



KALINDA WELLBEING CENTRE

Rights and Responsibilities

**31 Maroondah Hwy, Healesville VIC 3777
Phone: 5962 6490**

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Cancellations and “no shows” for scheduled NDIS supports

Policy

Kalinda Wellbeing Centre has business arrangements in place to minimise the risk of cancellations, “no shows” or late changes to the delivery of a scheduled support. Service agreements between participants and providers include details of these arrangements including: rescheduling the appointment; notice periods for cancellations and the cancellation fee that can apply; and changes to agreed appointments.

If a participant makes a short-notice cancellation, which is after 3pm the day before the service, Kalinda Wellbeing Centre may charge up to 90% of the agreed price for the cancelled appointment. A fee may be charged against a participant plan up to 12 times per year for personal care and community access supports. Beyond this threshold, the NDIA will require Kalinda Wellbeing Centre to demonstrate they are taking steps to actively manage cancellations.

For other cancellations, where the participant has provided notice of cancellation prior to 3pm the day before the scheduled service, providers may not charge a cancellation fee.

Where participants make short-notice cancellations for therapy services, the therapist can charge a cancellation fee up to 90% of the agreed price for the cancelled appointment. Within the period of any Service Booking Kalinda Wellbeing Centre and a participant, the total of cancelled appointments charged by Kalinda Wellbeing Centre must not exceed six hours.

Where a participant fails, at short-notice or without notice, to keep the scheduled arrangement for the support, Kalinda Wellbeing Centre must make every effort to contact the participant to determine if there is an additional problem (e.g. the person has fallen out of bed and cannot raise an alarm, or there is a sudden breakdown in the informal supports and additional support is likely to be required).

Where there is a specific risk that a participant will frequently make short-notice cancellations for a support due to the nature of a person’s disability or the nature of the support (e.g. behaviour intervention supports), Kalinda Wellbeing Centre should make individual arrangements to minimise the number of cancellations.

No fee is payable by the NDIA or the participant, for cancellation by a provider or due to Kalinda Wellbeing Centre’s failure to deliver the agreed supports, unless previously agreed to and documented in the Service Agreement with the participant.

NDIA does not permit collection of deposits, or money as a bond from participants that a provider would retain in the event of cancellation of a support per the NDIS Terms of Business.

Client Confidentiality and File Access Policy and Procedure

Purpose

This policy outlines Kalinda Wellbeing Centre policy and procedures for obtaining and releasing information, including file management and storage. It covers all activities associated with obtaining and releasing service delivery information.

Policy Objective

These procedures have been developed with a view to balancing the employer's, authorised agent's and KWC's need for information and the clients right to privacy.

All information concerning a client is confidential. Staff with access to such information are to be made aware that it is confidential and should not be discussed with or shown to or read by anyone who is not directly involved with the client.

'Confidential' means that documents will not be revealed to others except as per this procedure.

Application

Client information includes a wide range of documents:

- Case / file notes
- Assessments and reports
- Referral/Approval for services
- Correspondence, emails and any written communication
- Progress reports
- Invoices
- Documents
- KWC internal case review and other internal KWC case management documentation
- All correspondence and reports received from external parties including authorised agents, treating practitioners and the worker

Procedure

1. Access to client file

- 1.1 Access is confined to those with a legitimate need to know. Access is restricted to relevant documents on the file and limited to those who have a direct responsibility in co-ordinating, monitoring or providing services to the client and to those involved in providing clerical and administrative support in relation to these persons.

Examples of persons with a legitimate need to know include:

- RTW Co-ordinator
- KWC service provider
- Occupational physician or workplace medical officer
- Clients workers compensation officer
- Clients authorised agent eg NDIS Support Coordinator, Support Worker

- 1.2 Access to selected documents on the file by people who need to know is limited to their area of responsibility for the worker. For example, the clients Support Worker may need information relating to the NDIS Plan but will not need access to the file.

.3 Access to the file and copies of any case documents will be given to the client on request. Access to files will be given under the direct supervision of the KWC Clinical Lead and subject to scrutiny for sensitive information that may be detrimental to the clients recovery -prior to access.

All requests for access should be approved by a KWC Clinical Lead in advance.

2 Obtaining or releasing information

- 2.1 KWC requires that the clients sign a consent to obtain or release information. Consent is required to be obtained at the client's first meeting and prior to commencing any services. The KWC "Authority to Release or Obtain Information or Intake Form" form should be used for this purpose.
- 2.3 In the event that the client declines to sign the authority form KWC services will not commence. The client should be informed of this and advised that the referring party will be advised accordingly. The client should also be informed that this may be viewed as non co-operation with client services and may affect their entitlement to ongoing services at KWC.
- 2.5 The clients consent may be withdrawn at any time. However clients should be advised in writing that if consent is withdrawn, services will not be able to proceed and benefits may be affected.
- 2.6 At initial assessment, parties are advised of KWC's requirement to send client specific reports and correspondence, and specific assessment reports, directly to the client, relevant treating health practitioner/s and agency at the time they are written.
- 2.7 Exceptions to this approach can only be made on the following grounds, and with prior discussion or formal case review with the Clinical Lead:

If providing the client with access to the information would pose a serious threat to the life or health of any person and this decision is supported by the worker's treating health practitioner.

