

Protection of Human Rights and Freedom from Abuse policy

Purpose

The purpose of this policy is to ensure that Access4u's:

- employees and volunteers understand human rights principles;
- employees and volunteers are correctly informed about the legislation and regulations that guide this policy;
- employees and volunteers are guided in how to implement human rights; and
- current and future service delivery focuses on person-centred and rights-based approaches developed in partnership with customers and their families.

Scope

Compliance with this policy is mandatory for all of Access4u being the Board, employees, student placements, contractors and volunteers collectively referred to as 'employees' throughout this policy.

Our Board of Directors (Board) has overall responsibility to ensure the principles and outcomes of this policy are clear and the organisation is complying with all reporting and legislative requirements.

The Chief Executive Officer (CEO) is responsible for ensuring employees fulfil our obligations, comply with the operational requirements under this policy and controls are in place to enact.

Where an employee is the subject of allegation for an incident or allegation of abuse the CEO will:

- notify the Board as soon as practical,
- report to the Board the progress and outcome of investigations

The Senior Management Team ensures oversight of policy currency, interpretation of policy to operational requirements, awareness of employees, good governance practices of the organisation and direction of the organisation's Safeguarding Lead.

Employees are responsible to ensure that they understand and comply with the operational requirements under this policy.

The Quality and Compliance team is responsible for monitoring and reviewing the effective management and reporting of any incidents or allegations identified of suspected abuse to effect change and enable continuous improvement.

Responsibilities and delegations

This policy applies to	Governing Body. Staff and Volunteers
Specific responsibilities	The Board – Responsible for ensuring effective governance mechanisms are in place. The CEO and Managers – Responsible for monitoring and ensuring adherence to Policy and related procedures. Ensure due diligence and take reasonable steps to ensure Access4u are meeting their obligations. Ensure objectives of the policy are achieved. Staff – Responsible for adherence to this and related policies, procedures and forms that support this policy.
Policy approval	CEO

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Policy context – this policy relates to:

Standards	• Family and Community Services Act 1972 • National Disability Insurance Scheme Quality and Safeguarding Framework • National Standards for Out-of-Home care (NOOHCS) • The Office of the Guardian for Children and Young People - Charter of Rights • DHS Safeguarding People with Disability Overarching Policy • DHS Safeguarding People with Disability – Restrictive Practices Policy • DHS Safeguarding People with Disability – Supported Decision Making and Consent policy
Legislation	• Children and Young People (Safety) (Transitional Provisions) Regulations 2017 • Children and Young People (Safety) Act 2017 • Children's Protection Law Reform (Transitional Arrangements and Related Amendments) Act 2017 • Disability Discrimination Act (DDA) 1992 • National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018 • National Disability Insurance Scheme Act 2013 • The Disability Act 2006 • The Disability Services Act SA 1993
Conventions	• The Universal Declaration of Human Rights 1948 • Convention of Rights of Persons with Disabilities 2006 • Convention on the Rights of the Child 1989
Contractual obligations	• Government of SA, DCP Contract Management Framework • NDIS Code of Conduct
Organisation policies and procedures	• Adult safeguarding policy • Charter of rights for children and young people in care policy • Child abuse report line (CARL) procedure • Child and young persons safe environments policy • Code of Conduct policy • Consent policy • Feedback and complaints management policy • Incident management policy • Induction and orientation procedure • Positive behaviour support policy • Recruitment and selection policy • Reducing restrictive practices policy • Reporting abuse of vulnerable adults procedure

Policy Statement

Access4u has a commitment to a social model of service planning and delivery embedded within a human rights approach. Implementation of the Human Rights Approach is balanced with the duty of care to customers and their dignity of risk.

We acknowledge our responsibility to respect and protect people's human rights and recognise our obligation to promote and fulfil the human rights of our customers.

The Universal Declaration of Human Rights 1948 describes the fundamental human rights to be universally protected for all people.

Australia is a party to eight key international human rights treaties. Australia has signed and agreed to uphold:

- The International Covenant on Civil and Political Rights (ICCPR),
- The International Covenant on Economic, Social and Cultural Rights (ICESCR),
- The Convention on the Rights of the Child (CRC),
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT),
- The Convention on the Elimination of All Forms of Racial Discrimination (CERD),
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- The Convention on the Rights of Persons with Disabilities (CRPD)
- Declaration on the Rights of Indigenous Peoples

Access4u is committed to fostering an inclusive, respectful, and supportive environment for all people using our services, and ensuring that their inherent dignity and human rights are upheld throughout all aspects of service delivery.

