


Statement of Balancing Rights, Risks and Responsibilities for Persons Supported

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| <p>SECTION: Supports and Services</p> <p>DEPARTMENT: Quality Assurance</p> | <p>EFFECTIVE DATE: September 2004</p> <p>DATE LAST REVISED: February 2022</p> | <p>Approved by:</p>  <p style="text-align: center;">Chief Executive Officer</p> |
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POLICY STATEMENT

Kerry's Place Autism Services is committed to respecting the rights of the persons supported and all those we work and collaborate with by following our values of Respect, Choice, Integrity, Teamwork and Continuous Learning.

Kerry's Place Autism Services "Kerry's Place" shall uphold and support, in accordance with Canadian and Ontario Law and its own policies, the human, civil and legal rights of all persons receiving support. It is the policy of Kerry's Place that persons supported by this organization have the same rights as others. Rights include basic protections and guarantees afforded to all citizens through the Canadian Charter of Rights and Freedoms, laws and systems of justice. It is vital that we provide supports in preparing persons supported to exercise rights responsibly. Increasing competence in decision making and exercise of rights is a lifelong process. This process is called affirming and protecting individual rights.

With respect to cultural continuity, Kerry's Place will endeavor to involve the individual, respecting age and needs, in language, crafts, sports, religion, music or other activities sponsored by people of his/her heritage. All efforts will be made to incorporate the person's traditions and culture their life and activities. Employees will assist other at the site in understanding the person's culture. Efforts will be made to address the person's language needs. If a cultural practice cannot be accommodated, employees will help the person to understand why.

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It is also Kerry's Place's responsibility to ensure that persons supported are safe and that the rights of other persons are respected. Kerry's Place recognizes that there is a constant struggle to balance individual rights with the risks and responsibility of exercising these rights. Persons supported by Kerry's Place have the right to equal access to services that others would use and to experience treatment in everyday affairs equal to what others enjoy.

In order to mitigate this potential struggle, the Ethical decision-making framework may be utilized to assist in balancing between the individuals' rights with the risks of exercising their rights. Should the person supported identify their rights continue to be restricted a request to the Standards and Best Practice Committee can be made.

Purpose

To ensure persons supported are respected and exercise their rights responsibly and safely.

Scope


This policy applies to all person supported though Kerry's Place Autism.

Roles and Responsibilities

Employee:

- To promote respect and ensure that person supported exercise their rights responsibly and safely.

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- To ensure that the person supported has acknowledged and understood to the best of their capacity, the Statement of Rights and Responsibilities document.

Manager:

- Ensure all employees are made aware of the rights of all people and, if required, how to access the Ethical decision making framework and/or the Standards and Best Practices Committee


Communication

This policy will be communicated to persons supported, over the age of 18, on an annual basis through the Rights section in the Individual Support Plan/Person Directed Plan (ISP/PDP). Employees will be informed of persons supported rights, responsibilities and any restrictions during the on-site orientation and at team meetings as required. Employees will be required to annually acknowledge the staff code of conduct.

For children up to the age of 18:

A child has a right to be consulted and to express his or her views, to the extent that is practical given the child's level of understanding, whenever significant decisions concerning the child are made, including decisions with respect to medical treatment, education and religion. Whenever the child is unable, because of the severity of their disability to exercise their rights in a meaningful way, the Substitute Decision Maker may do so on the child's behalf.

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Each employee must comply with legislation and procedures defined in The Child, Youth and Family Services Act and official guidelines provided by the Ministry of Community, Children and Social Services (MCCSS).

Standard/Procedure

Ethical decision-making framework (IDEAS)

- Designed to help employees across the agency address ethical dilemmas pertaining, but not limited to, the person supported.
- Helps with facilitation of ethical concerns and guides employee and person supported to additional support as required


Ethics is about:

- Deciding what we should do (What decisions are morally right or acceptable);
- Explaining why we should do it (justifying our decisions in moral terms); and
- Describing how we should do it (the way we respond).
- Having a framework in place for guiding ethical behaviour that is publicly accessible and consistent with the law.
- Striving toward successful community inclusion and considering how services impact persons supported, their families, and the broader community.

What are Rights?

As participating members of Kerry's Place; persons supported have rights and corresponding responsibilities. The word "rights" refers to basic entitlements as members of

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Kerry's Place. Rights are the same for everyone and every person has the responsibility of accepting the rights of others. In order to exercise your rights, you must fulfill your responsibilities.


