

## Client Rights and Safeguards Policy

### Purpose

The purpose of this policy is to define Early Start Australia’s (ESA) position to promote, enhance and protect our clients’ human rights; decision making, choice and control; right to informed consent, safety and wellbeing; and citizenship and quality of life.

### Scope

This policy applies to all ESA services, employees, volunteers, contractors and clients.

### Definitions

**Dignity of risk:** autonomy and self-determination used by a person when making decisions, including the choice to take some risks in life.

**Informed Consent:** voluntary agreement and willing acceptance of a proposition and following action where the person making the decision has appropriate information and capacity to make the decision free of fear or influence.

**Choice and Control:** a participant has the right to make their own decisions about what is important to them and to decide how they would like to receive their supports and who from.

**Support Decision Making:** (SDM) is the best practice approach to enhance the ability of people with a disability to make their own decisions.

### Policy Statement

#### Human Rights

ESA believes that each person with a disability is unique and a person of value and is entitled to the same rights and privileges as every other Australian citizen. This is supported by:

- Information being available for clients, their families, friends, carers and advocates on rights and available safeguards.
- Relevant training for staff to ensure that they understand and ensure that human rights are protected.

Refer also to the Staff Code of Conduct, Cultural Security for Clients Policy, Access, Eligibility and Equity Policy, and the Service Agreements Policy.

#### Decision Making, Choice & Control

ESA ensures that clients have choice and control over their lives by being involved in, and having influence over, decisions that affect them. Specifically, ESA:

- Respects the rights of people with disabilities in having dignity of risk, and of exercising choice and control about matters that affect them.
- Advises clients (and others as appropriate) about the full range of ESA services (and, where applicable, other relevant services not provided by ESA).
- Supports each client’s right to access an advocate, and appropriately engages with client advocates where relevant.
- Involves clients (and others as appropriate) during the individual planning process and in the therapy process, from goal setting to decisions about activities and games.

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- Supports and empowers clients (and others as appropriate) to make informed choices and decisions about their own life.
- Structures its services to be flexible and responsive to individuals needs and preferences.
- Accommodates, where possible, the client’s service preferences and choices.
- Affirms that people with disability are assumed to have capacity to make decisions, exercise choice, and provide informed consent.
- Actively encourage and support participants to make their own decisions and take action to eliminate the risks of participants’ rights being disrespected or breached.
- Recognises that supported decision making is the best practice approach for respecting client rights and work to enhance the decision-making ability of participants within their capabilities.
- Work closely with an alternative decision maker when one is formally appointed to do so, according to the specific state and territory requirements.
- Provide information to parents and others about a child's or young person's potential to develop decision-making skills, and the strategies being used to promote these abilities.

Clients of ESA are encouraged to be involved in decision making and to exert choice and control. This is supported by:

- Information being available for clients, their families, friends, carers and advocates for them to make informed decisions regarding their services.
- Relevant training for staff to ensure that they understand and ensure choice and control for clients.
- Staff being trained in the necessary skills to support participants to make their own decisions and have access to resources and tools to support participants’ own decision-making.
- Staff know, for each participant, who to approach for a specific decision if the participant is unable to make it themselves.

Refer also to the Service Agreements Policy.

### *Safety and Wellbeing*

Clients have the right to receive services from ESA without threat, intimidation or abuse from staff, other clients, or from any other person. Clients have the right to not be neglected or exploited by ESA. ESA has processes in place to ensure client safety and service quality (including incidents and feedback reporting and client risk assessment processes).

Refer also to Child Safety and Wellbeing Policy, Quality Policy, Incident Management Policy and Procedure, Eliminating Restrictive Practices Policy, Employee Registration and Screening Policy, and the Safe Environment for Participants Policy and Procedure.

### *Citizenship & Quality of Life*

ESA supports clients to develop and maintain skills and the opportunity to participate in activities that enable them to achieve valued roles in the community, recognising their unique skills, lifestyle preferences, personal aspirations and support needs. People with a disability have the right to be included in meaningful ways in their community including in the areas of learning, work, leisure, and relationships. ESA supports individuals to actively participate in their community in a way which is meaningful to them and which promotes a valued role for the individual. ESA’s client services:

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- Provide opportunities for inclusion and participation with members of the community, and in inclusive community activities (such as providing therapy in schools and child care facilities).
- Provide opportunities for individuals to actively contribute to their community.
- Ensure there is an awareness of and sensitivity to an individual’s cultural beliefs and background which will include providing opportunities for the individual to make meaningful connections with culturally appropriate groups.
- Promote a collaborative approach with the individual, their family and friends to provide opportunities for community inclusion and participation (such as in the collaborative development of the goal setting and therapy service plan).
- Encourage partnerships with other organisations and community members to provide opportunities for individuals to actively participate in and play a meaningful role in their community.

Clients of ESA are encouraged to undertake their valuable role within their communities. This is supported by:

- Information being available for clients, their families, friends, carers and advocates for them to ensure their engagement and participation.
- Relevant training, mentoring, and supervision for staff to provide contemporary services such as training in life skills, social interaction, community participation and inclusion.

### Roles and Responsibilities

In support of this policy, ESA ensures:

- Training and developing for staff to determine individual vulnerability, risk, duty of care and dignity of risk, and to determine and facilitate the implementation of the range of safeguarding strategies available.
- All staff adhere to mandatory reporting requirements. Refer also to the Critical Incidents Policy and Procedure.
- Service provision is monitored to detect deficits in safeguarding practices.
- An effective complaints and feedback mechanism is in place. Refer also to the Feedback and Complaints Policy.
- An effective incident reporting system is in place. Refer also to the Critical Incidents Policy and Procedure.

### Associated Documents

- ESA Cultural Security for Clients
- ESA Clinical Process
- ESA Supervision Policy
- ESA Induction Checklist
- ESA Staff Code of Conduct
- ESA Service Agreements Policy
- ESA Access, Eligibility and Equity Policy
- ESA Quality Policy
- ESA Incident Management Policy and Procedure
- ESA Eliminating Restrictive Practices Policy
- ESA Child Safety and Wellbeing Policy
- ESA Employee Registration and Screening Policy
- ESA Safe Environment for Participants Policy and Procedure

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ESA Feedback and Complaints Policy  
Consent Form

This document is informed by:

- National Disability Insurance Scheme (NDIS) Practice Standards and Quality Indicators, in particular Core Module 1: Rights and Responsibilities (Person Centred Supports)
- National Standards for Disability Services, in particular Standard 1: Rights.
- Disability Discrimination Act 1992 (Commonwealth)
- Charter of Human Rights and Responsibilities Act 2006 (Victoria), the Human Rights Act 2004 (ACT), the Human Rights Act 2019 (Qld) and other state and territories' anti discrimination, disability services, and equal opportunities legislation.
- NDIS Code of Conduct.
- United Nations Convention on the Rights of Persons with Disabilities.
- United Nations Convention on the Rights of the Child.
- National Principles for Child Safe Organisations.
- <https://www.nds.org.au/images/resources/National-SDM-Guide.pdf>

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