

# Section 1: Upholding and promoting rights

**Standard 1.1 Rights-based approach**

**Standard 1.2 Consumer participation**

**Standard 1.3 Complaints and appeals**

**Standard 1.4 Privacy and confidentiality**

## **Overview and issues in this section**

This section focuses on the rights of consumers of funded organisations and how these rights can be implemented within service provision. Consultations held with consumers to develop these standards have reinforced the fundamental rights of consumers to respectful, flexible and fair treatment in addressing issues of homelessness, family violence or other housing support issues. Consumers also have a right to be involved in the way funded organisations operate. Organisations should consider ways for consumers' views to be heard and for people to contribute their views about how the service is working, including any changes needed to improve services. Consumers can help advise on the best ways to do this.

The *Supported Accommodation Assistance Act 1994* provides the basis for a consumer rights framework. The Act acknowledges that people experiencing homelessness are one of the most powerless and marginalised groups in society. It also acknowledges the importance of protecting universal human rights and of a commitment to ensuring these rights are not prejudiced by the manner in which services are provided. Upholding consumer rights underpins the homelessness assistance service standards and should be observed in all elements of an organisations work. The implementation of the Consumer Charter for funded community managed housing and homelessness assistance services further assists individuals and organisations understand their rights and obligations. Standard 1.4 addresses the right to privacy and confidentiality for people accessing services. Confidentiality of all personal information, including that of consumers, staff, volunteers, board members, visitors and other people is also dealt with in Standard 8.3: Information management systems.

Documents that further support this standard include:

Consumer Charter for community-managed housing and homelessness services

(Department of Human Services 2006)

Information Privacy Act 2002 (Victoria)

Health Records Act 2001 (Commonwealth)

Privacy Act 1988 (Commonwealth)

Language services policy (Department of Human Services 2006)

Complaints Management Training Package – 'Taking It Seriously' (Department of Human Services 2006)

## Standard 1.1: Rights-based approach

**People's rights are upheld in all aspects of the organisation's work.**

Funded organisations should acknowledge and promote the rights and responsibilities of people accessing services.

*The following features and examples are not meant to be exhaustive or prescriptive, but rather give some guidance to services in how to achieve this standard.*

### Documentation that can support good practice

#### Signposts of good practice

##### 1.1.1

**The organisation's written documents demonstrate a clear commitment to the rights of consumers.**

#### Further explanation and examples

##### **Commitment to consumer rights**

Organisations should demonstrate a clear commitment to practice that promotes consumer rights. The Consumer Charter for community-managed housing and homelessness services is the framework around which the organisation's commitment to people's rights should be modelled. The organisation should incorporate these rights into internal documentation and communicate these rights to people who seek a service.

##### 1.1.2

**The organisation has documented systems for working ethically.**

##### **Ethical service provision**

Documented systems might include ethical guidelines around:

- circumstances in which informed consent is needed
- how research and evaluation are to be conducted
- a code of conduct for staff in personal interactions with consumers.

### Processes that can support good practice

#### Signposts of good practice

##### 1.1.3

**People are consistently informed of their rights and responsibilities under the Consumer Charter and the information is presented in an appropriate and accessible way.**

#### Further explanation and examples

##### **Informing people of rights and responsibilities**

Organisations should demonstrate that staff inform people of their rights and responsibilities under the Consumer Charter, both on entry to the service and during the support period or housing tenancy. In addition to verbal information, organisations should provide appropriate print material i.e. brochures, posters, information sheets, fridge magnets or wallet sized cards. Organisations should ensure information on consumer rights, responsibilities and available advocacy services is accessible to people of all abilities and social, cultural and language backgrounds.

#### **1.1.4**

**The organisation has involved consumers in the development of responsibilities and includes consumers in regular reviews.**

#### **1.1.5**

**The organisation uses a range of strategies to assist people to exercise their rights.**

#### **Developing responsibilities**

Through the consultation process, consumers indicated that having lists of service rules was demeaning, however consumers viewed responsibilities as important to acknowledge and articulate. People were most likely to view responsibilities as reasonable and achievable, if the organisation adopted a collaborative process for the development and review of same.

