

Rights			Policy
Document name	Rights Policy	CEO approved	
Category	Work Practice		
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Purpose

To inform and provide guidance to all workers and participants regarding the individual rights of all, and to endorse and respect universal human rights.

For Identitywa Disability Services Limited (Identitywa) workers to understand the *Rights Principles* as outlined below and enable them to demonstrate how the rights of participants are upheld. This policy is a clear statement to workers that they must promote and respect participant rights.

Who is this policy for?

This Policy is for all Identitywa workers and participants.

Policy statement

This policy outlines the principles Identitywa expects all workers to uphold when delivering services to participants in the workplace and the community. Identitywa is committed to:

- Upholding each participant's human rights and act to promote and protect these rights in accordance with the *United Nations Convention on the Rights of Persons with Disabilities* and the *Disability Discrimination Act 1992 (Cth)*.
- Promote recognition and acceptance within the community, with the belief that all participants have the same rights to equality as the rest of the community.
- Identitywa is committed to providing each participant accessing a service with information and support to understand and exercise their legal and human rights, both within the service and in the broader community.
- Identitywa is committed to providing training for workers on the importance of recognising and respecting the legal and human rights of participants.
- Identitywa is committed to providing training and information for workers which ensures they are skilled in identifying and addressing risk factors and responding effectively and proactively to allegations of abuse or assault.

Guiding Principles on Rights

1. All participants have the right to respect for their human worth and dignity.
2. All participants have the right to be free from discrimination, abuse or neglect and receive services which respects and promotes their legal and human rights.
3. All participants have the right to full participation in society that is equal to all other people and in line with their individual cultural needs and preferences.
4. All participants have the right to make their own decisions on the way they live their life.
5. All participants should be able to access information on their rights and be supported to exercise these rights.
6. All participants have the right to receive services, which maintains the privacy of their personal information in line with relevant legislation.
7. Gender equality.
8. Active partnerships between service providers and participants; and where appropriate, their families, guardians, friends, carers and/or advocates.

Capacity and decision making

Each participant should be presumed to be capable of making decisions and exercising choice, looking after their own health and safety, making reasonable judgements and managing their own affairs - this is usually the case. It is unnecessary to appoint a nominee where it is possible to build and support participants capacity to make their own decisions.

Capacity is unique to each participant and should not be assessed simply based on a type of disability. A participant has capacity to consent if they are able to understand the general nature and effect of a particular decision or action and communicate their intention to consent (or refuse consent) to the decision or action.

Guardianship

Participants who require support to make decisions and exercise choice should have access to the support they require.

Participants are required to make several important decisions in their lives, including decisions relating to particular treatments, behaviour support and intervention practices or service delivery (Critical Decisions). If a participant lacks the capacity to provide or withhold consent in relation to a critical decision, this may be done by a legally appointed guardian with a specific decision-making function.

Parental and children's rights

Parents have the right to make choices and be involved in decisions about all aspects of services offered to their child.

Children have a right to be consulted directly, in age-appropriate ways, about decisions that impact on them.

Equity and access considerations

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

Cultural diversity

Workers must ensure services are provided with sensitivity to and an awareness of the cultural beliefs and practices of participants from culturally and linguistically diverse backgrounds. This includes an awareness of the needs of Aboriginal and Torres Strait Islander people, their families, and communities. It also includes awareness of the needs of the LBGQTQIA+ community.

Communication about this policy should be done in a way that suits each participant with regard to their cultural background, e.g., if required, by the use of an interpreter.

Accessibility

If you are a participant or part of the participant's support network and speak a language other than English and you need an interpreter, you can contact the Translating and Interpreting Service (TIS) for free translation services. Dial 131 450 and ask your interpreter to call (08) 9474 3303 for you.

If you're deaf or find it hard to hear or speak to hearing people on the phone, call the National

Relay Services (NRS) TTY 133 677.

How do we know we are getting it right?

There are no reports of breaches of a participant's human rights while being supported by Identitywa. Regular audits are conducted, reported breaches investigated and processes for continuous improvement monitored.

This document is reviewed within the framework of Identitywa's quality assurance and continuous improvement process, in consultation with key stakeholders. Process performance and effectiveness are measured against Identitywa's standards, objectives, and practices as part of a scheduled review of this and other related documents based on the level of risk to participants and the organisation.

All Identitywa policies and procedures are measured against the NDIS Practice Standards and other applicable standards, such as the National Catholic Safeguarding Standards.

Definitions

Human Rights

Human rights recognise the inherent value of each participant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status (Universal Declaration of Human Rights, Article 2).

Human rights recognise and respect people's dignity. It is a set of moral and legal guidelines that:

- Promote and protect a recognition of our values, our identity and ability to ensure an adequate standard of living
- Define the basic standards by which we can identify and measure inequality and fairness (Australian Human Rights Commission (AHRC), n.d.).

Informed Consent

Informed consent is when permission granted in full knowledge of the possible consequences, with knowledge of the possible risks and benefits.

LBGTQIA+

Abbreviation for: lesbian, bisexual, gay, transgender, queer (or questioning), intersex, and asexual (or allies) and + for others.

Participant

A person supported by Identitywa, such as a client, resident, or other recipient of services.

Worker

A person who carries out work in any capacity for a person conducting a business, including work as:

- An employee
- A contractor or sub-contractor
- An employee of a contractor or sub-contractor or
- A student, trainee, apprentice, volunteer, or host.

The legal and regulatory requirements we have to follow

[Age Discrimination Act 2004 \(Cth\)](#)

[Australian Human Rights Commission Act 1986 \(Cth\)](#)

[Disability Discrimination Act 1992 \(Cth\)](#)

[Equal Opportunity Act 1984](#)

[Guardianship and Administration Act 1990](#)

[National Disability Insurance Scheme \(Nominee\) Rules 2013 \(Nominee Rules\)](#)

[National Disability Insurance Scheme \(NDIS\) Act 2013](#)

[NDIS Code of Conduct](#)

[NDIS \(Provider Registration and Practice Standards\) Rules 2018](#)

[NDIS \(Quality Indicators for NDIS Standards\) Guidelines 2018](#)

[NDIS \(Restrictive Practices and Behaviour Support\) Rules 2018](#)

[NDIS Practice Standards and Quality Indicators](#)

[Racial Discrimination Act 1975 \(Cth\)](#)

[Sex Discrimination Act 1984 \(Cth\)](#)

[The State Administrative Tribunal \(SAT\) Act 2004](#)

[Universal Declaration of Human Rights \(UHRC\) from UN Website](#)

[Voluntary Assisted Dying Act 2019 \(WA\)](#)

[Work Health and Safety Act 2020](#)

[Work Health and Safety Regulations \(General\) 2022](#)

Other related documents

Duty of Care Policy

Decision Making Policy and Procedure

Identitywa Code of Conduct

Protection of Participants Policy and Procedure

Person Centred Approach Policy

Positive Behaviour Support Policy and Procedure

Service Access Policy and Procedure

Voluntary Assisted Dying Policy

Work Health and Safety Policy

Your Rights Easy Read

Do you need to know more?

For further information on guardianship and nominees:

www.ndis.gov.au/understanding/families-and-carers/guardians-and-nominees-explained

We have Human Rights – (This resource is for people with developmental disabilities).

<https://hpod.law.harvard.edu/pdf/we-have-human-rights.pdf>

If you have any questions regarding policies, procedures and reviews or if you would like to be involved in our policy development programme, please contact the Quality and Compliance Team on (08) 9474 3303.