Title of Policy: **Participant Rights and Responsibilities Policy**

Drafted: **December 2015**

Adopted: **April 2016**

Review Date: **December 2018**

**Introduction**

Under the Disability Services Act 1993 each person has the right to recieve services which respect and promote their legal and human rights and which place them at the centre of all decision making aspects of the way they live their life.

Accessible Arts (“The Company”) recognises the United Nations’ Convention on the Rights of Persons with Disabilities (CRPD) and applies the guiding principles of fairness and human rights in all aspects of its service delivery.

## Purpose

This policy outlines the principle expectations of Accessible Arts in regards to the application and maintenance of rights and responsibilities. It has been incorporated into the Company’s Quality Framework to serve as an important guidepost in articulating the rights and responsibilities of people using the service, their families, carers and other important people who form part of the person’s support network. It will function as a tool to stimulate and promote trust and cooperation and clarify expectations.

### Scope

This policy covers all of the activities and operations of Accessible Arts. It applies to all participants, their families, carers and other important stakeholders, staff, Directors, volunteers, and contractors.

### Definition

“Participant” refers to all potential, current and previous participants of Accessible Arts.

“Right” refers to all actions acceptable within a community’s range of actions, beliefs and values; guided by mutual understanding, agreement and current practice; permitted and given to a person under law, e.g. equal opportunity, equity and access and anti-discrimination.

“Responsibility” refers to things or actions within one’s power or control for which an individual is answerable.

“Capacity” refers to the ability of a person to make decisions about things that affect their daily life.

A participant’s capacity to make a particular decision should only be questioned if there is a factual basis to doubt it. It should not be assumed that a participant lacks capacity because she or he has a particular disability. Capacity is unique to each individual and should not generally be assessed simply on the basis of a type of disability. A participant has capacity to consent if she or he is able to understand the general nature and effect of a particular decision or action, and can communicate an intention to consent (or refuse consent) to the decision or action. (ADHC Decision Making and Consent Policy and Procedures 2012.)

**Principles**

Accessible Arts ensures that the intent of the following principles are implemented into the course of all projects and service delivery:

* 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 or their personal information in line with relevant legislation.
* Equality between men and women.
* Active partnerships between services and people with disability; and where appropriate, their families, friends, carers and/or advocates.
* Families and carers have the right to make choices and be involved in decisions about all aspects of services offered to their child;
* Participants have a right to be consulted directly about decisions that impact on them in age appropriate ways.

**Policy Statement**

Accessible Arts believes each person (including children, young people and adults) with a disability has rights and should have them respected, upheld and maintained at all times. Accessible Arts has a commitment to upholding each 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.

All information obtained from participants or about participants, including all written information in files or computer, information obtained by word of mouth, visual media and electronic recording are included for the purposes of this policy. The rights and responsibilities in regards to information are defined in relevant legislation and Accessible Arts’ Privacy and Confidentiality Policy.

**Participant Rights**

Participants of Accessible Arts’ programs have the right to:

* Respect for their individual human worth, dignity and privacy.
* Be informed about available services and programs provided by the Company and how to participate in and contribute to decision-making.
* Have services and supports to match their ongoing needs and goals.
* Have services and supports provided by appropriately qualifies employees.
* Be consulted about their needs and preferences.
* Request to change their service provider.
* Involve an advocate of their choice.
* Have someone to speak on their own behalf.
* Have control over their own lives and have a say in the provision of services that affect them including participating in decisions concerning the type of support/assistance provided and the way it is provided.
* Appropriate support/assistance which is flexible in response to their changing needs and priorities.
* Access to quality services irrespective of sex, race, ethnicity, culture, language, religion, marital status, disability, sexuality or age.
* Expect support/assistance that is reliable, of high quality, culturally and linguistically relevant.
* Privacy and confidentiality (except where compelling ethical, moral or legal reasons prohibit) in accordance with the Company’s Privacy and Confidentiality Policy.
* Access any information about them held by the Company and amend any incorrect information, in accordance with the Company’s Privacy and Confidentiality Policy.
* Express grievances and seek redress without fear of it affecting decisions relating to the assistance they receive.
* Have complaints or grievances about programs or services heard and dealt with in a fair and objective manner according to the Company’s Complaints Policy.
* Refuse a service or support without prejudicing their future access to services / supports.

**Participant Responsibilities**

Those accessing the support of Accessible Arts have a responsibility to:

* Act in a way that respects Accessible Arts staff, volunteers and other persons using the service, their families and carers.
* Respect the rights of others including their rights to confidentiality and privacy.
* Inform the Company of all support needs.
* Inform the Company of any health, behavioural or wellbeing issues.
* Communicate any changes in circumstances and/or needs.
* Promptly pay any fees and charges associated with the provision of a service.
* Inform the Company as early as possible when support is not required.
* Take responsibility for the results of any decisions they make.
* Seek a fair resolution of any complaints.

**Responsibilities**

The **Chief Executive Officer** (CEO) is reponsible, and will be held accountable for ensuring the policy is effectively implemented across the Company.

The **Operations Manager** is reponsible, and will be held accountable for ensuring staff are familiar with the requirements of this policy and have sufficient skills, knowledge and ability to meet the requirements.

All **Staff and Volunteers** will be held accountable for reading, understanding and complying with the requirements of this policy.

**Other Considerations**

Equity and Access Considerations

The Company is committed to ensuring fair and equal access to physical environments, information, communication and services. For the communication and implementation of this policy, this may include:

* Considering the suitability of physical environments.
* The use of augmentative and alternative communication methods to supplement or replace speech or writing for those with impairments in the production or comprehension of spoken or written language. These methods include the display of text, large print, tactile communication, easy English, accessible multimedia and accessible information and communications technology.

Cultural Diversity

Staff are to ensure that services are provided with sensitivity to, and an awareness of, the cultural beliefs and practices of people from culturally and linguistically diverse backgrounds. This is inclusive of the awareness of needs of Aboriginal and Torres Strait Islander people, their families and communities.

**Changes to Policy**

The Board of Directors as required will consider requested changes to the policy.

**Disputes**

Any disputes regarding the policy will be addressed through the CEO to the Board at the first meeting following the notice of dispute. If the dispute is considered urgent, Directors will aim to resolve the matter as quickly as possible.

**Policy Review and Consultation Process**

This policy will be reviewed by Accessible Arts no less than every three years. Additional reviews will be conducted in accordance to relevant changes in legislation. In reviewing the policy stakeholders and representatives from agencies will be included in the process and asked for information and advice regarding the implementation and benefits or disadvantages of the policy.

Related Documents

Participant Entrance and Exit Policy

Complaints Management Policy and Guidelines

Accessible Arts Complaints Handling Procedure – Guidelines for Staff

Complaints Record Form

Complaints Register

Staff Code of Conduct

Privacy and Confidentiality Policy

Workplace Bullying Policy

National Disability Service Standards

NSW Disability Services Act

Disability Discrimination Act

Racial Discrimination Act

NSW Anti-Discrimination Act

National Disability Insurance Scheme Act (2013)

United Nations Convention on the Rights of Persons with Disabilities 2006

Living Life My Way Framework (ADHC)

ADHC Decision Making and Consent Policy and Procedures 2012