

Policy Title: Rights Based Practice

Clinical Governance Domain: Consumer Participation

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Approved by:



INDEX

SCOPE	1
Definition	1
PRINCIPLES	2
POLICY	2
Privacy and Confidentiality	2
Mature Minors.....	3
Complaints and Feedback.....	4
Consumer Participation.....	5
RELATED INTERNAL DOCUMENTS	5
EXTERNAL REFERENCES.....	6

SCOPE

This policy applies to all clients and staff of Brophy Family and Youth Services (BFYS); including volunteers and Members of the Board.

This policy applies to all clients of the organisation whether they are accessing direct service, group programs, activities, health promotion or training. The term clients is considered to include current and past clients, volunteers and community participants in agency activities.

Potential clients who have been denied a service are outside the scope of this policy, and should be considered with reference to the "Duty of Care Policy".

Definition

A human rights based approach is about empowering people to know and claim their rights and increasing the ability and accountability of individuals and institutions who are responsible for respecting, protecting and fulfilling rights.

This means giving people greater opportunities to participate in shaping the decisions that impact on their human rights. It also means increasing the

ability of those with responsibility for fulfilling rights to recognise and know how to respect those rights, and make sure they can be held to account.

A human rights based approach is about ensuring that both the standards and the principles of human rights are integrated into policymaking as well as the day to day running of organisations.

PRINCIPLES

There are some underlying principles which are of fundamental importance in applying a human rights based approach in practice. These are:

- participation
- accountability
- non-discrimination and equality
- empowerment and legality

BFYS is committed to providing services within a framework that is client focused and client driven. BFYS recognises the rights of all clients to appoint an advocate to ensure that they receive the best possible service.

BFYS workers will respect the right of clients to a relationship of trust, to privacy and confidentiality of their information and to responsible use of information obtained in the course of a holistic professional service (AASW, Code of Ethics).

BFYS recognises that complaints & appeals and compliments & comments are fundamental to ensuring accountability to clients, government and the community in relation to how the organisation delivers its service.

BFYS is committed to a responsive easy to access feedback system that enables clients to give all forms of feedback, with confidence their feedback will be heard respectfully and without fear of retribution. Feedback is seen by the agency as an important mechanism to safeguard clients' basic rights while at the same time improving service delivery.

BFYS will ensure that all staff receive training in relation to clients rights.

POLICY

Brophy recognises the following areas as core to a rights based approach

Privacy and Confidentiality

This policy incorporates privacy and confidentiality in that it applies to the whole information "life cycle" from collection of information, to how the information is used, who it can be disclosed to, and whether it ought to be retained or disposed of.

Workers will take care not to intrude unnecessarily on client's privacy when seeking information and will only seek information that relates to the service being provided.

- Workers will always obtain consent for collection of client information;
- Workers will obtain consent for sharing of client information save for in exceptional circumstances or as required by law;
- Workers will be sensitive to client interests in relation to the information provided and recorded.
- Workers will use confidential information only for the purpose for which it was collected: or, with the consent of the client, for a directly related purpose: or with lawful excuse (eg, court subpoena, statutory requirements, Family Violence Information Sharing Scheme and Child Information Sharing Scheme).

Personal information is information, which allows an individual to be identified, and it can appear in any form or any medium. (DHHS Information Privacy Principles). The responsibility for adherence to privacy and confidentiality principles sits with the individual staff member. It is their responsibility to demonstrate that, for the purpose of audits and complaints investigations, personal information has been handled in accordance with the relevant Principles, and in accordance with the BFYS [Client Records Policy](#).

Family Violence and Child Safety Information Sharing Schemes

Employees of BFYS in the Child FIRST and Family Violence Programs are Information Sharing Entities (ISEs) and Risk Assessment Entities (RAEs) for the purposes of the Family Violence and Child Information Sharing Schemes. Employees in state funded homelessness services are ISEs for the purpose of the scheme.

Under the schemes, these employees can share or receive information from other ISEs and RAEs under either scheme.

Both ISEs and RAEs can share information either voluntarily or in response to a request with another ISE or RAE for a family violence protection purpose. A protection purpose means that the perpetrator and victim survivor have been identified, and the focus of service delivery is managing the risk of family violence.

