

## Client Rights and Responsibilities Policy

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## Policy Intention

The policy intention is to ensure that WEmpower Services clients are aware of their rights and responsibilities. WEmpower Services clients have the right to feel safe, expect a professional and confidential service, and the right to expect that information about them to be managed appropriately.

WEmpower Services staff will respect a person’s culture, religious beliefs, sexual orientation, their individual right to privacy and be guided by the following principles:

- We make services safe, responsive, and easy to access
- We are trained to understand and respond to all your needs
- We respect diversity and learn about you and your culture
- We recognise and respond to the impact of trauma
- We include the people important to you
- We believe making change is possible
- We respect your lived experience and work with your strengths
- We work together with you and others to respond to your needs
- We advocate with you and for you and your community
- We are committed to getting better at all that we do

## Relationship to other WEmpower Services Policies

<b>Book 1 - Service Delivery Policies:</b>
Advocacy Policy
Boating Policy
Bullying & Harassment Policy
Child Safety Policy
Client Rights & Responsibilities Policy
Driving of Client Vehicle Policy
Diversity & Equal Employment Opportunities
Dress Code Policy
Feedback & Complaints Policy
Freedom from Abuse, Neglect & Exploitation
Informed Consent Policy
Intake Policy
Managing Allegations of Sexual Abuse
Mobile Phone Policy
Privacy Statement Policy
Responding to Quality-of-Care Concerns
Restrictive Practices Policy

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Risk Assessment Policy
Safeguarding Policy
Service Access Policy
Service Agreements with Participants Policy
Staff Code of Conduct Policy
Staff Recruitment and Induction Policy
Support Planning Procedures
Transitions to and from the Provider Procedures

## Scope

It is the responsibility of all WEmpower Services staff, support workers, students on placement and contractors and sub-contractors to respect the rights of clients and to maintain client confidentiality according to legislative and regulatory requirements.

Implementation of this policy and adherence to the appropriate legislation as listed, will enable WEmpower Services to ensure that it meets with its ethical, moral, and statutory obligations.

## Client Rights

All clients have the right to -

### Information:

All clients have the right to be informed about their Rights and Responsibilities in a method of communication that they can understand. WEmpower Services has an easy read version of our Client Rights and Responsibilities Policy. We provide clients with our Rights & Responsibilities Brochure when we come to visit with your Service Agreement and discuss your rights with you.

### Access:

All clients have the right to fair and equitable access to a full range of WEmpower Services based on their needs and eligibility for service criteria.

Please see our Service & Access Policy for further details.

### Quality and Respect:

Clients have the right to safe and high-quality health services, provided with professional care, skill, and competence. Clients have the right to care that shows respect for them as individuals, their culture, beliefs, values, and personal characteristics.

Please see our following Policies for details:

- Bullying & Harassment Policy
- Diversity & Equal Employment Opportunity Policy
- Staff Code of Conduct Policy
- Recruitment & Induction Policy

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## **Beliefs & Culture:**

You have Rights to practice your individual beliefs. When you join WEmpower Services we will ask you about your beliefs and culture to ensure that the supports we provide to you are sensitive to your culture, your beliefs and individualised to you.

## **Choice:**

WEmpower Services staff must ensure clients are involved in decisions and choices about their care and about health service planning.

Informed consent enhances participation and choice.

Clients have the right to have a support person or to advocate on their behalf in respect to their rights and responsibilities

Please see our following Policies for Details:

- Informed Consent Policy
- Safeguarding Policy
- Service Agreements with Participants Policy
- Support Planning Procedures

## **Be Listened to:**

Clients have the right to comment or make a complaint about their care and have any concerns dealt with properly and promptly.

Please see our following Policies for Details:

- Feedback & Complaints Policy
- Responding to Quality-of-Care Concerns Policy

## **Confidentiality and Privacy:**

Clients of WEmpower Services have the right to personal privacy and the proper handling of personal health and other information is assured.

The confidentiality in relationship between the client and their service provider is maintained and respected.

Please see our Privacy Statement Policy for further details.

## **Reviewing your Service Agreement and Goals:**

We communicate with you about your ongoing Goals and your supports. A more formal process for reviewing your service agreement occurs annually to make sure that we are helping you to make the most of your NDIS Package. You and your supports (if you wish) will be involved in the review process so that you can tell us:

- How you feel your supports are helping you
- If you have any other requirements
- If your goals have changed
- If there are any additional things, we can be doing to assist you.
- This review is documented This is done at least annually

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You can request a review at any time.

