

Madawaska Valley

Association For

Community Living

**POLICY: RIGHTS & RESPONSIBILITIES OF SUPPORTED PEOPLE**

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Purpose:

To create and foster an atmosphere that vigorously recognizes and supports both the rights and responsibilities of the people we support.

Policy Statement:

Madawaska Valley Association for Community Living believes and asserts that persons with developmental disabilities or other special needs enjoy the same rights, opportunities, and privileges as all citizens.

MVACL complies with current laws and regulations regarding rights of persons receiving services, by maintaining current information about rights and providing training and orientation to staff and supported persons regarding rights.

MVACL recognizes and is committed to the attached statement of rights. These rights are respected at all times, except when exercising them would cause harm to the individual or others.

MVACL also asserts that supported people have responsibilities as citizens, and provides appropriate information and support to enable them to make informed, responsible, and safe decisions.

Policy and Procedures

# Practice Standards:

Staff will:

* Share information with supported people about rights and responsibilities at the beginning of service delivery and annually. Use ways that are respectful and understandable for the individual. Be available to explain and clarify rights with the individual and their family/advocate.
* Respect the differences and gifts every individual brings to MVACL by supporting and welcoming diversity, including diversity in culture, generation (age), gender, sexual orientation, spiritual beliefs, socioeconomic status and language.

The rights of individuals served include but are not limited to the following.

* Confidentiality
* Privacy
* Freedom from abuse, neglect, exploitation, retaliation and humiliation
* Access to information to assist the individual in decision making
* Informed consent and choice
* Involvement in planning that affects them
* Access to legal assistance if required
* Access to advocacy support
* Ethical treatment

Adults supported at MVACL have the same rights as every other adult. These rights include but are not limited to the Canadian Charter of Rights and Freedoms. People are entitled to:

1. Be treated with respect and dignity at all times and be well cared for with adequate food, shelter, clothing and health care;
2. Be involved in discussion and decisions that affect them;
3. Know about and agree to plans for their care;
4. Have their own belongings and privacy respected;
5. Know the rules and what’s expected from the program and the consequences if the expectations are not followed;
6. Not be punished physically or in any other abusive way;
7. Provide recommendations pertaining to the staff employed to support them;
8. Refuse to participate in any activity and to plan activities of their choice;
9. Have personal intimate relationships;
10. Refuse the assistance of staff;
11. Be paid for their work;
12. Have their language, religion and culture respected;
13. Speak in private to staff, family and friends (if they want to and it is safe) their social worker, to a lawyer, or to the service quality advocate;
14. Know their rights and how to enforce them.

All staff will observe these rights and support people in advocacy for their rights. Denial of rights is considered extremely serious and cause for termination.

*(See attached Statement of Rights).*

Best Practices:

Medical Services:

MVACL will ensure supported persons know and understand the potential outcomes of their choices by providing all the details necessary to make informed decisions. If an individual refuses to obtain or accept medical services that are recommended by a medical practitioner, staff will ensure the following; an Incident Report is filed and there will be a notation in the log book and individual file. If serious in nature an S.O. will be filed.

Family Contact:

As an organization providing supports and services to individuals with disabilities:

* We believe that “family” describes a person’s most immediate support system, which may be immediate family (parents/siblings), friends or advocates that have assumed a permanent “family-like” role in an individual’s life.
* We believe that every person is part of a family and every effort must be made to maintain those important ties.
* We believe that respect for the beliefs and values of the family needs to be shown even when they may differ from those of the person served or Community in general.
* We believe that the family has the right to ask questions and request additional information when they have concerns about their family members.
* We believe that the individual in service has the right to confidentiality, when requested, and that this right supersedes the rights of the family to information.

It is expected that all staff and volunteers conduct themselves in accordance with these beliefs.

Personal Affairs:

Employees or relatives of employees may not:

1. Sign “consent for treatment” forms on behalf of persons admitted to hospital.
2. Witness the signing of wills or other legal documents.
3. Handle or manage a participant’s monies or assets other than as indicated in the Individual Support Plan.

Procedure:

1. In the event an employee is requested by a participant to carry out any of the above, the employee shall refer the individual to the Executive Director or appropriate Manager.
2. Employees must report to the Executive Director or Manager any questionable situations where a participant may be unable to handle his/her own finances, or of mismanagement of his/her finances by relatives or friends.

Decision Making – Staff will:

* Encourage and support individuals to make decisions for themselves, to the best of their ability.
* Provide information on rights during orientation and training sessions for staff, volunteers, families, and people served.
* Provide supported people with the opportunity to explore options safely, so that they can make informed, responsible choices.
* Involve people in the planning of their services and activities.
* Support people when they change their minds or make a mistake.
* Involve supported persons and others who know them well to look at risks and develop plans to minimize those risks.
* Provide information and support to supported people about their responsibilities.

