
1. *Introduction*

1.1. **Purpose**

The purpose of our Participant Rights and Responsibilities Policy is to uphold and promote the legal and human rights of each participant in our NDIS service. This policy is designed to respect individual autonomy, facilitate informed decision-making, and honour personal beliefs and cultural diversity. Tailored communication and active engagement with participants' support networks and communities are central tenets of our approach. Our participants are supported in their right to involve an advocate at any stage. By embedding these principles into our daily practice, we foster an environment of respect, understanding, and empowerment. This policy adheres to three key NDIS standards: Person-centred supports, Individual values and beliefs, and Independence and informed choice.

1.2. **Scope**

This Policy is applicable to all Workers affiliated with North Star Support. It is the responsibility of every individual, regardless of their employment status, to fully comprehend and comply with the commitments outlined in this policy. All Workers must acknowledge that they have read, understood and will comply with the contents of this Policy.

1.3. **NDIS Indicators (Objectives)**

Person – centred supports

Outcome: Each Participant accesses supports that promote, uphold and respect their legal and human rights and is enabled to exercise informed choice and control. The provision of supports promotes, upholds and respects individual rights to freedom of expression, self-determination and decision-making.

To achieve this outcome, the following indicators should be demonstrated:

- a) Each Participant's legal and human rights are understood and incorporated into everyday practice.
- b) Communication with each Participant about the provision of supports is responsive to their needs and is provided in the language, mode of communication and terms that the Participant is most likely to understand.
- c) Each Participant is supported to engage with their support network and chosen community as directed by the Participant.

Individual values and beliefs

Outcome: Each Participant accesses supports that respect their culture, diversity, values and beliefs.

To achieve this outcome, the following indicators should be demonstrated:

- a) At the direction of the Participant, the culture, diversity, values and beliefs of that Participant are identified and sensitively responded to.
- b) Each Participant's right to practise their culture, values and beliefs while accessing supports is supported.

Independence and informed choice

Outcome: Each Participant is supported by the provider to make informed choices, exercise control and maximise their independence relating to the supports provided.

To achieve this outcome, the following indicators should be demonstrated:

- a) Active decision-making and individual choice is supported for each Participant including the timely provision of information using the language, mode of communication and terms that the Participant is most likely to understand.
- b) Each Participant's right to the dignity of risk in decision-making is supported. When needed, each Participant is supported to make informed choices about the benefits and risks of the options under consideration.
- c) Each Participant's autonomy is respected, including their right to intimacy and sexual expression.
- d) Each Participant has sufficient time to consider and review their options and seek advice if required, at any stage of support provision, including assessment, planning, provision, review and exit.
- e) Each Participant's right to access an advocate (including an independent advocate) of their choosing is supported, as is their right to have the advocate present.

2. Policy Statement

At North Star Support, we are committed to ensuring the rights, dignity, respect, and autonomy of every Participant who we provide supports and services to. We uphold and comply with the NDIS Practice Standards, and our operations are guided by the principles of person-centred care, cultural and individual respect, autonomy, and freedom from harm.

Every Participant has the right to access services that respect their legal and human rights, value their individual beliefs, cultures, and diversity, and allow them to exercise informed choices and control. Participants are entitled to a safe, inclusive environment, free from violence, abuse, neglect, exploitation, or discrimination.

We are committed to supporting each Participant's active decision-making, timely access to relevant information, and their right to have sufficient time for consideration at all stages of support provision. Moreover, each Participant's right to access an advocate, including an independent advocate, is upheld and respected.

We have robust policies, procedures, and practices in place to prevent, address, and rectify incidents of violence, abuse, neglect, exploitation, or discrimination. We ensure Participants are informed about their rights, the support we provide, and how to access advocacy services.

2.1. Relevant legislation

All relevant legislation to this Policy is outlined in the Legislation Register.

2.2. Related documents

- a) Participant Support Plan
- b) Participant Information Booklet
- c) Participant Intake Form
- d) Participant Risk Management Plan
- e) Privacy and Information Management Policy
- f) Violence, Abuse, Neglect, Exploitation and Discrimination Policy

3. Responsibilities and Roles

- a) Germaine Garbutt is responsible for the development and review of this policy. It is expected that Germaine Garbutt ensures this Policy remains compliant with all applicable laws, regulations and standards.
- b) Key Management Personnel play a vital role in ensuring the effective implementation of this Policy throughout North Star Support. It is the responsibility of all Key Management Personnel to not only assist Workers in understanding and complying with this policy but also to comply with it themselves. By leading by example, they demonstrate the importance of adherence to the policy and foster a culture of compliance within the organisation.

- c) Workers are responsible for understanding the contents of this policy and complying with all procedures applicable to them.
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4. Definitions

North Star Support means The Trustee for Garbutt Family Trust trading as North Star Support ABN 67 659 207 998.

Key Management Personnel means Germaine Garbutt and other key management personnel involved in North Star Support from time to time.

