

Multicap Group

Embedding Human Rights in the Quality Management System

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Who We Are



MULTICAP®

Allinto

Arbourwell

MULTICAP®
all ways. always.

openminds

Safeguarding

Safeguarding is protecting the welfare and human rights of people that are, in some way, connected with your charity or its work – particularly people that may be at risk of abuse, neglect or exploitation.¹

Safeguards are ‘actions designed to protect the rights of people to be safe from the risk of harm, abuse and neglect, while maximising the choice and control they have over their lives.’²



¹*Australian Charities and Not-for-Profits Commission (2022).*

²*Australian Government, Department of Social Services (2016). NDIS Quality and Safeguarding Framework. 9 December, 102.*



Commitment to Safeguarding

The safeguarding of customers and protection of their rights is paramount for Multicap Group.

To promote safeguarding across Multicap, both developmental and organisational safeguards are in place to protect customers to be safe from the risk of harm, abuse and neglect while maximising choice and control over their lives.

MULTICAP®



Challenges to Human Rights of People with Disability



1 in 6 of population approx.
4.4 million with disability in
Australia³



2 in 5 people over 65 years
have disability. Similar
number of men to women³



**2.4 million aged 18-64yrs with
disability** have experienced
violence³



**Children with
intellectual/mental health
disabilities** have 4 times greater
risk of experiencing any type of
violence than children without
disability⁴

³ *Australian Institute Health and Welfare (2022). People with disability in Australia 2022. Canberra: Australian Institute Health and Welfare*

⁴ *Jones, L., Bellis, M. A., Wood, S., Hughes, K., McCoy, E., Eckley, L. et al. (2012). Prevalence and risk of violence against children with disabilities: A systematic review and meta-analysis of observational studies. Lancet, 380(9845), 899-907.*

Strengthening our Approach to Human Rights

Australia is a signatory to both the United Nations Conventions on the Rights of Persons with Disabilities (UNCRPD)⁵ and the optional protocol.

Multicap has taken the view that the UNCRPD represents substantive feedback from people with disability and have chosen to operationalise our focus on human rights.

Human rights are:

- Rights and freedoms that are intrinsic to us all,
- Express the conditions necessary for the realisation of human dignity, and
- They are norms applicable to all persons, at all times, in all societies.

Taking a human rights approach to service delivery and providing safeguards for people with disability is the pathway to upholding choice and control.

⁵ **UN General Assembly (2007).** *United Nations Conventions on the Rights of Persons with Disabilities (UNCRPD).* Available at: <https://www.refworld.org/docid/45f973632.html> [accessed 21 September 2023]




Potential Benefits



01 Promote customer well-being



02 Customer empowerment



03 Reduce risk for customers and organisation

Ensure appropriate controls are integrated into practice



04

Consolidate several quality management systems



05

Support organisational governance



06

Analysis of Human Rights

Multicap has developed a process to assess the impact of the quality management system on the human rights for people with disability.

- Adopted the French et al (2010)⁵ analysis methodology which recognises the UNCRPD.
- Developed an electronic workflow to assess all policies and procedures.
- Investment in training and upskilling of its employees to enhance the capability to complete a Human Rights analysis.

⁵*French P., Chan J., Carracher R. (2010) Realizing Human Rights in Clinical Practice and service delivery to Persons with Cognitive Impairment who Engage in Behaviours of Concern. Psychiatry, Psychology and Law, 17(2), 245-272.*



Conducting a Human Rights Analysis

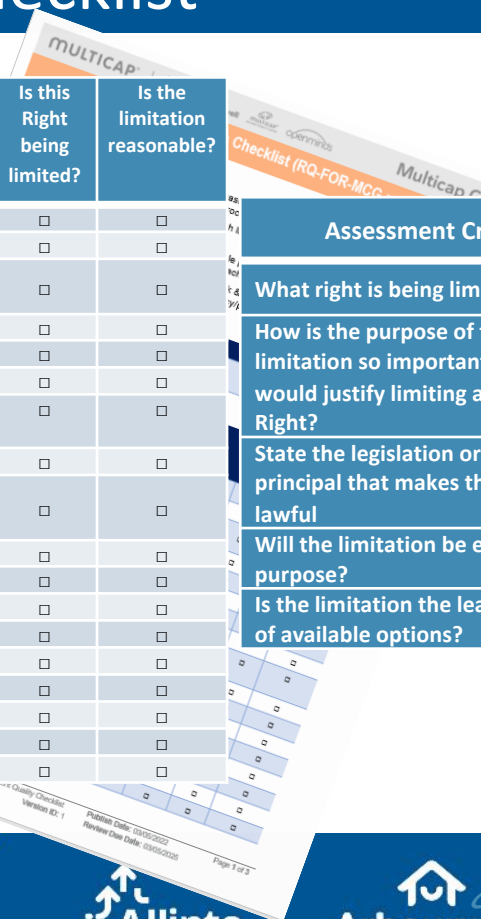
1. Identify whether the document addresses a Human Rights subject matter,
2. Identify whether the document might authorize the limitation of a Human Right,
3. Determine whether the limitation is reasonable:
 - Is the purpose of such significance that it justifies imposing on someone's Human Rights?
 - Is it lawful?
 - Will it be effective?
 - Is it the least restrictive option?