Human rights

Human rights are categorised under the following 5 areas:

- Civil rights- the right to be treated as an equal to anyone else in society
- Political rights- the right to vote (age appropriate), freedom of speech and the right to obtain information
- Economic rights- the right to participate in an economy that benefits all and the right to desirable work
- Social rights- the right to education, health care, food, clothing, shelter and social security
- Cultural rights- the right to freedom of religion, speak the language and practice the culture of one's choice.

Convention on the Rights of Persons with Disability (CRPD)

We ensure our services align with the purpose of the CRPD. We promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

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There are eight guiding principles of the CRPD:

1. Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons
2. Non-discrimination
3. Full and effective participation and inclusion in society
4. Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity
5. Equality of opportunity
6. Accessibility
7. Equality between men and women
8. Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities

Embedded in the CRPD is Article 16- Freedom from exploitation, violence and abuse.

We ensure all our customers are provided with consistently high-quality services where they are free from exploitation, violence and abuse. We will not tolerate any form of abuse of any person.

Convention on the Rights of the Child (CRC)

We ensure our services align with the fundamental objective of the CRC, to protect the rights of every child so they can grow, learn, play, develop and flourish with dignity.

The CRC is the most widely ratified human rights treaty in history. There are four core principles of the CRC:

- non-discrimination,
- devotion to the best interests of the child,
- the right to life, survival and development, and
- respect for the views of the child.

The Convention protects children's rights by setting standards in health care, education, and legal, civil and social services.

The Charter of Rights for Children and Young People in Care

The Children and Young People (Safety) Act 2017 includes the Charter of Rights for Children and Young People in Care.

We endorse the Charter and recognise our responsibility to ensure young people in care are aware of their rights and encourage them to hold caregivers and service providers accountable.

South Australian Charter of the Rights and Freedoms of Vulnerable Adults

The Adult Safeguarding Unit has developed the South Australian Charter of the Rights and Freedoms of Vulnerable Adults to guide its actions to prevent, identify and respond to abuse or neglect. This Charter is based on International Human Rights Principles and includes 7 key principles:

- Dignity, respect and self-determination

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- Liberty and security
- Equality and non-discrimination
- Standards of living and care
- Privacy and family
- Social and economic participation
- Freedom of thought, conscience, spirituality, religion and expression

We endorse this Charter, ensure it is accessible for our adult clients and is communicated to our employees.

The NDIS Code of Conduct

As an NDIS provider we comply with the NDIS Code of Conduct. The Code of Conduct requires workers and providers who deliver NDIS supports to:

- act with respect for individual rights to freedom of expression, self-determination, and decision-making in accordance with relevant laws and conventions,
- respect the privacy of people with disability,
- provide supports and services in a safe and competent manner with care and skill,
- act with integrity, honesty, and transparency,
- promptly take steps to raise and act on concerns about matters that might have an impact on the quality and safety of supports provided to people with disability,
- take all reasonable steps to prevent and respond to all forms of violence, exploitation, neglect, and abuse of people with disability, and
- take all reasonable steps to prevent and respond to sexual misconduct.

Implementation

Rights-based values

Human rights are embedded across our organisation through policies and training. Our recruitment processes support applicants with core rights-based values.

Our employees and volunteers will

- respect every person and their rights
- encourage clients to know and understand their rights and how to exercise them
- work on the assumption every client has capacity to make decisions that affect their lives and actively seek the client's perspective on all matters that directly affect them
- support clients to make informed decisions for them to maintain choice and control over their own lives
- work from a person-centred perspective to plan and deliver services and will have access to training and

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information on best practice theories and tools

- be educated on the Charter of Rights for Children and Young People in Care and South Australian Charter of the Rights and Freedoms of Vulnerable Adults during orientation
- make clients aware of advocacy agencies available to them and facilitate access; a comprehensive list of advocacy agencies is available from <https://disabilityadvocacyfinder.dss.gov.au/disability/ndap/>

Reporting obligations

In the event an employee or volunteer suspects or witnesses the exploitation, abuse or neglect of a client, or suspects they may be at risk of harm, they must report this.