Director means Germaine Garbutt.

Worker means a permanent, fixed term or casual member of staff, a contractor or volunteer employed or otherwise engaged by North Star Support and includes the Director.

5. Procedures

5.1. Participant intake and assessment

The intake and assessment process is a point of information exchange that provides both North Star Support and the Participant with the information needed to provide services in a way that is person centred, respectful and promotes individual control. Each Participant, along with their families, carers, chosen community, or advocate, are provided with the following information materials:

a) Participant Information Booklet

- 1) A comprehensive booklet (including an easy-read version) outlining details about North Star Support, the services and supports provided, their pricing, and our commitment to upholding the Participant's legal and human rights will be provided to each Participant.
- 2) This booklet also covers:
 - (i) the Participant's right to informed choice and control and specific rights they are entitled to as a Participant of North Star Support;
 - (ii) our sensitivity towards each Participant's culture, diversity, values, and beliefs, and their right to express and practise these while receiving our services and supports; and
 - (iii) guidance on accessing interpreter services or bilingual Workers, and information about accessing an advocate or legal service, including an independent advocate.

b) Participant Intake Form

- 1) This form provides an opportunity for the Participant to share important details about themselves, including their requested services and supports, personal support needs and requirements, goals and aspirations, likes and dislikes, and communication preferences.
- 2) The form specifically prompts the Participant to share their cultural, diversity, value, and belief-related preferences to ensure our services are sensitively and appropriately tailored.

c) Advocate or Support Person Request Form

- 1) A form that Participants can use to request the involvement of an advocate or a support person in their care will be provided to Participants.
- 2) The role of advocates, how they can benefit the Participant and how to access an Advocate is clearly explained to the Participant when the form is provided.

d) Feedback and Complaints

- 1) A Feedback and Complaints Form for Participants to share their feedback or raise complaints, promoting their active participation in service improvement will be provided to Participants.
- 2) When Participants are provided with the form they will be informed of their right to lodge complaints and seek resolution without fear of retribution. A clear, fair, and accessible complaints and appeals process will be available to all participants.

e) Privacy Consent Form

- 1) A Privacy Consent Form for Participants serves as an agreement between the Participant and North Star Support to ensure informed consent regarding the handling of personal and sensitive information.
- 2) The form details what information is collected, why it is used, and who it may be shared with, all in compliance with relevant privacy laws.

5.2. Provision of supports

a) Equality and safety in service delivery

- 1) Every participant, regardless of their race, religion, sex, age, national origin, disability, or any other characteristic, will be treated equally. We will not discriminate against anyone and will ensure equal access to services and opportunities
- 2) North Star Support is committed to maintaining an environment that is free from any form of harassment. This includes, but is not limited to, bullying, sexual harassment, and

verbal, physical, or psychological abuse. Any form of harassment reported will be promptly investigated and dealt with in accordance with the Violence, Abuse, Neglect, Exploitation and Discrimination Policy and the Incident Management Policy.

b) Active Participation and Control

- 1) Involve Participants actively in all decisions related to their supports, respecting their right to self-determination. Enable them to direct their care as much as possible, including choosing their Support Workers, setting their schedule, and determining their goals and strategies for achieving them.
- 2) Obtain Participant consent for involving others in their assessment or support planning. If consent is given, we facilitate engagement with their chosen support network. We always endeavour to respect Participant autonomy and decision-making, acknowledging that the final choice lies with the Participant, unless legally overseen by a guardian.

c) Empowerment and Independence

- 1) Areas where the Participant can develop skills to increase their independence is to be identified. This could include self-care tasks, social skills, or decision-making abilities.
- 2) Provide appropriate training, resources, and supports to facilitate their skill development.
- 3) Aid Participant's in the exploration of aspects that are personally significant to them, such as the value of family ties, cultural heritage, religious beliefs, friendships, social networks, earning potential, and contributing to the community in a meaningful way.

d) Dignity of risk in decision making

- 1) Risk-Taking Form Completion: Utilise the Risk-Taking Form whenever a Participant expresses a desire to engage in an activity or make a decision that carries potential risks. This form should clearly outline the nature of the activity or decision, the potential risks involved, the steps taken to mitigate these risks, and the Participant's understanding and acceptance of these risks. The form must be completed jointly by the Participant, their representative (if applicable) and North Star Support, ensuring both parties have a clear understanding of the risks and safeguards involved.
- 2) Risk Mitigation and Contingency Planning: Develop and implement appropriate safety measures to minimise potential risks. This might include modifications to the activity, additional supervision or support, or alternative options that carry less risk. Develop contingency plans that outline the steps to be taken in the event of an adverse outcome, ensuring prompt and appropriate responses to safeguard the Participant's wellbeing.

e) **Respect autonomy**

- 1) Each Participant's autonomy is respected, including their right to intimacy and sexual expression. This encompasses their freedom to express their feelings, develop relationships, and participate in sexual activities, provided they are consensual, and safe.
- 2) Workers will receive training on the importance of recognizing and respecting each Participant's autonomy, including their right to intimacy and sexual expression. This will include understanding the concepts of consent, legal capacity, and privacy.
- 3) All Workers and participants will respect the boundaries of others. Any behaviour that infringes on someone else's rights, such as non-consensual activities, will not be tolerated and will be addressed promptly and seriously.