The report contains personal information about a third party (or parties), and release of the report to the client would have an unreasonable impact on the privacy of that individual (or individuals).

3 Management and Storage of records

- 3.1 All files should be managed in accordance with KWC File Management Policy
- 1.2 All files, including electronically stored information, must be protected from unauthorised access, interference, misuse, loss or theft. (refer to KWC File Management Procedure)
- 1.3 All files to be stored electronically in My Practice.

Responsibility

All directors, employees and service providers

References

KWC Privacy Procedure

KWC File Management Procedure

KWC Freedom of Information Policy

Documentation

KWC Authority to Obtain or Release Information Form

Customer Feedback Policy

Purpose

Kalinda Wellbeing Centre values the perspective and input from our customers and the community and actively ensures that they have an accessible and safe avenue for providing feedback that fosters a culture which supports consumers and the community to make positive comments as well as raise complaints.

The intent of this policy is to create a positive culture that seeks and then uses consumer and community experiences to improve the quality and safety of services.

Policy Statement

All feedback provides Kalinda Wellbeing Centre with an opportunity to review services, facilities or systems which can lead to quality improvements for the consumer.

Kalinda Wellbeing Centre has a commitment to the fair resolution of complaints by people at all levels in the organisation by adopting the “Natural Justice Process”. This means that a minimum standard of fairness is to be applied to the investigation and resolution of a complaint.

Kalinda Wellbeing Centre will ensure that all Kalinda Wellbeing Centre personnel are familiar with and understand Kalinda Wellbeing Centre’s feedback management process and that customers are aware of their right to make a complaint and the right to have an advocate to assist them with this process.

Kalinda Wellbeing Centre is committed to acknowledge complaints within five working days of the complaint being received. For complex complaints, Kalinda Wellbeing Centre will endeavour to complete the process within 28 business days.

If the complainant is not satisfied with Kalinda Wellbeing Centre’s internal process outcome, Kalinda Wellbeing Centre will provide the complainant with information about the relevant external complaint agencies.

Scope

This policy applies to all Kalinda Wellbeing Centre personnel receiving feedback or complaints from a consumer, their carer, family member or someone on their behalf and from members of our community.

It is Kalinda Wellbeing Centre management’s responsibility to provide the avenue and mechanisms for receiving feedback and it is staff’s responsibility to ensure that all feedback received including complaints are dealt with according to this policy and relevant procedure.

Definitions

For this policy and relevant procedure, the following definitions have been adopted:

Customer: Kalinda Wellbeing Centre is committed to be a customer centric organisation. Our broad definition of customer means we are inclusive of all people who interact or engage with us, either externally or internally. Our customers include consumers, clients, participants, patients, carers, the

community, stakeholders, partners, staff, volunteers and members. In the context of this procedure customer is used in reference to external customers.

Kalinda Wellbeing Centre Personnel: All employees (whether employed full-time, part-time, fixed term or on a casual basis), volunteers, students, contractors and sub-contractors performing work on behalf of Kalinda Wellbeing Centre.

Feedback: Is the voice of the customer sharing observations, complaints and suggestions with Kalinda Wellbeing Centre about our services or the way we conduct our business. In this procedure feedback refers to a complaint, concern, compliment, comment or suggestion.

Complaint or concern: An expression of dissatisfaction made by a consumer or community member in regard to an action or omission by the organisation.

Compliment: An expression of praise, congratulation or encouragement to staff at any level of the organisation.

Suggestion: A suggestion is an idea someone proposes. A suggestion can be accepted or rejected.

Comment: A comment is to state an opinion or make a remark on something.

Contact Officer

The contact officer for all complaints is the Business Owner or Service Manager:

03 5962 6490

31 Maroondah Hwy,

Healesville VIC 3777

Reception admin@kalindawellbeing.com.au

References/Relevant Legislation

- Health Services (Conciliation and review) Act 1987 (Victoria)
- Health Records Act 2001 (Victoria)
- Privacy Act 1988 (Commonwealth)
- Health Practitioner Regulation National Law Act 2009 (Victoria)
- Human Rights and Equal Opportunity Commission Act 1986 (Commonwealth)
- Victorian Charter of Human Rights (2008)
- Disability Act 2006 (Victoria) -Describes the role of the Disability Commissioner
- Australian Standard AS/NZS ISO 10002:2014 Guidelines for Complaints Management in Organisations
 - Managing unreasonable complainant conduct practice manual, 2nd Edition, NSW Ombudsman, May 2012

Related Policies/Procedures/Documents

- Customer Feedback Procedure
- Customer Information Privacy Policy

Access Inclusion and Diversity Policy

Purpose

The purpose of this policy is to ensure Kalinda Wellbeing Centre's commitment to creating an inclusive and diverse organisation and community. Our commitment is supported by an acknowledgement of, and respect for diversity in all its forms – ranging from socio-demographic factors to opinion, values and beliefs.

