

Participant Rights Policy

1. Purpose

Inala Community House (ICH) National Disability Insurance Scheme (NDIS) is committed to ensuring 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

Participant rights set a clear context for how ICH NDIS supports and services are provided.

2. Scope

This policy applies to all ICH NDIS representatives including key management personnel, Directors, full time workers, part time workers, casual workers, contractors, volunteers, students. For the purpose of this policy, these persons shall be referred to as workers.

3. Definition

Abuse: Single acts or patterns of abuse, such as:

- Physical abuse – physical or chemical restraints or coercion, hitting, slapping, burning, choking, pinching, pushing or restraining.
- Sexual abuse – any sexual contact between an adult and child 16 years of age and younger; or any sexual activity with a young person or adult who is unable to understand, has not given consent, is threatened, coerced or forced to engage in sexual behaviour.
- Emotional or psychological abuse – verbal assaults, threats or maltreatment, harassment, humiliation or intimidation, or failure to interact with a person or to acknowledge that person's existence including denying cultural or religious needs and preferences.
- Financial abuse – illegal or improper use and/or mismanagement of a person's money, property or resources including forgery, stealing, forced changes to a will, unusual transfer of money or property to another person or withholding of funds.
- Accidents or near accidents caused by unsafe equipment or practices.
- Unregulated restrictive practices such as those unapproved and/or unauthorised.

Neglect: Any case where a person's basic needs are not met, including:

- Physical neglect – failure to provide adequate food, shelter, clothing, protection, supervision, medical and/or dental care or exposing someone to undue risks through unsafe environments or practices.

- Emotional neglect – failure to support and encourage protect and provide stimulation needed for the social, intellectual and emotional growth or wellbeing of a person.
- Passive neglect – failure to provide or wilful withholding of the necessities of life, including food, clothing, shelter or medical care.
- Supervisory neglect – intentional or reckless failure to adequately supervise or support a participant that also:
 - Involves a gross breach of professional standards.
 - Has the potential to result in the death of, or significant harm to, a participant.

Exploitation: Any case where:

- Someone in a position of trust and confidence knowingly, by deception or intimidation, obtains or uses, or tries to obtain or use, a participant's funds, assets or property with the intent to temporarily or permanently deprive that person of the use, benefit or possession of those funds, assets or property for the benefit of someone other than the participant.
- A person who knows or should know that the participant lacks the capacity to consent, and obtains or tries to obtain or use, the participant's funds, assets or property with the intent to temporarily or permanently deprive the participant of the use, benefit or possession of the funds, assets or property for the benefit of someone other than the participant.
- Examples of exploitation include:
 - Taking or using the assets, funds or other possession of a participant without their consent
 - Tricking or threatening the participant to purchase an item or service that they do not want or that will not be used for their benefit.

Discrimination: Discrimination can occur:

- Directly – when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law
- Indirectly – when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law.

4. Policy

ICH is committed to ensuring that participants and workers understand participants' legal and human rights, and this is incorporated into everyday practice.

4.1 Person-centred supports

The rights of participants are that:

- Each participant can access supports that promote, uphold and respect their legal and human rights
- Each participant is enabled to exercise informed choice and control

- Supports provided promote, uphold and respect individual rights to freedom of expression, self-determination and decision-making.

4.2 Individual values and beliefs

Each participant can access supports that respect their culture, diversity, values and beliefs.

Each participant's autonomy is respected, including their right to intimacy and sexual expression.

4.3 Privacy and dignity

Each participant can access supports that respect and protect their dignity and right to privacy.

4.4 Independence and informed choice

Each participant is supported to make informed choices, exercise control and maximise their independence in relation to the supports provided.

ICH NDIS workers shall ensure that each participant has sufficient time to consider and review their options and seek advice if required. This applies to any stage of support provision, including assessment, planning, provision, review and exit.

4.5 Freedom from violence, abuse, neglect, exploitation or discrimination

Each participant can access supports free from violence, abuse, neglect, exploitation or discrimination.

5. Review

This policy remains in effect unless otherwise determined by resolution of the Board of Directors.

This policy will be reviewed every two years or sooner as required.

6. Related Documents

Policies

ICH NDIS Abuse, Neglect and Exploitation Policy
ICH NDIS Person-centred Care Policy
ICH NDIS Duty of Care and Dignity of Risk Policy
ICH NDIS Decision Making and Consent Policy
ICH NDIS Diversity and Inclusion Policy

ICH Anti-Bullying Policy
ICH Anti-Discrimination Policy
ICH Anti-Sexual Harassment Policy
ICH Service User Support Policy
ICH Service User Protection Policy

Other Documents

Participant Rights (easy read)

References

CentroAssist Policy Portal
NDIS (Quality Indicators) Guidelines (Cth)
National Disability Insurance Scheme Act (Cth)