

Participant Rights

1. Introduction

Participant rights set a clear context for how our supports and services are provided.

All participants have the right to: receive person-centred supports have individual values and beliefs respected privacy and dignity independence and informed choice be free from violence, abuse, neglect, exploitation or discrimination.

2. Applicability

- Applies to supports and services provided to all participants.
- applies to all representatives including key management personnel, directors, full time workers, casual workers, contractors and volunteers.

3. Definitions

Abuse: Single acts or patterns of abuse, such as: -

- Physical abuse: physical or chemical restraints or coercion, hitting, slapping, burning, choking, pinching, pushing or restraining.
- Sexual abuse—any sexual contact between an adult and child 16 years of age and younger; or any sexual activity with a young person or adult who is unable to understand, has not given consent, is threatened, coerced or forced to engage in sexual behaviour.
- Emotional or psychological abuse—verbal assaults, threats of maltreatment, harassment, humiliation or intimidation, or failure to interact with a person or to acknowledge that person's existence including denying cultural or religious needs and preferences.
- Financial abuse—illegal or improper use and/or mismanagement of a person's money, property or resources including forgery, stealing, forced changes to a will, unusual transfer of money or property to another person or withholding of funds.
- Accidents or near accidents caused by unsafe equipment or practices.
- Unregulated restrictive practices such as those unapproved and/or unauthorised.

Discrimination: Discrimination can occur:

- Directly: When a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law.
- Indirectly: When an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law.

Exploitation: Any case where:

- Someone in a position of trust and confidence knowingly, by deception or intimidation, obtains or uses, or tries to obtain or use, a participant's funds, assets or property with the intent to temporarily or permanently deprive that person of the use, benefit or possession of those funds,

assets or property for the benefit of someone other than the participant.

- A person who knows or should know that the participant lacks the capacity to consent, and obtains or tries to obtain or use, the participant's funds, assets or property with the intent to temporarily or permanently deprive the participant of the use, benefit or possession of the funds, assets or property for the benefit of someone other than the participant.

Examples of exploitation:

- Taking or using the assets, funds or other possessions of a participant without their consent.
- Tricking or threatening the participant to purchase an item or service that they do not want or that will not be used for their benefit.

Neglect: Any case where a person's basic needs are not met. This includes: -

- Physical neglect—failure to provide adequate food, shelter, clothing, protection, supervision, medical and/or dental care or exposing someone to undue risks through unsafe environments or practices.
- Emotional neglect: failure to support and encourage, protect and provide stimulation needed for the social, intellectual and emotional growth or wellbeing of a person.
- Passive neglect: failure to provide or wilful withholding of the necessities of life, including food, clothing, shelter or medical care.

4. Policy

Person-centred supports

The rights of participants are that:

- Each participant can access supports that promote, uphold and respect their legal and human rights.
- Each participant is enabled to exercise informed choice and control.
- Supports provided promote, uphold and respect individual rights to freedom of expression, self-determination and decision-making.

Individual values and beliefs

- Each participant can access supports that respect their culture, diversity, values and beliefs.
- Each participant's autonomy is respected, including their right to intimacy and sexual expression.

Privacy and dignity

- Each participant can access supports that respect and protect their dignity and right to privacy.

Independence and informed choice

- Each participant is supported to make informed choices, exercise control and maximise their independence in relation to the supports provided.

Freedom from violence, abuse, neglect, exploitation or discrimination

- Each participant can access supports free from violence, abuse, neglect, exploitation or discrimination.

5. Legislation

- [National Disability Insurance Scheme \(Quality Indicators for NDIS Practice Standards\) Guidelines 2018](#)

6. Document History and Version Control

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