Kalinda Wellbeing Centre acknowledges that people may experience discrimination and inequality across a range of diverse characteristics including gender, disability, socio-economic status, cultural background, education level, sexual orientation, location of residence, age religion and beliefs. We are committed to ensuring that everyone has equitable access to health, social support, education, housing and employment. We will support our customers to achieve their desired outcomes.

“We will embed these values throughout the organisation and support Kalinda Wellbeing Centre Personnel to:

- Carry out their day-to-day activities in a manner that values and encourages diversity;
- Treat people with dignity and inclusively; and
- Recognise that self-determination and full participation in society is a human right”

In our commitment to equity and creating equal opportunity for all, Kalinda Wellbeing Centre acknowledges particular population groups who experience greater disadvantage and marginalisation than most. We recognise and respect that communities are not homogenous. We will seek to understand sub-groups within communities and ensure we are impartial in all our dealings.

Aboriginal and Torres Strait Islander People

Kalinda Wellbeing Centre recognizes the rightful place of Aboriginal and Torres Strait Islander People as the Traditional Owners and Custodians of the Land and the original inhabitants of Australia. We acknowledge with deep sorrow the past injustices, mistreatment and the failure to understand, respect and value the cultural beliefs of Aboriginal and Torres Strait Islander People. Respect and dignity are the rights of all people.

We also acknowledge the strength and richness that Aboriginal and Torres Strait Islander culture brings and the resilience of Aboriginal and Torres Strait Islander People in surviving the effects of dispossession and removal from their lands, which has threatened the survival of their culture.

We seek the assistance and wisdom of all Aboriginal Elders, Aboriginal Community Controlled Organisations and Community to work with us so that we can continue to develop an understanding of cultural backgrounds, needs and aspirations of the Aboriginal and Torres Strait Islander Community.

We are committed to working in partnership with the Aboriginal and Torres Strait Islander Communities to achieve better health and wellbeing, better social and economic outcomes and cultural security for Aboriginal and Torres Strait Islander People. Our work with Aboriginal and Torres Strait Islander Communities will only take place where we are invited by and given permission to work alongside Communities. We will not compete with Aboriginal-led organisations

for funding/grant submissions when they are specifically targeted to these Aboriginal Community Controlled Organisations.

Culturally and Linguistically Diverse People

Kalinda Wellbeing Centre recognises that the cultural context in which we operate is constantly changing and that the communities we provide services to include people from many different lands, races religions, faiths and cultures speaking a diverse number of languages and dialects.

Kalinda Wellbeing Centre acknowledges that responding to cultural and linguistic diversity means upholding the rights of people of diverse cultural backgrounds and minority groups within our communities.

We are committed to working in partnership with the leaders and community members of these diverse population groups to increase our understanding of their rich cultural backgrounds, needs and aspirations. We will work together with the community and the organisations who are engaged with them to achieve better health, wellbeing, social and economic outcomes.

Gay, Lesbian, Bisexual, Trans, Intersex and Queer (GLBTIQ) People

Kalinda Wellbeing Centre is committed to improving the health and wellbeing of all GLBTIQ people and ensuring we have safe and appropriate services. While most GLBTIQ people live fulfilling and healthy lives, research indicates that as a population group, Australia's GLBTIQ community has poorer health and wellbeing compared with the total population. It is acknowledged that a significant contributing factor to these unequal health outcomes is the stigma, discrimination and persecution the GLBTIQ community has experienced.

Kalinda Wellbeing Centre works in partnership with leaders and community members from the GLBTIQ community to increase our understanding of the specific needs of these population groups to inform and improve our organisational systems and services.

Kalinda Wellbeing Centre is committed to reducing the stigma and discrimination that GLBTIQ people can experience in their everyday lives and we will deliver services and operate as employers in an appropriate and sensitive manner that is equitable of all people, regardless of gender identity.

People Living with a Disability

Kalinda Wellbeing Centre acknowledges that one in five Australians lives with some form of disability and that each of these will experience their disability in a different way. This depends on their individual circumstances, life experiences, the nature and severity of their condition, their needs and abilities.

Kalinda Wellbeing Centre recognises that an individual's experience of disability is also shaped by the social, cultural, educational, economic and environmental barriers they encounter each and every day. The social model of disability acknowledges that it is the way society is constructed that excludes and is disabling, not individual impairments. This is true in the way communities are designed and built, but also in the attitudes society has towards people with different impairments. While the nature and level of this disadvantage varies from one person to the next, people living with a disability are overall more likely to experience discrimination and stigma, live in poverty, experience poorer health, lower levels of educational attainment and be unemployed.

