

Promoting and Protecting Rights Policy

1. Introduction

1.1 Purpose

This Policy and the Policies and Procedures and related documentation set out in section 1.5 below (**Related Documentation**) supports CDNI Care Pty Ltd to apply the Person – centred supports NDIS Practice Standard.

1.2 Policy Aims

CDNI Care Pty Ltd is committed to ensuring 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.

1.3 NDIS Quality Indicators

In this regard, CDNI Care Pty Ltd aims to demonstrate each of the following quality indicators through the application of this Policy and the relevant systems, procedures, workflows and other strategies referred to in this Policy and the Related Documentation:

- (a) Each participant’s legal and human rights are understood and incorporated into everyday practice.
- (b) 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 Client is most likely to understand.
- (c) Each participant is supported to engage with their family, friends and chosen community as directed by the Client.

1.4 Scope

- (a) This Policy applies to the provision of all services and supports at CDNI Care Pty Ltd.
- (b) All permanent, fixed term and casual staff, contractors and volunteers are required to take full responsibility for ensuring full understanding of the commitments outlined in this Policy.
- (c) The relevant persons specified in the column corresponding to a procedure described in this Policy have the responsibility to implement the relevant systems, procedures, workflows and other strategies referred to in the relevant procedure.

1.5 Related Documentation

The application of the above NDIS Practice Standard by CDNI Care Pty Ltd is supported in part by and should be read alongside the Policies and Procedures and related documentation corresponding to this Policy in the Policy Register.

2. Definitions

2.1 Definitions

Approved By:	The board of CDNI Care Pty Ltd	Version	1
Approval Date:	July 2020	Next Scheduled Review	July 2022

In this Policy:

CDNI Care Pty Ltd means CDNI Care Pty Ltd ABN 32 640 960 658.

Client means a client of CDNI Care Pty Ltd (including an NDIS participant).

Key Management Personnel means Armour Ncube, Saneliso Sibanda, Blessing L Ncube, Beatitute N Ncube and other key management personnel involved in CDNI Care Pty Ltd from time to time.

Legislation Register means the register of legislation, regulations, rules and guidelines maintained by CDNI Care Pty Ltd.

Policy Register means the register of policies of CDNI Care Pty Ltd.

Principal means Saneliso Sibanda.

Related Documentation has the meaning given to that term in section 1.1.

Worker means a permanent, fixed term or casual member of staff, a contractor or volunteer employed or otherwise engaged by CDNI Care Pty Ltd and includes the Principal.

2.2 Defining Human Rights

Human rights are often defined in different ways. The Australian Human Rights Commission defines human rights as:

- (a) the recognition and respect of people's dignity.
- (b) a set of moral and legal guidelines that promote and protect recognition of our values, our identity and ability to ensure an adequate standard of living
- (c) the basic standards by which we can identify and measure inequality and fairness
- (d) those rights associated with the Universal Declaration of Human Rights.

3. Policy Statement

- (a) In the provision of its supports and services, CDNI Care Pty Ltd is committed to ensuring that all Clients including persons with disability have the right to:
 - (1) respect for their human worth and dignity.
 - (2) services and supports that are safe, ethical and free from discrimination, financial, sexual, physical or emotional abuse, neglect and exploitation.
 - (3) freedom of expression, self-determination and decision-making.
 - (4) realise their potential for physical, social, emotional and intellectual development.
 - (5) full participation in society equal to other people, according to their individual and cultural needs and preferences.
 - (6) information and support to understand and exercise their legal and human rights.

Approved By:	The board of CDNI Care Pty Ltd	Version	1
Approval Date:	July 2020	Next Scheduled Review	July 2022

- (7) privacy of their personal information and sensitive information.
 - (8) raise concerns and be supported to formalise complaints.
- (b) In the provision of its supports and services, CDNI Care Pty Ltd will:
- (1) actively prevent abuse, harm, neglect and violence or any breach of human or legal rights.
 - (2) take all allegations of abuse, harm, neglect and violence or any breach of human or legal rights seriously and respond quickly and sensitively in accordance with our Incident Management and Reporting Policy.
 - (3) provide access to support when any allegation or breach occurs.
- (c) In the provision of its supports and services, CDNI Care Pty Ltd will employ skilled Workers and has systems and processes in place to support Workers to understand, promote, protect and incorporate legal and human rights into everyday practice.
- (d) CDNI Care Pty Ltd will proactively and sensitively support each Client, to the limits of our expertise and resources, in circumstances where human and legal rights are being breached by others.
- (e) CDNI Care Pty Ltd supports each of our Clients to engage with their family, friends and chosen community as directed by the Client but recognises that the Client is the decision maker and has the final say in planning and decision making about their services and supports (unless a guardian has been legally appointed).
- (f) CDNI Care Pty Ltd will direct each of our Clients and, if appropriate, their families, friends and chosen community, to all other avenues of support available for the protection of their legal and human rights including to access legal or advocacy services that can inform them of their legal and human rights while they are receiving a service or support from us or from any other service provider.

