



Upholding Human Rights Policy and Procedure



Purpose and Scope

Network Rehabilitation Group (NRG) are committed to upholding every human's right to live a life free from violence, abuse, neglect, exploitation, and discrimination. The purpose of this policy is to outline how NRG, actively prevents violence, abuse, neglect, exploitation, and discrimination towards Participants and employees. This policy and procedure aligns with the NDIS Practice Standards Core Module Division 1 – Rights and Responsibilities: Violence, Abuse, Neglect, Exploitation and Discrimination. As an organisation we are committed to upholding the United Nations Convention on the Rights of Persons with Disabilities.

This policy and procedure applies to all employees, Participants, their families, key supporters, and contractors who engage with Rehabilitation Support Services (RSS) and Network Case Management Services (NCMS)

1.0 Definitions

Employee: Includes all people engaged by a NDIS provider, including casual, part time and full-time employees as well as contractors.

Participant: Refers to a person who accesses supports from NRG either Network Case Management Services or Rehabilitation Support Services or both.

Family: Refers to people who may or may not be related to the participant but who the participant identifies as having a significant familial affect in the participants life.

Key supporter: Refers to friends, partners or others who have experience in providing ongoing care and support to our participants.

Challenging behaviour - behaviour that places the person or others at risk, and/or reduces the person's access to environments, activities, or experiences. This can include aggressive, self-injurious, anti-social or dangerous behaviours.

Abuse: Is the violation of a person's human or civil rights, through an act or actions of commission or omission, by another person, or persons. Some forms of abuse are criminal offences and are punishable by law.

Abuse is any form of violence, coercion, exploitation, discrimination, harm, or neglect which causes another person psychological or physical pain or suffering.

Physical Abuse: Any non-accidental physical injury or injuries to a person. This includes inflicting pain of any sort or causing bruises, fractures, burns, electric shock, or any unpleasant sensation, e.g., taste, heat or cold.

Sexual Abuse: Any sexual contact between an adult and a child; or any sexual activity with an adult who is unable to understand, has not given consent, is threatened, coerced, or forced to engage in sexual behaviour. Sexual activity includes intercourse, genital manipulation, masturbation, voyeurism, sexual harassment, and inappropriate exposure to pornographic media etc.

Psychological or Emotional Abuse:

Verbal assaults, threats of maltreatment, harassment, humiliation or intimidation, or failure to interact with a person or to acknowledge that person's existence. This may also include denying cultural or religious needs or preferences.

Financial Abuse: The improper use of another person's assets or the use or withholding of another person's resources by someone with whom the person has a relationship implying trust.

Legal or Civil Abuse:

Denial of access to justice or legal systems that are available to other citizens and denial of informal or formal advocacy support requested by the client or his/her substitute decision maker.

Systematic Abuse: Failure to recognise, provide or attempt to provide adequate or appropriate services, including services that are appropriate to that person's age, gender, culture, needs or preferences.

Discrimination: When a person, or a group of people, is treated less favourably than another person or group because of their background or certain personal characteristics.

Exploitation - is taking advantage of the vulnerability of a person with a disability in order to use them, or their resources, for another's profit or advantage (e.g., financial abuse). Exploitation often occurs with vulnerable groups such as people with a disability and older people. Exploitation is a form of abuse.

Neglect: is the failure to provide the necessary care, aid or guidance to dependent adults or children by those responsible for their care.

Physical Neglect: Failure to provide adequate food, shelter, clothing, protection, supervision, and medical and dental care, or to place persons at undue risk through unsafe environments or practices.

Passive Neglect: A caregiver's failure to provide or wilful withholding of the necessities of life including food, clothing, shelter, or medical care.

Wilful Deprivation: Wilfully denying a person who, because of age, health, or disability, requires medication or medical care, shelter, food, therapeutic devices or other physical assistance - thereby exposing that person to risk of physical, mental or emotional harm.

Emotional Neglect: The failure to provide the nurturance or stimulation needed for the social, intellectual, and emotional growth or wellbeing of a person.

Violence: Behaviour involving physical force intended to hurt, damage, or kill someone or something

Crimes of Omission - the failure to act with appropriate duty of care. Failing to report incidents that have been witnessed.

2.0 Policy and procedure

NRG is committed to upholding every human's right to live a life free from violence, abuse, neglect, exploitation, and discrimination. We have a moral, ethical, and legal responsibility to ensure all Participants and employees are safe whilst engaging with us. We achieve this through actively implementing strategies focusing upon education, prevention, risk mitigation and effective, timely actions if breaches occur. We have purposely created organisational values that align with upholding human rights, these are:

- **We are ethical**
- **We work in collaboration**
- **We recognise the value of respect**
- **We make a meaningful difference**

We foster a culture where all staff are committed to preventing abuse. This starts with our cultural recruitment process where we focus just as much on the values of the employee as we do their career history and education.

All employees must have a NDIS Working Screening Check, along with undertaking the NDIS Worker Orientation Module.

Our induction process involves online and in person training with additional resources that focus on empowering Participants to reach their goals and ensuring adherence to our Risk Management and Incident Management Policies and Procedures. There is an emphasis on psychological safety which enables employees to speak up and report any concerns they may have in regard to a Participant's human rights being compromised.

Once employment has commenced it is the duty of all staff to follow our policies, procedures, and handbooks which outlines how to respond to concerns. Accountability is assured through our risk mitigation strategies which include:

- Monitoring When I Work shift notes
- Regular communication with all employees
- Supervision
- Monthly supervision for Coordinators
- Meeting with each Participant at least twice a year

When incidents are reported they are investigated as per our *Incident Management Policy and Procedure*.

If the investigation reveals that an NRG employee has breached a human right this would also be in breach of our Values and Code of Conduct. Our internal process would depend upon the severity of the breach:

Minor breach

- Internal meeting on conduct, options, next steps which could be:
 - Additional training
 - Increased supervision
 - Accessing the EAP
 - Transfer of duties
 - Official warning
 - Dismissal

Major breach

- Instant dismissal in line with Fair Work Act 2009

If the investigation reveals that an NRG Participant has breached a human right this would also be in breach of our Values and Participant Responsibilities as outlined in our Participant Booklet and Service Agreement. Our internal process would depend upon the severity of the breach:

Minor breach

- Meeting on conduct, options, next steps which could be:
 - Liaising with the Participants care team
 - Change of situation submitted if Participant requires additional staff on their team
 - Accessing the EAP
 - Official warning
 - Ceasing of service

Major breach

- Instant ceasing of service, waiving the one month notice period as outlined in the Service Agreement.

All incidents are reviewed by the Safety and Quality Committee and continuous improvement recommendations made and implemented.

3.0 Related internal documents

NRG Values

NRG Code of Conduct

NRG Risk Framework

NRG Risk Management Policy and Procedure

NRG Risk Register

NRG Restrictive Practices Policy and Procedure

NRG Incident Management Policy and Procedure

NRG Compliments, Complaints and Feedback Policy and Procedure

4.0 Supporting legislation and standards

NDIS Act 2013

NDIS Code of Conduct 2018

NDIS Practice Standards

NDIS Incident Management and Reportable Incidents 2018

NDIS Quality and Safeguards Practice Standards and Quality Indicators

UN Convention of Rights of Persons with Disability

Disability Discrimination Act 1992

Universal Declaration of Human Rights

Fair Work Act 2009

Authorised

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