

Human Rights

POLICY

POLICY STATEMENT

Melba Support Services (Melba) actively promotes and safeguards the fundamental rights of people with disabilities, including adults, children and young people, as equal citizens. Melba is committed to ensuring our services uphold the rights and dignity of all people supported every day. Melba will conduct ourselves, our business, and collaborate with partners, who share the same human rights values as espoused in the UN Universal Declaration of Human Rights 1948, the Victorian Charter of Human Rights and Responsibilities Act 2006, and the UN Convention on the Rights of Persons with Disabilities (UNCRPD) 2006. Furthermore, as an organisation committed to maintaining a child-safe culture and environment, Melba will uphold the eleven principles as set out in the Victorian Child Safe Standards. This includes the principle in relation to Article 12 of the UN Convention on the Rights of the Child, where children and young people are informed about their rights and participate in decisions that affect their lives.

Historically, people with a disability have not been afforded, or even perceived as having, the same basic human rights as the general population. Whilst there is an increasing level of recognition that people with a disability should have the same rights as those expected by the general population, the day to day reality is that this is not yet the case. If society as a whole is to progress towards the rights of people with a disability being genuinely recognized and upheld it is imperative that this occurs as a natural part of each and every interaction that a person with a disability has.

In line with the social model adopted by the UNCRPD 2006, which locates the experience of disability in the social environment, Melba is committed to removing the social and physical barriers that limit the participation and inclusion of people with disabilities. Melba works toward realising inclusion and participation of people with disabilities in the community.

All people receiving services from Melba will be actively supported to understand and exercise their legal and civil rights. Melba will also provide ongoing training to staff about people's rights, including the rights of children and young people, and supporting people to exercise their rights. Melba may provide additional training to parents, family members, and advocates as needed and/or requested.

Melba staff must act compatibly with the human rights contained in the Charter and give proper consideration to relevant rights when making decisions. Melba as a service provider and its staff will promote the human rights of people we support in numerous ways, including (but not limited to):

- upholding and respecting the dignity of each person in every day interactions with people supported and their families/carers;
- promoting and actively supporting each person to make decisions and choices every day, engaging the person in decision-making by ensuring information provided is appropriate to the person's level of comprehension and/or in an alternative and augmentative communication system used by the person;
- ensuring that the person we support is the focus and centre of any planning and design of services, that the person and their family, carer, advocate and other natural supports are involved in the process of plan development, and that plans are regularly reviewed with the person and their family, carer, advocate and support network;
- ensuring that each person's religious and cultural beliefs and practices are respected and supported in an individualised manner;

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- providing environments where each person feels safe and are listened to and respected regardless of their age, sex, gender, sexual orientation, cultural or economic background;
- ensuring that people we support, including children and young people, are aware of complaint mechanisms and procedures for reporting allegations of harm and abuse or making a complaint, including to the NDIS Quality and Safeguards Commission, relevant department agencies and other appropriate organisations (such as Community Visitors or the Public Advocate). These processes and procedures are communicated to people we support in an accessible format;
- promoting and acting promptly on feedback and complaints from people we support, their families/carers and stakeholders so that learning from the feedback will enhance our service delivery;
- ensuring that confidentiality and privacy of personal information about people we support is maintained;
- informing people we support and their family, carer, and support network of their right to seek independent or external advocacy,
- implementing quality, service, practice and research strategies or activities that enhance human rights; building self-advocacy and listening to stakeholders (such as families, carers, advocates and other support persons), to advise us on realising our vision and mission;
- establishing and seeking feedback from people we support and stakeholder groups, in decisions that affect them, such as service planning or policy development;
- implementing quality, service, practice and research strategies or activities that will achieve social change in the community and address disadvantage experienced by people with disabilities and ensuring that these strategies or activities are consistent with the UNCRPD 2006. Melba will work with diverse stakeholders to reduce and/or eliminate barriers that diminish the human rights of people with disabilities;
- implementing quality, service and practice strategies or activities that safeguard and protect people we support from abuse, neglect, exploitation, violence, discrimination, harm and any restrictive practice that diminishes human rights. Any breaches of rights are immediately addressed through the *Complaints, Compliments and Feedback* policy and/or *Incident Reporting – Supported Persons* policy;
- reducing the use of and working towards the safe elimination of restrictive interventions. When required, Melba will ensure that the limitation of the person’s rights are implemented lawfully, in line with requirements on restrictive interventions articulated in the Disability Act 2006 and NDIS (Restrictive Practices and Behaviour Support) Rules 2018.