4. Procedure

The Policy is supported by the following Procedures which are intended to clarify the responsibilities of the board, Principal, Key Management Personnel and other Workers and make explicit the underlying principles of the Policy. The Procedures work together dynamically and are relevant to all parts of CDNI Care Pty Ltd. The Procedures are not ordered in priority and all are important to achieving the aims of the Policy Statement.

Procedure	Responsibility
<p>4.1 Information in relation to human rights and legal rights and exercising informed choice and control</p> <p>Ensure each Client and their families, carers, chosen community or advocate are provided with our Client Induction Pack, which shall include:</p> <ul style="list-style-type: none"> (a) information about CDNI Care Pty Ltd and the services and supports provided by CDNI Care Pty Ltd. (b) a statement which: <ul style="list-style-type: none"> (1) confirms CDNI Care Pty Ltd’s commitment to the Client’s legal and human rights and exercising informed choice and control; and 	<p>Principal and Key Management Personnel</p>

Approved By:	The board of CDNI Care Pty Ltd	Version	1
Approval Date:	July 2020	Next Scheduled Review	July 2022

<p>(2) includes those specific rights the Client is entitled to as a client of CDNI Care Pty Ltd including legal and human rights and other rights as set out in the Policy Statement.</p> <p>(c) a Client Intake Form which provides an opportunity for the Client to tell us what is important to them including with respect to their requested services and supports, personal support needs and requirements, their goals and aspirations, their likes and dislikes and their preferences in respect of communication;</p> <p>(d) information for accessing an interpreter service or bilingual staff; and</p> <p>(e) information for accessing an advocate or legal service (including an independent advocate).</p>	
<p>4.2 Provide services and supports that uphold legal and human rights</p> <p>(a) Provide services and supports in an environment that is safe, ethical and free from discrimination, financial, sexual, physical or emotional abuse, neglect and exploitation.</p> <p>(b) Provide services and supports that respect each Client's rights and responsibilities including the legal and human rights set out in the Policy Statement.</p> <p>(c) Ask the Client to tell us what is important to them including their requested services, personal support needs and requirements, their goals and aspirations, their likes and dislikes and their preferences in respect of communication.</p> <p>(d) Gain the Client's consent to the level of involvement that other people such as the Client's family, carers, chosen community or advocate have at the client induction, assessment or support planning stage (prior to the provision of supports) in planning and decision making about the Client's life and how they choose to live it including decisions about services and supports.</p> <p>(e) Respect the views of the Client's family and carers but recognise that the Client is the decision maker and has the final say in planning and decision making about their services and supports (unless a guardian has been legally appointed).</p> <p>(f) If the Client has provided their consent, support the Client to engage with their family, friends, chosen community or advocate if required when communicating their needs and decisions to us.</p> <p>(g) Respect, promote and uphold each Client's individual choices and support them to have a voice and to exercise their legal and human rights.</p> <p>(h) Support each Client's right to make the decisions about their life, enjoy a valued role in their community, have privacy and be free from discrimination.</p> <p>(i) Uphold each Client's legal and human right to make decisions about their life.</p>	<p>All Workers</p>

Approved By:	The board of CDNI Care Pty Ltd	Version	1
Approval Date:	July 2020	Next Scheduled Review	July 2022

<p>(j) Listen intently to what the Client and where appropriate their family, friends and chosen community have told us about the provision of supports and services to the Client.</p>	
<p>4.3 Communicate in the language, mode of communication and terms that the Client is most likely to understand</p> <p>Support Clients to communicate about the provision of their supports and services in a manner which is responsive to their needs and in the language, mode of communication and terms that the Client is most likely to understand by:</p> <p>(a) using respectful, open, clear, and honest communication in all professional interactions (e.g., spoken, written, social media);</p> <p>(b) communicating effectively with Clients to promote their understanding of proposed supports and services (e.g., active listening, use of plain language, encouraging questions).</p> <p>(c) identifying potential barriers to effective communication and making a reasonable effort to address these barriers including by providing information and materials on how to access interpreter services, legal and advocacy services.</p> <p>(d) working with bilingual assessment staff, interpreters (linguistic and/or sign), communication specialists and relevant advocacy agencies/services that can also assist Client participation, inclusion, informed choice and control.</p> <p>(e) encouraging Clients to engage with their family, friends and chosen community if CDNI Care Pty Ltd has been directed by the Client to do so.</p> <p>(f) informing Clients of their inherent human rights and legal rights.</p> <p>(g) supporting Clients to exercise their rights and responsibilities.</p> <p>(h) documenting all material communications accurately, clearly, professionally and in a timely manner and including them in the Client's information file.</p> <p>(i) supporting Clients, their family, carers and support network to find, use and access the services and supports they need and work with them to reduce any limitations or barriers where they exist.</p> <p>Aboriginal, Torres Strait Islander and all people from Cultural, linguistic and diverse backgrounds (CALD) are supported in accessing services and supports in the community in an inclusive and supportive environment.</p>	<p>All Workers</p>
<p>4.4 Providing access to advocacy</p> <p>Encourage and support Clients to access legal or advocacy services that can inform them of their legal, human rights while they are receiving a service or support from CDNI Care Pty Ltd by providing information in relation to how to access such services in Client Induction Pack.</p>	<p>Principal and Key Management Personnel</p>
<p>4.5 Maintain Clients' rights to privacy</p>	<p>All Workers</p>