The Human Rights Checklist

No.	Human Rights Focus Area	Has this Right been engaged?	Is this Right being limited?	Is the limitation reasonable?
1	Access to justice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Liberty and security of the person	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Free for torture or cruel, inhuman or degrading treatment or punishment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Freedom from exploitation, violence and abuse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Protecting the integrity of the person	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Liberty of movement and nationality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Living independently and being included in the community	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	Personal mobility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Freedom of expression and opinion and access to information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Respect for privacy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Respect for home and the family	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Education	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13	Health	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14	Habilitation and rehabilitation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	Work and employment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16	Adequate standard of living and social protection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	Participation in political and public life	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18	Participation in cultural life, recreation, leisure and sport	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Assessment Criteria	Comment
What right is being limited?	
How is the purpose of the limitation so important that it would justify limiting a Human Right?	
State the legislation or legal principal that makes this limitation lawful	
Will the limitation be effective in its purpose?	
Is the limitation the least restrictive of available options?	



An example- Customer Documentation

No.	Human Rights Focus Area	Has this Right been engaged?	Is this Right being limited?	Is the limitation reasonable?
1	Access to justice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Liberty and security of the person	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Free for torture or cruel, inhuman or degrading treatment or punishment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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13	Health	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14	Habilitation and rehabilitation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Assessment Criteria	Comment
What right is being limited?	
How is the purpose of the limitation so important that it would justify limiting a Human Right?	
State the legislation or legal principal that makes this limitation lawful	
Will the limitation be effective in its purpose?	
Is the limitation the least restrictive of available options?	

A bit more complicated –Reportable Incidents procedure

No.	Human Rights Focus Area	Has this Right been engaged ?	Is this Right being limited ?	Is the limitation reasonable ?
1	Access to justice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Liberty and security of the person	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Free for torture or cruel, inhuman or degrading treatment or punishment	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Freedom from exploitation, violence and abuse	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5	Protecting the integrity of the person	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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7	Living independently and being included in the community	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	Personal mobility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Freedom of expression and opinion and access to information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Respect for privacy	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11	Respect for home and the family	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Education	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13	Health	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14	Habilitation and rehabilitation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	Work and employment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16	Adequate standard of living and social protection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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18	Participation in cultural life, recreation, leisure and sport	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Assessment Criteria	Comment
What right is being limited?	
How is the purpose of the limitation so important that it would justify limiting a Human Right?	
State the legislation or legal principal that makes this limitation lawful	
Will the limitation be effective in its purpose?	
Is the limitation the least restrictive of available options?	

A bit more complicated –Reportable Incidents procedure

No.	Human Rights Focus Area	Has this Right been engaged?	Is this Right being limited?	Is the limitation reasonable?
1	Access to justice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Liberty and security of the person	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Free from torture or cruel, inhuman or degrading treatment or punishment	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Freedom from exploitation, violence and abuse	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5	Protecting the integrity of the person	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Liberty of movement and nationality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Living independently and being included in the community	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	Personal mobility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Freedom of expression and opinion and access to information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Respect for privacy	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
11	Respect for home and the family	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Education	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13	Health	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14	Habilitation and rehabilitation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	Work and employment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16	Adequate standard of living and social protection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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18	Participation in cultural life, recreation, leisure and sport	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Assessment Criteria	Comment
What right is being limited?	<i>Respect for privacy</i>
How is the purpose of the limitation so important that it would justify limiting a Human Right?	<i>This is critical to ensuring customer safety</i>
State the legislation or legal principal that makes this limitation lawful	<i>NDIS Q&SC Rules</i>
Will the limitation be effective in its purpose?	<i>Yes, it provides oversight to Multicap's practice</i>
Is the limitation the least restrictive of available options?	<i>Yes, these incidents must be reported to facilitate full and proper investigation</i>

A lot more complicated –Positive Behaviour Support procedure

No.	Human Rights Focus Area	Has this Right been engaged?	Is this Right being limited?	Is the limitation reasonable?
1	Access to justice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Liberty and security of the person	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Free for torture or cruel, inhuman or degrading treatment or punishment	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Freedom from exploitation, violence and abuse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Protecting the integrity of the person	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Liberty of movement and nationality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Living independently and being included in the community	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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9	Freedom of expression and opinion and access to information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Respect for privacy	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11	Respect for home and the family	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Education	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13	Health	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14	Habilitation and rehabilitation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15	Work and employment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16	Adequate standard of living and social protection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Assessment Criteria	Comment
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A lot more complicated –Positive Behaviour Support procedure

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3	Free from torture or cruel, inhuman or degrading treatment or punishment	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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13	Health	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14	Habilitation and rehabilitation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15	Work and employment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16	Adequate standard of living and social protection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	Participation in political and public life	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18	Participation in cultural life, recreation, leisure and sport	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Assessment Criteria	Comment
What right is being limited?	<i>Living independently and being included in the community</i>
How is the purpose of the limitation so important that it would justify limiting a Human Right?	<i>Will only be used to ensure physical safety</i>
State the legislation or legal principal that makes this limitation lawful	<i>NDIS Act 2015; DSA, 2008</i>
Will the limitation be effective in its purpose?	<i>Yes – in conjunction with PBS</i>
Is the limitation the least restrictive of available options?	<i>Yes – procedure stipulates last resort only</i>

Assessment Criteria	Comment
What right is being limited?	<i>Respect for privacy</i>
How is the purpose of the limitation so important that it would justify limiting a Human Right?	<i>Will only be used to ensure physical safety</i>
State the legislation or legal principal that makes this limitation lawful	<i>NDIS Act 2015; DSA, 2008</i>
Will the limitation be effective in its purpose?	<i>Will only be used to ensure physical safety</i>
Is the limitation the least restrictive of available options?	<i>Yes – plans will only be accessible to those with a direct role in support</i>

The not so obvious

Whilst restrictive practice or safeguarding procedures are obvious targets for analysis, seemingly innocuous documents are also scrutinized:

- Contractor Management procedure and the use of service contractors at operational sites prompted consideration against **Respect for Privacy**, and
- COVID procedures were reviewed against **Respect for Home and Family**.





Thank you



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