



# Legal and Human Rights and Freedom from Abuse Policy

*For Soaring Sparrows Pty Ltd*

## Document Control

- **Policy Title:** Legal Human Rights and Freedom from Abuse Policy
  - **Date Policy Developed:** 16/09/2025
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  - **Version:** 1.2
  - **Policy Owner:** Director
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## Purpose

To ensure that Soaring Sparrows Pty Ltd respects, protects, and promotes the legal and human rights of all participants, this policy affirms our commitment to upholding the **NDIS Practice Standards, the NDIS Code of Conduct**, and relevant Australian legislation, as well as the **Universal Declaration of Human Rights (UDHR)** and the **United Nations Convention on the Rights of Persons with Disabilities (CRPD)**. It ensures participants are treated with dignity, are free from discrimination, and have genuine choice and control in their supports, while also safeguarding them from all forms of abuse, neglect, violence, exploitation, and discrimination.

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## Scope

This policy applies to:

- All staff, contractors, and volunteers of Soaring Sparrows Pty Ltd.
  - All participants receiving services.
  - Families, carers, and advocates engaged with Soaring Sparrows Pty Ltd.
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## Definitions

### Abuse

Any act that causes harm, injury, or distress to a person. This includes physical, emotional, sexual, and financial abuse.

**Neglect**

Failure to provide necessary care, assistance, supervision, or support, which causes or is likely to cause harm.

**Exploitation**

Taking advantage of a person's vulnerability, disability, or situation for personal or financial gain.

**Violence**

The use of force, threats, or intimidation against a person, which causes harm or fear.

**Discrimination**

Unfair treatment of a person based on their disability, race, gender, age, sexual orientation, religion, or other protected attributes.

**Human Rights**

The basic rights and freedoms that belong to every person, including dignity, equality, safety, participation, and freedom from abuse.

**Universal Declaration of Human Rights (UDHR)**

An international document that sets out the fundamental human rights for all people.

**Convention on the Rights of Persons with Disabilities (CRPD)**

A United Nations treaty that protects and promotes the rights and dignity of people with disabilities.

**Safeguarding**

Actions, systems, and practices that protect people from abuse, neglect, exploitation, and violence.

**Zero Tolerance**

A strict organisational approach where any form of abuse, neglect, or exploitation is not accepted under any circumstances.

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**Policy Statement**

Soaring Sparrows Pty Ltd recognises that every person has inherent dignity, worth, and rights. We are committed to ensuring:

- Participants are treated fairly, with dignity and respect.
- Participants are supported to make informed choices and exercise control over their lives.
- Participants are free from abuse, neglect, violence, exploitation, and discrimination.

- Services are delivered in a way that upholds and promotes human rights.
  - Access to advocacy and independent decision-making support is promoted.
  - All staff are trained to understand the UDHR, CRPD and NDIS obligations regarding human rights.
  - Allegations of abuse, neglect, violence and discrimination are treated seriously, responded to immediately, and reported in accordance with law.
  - All staff comply with all relevant legislation and NDIS requirements
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## **Responsibilities**

### **Director/Management:**

- Establish and enforce systems that protect participants' human rights.
- Ensure compliance with all legal and regulatory requirements
- Provide staff training in human rights, safeguarding, and CRPD obligations.
- Ensure allegations of abuse, neglect, violence and discrimination are reported to appropriate authorities, including the NDIS Commission.
- Provide training and resources for staff to understand rights-based practice.
- Monitor and review policy implementation.

### **Staff/Contractors:**

- Respect, uphold, and promote participants' rights at all times.
- Recognise and respond to any signs of abuse, neglect, or exploitation.
- Obtain informed consent before sharing personal information or delivering services.
- Report immediately to management any suspicion or allegation of abuse or any suspected breaches of rights in line with incident and complaints procedures..

### **Participants:**

- Are encouraged to exercise their rights freely and safely.
  - Are supported to raise concerns without fear of reprisal.
  - Can access advocacy services to support them in raising concerns if necessary.
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## **UDHR Reference Table (see Appendix A)**

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## **CRPD Reference Table (see Appendix B)**

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### **Human and Legal Rights Procedure**

#### **1. Respecting Human Rights**

- Treat participants with dignity, fairness, and respect.
- Recognise participants' right to self-determination.
- Provide interpreters or accessible communication tools if required.
- Respect each participant's right to sexual expression and provide opportunities to share their preferences and beliefs

*Example:* If a participant prefers to communicate through an interpreter, staff must arrange this support.