Only prescribed RAEs can share information for a family violence risk assessment. The purpose of the risk assessment process is to identify the perpetrator and victim survivor and assess the level of risk to that victim survivor.

Consent is required when sharing information about an adult victim survivor unless there are children at risk of family violence, or if the ISE reasonably believes that sharing the information is necessary to lessen or prevent a serious threat to an individual's life, health, safety or welfare.

ISEs can share information with each other to promote the safety or wellbeing of a child or children. Consent is not required to share under the CISS.

Information Sharing Documents and Information

[Flowchart for Information Sharing Entities](#)

[Information sharing process checklist when making a request](#)

[Information sharing process checklist when responding to a request](#)

[AW 17 Information Sharing Record Keeping – Disclosure Case Note](#)

Mature Minors

Mature minors are generally classified as adolescents between the ages of 14 to 18. Adolescents 14 years and older may have the capacity to consent to a service decision if the person:

- a) Understands the information he or she is given that is relevant to the decision
- b) Is able to remember the information relevant to the decision even if for a short period
- c) Is able to use or weigh information relevant to the decision
- d) Is able to communicate the decision

Competent young people are entitled to the same confidentiality and information privacy as adults.

Complaints and Feedback

The feedback process is viewed by the organisation as a process by which clients are encouraged to advocate for themselves in areas of service delivery, so that they can build the confidence to explore and change decisions that impact their lives and their families' lives. In so doing, the organisation views these situations as processes for individual and organisational learning that leads to improved service delivery and better service user outcomes.

Workers and volunteers at BFYS, in keeping with the service philosophy, will endeavour to consider the needs of, and support for, the clients as the primary objective.

BFYS will ensure that everything possible will be done to investigate and resolve all feedback fairly and promptly, implementing strategies to prevent similar grievances.

BFYS will invite clients, past and present to participate in review processes, policy development and strategy implementation when applicable.

BFYS will ensure that any allegations of misconduct or poor performance that form part of a service user complaint are investigated in accordance with the Disciplinary Policy.

BFYS will ensure that no client, volunteer or worker of BFYS is victimised or treated unfairly for making a complaint or providing feedback.

BFYS will ensure that any service user complaints alleging potential criminal activity will be responded to in accordance with the agency's legal responsibility to report such activity.

Consumer Participation

BFYS recognises the value and benefits for individuals and communities that flow from consumer INCLUSION in decision-making processes and consumer ENGAGEMENT through addressing issues and influencing outcomes.

The outcome is maximisation of consumer involvement with the agency in the interests of responsive, effective service delivery and best possible outcomes for individuals, the community and the organisation.

Please refer to the [Consumer Participation Policy](#) for additional information

RELATED INTERNAL DOCUMENTS

[Media Policy](#) and [Procedure](#)

[Consumer Participation Policy](#)

Client Access Policy and Procedure

[Volunteers Policy](#)

"[What you need to know](#)" agency brochure and on website

[Equal Opportunity Policy](#)

[Complaints Acknowledgement Letter](#)

[Client Records Policy](#)

Guidelines for Client Files

EXTERNAL REFERENCES

[AASW, Code of Ethics](#)

[Child, Youth and Families Act 2005](#)

[Coroners Act 2009](#)

[Department of Human Services, Privacy Principles](#)

[DHHS Compliment and Complaint Management Policy](#)

[Freedom of Information Act \(1982\)](#)

[Freedom of information Principles](#)

[Health Records Act 2001](#)

[Health Services Conciliation & Review Act 1987](#)

[Health Services Act Vic 1988](#)

[Health Records Regulations Vic 2012](#)

[Victorian Health Privacy Principles](#)

[Privacy Act \(1988\) updated 2014](#)

[Privacy and Data Protection Act 2014](#)

headspace Brisbane South Mature Minors Policy

[Fraser Guidelines Factsheet](#), Doncaster Safeguarding Children Board – what to consider

when deciding competency

[Victorian Charter of Human Rights](#)

[Australian Charter of Healthcare Rights](#)

[DHHS Charter for Children in OoHC](#)

[Guidelines for responding to quality of care concerns in out of home care](#)

Disability Act 2006

Public Records Act 1973