The following guiding principles are used within the **Statement of Rights**; simple, accessible, broad scope application, and balanced. Three major areas are outlined within the document – **respect, communication, and partnership. (See Appendix A)** This appendix is to be presented to the person supported on an annual basis at the Individual Support Plan/Person Directed Plan (ISP/PDP) meeting.

Standards and Best Practices Committee

Kerry's Place believes that as a rule the use of restrictions, without the consent of the individual concerned, should only be considered where that person has a significant degree of diminished capacity to understand the risk that he or she is putting themselves or others in (e.g., stopping a person doing something or restricting access to items which could do them harm). In addition, the risk must be of a degree that justifies such a major intervention in the individual's life. The Standard's and Best Practices Committee can be utilized to impartially review restrictions and make recommendations to accept, modify or remove the rights restrictions that are in place. Should the person supported identify their rights continue to be restricted a request to the Standards and Best Practice Committee can be made.

Applications and consent forms are located on ADP.

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Any application and/or query to this committee will be measured against the following guiding principles:

1. The restriction must provide an overarching benefit to the individual.
2. The restriction must be the least restrictive in relation to the person's freedom in order to achieve the desired benefit.
3. Restrictions must take into account the wishes of the individual (both past and present).
4. Restrictions must also have consideration for other relevant stakeholders.
5. Restrictions should continue to consider and engage a person-centred approach.


Purpose:

- To review applications/queries regarding restrictions of rights of the individuals in order to weigh risks, benefits and alternatives to interventions which are perceived as restrictive or intrusive.
- To provide guidance and recommendations to enable an informed choice for all stakeholders to consider and in keeping with person directed care.
- To act as an impartial third party with respect to complaints/concerns related to supports and services in partnership with supported individuals/family/SDM.

Roles and Responsibilities:

- To provide careful consideration of each specific application and/or query within the lens of person directed care.

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- To provide careful consideration of the specific issue, review of pertinent documentation and discussion with all stakeholders involved, the committee shall provide recommendation and/or guidance to the Chief Executive Officer (CEO), and/or the VP Clinical Services and Supports. A meeting will be arranged by the VP Clinical Supports and Services with all stakeholders involved to communicate the recommendations and/or guidance from the Standards and Best Practices Committee in a timely manner.
- Recommendations and/or guidance given by this committee will be within the professional standards and health and safety guidelines of both clinical care of the individual and the organization.
- Recommendations and/or guidance given will also be measured within the ethical framework used at Kerry's Place.

Membership:

- Standing membership will include staff VP of Clinical Services, Director of Quality Assurance (Chair), a member of the Quality Department, Director of Clinical Services and a regulated health care professional with experience supporting persons with developmental disabilities, mental health issues and/or challenging behaviours.
- Direct participation by the person supported whose case is under review by the committee and/or a representative (e.g., family members or other persons acting on the person's supported behalf with his/her consent is strongly recommended).
- Additional relevant stakeholders will be invited to participate based on the specific application and/or query. • Consultation with non-direct service areas of the

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organization, and when they are not already represented at the committee level, on an as-needed basis.

- Membership may be expanded as deemed necessary by the committee.
- Continuity of committee members is important. To achieve this, committee members will be requested to fill this role for a minimum of two years.
- All members will be chosen for their ability to respect diversity, differing opinions and exemplifying a collaborative spirit with both the organization and external organizations and partnerships. Membership is reliant on members being open-minded, nonjudgmental and can maintain privacy and confidentiality of matters that require it at the committee table.

Training

All employees will electronically acknowledge this policy upon hire and annually thereafter.

Evaluation


This policy will be reviewed every three years.

Related Documents, Forms and Tools

All applicable provincial and federal statutes, notably:

- Canadian Charter of Rights and Freedoms
- Human Rights Code
- United Nations Declaration of Human Rights

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- The Child, Youth and Family Services Act
- Ontario Regulation 299/10 – Quality Assurance Measures and Policy Directives for Service Agencies made under the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008 (SIPDDA)
- Professional and Ethical Compliance Code for Board Certified Behaviour Analysts
- IDEAS Ethical Framework
- Standards and Best Practice Committee Terms of Reference
- Process – Standards and Best Practice
- Request Form – Standards and Best Practice
- Consent Form – Standards and Best Practice Statement of Rights and Responsibilities
- Family Charter of Commitments
- Code of Conduct