



5.1 RIGHTS AND RESPONSIBILITIES POLICY AND PROCEDURE

1.0 Purpose

To ensure each participant’s access to specialist disability accommodation dwellings is consistent with their legal and human rights and they are supported to exercise informed choice and control.

2.0 Scope

The policy applies to:

- ESG Inclusive Homes employees, whether permanent or casual, contractors, volunteers, and stakeholders
- All participants, their families, carers and/or advocates.

3.0 Definitions

Terminology	Definition
Home Modifications	Custom-built changes to a participant’s home to help them access and use areas of the home.
SDA	Specialist disability accommodation
SDA Dwelling	Specialist disability accommodation (SDA) is a range of housing designed for people with extreme functional impairment or very high support needs. SDA dwellings have accessible features to help residents live more independently and allow other supports to be delivered better or more safely.

4.0 Policy

ESG Inclusive Homes is committed to providing each participant access to specialist disability accommodation (SDA) dwellings which are consistent with their legal and human rights, and where they are supported to exercise informed choice and control. To achieve this, ESG Inclusive Homes will:

- Ensure that each participant’s legal and human rights are incorporated into everyday practice, including through reasonable adjustments or modifications to the dwelling in which a participant resides, are continuously met
- Ensure each participant is supported to be play an active role in all decision-making and individual choice processes

- Ensure that any Service Agreement or contract entered by ESG Inclusive Homes with each participant, and any communication with the participant about the provision of specialist disability accommodation, including about rights and responsibilities in relation to the dwelling, is responsive to their needs and provided in the language, mode of communication and terms which that participant is most likely to understand
- Ensure each participant's autonomy is respected including their right to intimacy and sexual expression; and
- Ensure all ESG Inclusive Homes employees undertake mandatory induction and annual refresher privacy and dignity training.

4.1 Responsibilities

4.1.1 Responsibilities of The Director and/or Appointed Delegate

- To promote, uphold and maintain the rights and responsibilities of all stakeholders
- To ensure ESG Inclusive Homes employees adhere to the information set out in this *Person-Centred Supports Policy and Procedure* and in accordance with industry standards (e.g., *NDIS Practice Standards and Quality Indicators*, *Charter of Human Rights and Responsibilities ACT 2006*, *Disability ACT 2006*)
- Conduct internal and external reviews and audits and implement changes as required to ensure this Rights and Responsibilities Policy and Procedure is kept up to date with relevant legislation, standards, and practices; and
- Evaluate the effectiveness of ESG Inclusive Homes using the *Quality and Continuous Improvement Plan*.

4.1.2 Responsibilities of ESG Inclusive Homes Employees

ESG Inclusive Homes aims to deliver care and support to a participant, their family, carer and/or advocate in a participant-centred and holistic manner. When a participant is in contact with and/or when receiving support from ESG Inclusive Homes it is essential that all ESG Inclusive Homes employees:

- Treat a participant with dignity, fairness and respect and provide an environment free from discrimination, victimisation and potential injury and harm
- Provide a participant with support and care that recognises and acknowledges their individual preferences, choices, interests, and capabilities
- Inform a participant of their rights and responsibilities and provide relevant documentation as required
- Involve a participant, their family, carer and/or advocate in all decision- making processes
- Provide services and support that meet or exceed relevant industry standards (e.g., *NDIS Practice Standards and Quality Indicators*, *Charter of Human Rights and Responsibilities ACT 2006*, *Disability ACT 2006*)
- Protect a participant's personal information and only use and/or access it in accordance with relevant legislation

- Ensure each ESG Inclusive Homes employee delivering support and services possess appropriate skill sets relevant to the individual participants needs
- Arrange for an interpreter, if required
- Inform on the process to leave feedback, including compliments and complaints, and how ESG Inclusive Homes will respond to this; and
- Notify the Director and/or appointed delegate of any breaches or violations of human rights.

4.1.3 Charter of Rights

The *Charter of Human Rights and Responsibilities ACT 2006* and the *Disability ACT 2006* stipulates the rights and responsibilities of a participant, their family, carer and/or advocate. ESG Inclusive Homes utilises such legislation to ensure:

- The rights and dignity of a participant, their family, carer and/or their advocate are continuously upheld
- Participants' individual values and beliefs are continuously at the centre of all care delivered
- Participants right to exercise freedom of choice of support and services provided by being actively involved in decision-making processes
- Participants' information always remains confidential and private
- Participants are not exposed to any form of violence, misconduct, negligence, discrimination, or isolation
- Participants are aware of their right to access outside organisations, resources, and support; and
- Participants have the right to change service providers and/or dismiss care or services at any time without any consequence or potential impact on future access to support and services.