Kalinda Wellbeing Centre recognises that social inclusion is a key issue for people living with a disability. Despite the fact that people living with a disability have the same rights as their fellow citizens, they often face significant barriers to participating in social, economic and civic life and as a result, are unable to reach their full potential. They are often on the receiving end of conscious and unconscious bias, where incorrect assumptions are made about what they can and cannot do.

Kalinda Wellbeing Centre commits to working in partnership with people living with a disability, physical, intellectual or social, to address the service systems and processes within our own organisation or in the community that are barriers to people being able to live life to its full potential. This commitment applies to all people: customer, carer, volunteer, employee or key stakeholder representative.

Scope

This policy of inclusion and respect for all diverse population groups applies to all Kalinda Wellbeing Centre personnel.

It is the manager's responsibility to ensure employees, volunteers, students on placement or contractors are informed of the expectation of Kalinda Wellbeing Centre that all people are welcome to participate in our services or work in our organisation and we will not only treat all people with respect, but proactively encourage diversity. This policy and related procedures form part of the orientation process.

Definitions

Customer: Kalinda Wellbeing Centre is committed to be a customer centric organisation. Our broad definition of customer means we are inclusive of all people who interact or engage with us, either externally or internally. Our customers include consumers, clients, participants, patients, carers, the community, stakeholders, partners, staff, volunteers and members.

Kalinda Wellbeing Centre Personnel: All employees (whether employed full-time, part-time, fixed term or on a casual basis), volunteers, students, contractors and sub-contractors performing work on behalf of Kalinda Wellbeing Centre.

Manager: An employee who has responsibility for the overall provision of services within a specific portfolio or group of tasks. A manager may have responsibility for the provision of services of other employees (direct reports) and accounts for the employees' conditions of employment and performance.

Aboriginal or Torres Strait Islander Community member/individual

In Australia today, there are three legal 'tests' that determine whether a person is Indigenous. The individual must:

- Be of Aboriginal or Torres Strait Islander descent
- Identify as an Aboriginal or Torres Strait Islander Person
- Be recognised as an Aboriginal or Torres Strait Islander by other Aboriginal or Torres Strait Islander People

Indigenous Australians are people of Aboriginal or Torres Strait Islander descent. It is more appropriate to refer this group of people as either Aboriginal or Torres Strait Islander as it acknowledges their descent and uniqueness to Australia. Whereas Indigenous peoples come from all around the world.

Culturally and Linguistically Diverse Communities

Culturally and linguistically diverse is a broad and inclusive descriptor for communities with diverse language, ethnic background, nationality, dress, traditions, food, societal structures, art and religious characteristics.

CALD' is the acronym often used by government and community agencies as a contemporary descriptor for ethnic communities. Kalinda Wellbeing Centre respects the uniqueness of all populations and will refer to any related population in a more specific manner. E.g. People with a first language other than English, families or individuals originating from xxx.

People who are generally defined as those from culturally and linguistically diverse communities are those people born overseas, in countries other than those classified by the Australian Bureau of Statistics (ABS) as "main English speaking countries". The set of main English speaking countries other than Australia used by the ABS comprises Canada, the Republic of Ireland, New Zealand, South Africa, the United Kingdom (England, Scotland, Wales and Northern Ireland) and the United States of America.

Refugee and asylum seeker population groups are included in the general reference to these populations in this Kalinda Wellbeing Centre policy and related procedures. Where specific needs or guidelines related to refugee, or asylum seekers exist these will be defined accordingly.

GLBTIQ

Gay: A person whose primary emotional and sexual attraction is towards people of the same sex. The term is most commonly applied to men, although some women use this term.

Lesbian: A woman whose primary emotional and sexual attraction is towards other women.

Bisexual: A person who is sexually and emotionally attracted to people of both sexes.

Trans: A person who does not identify with the gender assigned at birth.

Transgender: An inclusive 'umbrella' term describing those whose gender identity is different to the gender they were assigned at birth.

Trans Man: Someone who was born with female appearance and assigned female gender at birth, but identifies as male.

Trans Woman: Someone who was born with male appearance and assigned male gender at birth, but identifies as female.

People should always be addressed as the gender they identify with regardless of where they are with their transition.

Intersex: People who are born with physical sex characteristics that don't fit medical norms for

female or male bodies. This may include variations in chromosomes, hormones, reproductive organs or genitals. Having an intersex body should not be considered a medical condition or something that needs to be corrected. Intersex people have a diversity of bodies and identities.

Queer: An umbrella term that includes a range of alternative sexual and gender identities, including gay, lesbian, bisexual and transgender.

Non-Binary: Describes a person who does not identify as either male or female.

