

CORPORATE POLICIES
CP24 STANDARD 10(NSW)/12(Cwlth): PROTECTION OF HUMAN RIGHTS AND FREEDOM FROM ABUSE

1.0 POLICY STATEMENT

Disability Services Australia (DSA) recognises that every person with a disability has the right to receive a service that ensures their legal and human rights are upheld in relation to the prevention of abuse (including but not limited to sexual, physical and emotional abuse).

DSA is committed in its efforts/endeavours to provide an environment and services that are free from abuse (including but not limited to sexual, physical and emotional abuse) for every person with a disability receiving support.

DSA will take appropriate action if and when violations of these rights occur, which may include termination of employment or the bringing of relevant charges under either civil or criminal law.

DSA will deal with all complaints of abuse in a confidential and prompt manner, and will act to stop any such behaviour immediately.

This policy will apply in full to all contractors, agent, visitors, consultants, suppliers and customers whilst they are on DSA premises, or providing any service to those supported by DSA.

2.0 PURPOSE

To communicate an overarching framework that upholds the right of every person with a disability supported by DSA to receive a service that is free from abuse and to work or engage in activities in environments that are free from abuse (including but not limited to physical, sexual and emotional abuse). The processes in place to facilitate this include but are not limited to:

- The measures/steps taken to prevent abuse in the workplace and service.
- The process for reporting abuse, including fostering an atmosphere that promotes, encourages and supports the use of this process.
- The prompt, transparent and sensitive process for responding to abuse.
- Ensuring every person in the DSA workforce employed to provide a service for a person with a disability is aware of their responsibilities in this matter.
- Ensuring that every person with a disability receiving support is aware of their rights and responsibilities in this matter, to the extent of their ability.

To protect DSA's reputation as a conscientious and ethical employer and service provider.

To meet the Disability Services Standards and comply with all relevant legislation.

3.0 SCOPE

This policy relates to all staff and management of Disability Services Australia. Each relevant area of DSA is required to consider and address compliance with these Standards within divisional procedures, work instructions and forms.

The Commonwealth and State Disability Services Acts and Standards relate to the provision of disability services for people with a disability.

For adults with a disability supported by DSA, the participation/involvement of family/significant others/advocates/guardians in decision making on key service delivery processes (e.g. individual goal planning) is dependent on:

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- The relevant decision making rights for family/significant others/advocates/ guardians, as determined by their legal status in relation to the person receiving support;
- The expressed wishes of the person with a disability receiving support; and
- The assessed need for such advocacy.

4.0 POLICY DETAILS

DSA is committed to providing a quality service for every person with a disability receiving support. One that upholds their legal and human rights in relation to the prevention of abuse, educates them on their rights and empowers them to act on and report breaches of these rights for themselves and others.

Facilitation of this commitment in relation to the Protection of Human Rights and Freedom from Abuse is supported by:

- Ensuring all levels of management and staff understand, comply with, and apply the intent of this policy.
- Implementing the written policy and procedures on the prevention of abuse (including but not limited to sexual, physical and emotional abuse) and making these available to those who use the service in appropriate formats.
- Implementing procedures for reporting and responding to abuse and ensuring every person employed to provide a service to a person with a disability is aware of their responsibilities.
- Ensuring those who use the service have the opportunity to participate in the establishment and review of these procedures.
- Ensuring every person in the DSA workforce employed to provide a service to a person with a disability has adequate training in the presentation/identifying of, reporting, and supporting people with a disability in relation to abuse.
- Ensuring allegations of abuse are investigated promptly, sensitively and as confidentially as possible.
- Ensuring every person supported by DSA who alleges a breach of their human rights (including abuse) is fully supported to express and explain the nature of the allegation regardless of their disability, cultural or linguistic background by seeking where required, assistance from interpreters (linguistic and/or sign), communication specialists (to facilitate the use of augmentative communication aids), advocates and/or relevant agencies/services.
- Acting in a timely manner to address specific and/or systemic issues identified by the investigation process, with input from those affected and/or others who use the service where appropriate and guidance from relevant parties/ specialist services as appropriate or beneficial.
- Ensuring the privacy and dignity of all those involved is respected and maintained at all times.
- Supporting the involvement of the family/significant others/advocates of each person receiving support and facilitating access to advocacy support services as requested or appropriate to maximise the participation of those who use the service in the process (unless otherwise requested by the person receiving support).
- Ensuring all disclosures/ allegations and/or suspicions of abuse based on physical (behavioural) evidence by external sources, from those supported by DSA are acted on in a timely manner and as sensitively and confidentially as possible. This includes but is not limited to:
 - Reporting to the relevant authorities as required by legislation and other specialist services (e.g. advocacy) as appropriate; and

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- Ensuring the person with a disability has the support and advocacy of family/guardians/advocates (as needed or requested by the person receiving support).
- Whilst DSA respects the cultural and religious diversity of every person receiving support and their family, DSA will always act in accordance with the law.
- The review of processes and systems as part of scheduled and as needed policy and procedure reviews, including where possible input from those who use the service.
- Ensuring adherence to policies and procedures through the quality assurance audit process to maximise the design, delivery and implementation of a quality service.

5.0 RESPONSIBILITIES

Refer to the Quality Policy Manual Section 5.0 Management Responsibility
[Quality Policy Manual](#)

6.0 REFERENCES

Legislative context

Disability Discrimination Act (Cwlth) 1992

Anti-Discrimination Act (NSW) 1977

Sex Discrimination Act (Cwlth) 1977

Disability Services Act (Cwlth) 1986 and Commonwealth Disability Services Standards

Disability Services Act (NSW) 1993 and NSW Disability Services Standards

Policy Context

[Quality Policy Manual](#)

Relevant State (NSW), Commonwealth and DSA policies are listed in [The DSA Document Matrix](#).