

# Policy C-11

## Human Rights & Advocacy

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### 1.0 Policy

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The Disability Trust is committed to ensuring that the human rights of clients are not violated and that clients are protected from physical, sexual or emotional abuse. The Trust affirms that all people with a disability have the right to be treated with respect and dignity at all times.

The Disability Trust supports systemic, individual and self advocacy as ways of protecting the human rights of individuals and furthering social justice in the areas of access, equity and participation.

### 2.0 Purpose

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- 2.1 This policy affirms the organisation's commitment to human rights and our endorsement of the principles behind The United Nations Convention on the Rights of Persons with Disabilities (2008).

### 3.0 Responsibilities

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- 3.1 All employees, Management and Board members share a responsibility for the creation of a values driven organisational culture that respects the human rights of people with disabilities and supports principles of inclusion.
- 3.2 Management are responsible for ensuring that staff adhere to the values of the organisation and that processes for the prevention of abuse or neglect are in place and implemented.

### 4.0 Definitions

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- 4.1 *Human Rights:* Fundamental rights of individuals that are, or should be free from arbitrary restriction by government or other authority.
- 4.2 *Abuse:* People with a disability are abused when they are victims of any pattern of behaviour or system of service delivery that leads to their physical, psychological, sexual or financial harm or neglect.
- 4.3 *Advocacy:* Advocacy is the act of speaking up for someone else (or oneself) and representing their perspective. The advocate is free from conflicts of interest and clearly "on the side of" the person concerned. An advocate can therefore assist a person with a disability to get their views across and take part in decisions that affect their lives.
- 4.4 *Individual Advocacy:* Individual advocacy is usually provided by an independent person, a citizen advocate, volunteer or occasionally a paid independent person.
- 4.5 *Self Advocacy:* Self Advocacy is the act of representing one's own views. Self Advocacy groups may play a role in mutual support of people with a disability and assist in education about rights, responsibilities and effective processes for getting a view heard.
- 4.6 *Systemic Advocacy:* Systemic advocacy is the act of advocating for a broad group of people with the goal of creating social change. A wide range of people supporting a cause or values system may participate to further social objectives such as inclusion, social justice and person centred principles.

### 5.0 Requirements

#### Creation of a Positive Organisational Culture

- 5.1 The Disability Trust supports the set of eight guiding principles developed at the UN Convention on the Rights of Persons with Disabilities (2008). These principles are:
- Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons.
  - Non-discrimination.
  - Full and effective participation and inclusion in society.
  - Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity.
  - Equality of opportunity.
  - Accessibility.
  - Equality between men and women.
  - Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities (United Nations, 2008).
- 5.2 Staff selection and promotion includes consideration of the values and attitudes of candidates towards people with a disability. Understanding of human rights and inclusive practices is included in selection criteria as appropriate.
- 5.3 All staff are to receive appropriate training with respect to client rights and the creation of a positive and supportive environment for service users.
- 5.4 All direct care staff are to be familiar with The Trust's policies and protocols for managing client behaviour particularly in relation to prohibited and restricted practices. (See Policy E-06 Behaviour Support).
- 5.5 Staff members are required to adhere to a Code of Conduct which includes expectations in relation to working ethically and supporting client rights. (See Policy F-10 Employee Code of Conduct).
- 5.6 Clients have access to Human Rights training and are encouraged to raise all issues or any allegations of abuse with management. (See also Plain English Policy: *What to Do if Someone has Hurt You*).

#### Prevention of Abuse

- 5.7 All employees in contact with clients undergo relevant police checks prior to their appointment. Where a staff member is in contact with children under the age of 18 their appointment is also subject to a "Working with Children" (NSW) or a "Working with Vulnerable Persons" (ACT) check. Persons appointed to the Board are subject to a police check and Working with Children check. (See Policy D-02 Working With Children).
- 5.8 The service philosophy and practice aims to ensure that staff are respectful at all times of the dignity and valued status of consumers.
- 5.9 Staff are advised that they should not make unaccompanied out of hours visits to a client's home or engage in social activities outside of the workplace that may blur lines of professional accountability. All interactions between clients and staff are to be age appropriate and respectful and such that they cannot be reasonably interpreted to be exploitative, abusive or degrading.