In some circumstances, an organisation may negotiate a personal list of rights and responsibilities with individuals in order to address or avoid problems.

#### **Strategies for assisting people to exercise rights**

The organisation should demonstrate how consumers are encouraged to exercise their rights within the service, including the right to make a complaint. The organisation can use a variety of ways to communicate consumer rights including:

- discussing consumer rights and responsibilities with people at the commencement of service
- reinforcing these rights and responsibilities verbally when the person has a grievance
- actively promoting awareness of rights and how to use them through meetings, particular issue forums, and annual general meetings
- providing information about consumer advocacy organisations and ensuring these organisations are fully informed of the rights and responsibilities of people accessing the homeless service system through funded organisations.

People who are not able to communicate through written or spoken English must be provided with access to appropriate language services or resources when:

- information needs to be communicated; and/or
- they are required to make decisions concerning their lives.

Signposts of good practice

1.1.6

The organisation monitors its work around upholding a rights-based approach.

Further explanation and examples

**Monitoring performance regarding people's rights**

A review of performance could include:

- regularly reviewing policies, mission statements and plans to ensure consumer rights and responsibilities are reflected
- presenting case studies to staff for review
- auditing case management plans and records
- seeking feedback from consumers about their knowledge and use of consumer rights and responsibilities
- regularly seeking consumer feedback on the development of individual or collective responsibilities to ensure they are reasonable and achievable

Organisations could seek feedback:

- through regular consumer surveys
- by installing a "consumer feedback or improvement log" box in common areas.
- by auditing consumer and staff improvement logs.
- as part of exit interviews when people vacate properties
- through focus groups or meetings of people accessing services

## Standard 1.2: Consumer participation

### Consumers contribute to determining the way the organisation provides services.

Organisations are more likely to meet people's needs when consumers have a say in shaping the way the services are delivered.

*The following features and examples are not meant to be exhaustive or prescriptive, but rather give some guidance to services in how to achieve this standard.*

#### Documentation that can support good practice

##### Signposts of good practice

###### 1.2.1

**The organisation's written documents reflect a strong commitment to enabling consumer participation.**

##### Further explanation and examples

###### **Commitment to participation**

The organisations should document a commitment to enabling consumer participation through mission or value statements, constitution, policies and procedures. These documents should detail strategies for achieving consumer participation and indicate how the organisation will obtain and use consumer feedback in guiding decision making processes.

Organisations should include consumers in the development of participation mechanisms. The process adopted should demonstrate appropriateness to the full range of:

- services offered by the organisation
- consumer groups receiving services

Organisations may consider using other agencies with expertise in gaining consumer feedback (for example, advocacy services).

#### Processes that can support good practice

##### Signposts of good practice

###### 1.2.2

**The organisation regularly seeks ongoing feedback from consumers and consults with them whenever it is considering major changes to service delivery.**

##### Further explanation and examples

###### **Gaining feedback from people**

Feedback provides the organisation with an ongoing measure of how well it is meeting peoples' needs. It is helpful to have a variety of ways people can give feedback, including anonymously, in person, by phone, in writing or electronically through a simple feedback form or a letter. Feedback, consultation and information processes can be built into everyday organisational activities or included as part of a specific process. Any process adopted should be delivered in a culturally and linguistically appropriate manner. Complaints and appeals are other important forms of feedback.

Organisations will need specific strategies to hear from a range of people, including young people, those who are quiet or not forthcoming, and those with limited literacy skills.

###### **Consulting with people**

Consultation means the organisation seeks peoples' views and takes them into account when making a decision. Proposals for reviewing policies, procedures or implementing major change should involve prior consultations with consumers. People should be given sufficient time and information prior to a consultation process in order to be fully informed.

