

Participant Rights & Responsibilities - Policy

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Introduction

Hope SA Community (Hope SA) recognizes and honors the rights and responsibilities of each individual, and we are dedicated to ensuring that these rights are upheld at all times. We firmly believe in providing person-centered supports that respect the individual's values, beliefs, privacy, and dignity. We promote independence, informed choice, and strive to create an environment free from violence, abuse, neglect, exploitation, or discrimination.

At Hope SA, we are committed to upholding the legal and human rights of every person we serve. We actively work to promote and protect these rights in accordance with the [United Nations Convention on the Rights of Persons with Disabilities](#), the Disability Inclusion Act 2014 (NSW), and the National Standards for Disability Services.

Applicability

When

- applies to supports and services provided to all participants.

Who

- applies to all representatives including key management personnel, directors, full time employees, casual employees, contractors and volunteers.

Document custodian:

Chief Quality, Practice and Outcomes Officer

Documents relevant to this policy


[National Standards for Disability Services](#)


Regulations relevant to this policy


[National Disability Insurance Scheme Act 2013 \(Cth\)](#)

[NDIS \(Provider Registration and Practice Standards\) Rules 2018 \(Cth\)](#)

[NDIS \(Quality Indicators\) Guidelines 2018 \(Cth\)](#)

Commitments

Hope SA Services will ensure that:

- All Hope SA People demonstrate a culture of respect and inclusion in their words and actions towards all individuals they interact with.
- Individual freedom of expression is recognized and promoted by all Hope SA People.
- Each person's decision-making style and individual choices are supported, including the provision of timely and appropriate information in accessible formats to aid informed decisions and understanding of rights and responsibilities for individuals, families, friends, and carers.
- Support strategies provided are based on the least restrictive option, aligned with contemporary values, transparent, and regularly reviewed to accommodate the person's evolving needs and circumstances.
- Preventative measures are in place to ensure individuals are safeguarded and free from discrimination, exploitation, abuse, harm, neglect, and violence.
- Prompt and systematic investigation of any breaches of rights is conducted to capture opportunities for improvement, with individuals provided necessary information, support, and access to legal advice or advocacy services if required.
- The role of families, friends, carers, and advocates is recognized in safeguarding and upholding the rights of individuals with disabilities.
- Personal information is kept confidential and private.
- Each person receives information and support to understand and exercise their legal and human rights within the service and broader community.
- Training for Hope SA People emphasizes the importance of recognizing and respecting the legal and human rights of individuals utilizing the service.
- Adequate training and information are provided to Hope SA People to enable them to identify and address risk factors effectively and respond proactively to allegations of abuse or assault.

Responsibilities of individuals using Hope SA services include:

- Treating all individuals with respect and free from discrimination or harassment.
- Providing accurate information and notifying Hope SA of any changes in circumstances to ensure the best possible service is provided.
- Complying with the conditions outlined in their Service Agreements or Participant Services Guarantee and maintaining confidentiality regarding information about other participants in Hope SA programs or services.

Individual-focused supports

Hope SA is dedicated to upholding and reinforcing the following principles:

- Every participant has the right to access supports that promote, uphold, and respect their legal and human rights.
- Empowering each participant to exercise informed choice and maintain control over their decisions.
- Ensuring that all individuals can access information regarding their rights and receive the necessary support to exercise these rights.
- Encouraging active partnerships between services and the individuals accessing them, as well as involving their families, friends, carers, and/or advocates where appropriate.
- Recognizing that the duty of care and legislated responsibilities of Hope SA prioritize the safety of each person, which may require disclosure of information under certain circumstances such as a subpoena or mandatory reporting obligations.

Individual values and beliefs

- Supports are provided in a manner that respects the culture, diversity, values, and beliefs of each participant.
- The autonomy of each participant is honored, including their right to intimacy and sexual expression.
- All individuals have the right to full participation in the community on an equal basis with others, taking into account their individual and cultural needs and preferences.

Privacy and dignity

- Supports are available to participants that uphold and safeguard their dignity and right to privacy.
- All individuals have the right to receive services that uphold the privacy of their personal information in accordance with applicable laws.

Independence and informed choice

- Participants receive support to make informed choices, exercise control, and enhance their independence in relation to the provided supports.
- The supports provided promote, uphold, and respect individuals' rights to freedom of expression, self-determination, and decision-making.

Freedom from violence, abuse, neglect, exploitation or discrimination

- Participants have the right to access supports that are free from violence, abuse, neglect, exploitation, or discrimination.

Advocacy

Advocacy involves taking action, voicing concerns, and writing to promote and safeguard the human rights and well-being of individuals or groups who may be vulnerable. These may include Aboriginal and Torres Strait Islander peoples, children and their families, refugees, the elderly, the LGBTQIA community, the homeless, and people with disabilities. In Australia, advocacy services for people with disabilities are funded by The National Disability Advocacy Program (NDAP), ensuring that both participants and service providers can access these services without any cost. Disability advocacy plays a crucial role in advocating for the human and legal rights of individuals with disabilities, enabling their full participation in society. Advocates work diligently to uphold these rights and ensure that they empower individuals with disabilities to make decisions that impact their own lives.

Types of advocacies include:

- Individual advocacy: One-on-one advocacy aimed at preventing or addressing instances of discrimination or abuse against a person with a disability.
- Systemic advocacy: Advocacy to influence or secure long-term changes that protect the collective rights and interests of people with disabilities.
- Family advocacy: Advocacy conducted by a parent or family member on behalf of a family member with a disability.
- Group advocacy: Advocacy for a group of people with disabilities, such as a group living in shared accommodation.
- Citizen advocacy: Long-term advocacy where community volunteers advocate for a person with a disability, supported by a citizen advocacy organization.
- Legal advocacy: Advocacy provided by a lawyer, including legal representation, pursuing positive changes to legislation, or providing legal advice to people with disabilities regarding discrimination and human rights.

Individual advocates can:

- Direct advocacy on behalf of a person
- Information and advice for self-advocacy (landlord, court, police, legal advice, negotiations, work/education, guardianship, financial matters)
- Connecting participants to relevant services (e.g., solicitors)
- Helping participants work through problems
- Assisting participants in making formal actions (e.g., filing a complaint with the anti-discrimination board)

Advocates do not:

- Providing counselling services
- Making decisions on behalf of another person (with appropriate legal authorization)
- Offering mediation services
- Providing case management support

Advocacy commitment

- Informing new participants about the role of advocates, their right to use advocacy services, and how to contact and involve advocacy agencies
- Supporting participants in their choice to self-advocate, change advocates, or withdraw authority for an advocate
- Introducing an advocate chosen by the participant if they need one and their family or carer cannot provide it
- Ensuring that Ability Options employees do not act as formal advocates for participants
- Collaborating with the participant's chosen advocate and involving them in all aspects of the participant's service planning and decision-making
- Respecting and supporting participants' decision to receive support from an advocate, whether for informed decision-making or assistance in the complaints process
- Assisting participants in accessing appropriate advocacy agencies and documenting their involvement with an advocate.