

4.1 PARTICIPANT RIGHTS AND RESPONSIBILITIES POLICY AND PROCEDURE

PURPOSE AND SCOPE

This policy and procedure confirms Partner In Your Care's commitment to participants' rights and sets out how these rights are to be communicated and supported by staff. This policy applies to all staff as well as existing and potential Partner In Your Care participants, carers and other supporters. It meets relevant legislation, regulations and Standards as set out in Schedule 1, Legislative References.

APPLICABLE NDIS PRACTICE STANDARDS

Specialist Disability Accommodation – Rights and Responsibilities

Outcome

Each participant's access to specialist disability accommodation dwellings is consistent with their legal and human rights and they are supported to exercise informed choice and control.

Indicators

- Knowledge and understanding of each participant's legal and human rights, and incorporation of these rights into everyday practice, including through reasonable adjustments or modifications to the dwelling to meet each participant's needs.
- Any agreement or contract entered into with each participant, and any communication with the participant about the provision of specialist disability accommodation, including about rights and responsibilities in relation to the dwelling, is responsive to their needs and provided in the language, mode of communication and terms which that participant is most likely to understand.
- Each participant's autonomy, including their right to privacy, intimacy and sexual expression is respected.

POLICY

Partner In Your Care respects and fully commits to upholding the rights of all people, including those with disabilities.

Partner In Your Care's *Participant Charter* sets out its participants' rights. It also sets out participants' responsibilities and the responsibilities of Partner In Your Care to ensure the rights of all participants and staff are upheld.

PROCEDURES

In supporting participants' rights, Partner In Your Care complies with the *United Nations Universal Declaration of Human Rights*, *United Nations Convention on the Rights of the Child*, *United Nations Convention on the Rights of Persons with Disabilities*, *NDIS Act 2013 (Cth)* and *NDIS Practice Standards (2018)*.

Partner In Your Care provides all prospective and existing participants with information about their rights by:

- providing them with Partner In Your Care's *Participant Charter* and *Participant Handbook*,
- [including rights information on its website,]
- displaying the *Participant Charter* in Partner In Your Care's facilities, and
- verbal explanation by Partner In Your Care staff.

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

Staff must provide rights information to participants in ways that suit their individual communication needs. Written information can be provided in [different languages and Easy English or explained verbally by staff. Staff can also help participants access interpreters or advocates where required.

To ensure its SDA is delivered to the highest standard, Partner In Your Care reviews all feedback and complaints and makes 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 team meetings, with changes to operational processes endorsed by the Senior Management Team and implemented by the Operations Manager as soon as practicable. Refer to Partner In Your Care's *Feedback and Complaints Policy and Procedure* for more information.

Staff Responsibilities

Partner In Your Care expects all staff to support and uphold participants' rights in accordance with this policy and procedure, in all areas of operations. All staff must undergo Induction, which includes training in participant rights.

Staff knowledge and application of supporting and upholding participants' rights is monitored on a day-to-day basis and through Performance Reviews. Additional formal and on-the-job training is provided to staff where required.

Staff must think about where participants' rights are relevant to their work and the work-related decisions they make. Where rights are relevant, staff must consider whether or not the decision or action limits a participant's rights in any way. Staff must be able to demonstrate that any limitation on a participant's rights is reasonable, lawful, necessary, and proportionate in the circumstances.

Staff must also work collaboratively with each participant to ensure culturally appropriate practices are being upheld by Partner In Your Care. Staff must discuss

and document any specific culturally appropriate requirements that the participant requests or has arranged, with the participant.

SUPPORTING DOCUMENTS

Documents relevant to this policy and procedure include:

- *Participant Charter*
- *Feedback and Complaints Policy and Procedure*

MONITORING AND REVIEW

This policy and procedure will be reviewed at least every two years by the Senior Management Team. Reviews will incorporate staff, participant and other stakeholder feedback.

Partner In Your Care's feedback collection mechanisms, such as participant satisfaction surveys, will assess participants' and their supporters':

- 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 SDA 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.

Partner In Your Care'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 Partner In Your Care's service planning and delivery processes.

DOCUMENT CONTROL

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1	04/06/2021	Jeet Singh
Version History		

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