### 1.2.3

**People are informed about how they can contribute to and participate in the organisation's decision making.**

#### **Informing people of how they can contribute**

The organisation should demonstrate consumers are fully informed about how they may contribute to and participate in the organisation's decision making processes. Information about consumer participation and feedback mechanisms should be prominently displayed in public areas. Some options for consumer inclusion are:

- involving consumer representatives in working parties on specific issues
- establishing an ongoing consumer committee that reports to the board or management committee on a range of consumer and policy issues
- consumer representation on the board or management committee
- hosting activities which incorporate decision making processes
- developing formal links with broader advocacy and consumer groups
- establishing a joint consumer participation committee among a number of services sharing the same target group.

Participation mechanisms need not be exclusive to people who are or have previously used the service, but might involve people who access homelessness assistance services more broadly. There may also be cross-sector sharing of peoples' feedback, where appropriate, so that the organisation can obtain a bigger picture of peoples' views.

### 1.2.4

**The organisation has identified and addressed barriers that may limit consumer participation in the organisation.**

#### **Addressing barriers to participation**

Things to consider include:

- holding meetings in the most accessible locations and at times when people can attend
- assisting with child care or transport arrangements
- arranging for interpreters
- providing refreshments
- making sure the meeting is well advertised and addresses issues likely to be of interest
- finding ways to regularly inform people about issues so they can meaningfully participate.

Organisations should consider allocating appropriate funding to support activities that enable people to more fully participate. For example the organisation could cover transport, childcare and meal expenses and also compensate people for their time. Organisations should clearly advise people of any available financial assistance prior to events and people should be reimbursed in a timely and efficient manner for out of pocket expenses. Organisations should seek to include people whose participation might be more difficult to secure.

### 1.2.5

**The organisation supports staff to work effectively with consumers.**

#### **Supporting staff to work effectively with consumers**

The organisation should demonstrate a service culture that encourages open and honest communication between consumers and staff about any aspect of the services they receive. The organisation should encourage staff to develop the skills, competencies and experience required to work effectively with consumers. Promoting staff development and training opportunities can assist in this.

**Signposts of good practice**

**1.2.6**

**The organisation monitors the level of consumer participation and evaluates how consumer feedback is used in decision making and planning activities.**

**Further explanation and examples**

**Monitoring participation**

A review of performance could include:

- regularly reviewing policies, guidelines and work plans to ensure mechanisms for consumer participation are appropriate
- regularly seeking consumer feedback on the development of participation mechanisms to ensure they are reasonable and achievable
- auditing feedback or improvement logs and analysing outcomes and take up of suggestions
- seeking specific feedback from consumers about their knowledge and use of consumer participation mechanisms
- reviewing grievance procedures and outcomes
- measuring against key performance indicators in work plans or through consulting with staff and other key stakeholders

## Standard 1.3: Complaints and appeals

**Complaints and appeals are addressed promptly, respectfully and fairly without compromising services to the person complaining or appealing.**

An organisational culture that welcomes complaints contributes to improving services for all people accessing services.

*The following features and examples are not meant to be exhaustive or prescriptive, but rather give some guidance to services in how to achieve this standard.*

### Documentation that can support good practice

#### Signposts of good practice

##### **1.3.1**

**The organisation has documented systems that make it easy to raise issues, make a complaint or appeal a decision and ensures people are dealt with promptly, respectfully and fairly.**

#### Further explanation and examples

##### **Complaints and appeals system**

An effective complaints procedure will benefit people accessing services and the organisation. Contemporary organisations view complaints and appeals as an opportunity to improve their service delivery. The documented system should outline how to make a complaint or appeal a decision including:

- steps and timeframes
- people responsible for resolving complaints (simple, complex or serious)
- support or advocacy options
- appeal process
- how the complaint or appeal will be documented
- how the person will be informed of the progress of the complaint or appeal and the outcome.

