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RIGHTS OF PERSONS WITH A DISABILITY

POLICY PURPOSE

The purpose of this policy is to promote, protect and ensure the full and equal enjoyment of all human rights by all persons supported by ####, and to promote respect for their inherent dignity. The focus of this policy is on reducing risk and vulnerability, increasing safety and autonomy and promoting a systematic approach to safeguarding the rights of people with a disability.

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others.

SCOPE

This policy applies to all programs and activities within all service streams of the #### and to all employees, Board Members, contractors, consultants and volunteers who interact with service users within the group.

POLICY STATEMENT

is committed to preserving and fostering the rights, dignity, human worth and value of people with a disability.

PRINCIPLES

Safeguarding service users' rights is an important part of everyday practice. The key to successfully achieving that objective is the culture with a genuine person-centred approach to preserving and fostering the rights of people with a disability. By way of example note the following.

1. People with disability are informed of their inherent human rights and are supported to exercise these rights;
2. People with disability have the right to participate in, and contribute to, the social, cultural, political and economic life of the community on an equal basis with others;
3. People with disability have the right to live free from abuse, neglect, intimidation and exploitation
4. People with disability have the right to privacy and to be respected for their worth, dignity and individuality
5. People with disability have the right to realise their potential for intellectual, physical, social, emotional, sexual and spiritual development
6. People with disability have the right to have access to appropriate assistance and support that will enable them to maximise their capacity to exercise choice and control, and realise their potential

7. People with disability have the right to pursue any grievances with disability service providers without fear of the discontinuation of services or of recriminations or retribution of any type from such disability service provide
8. People with disability are empowered to determine their own best interests, including the right to exercise informed choice and take calculated risks
9. The importance of families and social connections for people with disability is recognised and supported
10. The cultural and linguistic diversity of people with disability is respected
11. Intervention in the lives of people with disability occurs in the least intrusive way, with the smallest infringements on the fewest rights
12. Services and supports are based on contemporary evidence-based best practice with a strong focus on person-centred approaches
13. Service users have the right to live and work in the community and to have the opportunity to develop and maintain relationships with family and friends
14. Protect the rights of its service users as human beings and members of the general community and adhere to the following additional principles in safeguarding their rights:
 - entitlement to the best care and treatment with the least restriction of their freedom and the least interference with their rights, privacy and dignity. Interventions that are more restrictive than necessary will limit human dignity and independence;
 - informed consent is required for a specific medical treatment to occur. The service user, their family, guardian or advocate are to be given adequate information about the treatment, risks, consequences and alternatives with regard to either providing or refusing permission
 - to practice the religion or faith of their choice and should be assisted in practicing it as far as possible. ##### employees must not impose their religious beliefs on service users
 - to access and receive all forms of personal communication
 - to enjoy their sexuality and develop intimate relationships
 - to refuse to participate in research projects, but not ##### service evaluations.

POLICY CONTEXT AND RELATED LEGISLATION

This policy should be read in conjunction with other associated ##### policies and procedures and, in particular, the Rights of Persons with a Disability Policy Procedures. Additionally, this policy recognises the legal and moral obligations of ##### and it has been framed around the:

- Disability Discrimination Act 1992 (Cth) (as amended 2016)
- Disability Services Act 1993 (WA) (as amended 2015)
- Guardianship and Administration Act 1990 (WA) (as amended 2015)
- National Disability Insurance Scheme Act 2013 (Cth)
- National Disability Insurance Scheme Quality and Safeguarding Framework 2016

- United Nations General Assembly's Declaration on the Rights of Disabled Persons (1975)
- Standard 1 of the National Standards for Disability Services (2013).

RESPONSIBILITIES

- The ##### is responsible for ensuring the effective management within all service streams of the group of preserving and fostering the rights, dignity, human worth and value of people with a disability.
- The Chief Executive Officer and Executive Directors are responsible for complying with the spirit of this policy and ensuring that all employees of ##### act in good faith and in accordance with this policy.
- Managers are responsible for monitoring compliance with this policy, and reviewing this policy to ensure that is operating effectively.
- Employees are responsible for: - acting in good faith at all times.

BREACHES OF THE POLICY Any breaches of the Rights of Persons with a Disability Policy could constitute a possible act of misconduct. Reference is accordingly made to ##### Employee Discipline and Termination Policy which outlines the relevant processes that may be followed if misconduct is suspected.