Adult Safeguarding Unit (if the client is over 18 years old)

- South Australian Abuse Prevention Phone Line (1800 372 310)
- email adultsafeguardingunit@sa.gov.au

Child Abuse Report Line (CARL) (if the client is under 18 years old)

- phone 131 478 or online through the online child protection reporting system
- go to our Child Abuse Report Line (CARL) procedure for more information NDIS Quality and Safeguards Commission (if the client is an NDIS participant)
- go to our Incident management policy for more information

Employees can contact Access4u's Complaints Manager or CEO if they are unsure if they should make a report or wish to make a confidential report.

Training and awareness

The Board, senior managers and staff understand and receive training on:

- the nature and scope of human rights, as outlined in the Human Rights Principles above;
- how their decisions and practices can impair a person's rights; and
- how to incorporate respect for human rights, and inclusive service delivery, in practice at all levels of service provision on a day-to-day basis.

All Access4u staff:

- Understand and receive training related to the specific care needs of participants to whom they provide services;
- Have completed the NDIS Worker Orientation Module; and
- Receive training related to preventing and responding to violence, abuse, neglect and exploitation.
- Support workers will receive training on a [insert time period e.g. quarterly/yearly] basis.

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Transparency and communication about human rights impacts in service provision

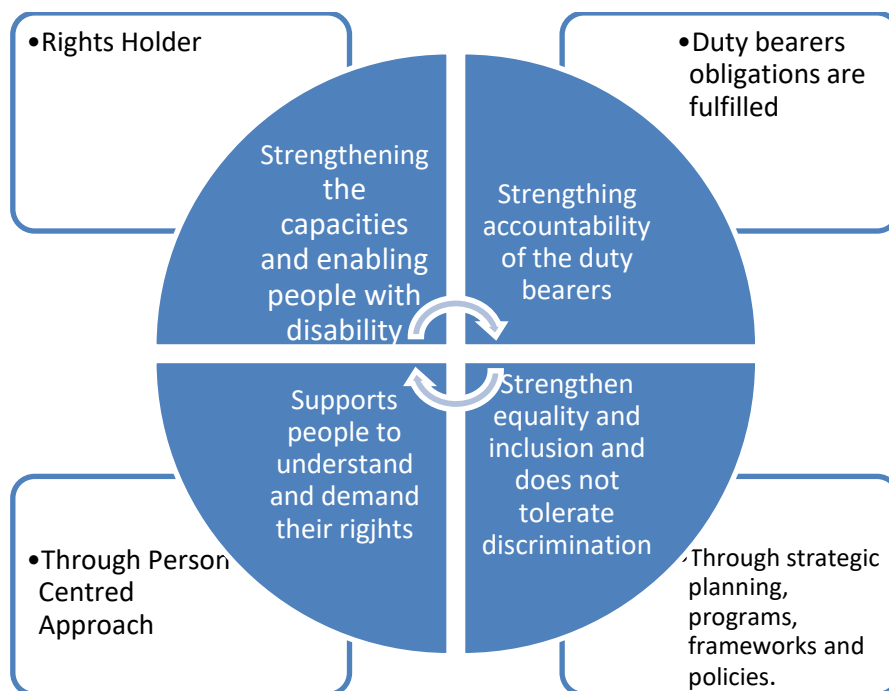
Access4u is committed to ensuring that its human rights processes are transparent and accessible. To achieve this, we will ensure that:

- All participants are provided with information about, and understand and aware of, their human rights;
- There is a culture of open disclosure, wherein someone reporting grievances does not become the target of adverse treatment;
- Issues related to the human rights of participants are addressed transparently; and
- This policy is communicated to participants, workers and relevant stakeholders.

Complaints and grievances

Access4u will ensure that complaints and grievances in relation to human rights breaches are taken seriously and addressed as a priority through Access4u's complaint management system.

Access4u acknowledges that delayed responses to actual impacts on human rights can make them irremediable. As such, Access4u will address actual human rights impacts as quickly as possible, beginning with impacts that are most severe.



Diagrammatic summary of the Application of a Human Rights based approach