Disability (living with)

The Commonwealth of Australia *Disability Discrimination Act 1992* defines a person living with a disability as an individual who has:

Physical and Sensory conditions

- Total or partial loss of their bodily or mental functions
- Total or partial loss of a part of their body
- The malfunction, malformation or disfigurement of a part of their body
- Intellectual and Neurological conditions
- A disorder or malfunction that results in learning differently from another individual without the disorder or malfunction
- Intellectual, Neurological and Mental Health conditions
- A disorder, illness or disease that affects their thought processes, perception of reality, emotions or judgment, or that results in disturbed behaviour
- Immunological and Neurological conditions
- The presence in their body of organisms causing disease or illness

There are many different kinds of disability and they can result from accidents, illness or genetic disorders. A disability may affect mobility, ability to learn things or ability to communicate easily and some people may be living with more than one. A disability may be visible or hidden, may be permanent or temporary and may have minimal or substantial impact on a person's abilities. To be deemed a disability the impairment or condition must impact on the individual's daily activities, communication and/or mobility and has lasted or is likely to last six months or more.

Kalinda Wellbeing Centre recognises the social model of disability as identified in the United Nations Convention on the Rights of Persons with Disability. The United Nations considers disability to be a social problem rather than a medical problem, taking into consideration broader issues of equality and elimination of legal and social barriers to participation, social opportunities, health, education, employment and personal development. This definition underpins the Kalinda Wellbeing Centre commitment to take a person-centred approach that focusses on abilities and strengths with the aim of increasing equitable opportunities for all people to live their life to its full potential.

Contact Officer

Business owner and Service Manager:

03 5962 6490
31 Maroondah Hwy,
Healesville VIC 3777
Reception admin@kalindawellbeing.com.au

References/Relevant legislation

National

Australian Human Rights Commission Act 1986 (Cth)
Age Discrimination Act 2004
Disability Discrimination Act 1992
Racial Discrimination Act 1975
Sex Discrimination Act 1984
Victorian Charter of Human Rights and Responsibilities 2006
United Nations Convention on the Rights of Persons with a Disability
United Nations Declaration on the Rights of Indigenous People
United Nations Conventions on the Rights of the Child
Australia Charter of Healthcare Rights
Commonwealth Disability Discrimination Act 1992
National Aboriginal and Torres Strait Islander Health Plan 2013-2023
National Indigenous Reform Agreement, COAG Intergovernmental Agreement on Federal Financial Relations, 2012
National Disability Insurance Scheme Act 2013

Victoria

Equal Opportunity Act 2010
Racial and Religious Tolerance Act 2001
Charter of Human Rights and Responsibilities Act 2006
Disability Act 2006
Victorian Child Safe Standards
Koolin Balit; Victorian Government Strategic Directions for Aboriginal Health 2012–2022
VIC Aboriginal Health Wellbeing & Safety Strategic Plan 2016
Transport Accident Act 1986

Related Policies/Documents

Customer Rights and Responsibilities Policy and Procedure
Consumer Feedback and Complaint Policy and Procedure
Child Safe Policy
Aboriginal and Torres Strait Islander Welcome/Acknowledgement of Country Policy and Procedure.

Freedom from Abuse Neglect and Exploitation Policy

Purpose

Kalinda Wellbeing Centre affirms the right of all people to live their lives free from neglect, abuse and exploitation. We recognise a duty of care to ensure that the rights of our customers are respected, their wellbeing safe guarded and that they are not exposed to any form of abuse, neglect or exploitation while accessing any of our services.

The purpose of this policy is to protect and promote the human rights of our customers and to create a service environment that identifies and responds to allegations or observations of abuse, neglect or exploitation of the people receiving services and supports from Kalinda Wellbeing Centre

Scope

This policy applies to Kalinda Wellbeing Centre Personnel and Customers and is inclusive of Kalinda Wellbeing Centre services delivered offsite or in partnership with other agencies.

Definitions

Customer: Kalinda Wellbeing Centre is committed to be a customer centric organisation. Our broad definition of customer means we are inclusive of all people who interact or engage with us, either externally or internally. Our customers include consumers, clients, participants, patients, carers, the community, stakeholders, partners, staff, volunteers and members.

Kalinda Wellbeing Centre Personnel: All employees (whether employed full-time, part-time, fixed term or on a casual basis), volunteers, students, contractors and sub-contractors performing work on behalf of Kalinda Wellbeing Centre

Abuse is the one-off or persistent violation of an individual's human or civil rights, through the act or actions of another person or persons. Types of abuse may include:

Physical abuse – any non-accidental physical harm to a child or adult, such as inflicting pain of any sort, punching, hitting, slapping, burning, suffocating, or assault with a weapon; or the use of physical restraint that is not approved in the person's Behaviour Support Plan

Sexual abuse – any sexual contact with, or grooming of, a person under the age of 16, or with a person over 16 who is unable to understand, has not given consent, or is threatened, coerced or forced to engage in sexual activity of any sort

Psychological or emotional abuse – verbal communication or behaviour that is threatening, demeaning, humiliating, intimidating, or exclusionary; or which denies another person their cultural or spiritual needs or preferences

Chemical/pharmacological abuse – intentional poisoning or the misuse of a person's medications, including the withholding of medication, over-medicating or the failure to follow instructions; or the use of chemical restraint that is not approved in the person's Behaviour Support Plan

Financial abuse – the illegal or improper use of a person's finances, property or other resources (also see 'exploitation' below)

Legal or civil abuse – denial of access to justice or legal systems as required, or the refusal of informal or formal advocacy support requested by a client (or their carer)

Neglect is a failure to provide the necessary care, aid or guidance to dependent adults or children by those responsible for their care, which may cause physical, mental or emotional harm.

