

Know Your Rights

Disability support is changing and evolving and, although the way we receive support may change, our rights remain the same. Everyone who receives a health or disability service has the same rights. These rights apply when we go to the doctor, when we get our eyes checked for example and also when we get support to live independently in our own home. These rights are set out in the Code of Health and Disability Services Consumers' Rights (the Code).

The Know Your Rights resources have been produced by the Health and Disability Commissioner and Enabling Good Lives Christchurch for people who manage their own disability support funding and who receive support from personal assistants or support workers in their own home.

The information in these resources is intended to provide general guidance in relation to your rights as a health and disability services consumer, and does not constitute legal advice. If you have concerns about the employment relationship with your personal assistant or support worker, you should seek independent legal advice.



Sorting Things Out: Preventing or resolving problems, and making complaints

Because having a personal assistant or a support worker involves two people with their own ideas and opinions, it's very likely that situations will arise from time to time where you have different points of view.



Sorting Things Out: Preventing or resolving problems, and making complaints

It's useful to recognise that it can be hard to 'sort things out' in any kind of relationship, and that relationships with a support worker or personal assistant who provides care or support in your home are no different. One strategy to prevent or resolve problems can be to 'check-in' regularly — an issue may not come up at every check-in, but it will make communication easier.

If you and your personal assistant or support worker are having a disagreement or have a difference of opinion in relation to your care and support, there are a range of ways you can resolve things, depending on the seriousness of the situation and how comfortable you feel about raising an issue.

- Sit down and have a chat about how things are going — you may want to have a support person with you if you feel nervous or uncomfortable.
- Contact the Health and Disability Advocacy Service and have an advocate come and work with you.
- If you feel that your rights under the Code have been breached, you may want to make a complaint to the Health and Disability Commissioner.

Sometimes people can feel unsure of talking about problems with personal assistants or support workers if they think that their current arrangements work well for their family and those around them. But it is always a good idea to bring up problems — if things feel slightly wrong, hopefully you can sort things out easily. If things feel very wrong, people need to know as soon as possible.

Amy's story

When Amy's personal assistant, Jan, started providing support for her, they got on well and Amy was very happy with the situation. Amy's mother, Sarah, was delighted to see her daughter happy, and noticed that, when she was with Jan, Amy was more outgoing. But after a few months, Sarah noticed that Jan wasn't always following Amy's support plan, and would sometimes be distracted and not respond to Amy's questions. Sarah waited a few days and then talked to Amy; she suggested that they 'check-in' with Jan to talk about how things were going and if there were any problems with the support plan they had all agreed upon. Amy, Sarah and Jan sat down together and talked about Amy's support plan.

Jan apologised for being distracted and not communicating well, and also suggested some small changes to Amy's support plan that she thought would make life easier for Amy. Amy and Jan agreed to try a new plan for a month and, at the end of the month, Sarah, Amy and Jan got together again. Everyone agreed that things were working better with the new support plan, and they agreed to continue it.



Things to think about:

- **You have a right** to receive care and support that meets your needs.
- **You can speak up** if you feel that the support you are receiving is not meeting your needs; sometimes a simple conversation can make all the difference. If things still aren't working, there are people who can help.
- **You have the right** to have someone else with you for support when you are talking to a service provider — a friend, family member or an advocate can be with you.

Jeff's story

Jeff had a new personal assistant, Ted, who was usually pretty quiet, but could get bad-tempered sometimes, and had yelled at Jeff when he thought Jeff was being noisy. Sometimes when Ted was annoyed at Jeff he lied and told people who called that Jeff was busy and couldn't talk to them. One day, Ted got angrier at Jeff than ever before, and slapped Jeff's leg hard. Even though Ted apologised straight away, Jeff was very shaken up and, when his friend came over that night, Jeff told him what had happened and asked for advice on what he should do. Jeff and his friend agreed to call the appropriate authorities the next day. Jeff then got in touch with a former personal assistant, who said she would be happy to step in temporarily so that Jeff didn't need to see Ted again the next day. Jeff's friend contacted Ted on Jeff's behalf, and told him that someone would be in touch in the next couple of days, but not to come in to work for the rest of the week. The next day, Jeff contacted the police and the Health and Disability Commissioner's Office to talk about his concerns, and they said they would look into the matter further. Jeff also rang his local Community Law Centre to ask about how to end his employment relationship with Ted.