5.3. Consent

a) **Information Provision**

- 1) The Participant will be provided with all necessary information about the services, supports, and interventions that are proposed.
- 2) This should include benefits, risks, alternatives, and potential consequences of non-action. Ensure that the information is presented in a format and language that the Participant can understand.

b) **Discussion and Explanation**

- 1) The proposed services and supports will be discussed with the Participant and their representative (if applicable) in detail, allowing time for questions and clarification. It is crucial that the Participant fully understands what they are consenting to.

c) **Assess Capacity**

- 1) The Participant's capacity to give informed consent will be assessed.
- 2) If they lack the capacity to do so, their legal guardian or advocate will be consulted. Ensure that they have a full understanding of the Participant's needs and preferences.

d) **Obtaining Consent**

- 1) The Participant's consent will be obtained before initiating any service, support, or intervention.
- 2) Consent should be voluntary and not influenced by coercion, manipulation, or undue pressure.
- 3) The consent process should be done in a respectful and patient manner, allowing the Participant time to consider their decision.

e) Documentation of Consent

- 1) Document the consent in the Participant's file, detailing the information provided, the Participant's understanding, any questions raised, and the Participant's express agreement to the proposed services or supports.

f) Regular Review of Consent

- 1) Regularly review the consent, especially when there is a change in the Participant's condition or a new intervention or service is proposed. The Participant should be aware that they can withdraw their consent at any time without any negative repercussions to their care.

g) Respect for Participant's Decision

- 1) Respect the Participant's decision at all times. If the Participant refuses a service or support, this should be respected and alternatives should be explored.

5.4. Ensuring effective communication and inclusion for all Participants

a) Assessment of Communication Needs and Preferences

- 1) Initially identify each Participant's preferred language, mode of communication, and specific terms they understand best. Take into account cultural, linguistic, and diversity factors.
- 2) Document this information in the Participant Intake Form and Participant Support Plan.

b) Culturally Responsive Communication

- 1) Respect and acknowledge the cultural, linguistic, and diversity backgrounds of all Participants, including Aboriginal and Torres Strait Islander Participants.
- 2) Ensure support services are culturally sensitive and appropriate, engaging professional interpreters, translators, and bilingual Workers when required.

c) Clear and Honest Communication

- 1) Maintain open, clear, respectful, and honest communication with all Participants, regardless of the communication mode (spoken, written, or social media).
- 2) Use plain language and encourage Participants to ask questions to promote their understanding of the proposed supports and services.

d) Barrier Identification and Management

- 1) Identify potential barriers to effective communication and strive to address them. This includes providing information on how to access interpreter services, legal and advocacy services. Assist Participants in reducing any limitations or barriers to accessing the services and supports they need.

e) Participant Inclusion and Advocacy

- 1) Support and encourage Participants to engage with their family, friends, and chosen community in accordance with their preferences, as indicated in their induction materials, support agreement, or support plan.
- 2) Inform and empower Participants to exercise their rights to make informed choices, exercise control, and maximise their independence relating to the services and supports provided.

f) Documentation and Transparency

- 1) Document all significant communications accurately, clearly, professionally, and promptly, ensuring they are included in the Participant's file.
- 2) Transparency in communication helps promote trust and understanding between North Star Support and the Participant.

5.5. Encouraging and welcoming feedback

a) Encouraging Feedback

- 1) Regularly encourage feedback from Participants. This is done through:
 - (i) Annual surveys;
 - (ii) Providing the Participant with the Feedback and Complaints Form; and
 - (iii) Regular check-ins.
- 2) These mediums are to be accessible and accommodating to all Participants' abilities and needs.

b) Active Listening

- 1) Actively listen during feedback collection. Respect participants' views and never dismiss or undermine their concerns. Affirm that their feedback is valued and important.

c) Documentation

- 1) If not received on the Feedback and Complaints Form, document all feedback accurately. Ensure that all information remains confidential and is stored in compliance with the Privacy and Information Management Policy.

d) Feedback Analysis

- 1) Analyse feedback to identify patterns, recurring issues, or areas of success. Use this analysis to identify opportunities for service improvement.

e) Implementing Changes

- 1) Implement necessary changes based on the analysis. This might include adjusting procedures, providing additional Worker training, or enhancing resources.

f) Communication

- 1) Inform Participants about the changes made in response to their feedback. This can foster a sense of ownership and trust and encourage future feedback.

6. Policy review and updates

This Policy is to be amended and updated according to the requirements to comply with the applicable laws and Regulations.

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