Exploitation is taking advantage of a person's vulnerability to use them, or their resources, for another's profit or advantage (also see 'financial abuse' above).

Contact Officer

Business owner or Service Manager:
03 5962 6490
31 Maroondah Hwy,
Healesville VIC 3777
Reception admin@kalindawellbeing.com.au

References/Relevant legislation

National

Australian Human Rights Commission Act 1986 (Cth)
Age Discrimination Act 2004
Disability Discrimination Act 1992
Racial Discrimination Act 1975
Sex Discrimination Act 1984
Victorian Charter of Human Rights and Responsibilities 2006
United Nations Convention on the Rights of Persons with a Disability
United Nations Declaration on the Rights of Indigenous People
United Nations Conventions on the Rights of the Child
Australia Charter of Healthcare Rights
Commonwealth Disability Discrimination Act 1992
National Aboriginal and Torres Strait Islander Health Plan 2013-2023
National Indigenous Reform Agreement, COAG Intergovernmental Agreement on Federal Financial Relations, 2012
National Disability Insurance Scheme Act 2013

Victoria

Equal Opportunity Act 2010
Racial and Religious Tolerance Act 2001
Charter of Human Rights and Responsibilities Act 2006
Disability Act 2006
Victorian Child Safe Standards
Koolin Balit; Victorian Government Strategic Directions for Aboriginal Health 2012–2022
VIC Aboriginal Health Wellbeing & Safety Strategic Plan 2016
Transport Accident Act 1986

Related Policies/Documents

Kalinda Wellbeing Centre policies and procedures that support the Freedom from Abuse, Neglect and Exploitation Policy:
Freedom from Abuse, Neglect and Exploitation Procedure
Child Safe Policy

Child at Risk Procedure
Pre-employment security screening Policy
Recruitment Policy and Procedure
Professional Development Policy
Supervision Policy and Procedure
Open Disclosure Policy

Informed Consent Policy

Purpose

The purpose of this Policy is to outline Kalinda Wellbeing Centre's commitment to seeking the informed consent of our customers before any service is given to the customer, even those services considered low risk or not harmful.

Involving customers in decisions about their care and well-being acknowledges their personal worth and individuality as well as their responsibility in managing their own health and wellbeing.

A person gives informed consent if they:

- Have capacity to give informed consent to the treatment proposed
- Have been given adequate information to enable the person to make an informed decision
- Have been given a reasonable opportunity to make the decision
- Have given consent freely without undue pressure or coercion by any other person
- Have not withdrawn consent or indicated any intention to withdraw consent.

Capacity

The person seeking informed consent must presume that the other person has the capacity to give informed consent.

This means that everyone must be presumed to have capacity to make decisions about their treatment.

Procedures for obtaining the consent of a person whose capacity to give consent is or may be impaired or limited is set out in the Kalinda Wellbeing Centre *Informed Consent Procedure*

Adequate information

A person has been given adequate information to make an informed decision if:

- They have been explained the proposed treatment, including the purpose, type, method and likely duration of the treatment
- They have been explained the advantages and disadvantages of the treatment including information about the associated discomforts, risks and common or expected side effects of the treatment
- They have been explained any beneficial alternative treatments that are reasonably available, including any information about the advantages and disadvantages of these alternatives
- They have received answers to any relevant questions that the person has asked and any
- other relevant information that is likely to influence the person's decision
- The information has been provided in a form that is accessible to the person

Reasonable opportunity

A person has been given a reasonable opportunity to make a decision if:

- The person has been given a reasonable period of time to consider the matters involved in the decision
-

The person has been given a reasonable opportunity to discuss the decision with the health care professional proposing the treatment

- The person has been given a reasonable amount of support to make the decision
- The person has been given a reasonable opportunity to seek any other advice or assistance in relation to the decision.

Given consent freely without undue pressure or coercion

Informed consent must be freely given. A person must not feel they have to give informed consent simply because the health care professional believes it is necessary for their treatment or in their best interests or to please a family member or carer.

Have not withdrawn consent

A person can withdraw consent at any time:

- Verbally or in writing
- Before the treatment starts or during a course of treatment
- If they say or indicate by their behaviour that they do not consent to the treatment.

Scope

This policy applies to all Kalinda Wellbeing Centre Personnel and Customers.

Definitions

Customer: Kalinda Wellbeing Centre is committed to be a customer centric organisation. Our broad definition of customer means we are inclusive of all people who interact or engage with us, either externally or internally. Our customers include consumers, clients, participants, patients, carers, the community, stakeholders, partners, staff, volunteers and members.

KWC Personnel: All employees (whether employed full-time, part-time, fixed term or on a casual basis), volunteers, students, contractors and sub-contractors performing work on behalf of KWC.