<p>Approved By: The board of CDNI Care Pty Ltd</p>	<p>Version 1</p>
<p>Approval Date: July 2020</p>	<p>Next Scheduled Review July 2022</p>

<p>Maintain the Client's right to privacy, ensuring that records and information about them including in relation to the exercise of their rights and choice and control are only used in accordance with this Policy, the Privacy and Dignity Policy and Related Documentation or under the Client's direction for the purpose of providing services and supports.</p>	
<p>4.6 Welcome feedback in relation to promoting human legal and human rights and enabling informed choice and control</p> <p>(a) Create an environment where all feedback is valued including from Clients (including persons with disability), Workers and others in relation to the subject matter of this Policy and the implementation of these procedures.</p> <p>(b) Welcome feedback (including anonymously) and promptly deal with it pursuant to the CDNI Care Pty Ltd Feedback and Complaints Management and Resolution Policy.</p> <p>(c) Actively consult with Clients to continually improve in delivering best practice in service delivery.</p> <p>(d) Conduct an annual survey of all Workers, Clients, their support networks and other stakeholders and ask them to suggest areas for improvement in relation to CDNI Care Pty Ltd's application of this Policy including CDNI Care Pty Ltd's promotion of the legal and human rights of its Clients and our efforts in enabling Clients to exercise informed choice and control.</p>	<p>All Workers</p>
<p>4.7 Prevent and respond to violence, abuse, neglect, exploitation and discrimination and breaches of human rights</p> <p>(a) Ensure Workers are actively preventing and where possible eliminating any risk of violence, abuse, neglect, exploitation and discrimination and breach of our Client's human rights to our Clients including by observing CDNI Care Pty Ltd's Preventing and Responding to Violence, Abuse, Neglect, Exploitation and Discrimination Policy.</p> <p>(b) Report and respond to any violence, abuse, neglect, exploitation, discrimination or breach of human rights in accordance with our Incident Management and Reporting Policy.</p> <p>(c) Respond quickly and sensitively when any breach of our Client's rights occurs as a result of CDNI Care Pty Ltd's delivery of service, immediately acting to stop such behaviours.</p> <p>(d) Proactively and sensitively support our Clients, to the limits of our expertise and resources, in circumstances where their rights are being breached by others.</p> <p>(e) Offer support to CDNI Care Pty Ltd Clients, their family, carers and chosen community when they tell us about any violence, abuse, neglect, exploitation and discrimination so that we can fully understand, investigate and respond effectively.</p>	<p>All Workers</p>
<p>4.8 Workers to commit to Policy</p> <p>(a) All Workers are provided a copy of this Policy in their orientation and induction materials.</p>	<p>All Workers</p>

<p>Approved By: The board of CDNI Care Pty Ltd</p>	<p>Version 1</p>
<p>Approval Date: July 2020</p>	<p>Next Scheduled Review July 2022</p>

<p>(b) Under their employment, contractor agreement or binding letter agreement, each Worker at CDNI Care Pty Ltd is required to take responsibility for ensuring:</p> <p>(1) full understanding of the commitments outlined in this policy as well as procedures and other strategies designed to ensure that the principles of this policy are upheld; and</p> <p>(2) ensuring that the principles and procedures and other strategies within this Policy are applied in their daily work.</p>	
<p>4.9 Train Workers</p> <p>(a) Train Workers to assist them to understand how to apply this Policy and these procedures in every day practice during their induction and orientation, and as part of ongoing refresher training and/or when processes change.</p> <p>(b) Train and support Workers to identify and report a breach of a Client's rights by any other party.</p>	<p>Principal and Key Management Personnel</p>
<p>4.10 Policy adoption</p> <p>Adopt and maintain the Policy and Related Documentation which assists CDNI Care Pty Ltd to demonstrate the relevant NDIS Quality Indicators related to the Person – centred supports NDIS Practice Standard.</p>	<p>The board</p>

5. General

5.1 Relevant Legislation, Regulations, Rules and Guidelines

Legislation, Rules, Guidelines and Policies apply to this Policy and Related Documentation as set out in the Legislation Register.

5.2 Inconsistency

If and to the extent that the terms of this Policy are or would be inconsistent with the requirements of any applicable law, this Policy is deemed to be amended but only to the extent required to comply with the applicable law.

5.3 Policy Details

Approved By: The board of CDNI Care Pty Ltd

Approval Date: July 2020

Next Scheduled Review: July 2022

Version: 1

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