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- 5.10 Generally any practice involving clients visiting the home of a staff member, other than in the course of their employment is not encouraged.
- 5.11 Sexual contact between staff and clients is prohibited under Trust policy *with or without* the consent of the client. (See Policy F-12 Managing the Disciplinary Process & Policy F-10 Employee Code of Conduct).
- 5.12 Any allegation of abuse or neglect is dealt with according to The Disability Trust's policies D-03 Dealing with Abuse & Assault of an Adult and D-04 Dealing with Abuse & Assault of a Child and where this bears upon the actions of an employee according to Policy F-12 Managing the Disciplinary Process.

### **Advocacy**

- 5.13 The Disability Trust informs service users of their right to independent advocacy and their right to assistance in accessing advocacy if required. A list of advocacy groups in the relevant area is provided. Clients may of course also nominate their own advocates.
- 5.14 The Disability Trust provides information in plain English regarding a client's rights to access advocacy support. (See Plain English Policy: *Your Right to Advocacy Support*.)
- 5.15 The Disability Trust maintains a list of Advocacy organisations on its Intranet and staff are made aware that the consent of clients must be obtained before contacting an advocate or advocacy group on behalf of a client.
- 5.16 The Trust maintains up to date information on local CALD and ATSI groups so as to assist advocacy for clients from these backgrounds. (See Policy C-03 Access & Equity).
- 5.17 Subject to client consent an advocate may be involved in all decision making relevant to the client including:
- Day to day decisions and preferences (See also Policy C-06 Duty of Care, Decision Making & Choice).
  - Individual planning (See Policy C-08 Person Centred Practice & Meeting Individual Needs).
  - Complaints and disputes (See Policy C-01 Client Complaints & Feedback).
  - Consultation and communication.
  - Policy development and review (See Policy C-10 Supporting Participation in Service Management).
  - Strategic Planning Consultation.
  - Involvement in service management, advisory structures or annual meetings.
- 5.18 The Disability Trust supports self advocacy groups and encourages clients to learn about their rights and responsibilities and advocate on their own behalf. Self Advocacy clients are involved in the development of policies of The Disability Trust. The establishment of agendas, chairing and taking of minutes at self advocacy meetings is carried out by self advocates themselves with assistance and support provided by project staff at the request of the group.

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5.19 Members of Self Advocacy groups are provided where possible with opportunities to increase their level of skills by attending State and National Self Advocacy Conferences.

5.20 The Disability Trust supports systemic advocacy and is involved in campaigning for social justice, person centred planning and inclusion. The Trust participates in a range of local, state and federal networks both within the disability sector and the broader community to pursue our vision of *creating an inclusive world*.

### 6.0 Forms and Records

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Nil

### 7.0 Work Instructions and Safe Working Procedures

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Nil

### 8.0 Related Policies

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C-03 Access & Equity  
 C-06 Duty of Care, Decision Making & Choice  
 C-08 Person Centred Practice & Meeting Individual Needs  
 C-10 Supporting Participation in Service Management  
 D-02 Working with Children  
 D-03 Dealing with Abuse & Assault of an Adult  
 D-04 Dealing with Abuse & Assault of a Child  
 E-06 Behaviour Support  
 F-10 Employee Code of Conduct  
 F-12 Managing the Disciplinary Process

### 9.0 Related Documents

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Plain English Policy: Your Right to Advocacy Support  
 Plain English Policy: What to Do if Someone has Hurt You  
 Strategic Plan

### 10.0 References

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NSW Disability Services Act and NSW Disability Service Standards  
 Disability Services Act 1991 (ACT)  
 Disability Inclusion Act 2014 (NSW)  
 NSW Community Services (Complaints Appeals and Monitoring) Act 1993  
 UN Convention on the Rights of Persons with Disabilities (2008)  
 Human Rights and Equal Opportunity Commissions Act (Commonwealth) 1986  
 Human Rights Act 2004 (ACT)  
 Disability Discrimination Act 1992 (Commonwealth)  
 NSW Anti-Discrimination Act 1977  
 Discrimination Act 1991 (ACT)



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FACS Requirements for FACS Funded Disability Service Providers – Working With Children Checks

ADHC FACS Probity in Employment Policy for FACS funded disability service providers