Personal Care:

1. Except in emergency or special circumstances, supported persons will have a choice regarding whether or not personal care (which involves disrobing or exposing private areas) should be provided by an employee of the opposite gender. Staff, who support a person of the opposite gender should ask assistance of another staff if possible or discuss strategies with their supervisor.
2. Staff who must enter bathrooms in use by supported people are required to knock first and ask permission to enter.
3. Provision of personal care should always be done in a private area, screened from view of others (door closed) and with as much respect for privacy and dignity as possible.
4. Universal precautions, including the use of gloves is required for personal care.

Affection:

Many supported people are not clear about the boundaries of personal space and may not discriminate between appropriate and inappropriate touch and personal space.

Since each person is different and has different needs, staff are requested to discuss individual situations with their direct Manager.

The following are general guidelines and do not apply in every situation. Staff are expected to use a best judgment approach unless otherwise directed. The following should guide day to day practice:

1. Hugs and affectionate touching are usually reserved for someone very well known to the participant (at least a 1-2 year relationship).
2. When a hug is appropriate, side hugs are preferred rather than full frontal hugs. Touching is best done on the shoulder or arm. This reduces the confusion over intimacy.
3. Staff or participants who are uncomfortable with hugging or touching have a right to be respected and to refrain from touch.
4. Participants who regularly want hugs and do not discriminate between close friends, acquaintances and strangers should slowly be faded from inappropriate hugs with acquaintances (staff and others with less than 1-2 years’ familiarity). Staff should intervene in attempts to hug strangers. In the case of the above, appropriate levels of intervention should be discussed at team meetings and documented.
5. Supported persons in unusual or extraordinary circumstances, who are experiencing anxiety, pain, fear, sadness etc., should not be refused affection if they request it.

Sexuality- Staff will:

Support and assist supported people to get accurate information about the hygienic and anatomical functioning of their bodies, and the impact of their emotions and actions on themselves and on others. Be sensitive to the needs and capabilities of each person.

Recognize the person’s right to private expression of their sexuality. Always treat people with respect and dignity and never impose your own moral values or judgment on them.

Provide specific opportunities for people to learn about sexual matters as a guide for their own behavior. Make sure such teaching and counseling is done using appropriate materials and levels of understanding for the individual involved.

Access outside resources and arrange for individual counseling about inter-personal relationships if needed.

When an individual who is being supported by MVACL wishes to pursue or is involved in an active sexual life, with a mutually willing partner, it is recognized that:

1. The physical and emotional safety and wellbeing of the person must be ensured and appropriate supports in place.
2. Sexual activity for people is a private and personal issue which needs to be supported in a manner which respects the person and his/her dignity while fostering an attitude of acceptance and support from the family / support network and the staff.
3. The moral, religious and personal values and beliefs of the supported person will be respected and upheld.
4. The role of employees of MVACL is clearly defined as one of supporting the individual in his/her choices while providing guidance which ensures personal safety.

Alcohol Use – Staff will:

Consult the supported person’s physician regarding use of alcohol for those with specific medical conditions under the care of a physician, and individuals using medications.

When needed written guidelines regarding an individual’s use of alcohol may be developed. These guidelines should be based on medical information, lifestyle considerations, the participant’s ability to understand the decision, community standards, and agreement of the person involved.

Money:

* The handling and administration of one’s own money is a part of normal living. Should people need support in this area, it is to be in a way to; promote greater independence and learning.
* Intervention and assistance shall be in co-operation with a budget plan, developed with the person’s input.
* Staff shall access wallets or possessions (purse, etc.) with consent and wherever possible with active participation in the administration of the money.
* Where people have difficulty or are unable to participate in the budget/spending process, staff must maintain records of spending, including date, amount, items purchased and balance.
* If at all possible staff shall not carry an individual’s money on their person.
* Staff have a responsibility to ensure that all monies are kept in a safe place and to know that they may be held responsible for its disappearance.

Other:

Do not use supported persons, or family’s property and/or personal effects for your own personal use.

Advocate on behalf of supported people in order to support their rights within MVACL and the broader community.

Adults with developmental disabilities will come into contact with alcohol and with cigarettes in their lives, and like everyone they must make their own decisions about using them. The right to make such decisions needs to be tempered with the responsibility that goes with that right. Staff will provide information/education about the effect of alcohol and smoking on the body and addictive qualities. The use of alcohol or cigarettes by participants will not be encouraged.