### Processes that can support good practice

#### Signposts of good practice

##### **1.3.2**

**People are given easy access to clearly written information about how to raise issues, make a complaint or appeal a decision.**

#### Further explanation and examples

##### **Written information on how to raise issues, make a complaint or appeal a decision.**

Information about how to raise issues, make complaints and appeal decisions should be provided to people in a simple and clear format. Any written material should be provided in the most appropriate language for the person. If a person's literacy skills prevent or limit understanding, this information should be verbally explained. Organisations should involve consumers in writing, designing or piloting materials before publication.

Materials could include:

- information packs
- brochures for display in common areas
- wallet cards.

##### **1.3.3**

**People are informed of how to access advocacy organisations or individual advocates to help them to complain or make an appeal.**

##### **Information on advocacy**

Providing people with information and access to independent advocacy services can help to overcome difficulties individuals might have in making a complaint. If a person chooses to use an independent advocate to assist them lodge a complaint, the organisation should fully support the decision and consider what the advocate has to say on behalf of the person.

#### 1.3.4

**All staff members understand the complaints policies and procedures, respond to complaints openly and respectfully, and know how to address complaints to the right person.**

#### **Staff skills in implementing the complaint system**

The organisation should demonstrate all staff know how to receive and respond to consumer complaints. This includes the various levels for resolution within and external to the organisation. A key to good complaints handling is asking consumers what they think would help to resolve the situation.

The organisation may receive complaints about a range of issues that fall outside their jurisdiction. The organisation should demonstrate staff understand when it is appropriate to refer complaints to other relevant bodies (for example, Centrelink, Department of Human Services, Ombudsman, Victoria Police Department).

#### 1.3.5

**The organisation uses complaints and appeals as an opportunity to improve service delivery.**

#### **Using complaints to improve services**

Organisations should closely monitor complaint and appeal processes and outcomes, to identify areas where service delivery can be improved. Review of this information may identify a policy, procedure or staffing issue that requires addressing.

### Measuring outcomes to support good practice

#### Signposts of good practice

#### 1.3.6

**The organisation regularly monitors and improves the effectiveness of the complaints and appeals system.**

#### Further explanation and examples

#### **Monitoring complaints and appeals**

The organisation should monitor all complaints and appeals, including:

- the number of complaints and appeals
- the issues complained or appealed about
- the time taken to resolve complaints
- the outcomes of complaints and appeals
- input from consumers or applicants who have used the system.

The consumer consultations leading to these standards identified that many people are unwilling to exercise the right to complain because of fear of reprisals. Where an organisation receives no or few complaints, it is important for the board or committee to investigate whether this is a reflection of effective service delivery or a problem with the complaints system. Consumers' views on the system will need to be sought in this analysis. The organisation should make public non-identifying information that reports on the outcomes of consumer complaints or appeals.

## Standard 1.4: Privacy and confidentiality

### Privacy and confidentiality is respected and maintained.

Privacy is a fundamental human right to which people accessing homelessness assistance services are entitled.

*The following features and examples are not meant to be exhaustive or prescriptive, but rather give some guidance to services in how to achieve this standard.*

### Documentation that can support good practice

#### Signposts of good practice

##### 1.4.1

**The organisation has written documents that outline how it will uphold people's privacy and confidentiality.**

##### 1.4.2

**The organisation has a privacy policy and relevant Acts available for people accessing services.**

##### 1.4.3

**The organisation provides people with written information advising them on how they can access their files or other information the organisation holds about them.**

#### Further explanation and examples

##### **Commitment to privacy**

The documents could include how the organisation will uphold the following dimensions of privacy:

- privacy of the body – respect for physical person
- privacy of the home (where applicable)
- privacy from surveillance and eavesdropping (includes interference with mail and other personal communications).