### **Communication and Interpreters:**

Clients have the right to receive open, timely appropriate communication about health or other care in a manner they can understand.

Accredited interpreters are made available for equitable and open communication.

*Please see our Advocacy Policy for further details.*

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## **Client Responsibilities**

The rights of clients are balanced by a set of responsibilities which assist clients get the best from the service being provided. Equally, WEmpower Services has responsibilities to the clients. WEmpower Services strives to provide an environment where client rights and responsibilities are met.

To ensure optimal service experience, the responsibilities expected of all clients include:

- Keep appointments or let us know early if you need to cancel.
  - Show consideration and respect for staff, accepting that there are limits to the services that WEmpower Services can provide.
  - Give the information needed to provide you with the required services.
  - Ask questions about your health care so that you can make informed decisions.
  - Respect the advice given to you, accepting that the final decision is yours.
  - Maintain the confidentiality and privacy of staff and other people using WEmpower Services particularly when you are participating in group programs.
  - Observe safety procedures (including NO SMOKING signs) to ensure a safe environment for everyone.
  - Observe the code of conduct for the service you are receiving or the program you are attending.
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## **Advocacy**

Advocacy can play an important role in assisting clients, their carers, families, and people important to the client. WEmpower Services staff are to include advocacy information in the rights and responsibilities discussion with clients. Individual staff can advocate on behalf of individual or groups of clients to assist with access to external services or act in a support role within service delivery.

Advocacy can also be in the form of a carer or responsible other who supports and assists a WEmpower Services client in their care process. When a complaint or dispute cannot be

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resolved by the staff member, it is to be escalated to the manager or business owner to implement the client dispute resolution process.

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## Refusal and withdrawal of client service

The partnership between the service provider and the client involves respecting the right of the client to choose to participate or withdraw at any stage of treatment, service intervention or to accept advice.

Clients who refuse a service, or who choose to withdraw from a service, may reapply at any time or in accordance with funding and service requirements.

WEmpower Services in some circumstances may determine that it is not in the best interest to provide a service. If this is the recommended course of action this is to be confirmed through consultation with the manager or business owner. If this course of action is taken clients are to be provided with information about the dispute resolution process.

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## How we handle Incidents and Mandatory Reporting Requirements

To WEmpower Services, the well-being of our clients is paramount. We take all steps possible to ensure that you are always in a safe working environment. If an Incident should occur, we support any client that has been affected through the process and help them to access any assistance required whilst we follow all government legislative requirements and procedures.

*For further information about Mandatory Reporting please see our Mandatory Reporting Policy, and for further information about Incident Management, please see our Incident Management Policy & Procedure.*

## Consequences

WEmpower Services shall take appropriate disciplinary action against any employee who is responsible for, or engages in, any form of behaviour that is not in line with our Client's Rights. Disciplinary action may include any of the following:

- a requirement to provide a written or verbal apology.
  - a formal warning.
  - a requirement to attend training or counselling; and
  - dismissal.
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## Steps for Staff

WEmpower Services staff have responsibility to:
1. Read and ensure understanding of your requirements in relation to the Client Rights and Responsibilities Policy
2. If you do not feel that you understand any aspects of the Policy, speak to the Managers for clarification

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3. Provide or ensure a client has received a copy of the WEmpower Services Rights and Responsibilities brochure on or before the client's first appointment.
4. Explain and confirm with clients and/or responsible others, their rights, and responsibilities.
5. Ensure that the client has understood the information provided before proceeding with the service provision
6. Record in the clients file that the client information has been provided and explained.
7. If an Incident Occurs, following requirements as per the Mandatory Reporting Policy and the Incident Management Policy & Procedures