Melba’s reporting framework ensures that any possible infringements of individuals’ rights are reviewed and reported to relevant quality governance groups, as outlined in Melba’s Quality Governance Framework. This includes, but is not limited to:

- Reporting on data and trend analysis from Human Rights Checklists
- Reporting on the data from Personal Outcome Measures (POMs) planning
- Reporting on the use of restrictive practices and behaviour support plans
- Reporting unusual person supported incidents and injury

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- Reporting on all compliments, complaints and feedback received
- Reporting on the completion of continuous improvement and quality compliance activities
- Reporting any other practices and procedures that could possibly infringe on the rights of any person as they arise.

SCOPE

This policy applies to all people supported in Melba services (regardless of service funding type). It also applies to Melba stakeholders, including permanent and temporary staff, agency staff, casuals, contractors, consultants, students, and persons working in a voluntary capacity (referred to as 'staff' in this policy).

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DEFINITIONS

Term	Definition
<p>Human Rights</p>	<p>Are the basic freedoms and protections that belong to every single person. All human beings are born with equal and inalienable rights and fundamental freedoms. Human rights are based on dignity, equality and mutual respect – regardless of a person’s nationality, religion or beliefs. These basic human rights are:</p> <ul style="list-style-type: none"> • Universal: They belong to every person • Inalienable: They cannot be taken away from people • Indivisible and interdependent: Governments cannot pick and choose which rights are respected and upheld
<p>Victorian Charter of Human Rights and Responsibilities Act 2006</p>	<p>Human Rights protected by the Victorian Charter of Human Rights and Responsibilities Act 2006 include:</p> <ul style="list-style-type: none"> • Right to be organised and equal before the law • Right to life • Right to be protected from torture and cruel, inhuman and degrading treatment, and to not be subject to medical or scientific experimentation or treatment without consent • Right not to be held in slavery or made to perform forced work • Right to freedom of movement • Right to privacy and reputation • Right to freedom of thought, conscience, religion and belief • Right to freedom of expression • Right of peaceful assembly and freedom of association • Right of families and children to protection by society and the State • Right to take part in public life • Right of a person to practise and enjoy his or her culture, religion and language • Right to not be deprived of property • Right to liberty and security of person • Right of a person deprived of liberty to be treated humanely • Right of a detained child to be segregated from detained adults • Right to a fair hearing • Right of a person charged with a criminal offence to be presumed innocent • Right not to be tried or punished more than once, and • Rights concerning retrospective criminal laws.

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PURPOSE


The purpose of this policy is to protect the rights of individuals involved with or affected by the actions of Melba. This policy also extends to protect the rights of any child or young person involved with or affected by Melba.

This policy outlines Melba’s commitment to upholding supported person’s human rights. The purpose of this policy is to:




- a) ensure the safeguarding and implementation of the rights of people with disabilities;
- b) ensure that Melba’s staff, services and practices empower people with disabilities to exercise their fundamental human rights as equal citizens and to uphold their dignity every day;
- c) respect the power and control people with disabilities have over matters that affect their lives, such as the choices and decisions they make;
- d) affirm Melba's commitment as a human rights duty-bearer to ensure that people with disabilities not only exercise their rights but enjoy their human rights;
- e) protect the rights of people with disabilities from abuse, neglect, exploitation, violence, discrimination, harm and restrictive practice;
- f) define the concept of human rights; and
- g) translate human rights into actions enacted by Melba and Melba staff.

REFERENCES

- Victorian Charter of Human Rights and Responsibilities Act 2006
- UN Universal Declaration of Human Rights 1948
- UN Convention on the Rights of Persons with Disabilities (CRPD) 2006
- UN Convention of the Rights of the Child 1989
- National Disability Insurance Scheme Act 2013
- NDIS National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018
- National Disability Insurance Scheme (Quality Indicators for NDIS Practice Standards) Guidelines 2018

 <p>Related Policies</p>	<ul style="list-style-type: none"> • Complaints, Compliments and Feedback Policy • Incident Reporting – Supported Persons Policy • Zero Tolerance Policy • Children and Young Persons Safety Policy • Planning with People at Melba Policy • Positive Behaviour Support and Restrictive Interventions Policy • Protected Disclosure (Whistleblowing) Policy
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 Related Procedures	<ul style="list-style-type: none"> • Complaints, Compliments and Feedback Procedure • Incident Reporting – Supported Persons Procedure • Child & Young Persons Safety Practice Guidelines • Reporting Allegations of Assault, Abuse or Neglect Procedure • Planning with People at Melba Procedure • Positive Behaviour Support and Restrictive Interventions Procedure • Protected Disclosure (Whistleblowing) Procedure
 Related Supporting Documents or Tools	<ul style="list-style-type: none"> • Human Rights Checklist • Terms of Reference – Human Rights Committee • POMS interview template • UN Convention on the Rights of Persons with Disabilities (UNCRPD) 2006.
 Relevant Legislation/Standard(s)	<ul style="list-style-type: none"> • <i>National Disability Insurance Scheme (Quality Indicators for NDIS Practice Standards) Guidelines 2018</i> • Victorian Child Safe Standards 2022

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