
Policy Area: Operational Policies - Service Delivery

Policy # & Name: 5.4 Consumer Rights and Responsibilities

Group: Consumers; All Staff; Volunteers; Contracted Caregivers; Families; Visitors

Purpose:

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

Policy Statement:

CVS believes and asserts that persons with developmental disabilities or other special needs enjoy the same rights, opportunities, and privileges as all citizens, within the bounds of privacy and their own capacities.

CVS 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 consumers about consumer rights.

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

CVS also asserts that consumers have responsibilities as citizens, and provides appropriate information and support to enable consumers to make informed, responsible, and safe decisions.

Practice Standards:

Share information with consumers 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 CVS 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
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- ? Report, investigate, and resolve all alleged violations of an individual's rights.

It is a policy of the society that adult participants have the same rights as every other adult. These rights include but are not limited to the Canadian Charter of Rights and Freedoms. Participants are entitled to:

- a) be treated with respect and dignity at all times and be well cared for with adequate food, shelter, clothing and health care;
- b) be involved in discussion and decisions that affect them;
- c) know about and agree to plans for their care;
- d) have their own belongings and privacy respected;
- e) know the rules and what's expected from the program and the consequences if the expectations are not followed;
- f) not be punished physically or in any other abusive way;
- g) assist in choosing the staff employed to support them;
- h) refuse to participate in any activity and to plan activities of their choice;
- i) have personal intimate relationships;
- j) refuse the assistance of staff;
- k) be paid for their work;
- l) have their language, religion and culture respected;
- m) 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;
- n) know their rights and how to enforce them.

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

**See attached CVS Statement of (Adult) Consumer Rights for full description.*

Best Practices:

Participant Family Contact

As a society providing supports and services to individuals with disabilities:

- ? We believe that "family" describes an individual'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 an individual is part of a family and every effort must be made to maintain those important ties.
 - ? We believe that the family is often the best resource regarding their disabled family member.
 - ? 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 individual or *Community Ventures Society* in general.
 - ? We believe that the family has the right to ask questions and request additional information when they have concerns about their family
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members.

- ? We believe that the individual in services 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.

Participant Personal Affairs

Employees shall not become involved in the personal affairs of a participant relating to legal, financial, or property matters.

Exceptions:

Exceptions to this policy may be made by the Executive Director or designated manager for employees who are immediate family of participants.

Conditions:

Employees or relatives of employees may not:

1. sign "consent for treatment" forms on behalf of participants admitted to hospital.
2. witness the signing of wills or other legal documents except as designated by employer's policy.
3. handle or manage a participant's monies or assets apart from the minimal personal needs funds, or accept, for safekeeping, personal effects and jewelry.

Procedure:

1. In the event an employee is requested by participants to carry out any of the above, the employee shall refer the individual to the Executive Director or appropriate supervisor.
2. Employees must report to the Executive Director or supervisor 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

Encourage and support individuals to make decisions for themselves, to the best of their ability.

Provide information on consumer rights during orientation and training sessions for staff, volunteers, families, and consumers. Include such information in the CVS consumer handbook.

Provide consumers with the opportunity to explore options safely, so that they can make informed, responsible choices.

Involve consumers in the planning of their services and activities.

Support consumers when they change their minds or make a mistake.

Involve consumers and others who know them well to look at risks and develop

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plans to minimize those risks.

Provide information and support to consumers about their responsibilities.

Personal Care:

1. Staff who must enter bathrooms in use by participants, are required to knock first and ask permission to enter.
2. Except in emergency or special circumstances, personal care (which involves disrobing or exposing private areas) should not be provided to a participant 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.
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 perineal care.

Affection:

- ? Many participants are not clear about the boundaries of personal space and may not discriminate between appropriate and inappropriate touch and personal space.
- ? Since each participant is different and has different needs, staff are requested to discuss individual situations with their direct supervisor.
- ? The following are general guidelines and do not apply in every situation. Staff are expected to use a best judgement 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. Participants in unusual or extraordinary circumstances who are experiencing anxiety, pain, fear, sadness etc., should not be refused affection if they request it.

Sexuality

Support and assist consumers 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 participant / resident.

Recognize the consumer's right to private expression of their sexuality. Always

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treat participants / residents with respect and dignity and never impose your own moral values or judgment on them.

Provide specific opportunities for consumers to learn about sexual matters as a guide for their own behaviour. 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 *Community Ventures Society* 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 well being of the individual must be ensured and appropriate supports in place.
2. Sexual activity for individuals is a private and personal issue which needs to be supported in a manner which respects the individual 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 individual will be respected and upheld.
4. The role of employees of *Community Ventures Society* is clearly defined as one of supporting the individual in his/her choices while providing guidance which ensures personal safety.

Alcohol Use

Consult the individual's physician regarding use of alcohol for participants 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 individual 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 participant's input and kept with the person.
- ? Where individuals have great difficulty physically accessing their own money, staff shall access wallets or possessions (purse, etc) with consent and wherever possible with active participation in the administration of the money.
- ? Where individuals 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 participant's money on their person.
- ? Staff have a responsibility to ensure that all monies are kept in a safe place and that they may be held responsible for its disappearance.

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? If participants are contemplating a large purchase (over \$10.00) it is advisable to contact a third party, requesting their involvement (third party where they have requested involvement, staff advocate, supervisor, etc.).

Other

Provide a flexible environment to accommodate individual differences and to respect the consumer's rights.

Do not use residents', participants', or family's property and / or personal effects for your own personal use.

Advocate on behalf of consumers in order to support their rights within CVS and the broader community.

Adults with developmental disabilities will come into contact with alcohol and with cigarettes in their lives and like everyone else have to 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. Inform participants about the effect of alcohol and smoking on the body and addictive qualities. Do not encourage the use of alcohol by participants.

Policy Audit: March Annually

Date Issued: March 2004

Date Revised:

Position

Responsible: Executive Director

References:

- ✍ This policy replaces and encompasses: Choice, Risk, Responsibility, Decision Making Compliance & Rights SD/RRC 007 – SEXUALITY, SD/RRC 008 - CLIENT'S USE OF ALCOHOL, SD/RRC 009 - CLIENT'S SMOKING, SD/RRC 010 - USE OF CONSUMERS' / FAMILIES' PROPERTY, SD/RRC 011 - LEGAL AFFAIRS
- ✍ For information on staff's use of tobacco and exposure to environmental tobacco smoke, see attachment to Policy 6.11 Standards of Conduct
- ✍ SDA 5.4.A – Thinking About Risk vs. Benefits
- ✍ 9.8 – Staff Guide to Risk vs. Benefits
- ✍ 9.25 – Statement of Adult Consumer Rights
- ✍ 9.26 – Rights of the Child