Information privacy based on the principles in the *Information Privacy Act 2000* (Vic) and the *Health Records Act 2001* and the *Privacy Act 1988* (Cwlth) if applicable (see also Standard 8.2), which include:

- documented processes outlining how access requests will be managed
- decision making processes for when people cannot give consent to information being disclosed.

The organisation has a responsibility to make sure those with access to personal consumer information are aware of the privacy and confidentiality policy and procedures and abide by them. This can be achieved through making the written guidelines available, training, discussion, and evaluation.

Copies of the privacy and confidentiality of personal information policies and documents should be available for people accessing services. Copies of the information privacy and the health records legislation must also be available for consumers.

This information could be provided as brochures, fact sheets, posters, information kits, audiotape, CD-ROM or video according to the needs and preferences of particular consumer groups.

## Processes that can support good practice

### Signposts of good practice

#### 1.4.4

The organisation uses a private place for collecting personal information.

#### 1.4.5

The organisation informs people about how it will manage information about them.

#### 1.4.6

The organisation only releases de-identified information for evaluation purposes except where informed consent has been given.

#### 1.4.7

The organisation has effective information management systems which enables organisational communication and decision making.

### Further explanation and examples

#### Using private spaces for confidential matters

The organisation complies with legislative requirements by using a private place to collect personal information. (This also applies to taking personal information by telephone, including mobile phone).

#### Informing people about how their information is handled

The organisation complies with legislative requirements by informing people about how it will manage their personal information. People who are not able to communicate through written or spoken English must be provided with access to appropriate language services or resources when:

- information needs to be communicated; and/or
- they are required to make decisions concerning their lives.

#### Informed consent for involvement in evaluations

People need to consent to being involved in evaluations or research that might reasonably be expected to identify an individual or reveal personal information about them.

#### Maintaining confidentiality

The organisation has systems and policies in place to ensure:

- the safe, secure and systematic management of information. This considers consumer privacy and confidentiality when information is communicated for the purpose of case planning and service provision.

#### 1.4.8

**When disclosing information about a person that could identify them, the organisation does it with the consent of that person (unless there are legal reasons for not gaining consent).**

#### 1.4.9

**Where people cannot give consent to information being shared, the organisation considers how it can best protect privacy and confidentiality.**

#### 1.4.10

**The organisation respects the privacy of the personal living space and belongings of people to whom it provides accommodation.**

#### 1.4.11

**The organisation stores all consumer files in a secure manner and gives consumers access to information they are keeping about them. Files are destroyed in a confidential manner.**

#### **Informed consent for disclosing information**

Organisations should inform people about what information is being given to other agencies (and why) before the person gives their consent. Consent documents should specify the period of time the consent covers, the type of information being released, and to whom the information is being given and should be signed by both staff and the person, with a dated copy given to the person.

#### **Protecting privacy and confidentiality when consent cannot be gained**

Policies and procedures need to balance the protection of privacy against the responsibility to protect from harm. Organisational policies should reflect legislative intent and requirements for the release of personal information.

#### **Privacy in living spaces**

Within the available facilities, organisations should make every attempt to give people personal space, especially where they sleep. People should be able to secure their personal property if they choose to. People should also have access to a secure postal address for receiving mail.

#### **Storing files**

Files should be stored in a lockable cabinet and archived according to the relevant guidelines before shredding. Where files are computerised, it is important to have password access for approved users and to ensure that computers are turned off when unattended. There should be a system in place that ensures people can access their file.

### **Measuring outcomes to support good practice**

#### **Signposts of good practice**

#### **1.4.12**

**The organisation regularly reviews staff and organisational practices to ensure consumer privacy is maintained.**

#### **Further explanation and examples**

#### **Reviewing confidentiality and privacy**

The organisation could achieve this through regular:

- feedback from consumers
- monitoring of staff supervision sessions
- audit of consumer files, including referrals, release of information requests etc
- audit of file access, storage and retrieval systems
- reviewing information technology management systems and physical environments
- policies and procedures reviews.