## Steps for Managers

WEmpower Services Managers have responsibility to:
1. Ensure that all staff have Read and understood their requirements in relation to the Client Rights and Responsibilities Policy
2. Provide clarification to staff if they do not feel they understand any aspects of the Policy.
3. Provide or ensure a client has received a copy of the WEmpower Services Rights and Responsibilities brochure on or before the client's first appointment.
4. Explain and confirm with clients and/or responsible others, their rights, and responsibilities.
5. Ensure that the client has understood the information provided before proceeding with the service provision
6. Record in the clients file that the client information has been provided and explained.
7. If a client decides to withdraw from a service, provide assistance as required to ease transition to another service
8. If WEmpower Services determine it is not in the organisations best interests to provide a service, ensure that this decision has been made following consultation with the Client and their supports providing full information about why the decision was made and the dispute resolution process.
9. If WEmpower Services determine it is in the Client's best interests to restrict or temporarily withdraw services: <ul style="list-style-type: none"> <li>• Ensure that this decision has been made following consultation with the Client and their supports providing full information about why the decision was made and the dispute resolution process.</li> <li>• Provide the client with information outlining when and under what circumstances the service will be reinstated.</li> <li>• Ensure that this decision is fully documented in the Clients Record.</li> <li>• Ensure that the client is supported and empowered through this process.</li> </ul>
10. If an Incident Occurs, following requirements as per the Mandatory Reporting Policy and the Incident Management Policy & Procedures

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## Forms

### Rights & Responsibilities Brochure

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ADHC Risk and Safety Procedures, January 2016	Aged Care Act 1997 (Commonwealth)
Age Discrimination Act 2004	Anti-discrimination Act 1977 (NSW)
Associations Incorporation Act 2009	Australian Human Rights Commission Act 1986 (Commonwealth)
Carer's Recognition Act 1974	Children & Young Persons (Care & Protection) Act 1988 <ul style="list-style-type: none"> <li>Children &amp; Young Persons (Care &amp; Protection) Act 1998 Chapter 16A</li> <li>Children &amp; Young Persons (Care &amp; Protection) Act 1988 Section 27</li> <li>Protection of Persons who make a Report</li> <li>Children &amp; Young Persons (Care &amp; Protection) Act 1998 Restrictive Practices S158</li> <li>Children &amp; Young Persons (Care &amp; Protection) Act 1988 Section 23 ROSH</li> </ul>
Children & Young Persons (Care & Protection) regulation 2012	Children's Guardian Act 2019 <ul style="list-style-type: none"> <li>Children's Guardian Act 2019 Section 28</li> </ul>
Commonwealth Privacy Act 1988	Commonwealth State and Territory Disability Agreement
Community Services (Complaints, Review & Monitoring) Act 1993	Corporations Act 2001
Crimes Act 1900 (NSW) section 66F	Disability Discrimination Act 1992 (Commonwealth)
Disability Inclusion Act 2014	Equal Employment Opportunity Act (1987)
Guardianship Act 1987 (NSW)	Health Records & Information Privacy Act 2002
Home and Community Care Act 1985	Mental Health Act 2007 (NSW)
Model Work Health and Safety Regulations 2011 (Cth)	National Disability Insurance Scheme Act (NDIS) 2013
National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2020	National Disability Insurance Scheme Rules (NDIS) 2018
National Standards for Disability Services 2013	NDIS (Incident Management and Reportable Incidents) Rules 2018
NDIS Practice Standards & Quality Indicators Jan 2020	NDIS (Restrictive Practices and Behaviour Support) Rules 2018 – Updated July 2020
NDIS Terms of Business	NSW Carers (Recognition) Act 2010
NSW Home Care Service Act 1988	NSW Protected Disclosures Act 1994
NSW Restrictive Practices Authorisation Policy June 2019	Occupational Health and Safety Act 2000 NSW
Ombudsman Act 1974	Principles for Child Safe Organisations
Privacy Act 1988 (Cth)	Privacy & Personal Information Protection Act 1998
State Records Authority of New South Wales <i>Functional Retention and Disposal Authority: FA306</i>	Statutory Procedures - Voluntary Out-Of-Home Care in NSW 2020
The Advocate for Children and Young People Act 2014	The Australian Privacy Principles 2014
The Fair Work Act 2009	The Fair Work Regulations 2009
The Human Rights & Equal Opportunity Commission Act 1986	The National Employment Standards
The Racial Discrimination Act 1975	The Racial Hatred Act 1995 – Bullying

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The Sex Discrimination Act 1984	United Nations Convention on The Rights of Persons with Disabilities
Universal Declaration of Human Rights	Work Health and Safety Act 2011 (Commonwealth)
Workers Compensation Act 1987 (NSW)	Workers Compensation Regulation 2010 (NSW)
Workplace Gender Equality Act 2012 (Commonwealth)	Workplace Injury Management and Workers Compensation Act 1998 (NSW)

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