Informed consent: in a health care setting, is the procedure whereby consumers consent to, or refuse, an intervention based on information provided by a health care professional regarding the nature of potential risks (consequence and likelihood) of the proposed intervention.

Contact Officer

The Business Owner or Service Manager:

03 5962 6490

31 Maroondah Hwy,
Healesville VIC 3777

Reception admin@kalindawellbeing.com.au

References/Relevant legislation

National

- Family Law Act 1975

Victoria

- Medical Treatment Act, 1988
- Mental Health Act, 2014
- The Children, Youth and Families Act 2005
- The Child Wellbeing and Safety Act 2005

Related Policies/Documents

- Kalinda Wellbeing Centre Privacy Policy
- Kalinda Wellbeing Centre Information Security Policy
- Kalinda Wellbeing Centre Child Safe Policy
- Kalinda Wellbeing Centre Ethics Policy
- Kalinda Wellbeing Centre Freedom from Abuse and Neglect Policy

Privacy Policy

Purpose

KWC recognises that the nature of its service means much of the information we handle is particularly sensitive. KWC recognises that privacy principles protect personal information both as a matter of individual right, and to support the public interest in ensuring relevant businesses can collect information necessary for service provision. KWC recognizes the essential right of individuals to have their information handled in ways which they would reasonably expect - protected on the one hand, and made accessible to them on the other.

KWC acknowledges that it is bound by the Victorian privacy laws, the *Information Privacy Act 2000* and the *Health Records Act 2001*, as well as other laws which impose specific obligations in regard to handling information.

Policy Objective

KWC is committed to protecting the privacy of its clients. This commitment extends to all our relations with workers, employers, health professionals, Authorised Agents, self-insurers and other stakeholders.

Client Rights

Clients of KWC are entitled to access personal and health information held on KWC records. Clients are entitled to access information relevant to their clinical services or other services as specified in legislation and as permitted by the client.

Clients who are affected by a decision to do with services we provide have a range of review and appeal processes available to them.

Health Privacy Principles

Principle One: Collection

KWC will only collect personal and health information if necessary for the performance of a function or activity and with consent. We undertake to notify individuals about what KWC does with the information and how they can gain access to it.

Principle Two: Use and Disclosure

KWC will only use or disclose health information for the primary purpose for which it was collected or a directly related secondary purpose the person would reasonably expect. Otherwise, KWC will seek consent.

Principle Three: Data Quality

KWC will take reasonable steps to ensure personal and health information it holds is accurate, complete, up-to-date and relevant to the functions KWC performs.

Principle Four: Data Security and Retention

KWC will safeguard the personal and health information it holds against misuse, loss, unauthorised access and modification.

Principle Five: Openness

KWC will document its policy on the management of personal and health information and make this policy available to anyone who asks for it.

Principle Six: Access and Correction

KWC acknowledges that individuals have a right to the information held about them and to correct it if it is inaccurate, incomplete, misleading or not up-to-date.

Principle Seven: Identifiers

KWC will only assign a number to identify a person if the assignment is reasonably necessary to carry out KWC's functions efficiently.

Principle Eight: Anonymity

KWC will give individuals the option of not identifying themselves when entering transactions with organisations where this is lawful and practicable.

Principle Nine: Transborder Data Flows

KWC will only transfer information outside Victoria where the recipient is bound by the same sorts of provisions as are contained in this policy.

Principle Ten: Transfer/Closure of Service Provision

If KWC is sold, transferred or closed down, KWC will give notice of the closure or transfer to past service users.

Principle Eleven: Making Information Available to Another Health Care Provider

KWC will make information available to other health care providers if requested by the client about whom the information relates.

Procedure

- 1 KWC commits itself to the Information Privacy Principles.
- 2 KWC has adopted the respective Privacy Principles contained in the Victorian privacy laws as minimum standards in relation to handling personal information. Specific information regarding the definition, nature and extent of the principles are available directly from the Information Privacy Act 2000, the Health Records Act 2001 and the Commonwealth Privacy Act 1988.
- 3 This statement is to be made available to all clients – workers, agents, self-insurers, employers and health professionals – as a part of KWC's daily business transactions, as required or relevant, and to any individual upon request.
- 4 Individuals seeking clarification regarding information held by KWC are required, in the first instance, to request such information or clarification from their KWC clinician. The clinician will make known to the individual the name and contact details of a KWC clinical lead should the individual wish to appeal the outcome of the request to the consultant.

Refer to the KWC Client Access to File Procedure.

Responsibility

This policy applies to KKW directors, employees, contractors, consultants and agents. KWC directors accept responsibility for ensuring that this policy is applied.

Documentation

References

- Victorian Information Privacy Act 2000
- Victorian Health Records Act 2001
- Commonwealth Privacy Act 1988
- KWC Confidentiality Procedure: KCA-Confidentiality-03

Open Disclosure Policy

Purpose

Open disclosure is a process of providing an open, consistent approach to communicating with customers and their support persons following an adverse event.