5.0 Procedure

5.1 Independent Decision-Making

ESG Inclusive Homes employees will assist a participant in identifying their capability and potential of making decisions themselves. ESG Inclusive Homes employees should consider their obligations and duties of care they are responsible for when assisting a participant in making decisions which includes but is not limited to:

- If the outcome of the decision is likely to benefit a participant
- If the decision is appropriate and suitable for the individual's capabilities and skills
- If the decision made by a participant will negatively affect a participant
- If the decision made by a participant will negatively affect other persons; and
- If a participant is a child, their parent or guardian should make choices and decisions on their behalf.

ESG Inclusive Homes acknowledges that some individuals may be unable to make decisions for themselves either for a short period of time or permanently. To provide support to these individual

ESG Inclusive Homes employees are to inform a participant of the process involved to access an independent support advocate if the need should arise.

5.2 Advocacy

A participant has the right to use an advocate of their choice to represent their interests and speak on their behalf regarding any aspect of the support or services that they receive. In the instance that a participant is not capable of decision making, there are several individuals that would be able to be nominated to make decisions on behalf of a participant including but not limited to:

- A nominee
- Appointed advocate
- Family members
- Court-appointed decision makers; and/or
- For children - a parent or guardian

ESG Inclusive Homes encourage the use of an advocate and expect employees to:

- Inform a participant of their right to access an advocate of their choosing any time they are in contact with ESG Inclusive Homes
- Work cooperatively with any nominated advocate chosen by a participant and show the same respect to the advocate, as is shown to a participant
- Respect a participant's right to choose their own advocates, change their advocates or withdraw their advocates authority
- Ensure that if a participant does not have an individual to accept their advocacy, ESG Inclusive Homes will assist a participant in this process
- Provide printed material at each ESG Inclusive Homes location on advocacy and advocacy services
- Maintain local advocacy resource/contact lists; and
- Ensure that all employees receive training specific to advocacy and the role of advocates.

5.3 Service Agreements

ESG Inclusive Homes encourages a participant to exercise control over decision-making processes relating to care and services provided. During the development of the *Service Agreement* and during all ongoing interactions with each participant ESG Inclusive Homes employees must:

- Ensure that a participant is informed of their right to access an advocate of their choosing and their right to have the selected advocate present throughout decision-making processes
- Consult and collaborate with a participant, their family, carer and/or advocate by providing relevant information to allow for informed decision-making
- Ensure that reasonable adjustments or modifications to the dwelling in which a participant resides are provided, as required
- Explain the supports to be delivered and establish expectations

- Specifies any conditions attached to the delivery of supports, including why these conditions are attached
- Set out the arrangements in place for a participant and a specialist disability accommodation provider
- Set out the arrangements for providing supports to be put in place in the event of an emergency or disaster
- Respect a participant's autonomy, including their right to intimacy and sexual expression
- Record all information and options given to a participant throughout a decision-making process in a participant's file
- Ensure that a participant is supported to make informed choices by providing information using the language, mode of communication and terms that a participant is most likely to understand and seek out third party services such as an interpreter if the need should arise
- Undertake review meetings with a participant, their family, carer and/or advocate respectively to ensure that the services provided by ESG Inclusive Homes align with the needs and preferences of a participant; and
- Ensure that consent is obtained prior to the disclosure of any personal information to other parties. In the instance that information disclosed to ESG Inclusive Homes may place a participant or another individual at risk of harm or injury, it is required that ESG Inclusive Homes employees report this to the Director and/or appointed delegate and relevant authorities.

Where ESG Inclusive Homes delivers supported independent living supports to participants in specialist disability accommodation dwellings, documented arrangements must be in place with each participant and each specialist disability accommodation provider. At a minimum, the arrangements must be recorded in the participants *SDA Service Agreement* and *Service Agreement* and outline the roles and responsibilities of all parties involved for the following issues:

- How the participant will communicate their concerns about a dwelling
- How potential conflicts involving participant(s) will be managed
- How changes to participant circumstance or support needs will be disclosed, as agreed
- How vacancies are filled in shared living
- How the needs, preferences and individual circumstances of each participant are considered; and
- How behaviours of concern are managed that may put tenancy at risk, if this is relevant to the participant.

With the consent of the participant, ESG Inclusive Homes will collaborate with other service providers to ensure a holistic patient-centred approach to care is delivered.

ESG Inclusive Homes will support the participant to understand their SDA *Service Agreement* and conditions using the language, mode of communication and terms that the participant is most likely to understand and will supply easy-to-read documents and/or organise interpreter services, should it be required.

