

Policy: Rights and Responsibilities

Purpose

Achieve Australia recognises all people with disability have human and legal rights which should always be respected. We promote and protect those rights as an integral component of each and all its services. We are committed to ensuring that the people we support (clients) are made aware of their rights and responsibilities and supported to exercise them.

It is based on our commitment to ensure

- that rights of people with disability are upheld during the planning and provision of services
- that we actively prevent abuse, harm, neglect and violence
- that all staff identify and meet their duty of care to clients, while recognising people's right to make informed choices and take calculated risks
- our role in advocating on behalf of clients, their family members and carers, and our commitment to ensuring each person has a third party, independent of Achieve Australia, to represent their interests
- that we respect people's rights of freedom of expression, self-determination and decision-making
- that we respect people's right to privacy of their personal information
- that all staff are aware of forms of independent advocacy and respond effectively to the involvement of advocates on behalf of clients.

Scope

This policy applies to all paid staff, contract workers, temporary agency workers, and volunteers. Staff are expected to be familiar with and apply this policy in all their actions.

Legislative Context

- NDIS Code of Conduct
- National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018
- Anti-Discrimination Act 1977 (NSW)
- Community Services (Complaints, Appeals and Monitoring) Act 1993 (NSW)
- Guardianship Act 1987 (NSW)
- Disability Inclusion Act 2014
- NSW Disability Services Standards (NSW DSS)

Reference Documents

- United Nations Convention on the Rights of Persons with Disabilities
- Achieve Australia Customer Charter of Rights and Responsibilities

Approval

Policy Owner	General Manager, Quality and Practice Leadership		
Approved By	Chief Executive Officer		
Date Approved	15/05/2020	Review Date	15/05/2022

Objective	Policy description
Definitions	<p>The Australian Human Rights Commission defines human rights as</p> <ul style="list-style-type: none"> • 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.
Clients understand their rights and responsibilities	<p>Achieve Australia will ensure that all interactions with clients promotes informed decision making including an understanding of what is likely to happen based on decisions made.</p>
Clients understand their legal rights and responsibilities	<p>Achieve Australia is committed to providing everyone using a service with information and support to understand and exercise their legal and human rights.</p>
Clients to pursue their religious beliefs	<p>Achieve Australia has a responsibility to assist people to pursue their individual religious, moral and ethical beliefs.</p>
Clients are aware and understand their citizen responsibilities	<p>Achieve Australia will support clients</p> <ul style="list-style-type: none"> • who want to make a Will, seek legal advice • who are named as beneficiaries under a Will, to ensure that they receive entitlements due to them • who are legally able, to participate in election processes
Clients have rights to relationships and choice of sexuality	<p>Each person has the right to participate in relationships of their choice and to express their sexuality. Achieve Australia has a responsibility to support people in their relationships, if they wish.</p>
Advocate on behalf of clients as requested	<p>Achieve Australia will undertake to advocate on behalf of clients, their families and carers to have their basic rights met. This may involve lobbying levels of Government and peak bodies regarding funding and policy issues or supporting an individual in a confidential matter.</p>

<p>Clients have a recognised independent advocate</p>	<p>If during the individual planning process, Achieve Australia identifies that a person has no family members or friends to advocate independently on their behalf, we will seek their consent to help them appoint an independent advocate.</p>
<p>Advocates acts in the client's best interest</p>	<p>If a client's family member(s) or carer is evidenced as not acting in the best interest of the client, Achieve Australia will advocate on their behalf and seek their consent to have an independent advocate, such as a Public Guardian, appointed.</p> <p>This action will only be taken following assessment and consultation with the individual, their family and other relevant parties and the decision endorsed by the Chief Executive Officer.</p>
<p>Clients, staff and volunteers are not exposed to any reasonably foreseeable risk</p>	<p>Achieve Australia has a duty of care to ensure that people we support, staff, volunteers and visitors not exposed to any reasonably foreseeable risk. We will undertake risk assessments of our operations and develop service delivery procedures.</p>
<p>Clients can make informed choices whilst minimising risks</p>	<p>Achieve Australia staff will assist clients to make informed choices by providing each person with relevant information, in appropriate formats where required, about the benefits and risks involved in activities.</p>
<p>Clients have the opportunity to take reasonable risks</p>	<p>Achieve Australia staff will provide people we support with opportunities and support to take reasonable risks to allow them to become independent in their choice of activities.</p>