This includes expressing regret for what has happened as early as possible, keeping the customer and their support person(s) informed and providing feedback on investigations including the steps taken to prevent an event from recurring. It is also about providing information that will enable systems to be changed to improve customer safety.

The purpose of the Open Disclosure Policy is to:

- Establish a consistent approach to open disclosure across Kalinda Wellbeing Centre
- Provide a system that facilitates the management of open disclosure in a timely, supportive and effective manner for both customers and staff
- Provide clear processes that describe individual and health service responsibilities in the management of open disclosure
- Support the establishment of consistent mechanisms for using open disclosure recommendations to improve systems and services

Kalinda Wellbeing Centre will ensure that when an incident occurs the customer and their support persons will be engaged in timely discussion by a senior clinician or manager, and action that includes:

- An expression of regret that the incident occurred
- A factual explanation of what happened, without drawing any conclusions
- An explanation of the current or potential consequences
- Information on the steps being taken to manage the event, including the customer's ongoing care and support
- Information on the actions being taken to prevent recurrence
- The opportunity for the customer and their support persons to raise questions and obtain answers; and/or
- Assistance to manage the open disclosure process
- Lodging a complaint if dissatisfied

Kalinda Wellbeing Centre will ensure that a staff member with the appropriate level of knowledge and skill will facilitate the open disclosure process, and that the time taken, or process utilised for open disclosure will not prejudice a customer's or support person's ability to pursue other avenues of redress.

Scope

All Kalinda Wellbeing Centre Personnel.

Definitions

Customer: Kalinda Wellbeing Centre is committed to be a customer centric organisation. Our broad definition of customer means we are inclusive of all people who interact or engage with us, either externally or internally. Our customers include consumers, clients, participants, patients, carers, the community, stakeholders, partners, staff, volunteers and members.

Kalinda Wellbeing Centre Personnel: All employees (whether employed full-time, part-time, fixed term or on a casual basis), volunteers, students, contractors and sub-contractors performing work on behalf of Kalinda Wellbeing Centre.

Open disclosure: Open disclosure is a process of providing an open, consistent approach to communicating with customers and their support persons following an incident.

This includes expressing regret for what has happened as early as possible, keeping the customer and their support person(s) informed and providing feedback on investigations including the steps taken to prevent an event from recurring. It is also about providing information that will enable systems to be changed to improve customer safety.

Adverse event: An adverse event is an event that leads to negative consequences for individuals and/or groups directly or indirectly attributable to service provision.

For the purposes of this document, an adverse event is the overarching term used to cover a collective group of events and includes: an incident, issues or events identified in a complaint or by a notification in relation to the provision of services or supports by a service provider.

Carer: A family member, guardian or friend who has an interest in, or is responsible for, the care of a customer

Circumstance/s: All the factors connected with or influencing an incident

Complaint: An expression of concern, dissatisfaction or frustration with the quality, or delivery of services, policies, procedures or conduct

Expression of regret: An oral or written expression of regret to a customer in relation to an incident. Using the word 'sorry' would be appropriate as part of an expression of regret, as on its own, it does not constitute an apology, e.g. 'I am/we are sorry that this has happened'. An expression of regret does not include any statement of liability or agreement concerning responsibility for the incident such as 'I am sorry we did this'

Feedback: A general comment, a positive or negative statement or a complaint

Formal complaint: A more complex matter that may need to be referred to a Manager or Kalinda Wellbeing Centre's Complaints Officer

Harm: Death, disease, injury, suffering, disability and/or psychological/emotional harm experienced by a person

Incident: Any event or circumstance that resulted, or could have resulted in unintended and/or unnecessary harm to a person and/or a complaint, loss or damage

Risk Assessment: A numerical score applied to an incident, which is based on the type of event, its likelihood of recurrence and its consequence. The score is determined by the use of the risk matrix.

Support person: A person/s nominated by the customer, able to be involved in the open disclosure process, receiving relevant information and giving appropriate support and care to the customer

Standard/s: Agreed specifications and/or procedures designed to ensure that a material, product, method or service is fit for the purpose and consistently performs the way in which it was intended.

Contact Officer

The Director/Business Owner: 03

5962 6490

31 Maroondah Hwy,

Healesville VIC 3777

Reception admin@kalindawellbeing.com.au

References/Relevant legislation

Commonwealth

- Commonwealth Health Insurance Act 1973 (Part VC)
- Commonwealth Freedom of Information Act 1982

Victoria

- Victoria Wrongs Act 1958
- Victoria Health Services Act 1988 (Part 7 Division 3)
- Victoria Freedom of Information Act 1982

Related Policies/Documents

- Risk Management Procedure
- Customer Rights and Responsibilities Policy
- Child Safe Policy
- Freedom from Abuse Neglect and Exploitation Policy
- Privacy Policy

Implementation Procedures

For implementation of the Open Disclosure Policy, see the Kalinda Wellbeing Centre *Open Disclosure Procedure*