#### **2. Ensuring Legal Compliance**

- Follow all relevant laws and NDIS Practice Standards.
- Record and report any concerns about discrimination or rights breaches.

*Example:* If a participant reports discrimination by a provider, staff support them to lodge a complaint.

#### **3. Obtaining Informed Consent**

- Explain services and requests in clear, accessible language.
- Confirm participant understanding before proceeding.

*Example:* Before sharing information with a housing provider, staff must explain the purpose and seek the participant's consent.

#### **4. Zero Tolerance for Abuse, Neglect, and Exploitation**

- Report all concerns or disclosures immediately in line with the Incident Management Policy.

*Example:* If a participant says they feel unsafe at home, staff must escalate immediately.

#### **5. Promoting Choice and Control**

- Support participants to choose providers, supports, and approaches aligned with their goals and cultural identity.
- Where a disability affects sexual expression, connect participants with appropriate supports and explain that the NDIS funds supports for functional needs, not sexual acts.

*Example:* A participant shares cultural or religious preferences regarding sexual expression, and staff provide guidance on supports that respect these beliefs without funding sexual activity itself.

## **Freedom from Abuse Procedures**

### **1. Prevention**

- Provide regular staff training (refreshers and scenarios on staff meeting agenda) on human rights, abuse prevention, and the CRPD.
- Promote a zero-tolerance culture towards abuse, neglect, and exploitation.

### **2. Identification**

- Staff must be vigilant for signs of abuse, neglect, or human rights violations.
- Any concerns must be documented immediately in Splose.

### **3. Response**

- Allegations or suspicions of abuse must be reported immediately to the Director in accordance with the Incident Management Policy.
- Where required, notify the NDIS Commission, South Australian Safeguarding authorities, DCP, Mental Health Triage and/or police.

### **4. Support**

- Ensure participants are supported, safe, and empowered throughout any reporting or investigation process.
- Provide access to advocacy services and support people where required.

### **5. Review and Monitoring**

- Conduct regular audits of safeguarding systems.
- Update cross-referencing in both Human Rights and CRPD Tables as policies evolve.

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## **Related Legislation**

- NDIS Act 2013
- NDIS Practice Standards
- NDIS Code of Conduct
- United Nations Convention on the Rights of Persons with Disabilities (CRPD)
- Universal Declaration of Human Rights (UDHR)
- Disability Discrimination Act 1992 (Cth)
- Equal Opportunity Act 1984 (SA)
- Work Health and Safety Act 2012 (SA)

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## **Other Relevant Documents**

- Privacy and Confidentiality Policy
- Complaints and Feedback Policy
- Incident Management Policy
- Restrictive Practices and Behaviour Support Policy
- Cultural and Linguistic Diversity Policy
- Participant Rights and Responsibilities Policy

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## **Review**

This policy will be reviewed every two years, or earlier if:

- Legislative or regulatory changes occur.
- Feedback indicates improvements are required.
- An audit, review, or incident highlights a gap.

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## **Approval**

Approved By: Kathryn Soar

Position: Director, Soaring Sparrows Pty Ltd

Date: 19/09/2025

### UDHR Reference Table

UDHR Article	Human Right (General)	How Addressed in Soaring Sparrows Policies/Procedures	Evidence / Examples
1,12, 18,19,25	Right to dignity and respect	Participant Rights and Responsibilities Policy; Equity, Anti-Discrimination & Workplace Harassment Policy	Staff induction/training records; Dignity of Risk Form; Action Plan; Participant feedback forms
2,6,7, 16,17,18,19,21	Right to equality and non-discrimination	Equity, Anti-Discrimination & Workplace Harassment Policy; Cultural and Linguistic Diversity Policy	Recruitment records; Cultural training logs; Complaints register; Dignity of Risk Form; Risk Assessment
3,7	Right to privacy and confidentiality	Privacy and Confidentiality Policy	Spouse records access logs; Consent Forms; Action Plan
5,8,9,10	Right to freedom from abuse, neglect, and exploitation	Human Rights and Freedom from Abuse Policy; Incident Management Policy	Incident reports; Safeguarding training completion; Conflict of Interest Form; Risk Assessment
16,17,18,20, 21,.22,23,24, 25,26,27,29	Right to participation and inclusion in community life	Participation and Integration Policy; Cultural and Linguistic Diversity Policy	Care and Support plans; Case Notes; Risk Assessment
6,18,20	Right to make decisions and	Participant Rights and Responsibilities	Care and Support plans; Documented choice/consent in