ESG Inclusive Homes must provide the participant with a copy of their signed SDA *Service Agreement*. Where this is not practicable, or the participant chooses not to receive a copy of their SDA *Service Agreement*, ESG Inclusive Homes must document in the participants file the circumstances under which the participant did not receive a copy of their *Service Agreement*.

5.4 Feedback

ESG Inclusive Homes values feedback and acknowledges that this can include compliments, suggestions of what ESG Inclusive Homes may be able to do better and complaints. There are many ways to provide feedback to ESG Inclusive Homes including:

- Completing a Feedback, Compliments and Complaints Form
- Talking directly to an allocated ESG Inclusive Homes employee
- Contacting ESG Inclusive Homes and asking to speak to a manager; and
- Anonymously providing feedback by calling or writing to ESG Inclusive Homes.

5.5 Complaint Resolution Process

ESG Inclusive Homes aims to respond to complaints openly, honestly and in a timely manner. All complaints will be acknowledged and responded to within two business days.

If a complaint is still unable to be resolved, please contact:

- ESG Inclusive Homes on 0418 163 945 to speak with an employee who can assist with the complaint or schedule a call back

OR

- Complete a Feedback, Compliments and Complaints Form and email or post it to:
 - patrick.wilsmore@experiencesocialgrowth.com
 - 8 Sabason Court, Doncaster East, VIC, 3109
- *NDIS Quality and Safeguards Commission*
 - Call 1800 035 544 (free call from landlines)
 - Go to www.ndiscommission.gov.au
- The National Relay Service (NRS) can assist with lodging a complaint for those who may be deaf and/or find it hard to hear or speak with people when using a phone:
 - *National Relay Service (NRS)*
 - Voice Relay Number - 1300 555 727

- Text Telephone Relay (TTY)/ Telecommunications Relay Service (TRS)
Number - 133 677
- SMS Relay Contact Number - 0423 677 767
- *Translating and Interpreting Service (TIS National)*
 - Call 131 450

See the *Feedback, Compliments and Complaints Management Policy and Procedure* for a detailed process.

5.9 Training

On initial engagement with ESG Inclusive Homes, all employees will undergo comprehensive induction training on ESG Inclusive Homes rights and responsibilities processes as well as receive a copy of ESG Inclusive Homes' *Rights and Responsibilities Policy and Procedure* for reference.

Employees will also receive annual feedback, compliments, and complaints refresher training to ensure all workers are aware of, trained in and comply with the required procedures in relation to tenancy management processes and to ensure that best practice outcomes are maintained.

Employees are required to complete an annual performance development review which is designed to assess employee awareness of tenancy management and their roles and responsibilities surrounding these processes. Additional on-the-job and formal training will be provided where required.

6.0 Related Documents, Legislation, Regulations and Standards

- *Supported Independent Living (SIL) Service Agreement*
- *Specialised Disability Accommodation (SDA) Service Agreement*
- *Participant Intake Assessment and Support Plan*
- Feedback and Complaints Form
- Feedback, Compliments and Complaints Register
- *Feedback, Compliments and Complaints Management Policy and Procedure*
- Incident Form
- Incident Register
- Maintenance Request Form
- Participant Emergency and Disaster Management Plan
- *Quality and Continuous Improvement Register*
- [National Disability Insurance Scheme Quality Indicators 2021](#)
- [National Disability Insurance Scheme Act 2013](#)
- [NDIS Home Modifications](#)
- [National Disability Strategy 2010-2020](#)
- [National Disability Insurance Scheme Terms of Business for Registered Providers](#)
- [Residential Tenancies Act 1997 \(Vic\)](#)

- [National Disability Insurance Scheme \(Specialist Disability Accommodation Conditions\) Rule 2018](#)
- [National Disability Insurance Scheme \(Specialist Disability Accommodation\) Rules 2020](#)

7.0 Policy Review

This *Rights and Responsibilities Policy and Procedure* will be reviewed on an annual basis to ensure that ESG Inclusive Homes operates in accordance with legal, regulatory and company standards.

This process will include a review and evaluation of current practices and service delivery types and locations, relevant policies and procedures, forms and registers and will incorporate all ESG Inclusive Homes employee, participant, and other stakeholder feedback.

ESG Inclusive Homes *Quality and Continuous Improvement Register* will be used to record and monitor progress of any improvements identified and where relevant feed into service planning and delivery processes.

ESG Inclusive Homes may make changes to this *Rights and Responsibilities Policy and Procedure* at any time to allow for continual improvement, evaluation, and implementation of best practices to improve the effectiveness of its operation.

By signing this document, I acknowledge that I have read, understand, and must comply with this *Rights and Responsibilities Policy and Procedure*.