



Directions

Disability Support Services
— for individuals & families —

Rights Policy

1. Policy Connections

National Standards for Disability Services Standard 1 Rights. Disability Services Act 1986 (Commonwealth), and Disability Discrimination Act 1992 (Commonwealth), Guardianship and Administration Act 1990 (Commonwealth), and Universal Declaration of Human Rights 1949 (Commonwealth).

2. Policy Statement

Directions has a commitment to upholding every person's legal and human rights in all aspects of receiving a service and will act to promote and protect these rights in accordance with the United Nations Convention on the Rights of Persons with Disabilities.

3. Protection and Promotion of Rights

Directions adheres to the following principles with respect to rights:

- All people have the right to respect for their human worth and dignity;
- All people have the right to be free from discrimination, abuse or neglect and receive services which respect and promote their legal and human rights;
- All people have the right to full participation in society equal to all other people, according to their individual and cultural needs and preferences;
- All people have the right to make their own decisions on the way they live their life;
- All people should be able to access information on their rights and be supported to exercise these rights;
- All people have the right to receive services which maintain the privacy of their personal information in line with relevant legislation;
- All people should be presumed to be capable of making decisions and exercising choice, looking after their own health and safety, making reasonable judgements, and managing their own affairs, unless proven otherwise for a specific decision;
- There is no inequality based on gender type or the gender the person identifies with;
- Duty of care and legislated responsibilities for individual safety may take precedence over confidentiality under certain circumstances.
- When someone is unable to make a critical decision without assistance, the family, with regard to the best interests of the individual, may provide support to make the decision;
- In the cases of any disagreement about what constitutes the best interest of the individual or particularly critical decisions, a legally appointed guardian with the specific decision making function may be required to give or withhold consent;
- If disputes arise between families, legally appointed guardians and service providers with regard to the best interest of an individual who lacks the capacity to make decisions, decisions will be made by the legally appointed guardian;
- Children have a right to be consulted directly about decisions that impact on them in age-appropriate ways;

- Parents have the right to make choices and be involved in decisions about all aspects of services offered to their child if that child is under 12, with the child's wishes given increasing priority as they age towards 18;
- Every person receiving services should be provided with information, and support to understand and exercise their legal and human rights both within the service and in the broader community;
- Training is provided to workers on the importance of recognising and respecting the legal and human rights of people who use the service, identifying and addressing risk factors, and in responding effectively and proactively to allegations of the abuse of rights.

4. Determining Capacity to Give Informed Consent

An adult is presumed to have the capacity to make decisions about their life and the services that they receive except where it is shown by a clinical assessment that they do not.

A person's capacity to give valid informed consent can be demonstrated by five specific functional abilities to:

- Express a choice;
- Understand information relevant to decision-making and demonstrate their understanding;
- Appreciate the significance of information presented to them, and the probable consequences of their choices;
- Use relevant information to come to a decision;
- Retain the information, their decision and their consent.

A person needs to demonstrate all five abilities to give informed consent. If a Directions worker feels that someone we support does not have the capacity to give informed consent, and does not have a guardian in place, they will refer them for an appropriate clinical assessment.

5. Elimination of Restrictive Practices

Directions follows the Code of Practice for the Elimination of Restrictive Practices (DSC, 2014). Directions recognises that the use of restrictive practices are not effective long-term strategies to manage risk and behaviour, and can result in long-term physical and psychological harm. Restrictive practices are minimised at Directions with the ongoing goal of reducing and eventually eliminating all restrictive practices wherever possible. Restrictive practices are not approved for organisational or worker convenience, or to overcome a lack of workers, inadequate training, or a lack of workers support and/or supervision.

Directions has a Positive Behaviour Support (PBS) Panel consisting of appropriate independent representatives, a Coordinator trained in PBS, a Board representative, and a support worker elected from the PBS Committee. A restrictive practice may only be implemented when it is agreed by the Panel as the minimally restrictive intervention to address the person's identified needs and risks. A written submission is made to the Panel and agreement is only confirmed when:

- All less-restrictive alternatives have been carefully evaluated and cannot be applied;
- Without the intervention the person is a risk to themselves and/or others;
- There has been an assessment of the impact of the intervention on the rights and well-being of others who share the person's environment;
- The restrictive practice is considered in the context of a clearly documented person-centred positive behaviour support plan;
- Implementation is with the informed consent of the person involved or someone with the authority to make decisions on their behalf and for the shortest possible time;
- Implementation is under the supervision of a designated experienced worker;

Approved restrictive practices are reviewed by the CEO every 3 months. Each event of a restrictive practice is recorded in an incident report and these are included in Board reports.

A restrictive practice for which there is no prior plan may be necessary in an emergency to save a life or to prevent serious physical or psychological harm. In this event:

- The circumstances in which the intervention was used is reviewed as soon as possible and a plan put in place to prevent a re-occurrence;
- The person's family or guardian is advised as soon as possible;
- If appropriate, a serious incident report is made to Department of Communities.

Rights Policy Endorsement			
Frequency	Responsibility	Ratified	Next Review
2 yearly	CEO	April 2018	April 2020