, surveys, input into policy development and update, and other communications. This also contributes to upholding participant rights.

Staff must uphold participant rights whilst adhering to their Duty of Care, as per relevant Governing bodies including but not limited to Speech Pathology Australia and Occupational Therapy Australia.

Staff must also work collaboratively with each participant and appropriate key stakeholders to ensure culturally appropriate practices are being upheld by CAH.

Staff must document any specific culturally appropriate requirements that the participant requests or has arranged with them, within the participant's support plan.

Staff must also undertake Cultural Awareness training, outlined in the *Cultural and Inclusion Policy*.

Procedure

Connect Allied Health provide participants with information about their rights by:

- Providing participants with a copy of the CAH NDIS Participant Handbook and service agreement (including easy read service agreement).
- Displaying the NDIS Code of Conduct in the clinics.
- Completing the onboard process and supporting documentation.
- Seeking feedback from participants/representatives regarding this policy.
- Continually seeking feedback from participants, e.g., quality calls, surveys, and opportunities for participants to contribute to the governance of the organisation and have input into the development of organisational policy and processes relevant to the provision of supports and the protection of participant rights via *Participant Contribution into CAH Governance* discussion with the Director and members of the CAH management team.

A full copy of this policy and procedure must be provided upon request.

CAH staff must provide rights information to participants and their families in ways that suit their individual communication needs. Written information can be provided in Easy Read or explained verbally by staff. Staff can also help participants access interpreters or advocates (including an independent advocate), as required, as per the *CAH Advocacy Policy*.

To ensure its supports are delivered to the highest standard, Connect Allied Health review and record feedback and complaints and make adjustments to its practices where needed, particularly where feedback indicates that participant rights are not being upheld. Any feedback that raises concerns about a participant's rights will be discussed during management meetings, with changes to service delivery processes endorsed by the Management Team and implemented by the Director as soon as practicable. Refer to Connect Allied Health's *Complaint Management Policy and Procedure* for more information.

Connect Allied Health's feedback collection mechanisms, such as participant satisfaction surveys, will assess participant/representative and key stakeholder:

- Satisfaction with the support they are provided to exercise their rights and responsibilities;
- Awareness of what to do if their rights are violated;
- Satisfaction with the quality of services they receive;
- Satisfaction that their privacy and confidentiality are maintained;
- Views on how easy it is to access the feedback and complaints system;
- Satisfaction with how complaints and feedback are managed;
- Satisfaction with the management of reviews and appeals; and
- Awareness of their rights and the extent to which they feel able and supported to exercise them.

Connect Allied Health's *Continuous Improvement Register* will be used to record improvements identified and monitor the progress of their implementation. Where relevant, this information will be considered as part of CAH's planning and delivery processes.

Legislation

Disability Services Act 1993

Disability Discrimination Act 1992

Convention on the Rights of Persons with Disabilities (CRPD) 2008

National Disability Strategy 2010-2020

Disability Standards for Education 2005

Australian Education Act 2013

Children and Young People (Safety) Act 2017 (SA)

Children's Protection Act 1993 (SA)

Education and Early Childhood Services (Registration and Standards) Act 2011 (SA)

Family and Community Services Act 1972 (SA)

State Records Act 1997 (SA)

The National Disability Insurance Scheme Act 2013 (NDIS Act)