<b>UDHR Article</b>	<b>Human Right (General)</b>	<b>How Addressed in Soaring Sparrows Policies/Procedures</b>	<b>Evidence / Examples</b>
	exercise choice and control	Policy; Conflict of Interest Policy	Case Notes; Dignity of Risk Form; Conflict of Interest; Consent Forms
19	Right to communication and information access	Cultural and Linguistic Diversity Policy; Easy Read Participant Rights Policy	Easy Read documents; Interpreter/translation records; Care and Support Plan; Consents
2,27,29	Right to cultural identity and diversity	Cultural and Linguistic Diversity Policy	Cultural preferences in participant files; Staff cultural awareness training; Action Plan; Care and Support Plan; Risk Assessment
2,3,4,6,7,8, 9,10,11,13, 14,15,28	Right to safety and protection	Incident Management Policy; Behaviour Support and Restrictive Practices Policy	Risk assessments; Incident reports; Dignity of Risk Reports; Case Notes
8,10	Right to access complaints and feedback mechanisms	Complaints and Feedback Policy, Welcome Pack/Participant Handbook	Complaints register; Participant feedback forms;



## Appendix B

### CRPD Reference Table

CRPD Article	Right Protected	How Addressed in Soaring Sparrows Policies/Procedures	Evidence / Examples
3,5,6,7,9, 14,18,28	Equality and non-discrimination	Equity, Anti-Discrimination & Workplace Harassment Policy; Cultural and Linguistic Diversity Policy	Staff training; Recruitment practices; Complaints outcomes; Dignity of Risk Form
7, 9,20	Accessibility	Participation and Integration Policy; Cultural and Linguistic Diversity Policy	Care and Support plans, Easy Read and Simple English Policies; Risk Assessment
10,11,12,13 18,28	Equal recognition before the law	Participant Rights and Responsibilities Policy; Conflict of Interest Policy	Consent forms; Supported decision-making records in Splose; Dignity of Risk, Risk Assessment
11,15, 16	Freedom from exploitation, violence, and abuse	Human Rights and Freedom from Abuse Policy; Incident Management Policy	Incident reports; Staff training on safeguarding; Risk assessment; consents;
3,7,9,18,19, 20,28,29,30	Living independently and being included in the community	Participation and Integration Policy	Participant goals and outcomes; Case Notes; Dignity of Risk; Care and Support Plan; Action Plan;
9,12, 21	Freedom of expression (including sexual expression) and access to information	Cultural and Linguistic Diversity Policy; Participant Rights and Responsibilities Policy	Easy Read and Simple English documents; Interpreter/translation records; Case Notes; Dignity of Risk; Care and Support Plan; Action Plan;
22	Respect for privacy	Privacy and Confidentiality Policy	Splose records access logs; Signed staff confidentiality

<b>CRPD Article</b>	<b>Right Protected</b>	<b>How Addressed in Soaring Sparrows Policies/Procedures</b>	<b>Evidence / Examples</b>
			agreements in employee contract; Consents;
7,9,19,23,17	Respect for home and the family	Human Rights and Freedom from Abuse Policy; Participation and Integration Policy	Support plans referencing family/carer input
3,9,10, 25,26	Health	Restrictive Practices & Behaviour Support Policy; Incident Management Policy	Health and wellbeing records; Incident reports; Care and Support Plan; Action Plan; Consents
9,19, 27	Work and employment	Equity, Anti-Discrimination & Workplace Harassment Policy	Recruitment records; Employment contracts; Staff complaints logs; Care and Support Plan; Action Plan; Consents; Case Notes
17	Education	Participation and Integration Policy	Care and Support Plan; Action Plan; Consents; Case Notes