Things to think about:

- **Sometimes groups of people can be targeted** because they are considered vulnerable or isolated, or it is thought that no one would believe them if they made a complaint. But NO ONE deserves to be abused, and NO ONE has to put up with it. We all have the right to get help and get out of bad situations.

Things to think about:

- **Abuse can take many forms**, including physical, emotional, financial and sexual abuse — no kind of abuse is okay, and you have the right to have support and to stop it. Sometimes abuse can be obvious, and sometimes it can be hard to see or talk about.
- **Physical abuse** can include hitting, kicking, hair-pulling, pinching, scratching, or shaking. Physical abuse can also mean purposely giving the wrong dose of medicine, or withholding assistive technology, food, water or warmth.
- **Emotional abuse** can include yelling, threatening, name-calling, neglecting or ignoring you, laughing at you or treating you like a child, controlling you, and stopping you from being with other people.
- **Financial abuse** can include people taking your money or things, making you buy or pay for things for them, or having someone decide how you should spend your money.
- **Sexual abuse** can include being touched by or being made to touch other people when you don't want to, or having to say or do sexual things that you do not want to do.
- **It can sometimes be difficult to know** which problems we can resolve on our own and which we should probably have assistance with. If you are concerned about the behaviour of your personal assistant or support worker, you may want to ask someone you trust for support and advice.
- **If your support worker has been violent** toward you, or committed a crime, contact your local police station.

DON'T FORGET — YOU HAVE RIGHTS

Right 1: Right to Respect — when you have support workers or personal assistants providing services for you in your home, your right to respect is particularly important. The care and support you receive from your personal assistant or support worker should take into account your needs, values and beliefs.

Right 2: Right to be Free from Discrimination, Coercion, Harassment, and Exploitation — you have the right to receive services where you are not taken advantage of or made to feel bad or unsafe.

Right 4: Right to Services of an Appropriate Standard — you have the right to receive services that are consistent with **your** individual needs, that optimise **your** quality of life, and that are provided with reasonable care and skill.

Right 5: Right to Effective Communication — you have the right to communicate with your support worker or personal assistant about the services being provided to you in a way you understand and can be understood.

Right 8: Right to Support — you have the right to have someone with you if you are talking to your personal assistant or support worker, including a family member, friend, or Health and Disability advocate.

Right 10: Right to Complain — you have the right to expect an appropriate response to a complaint, within a reasonable timeframe.

For more information:

In an emergency or in situations of abuse — if you think you are in immediate danger, call or text **111** — otherwise contact your local police station: www.police.govt.nz/contact-us/stations.

If you are experiencing violence or abuse in your home and you want help or advice, call **It's Not Okay — 0800 456 450**, email areyouok@msd.govt.nz, or go to www.areyouok.org.nz for more information.

If you have been sexually assaulted and you would like support or advice, 24 hours a day 7 days a week, call **Rape Crisis on 0800 88 33 00**. Go to www.rpe.co.nz/find-a-sexual-assault-support-centre-near-you for more information.

Lifeline — if you would like immediate telephone counselling, 24 hours a day 7 days a week, call **0800 543 354**.

Citizens Advice Bureau — if you would like advice on services in your community, call **0800 367 222** or go to www.cab.org.nz for more information.

If you would like advice on your working relationship with your support worker or personal assistant, contact your local **Community Law Centre** through www.communitylaw.org.nz.

Health and Disability Commissioner — if you would like to make a complaint about a health or disability service, or the person providing that service, call **0800 11 22 33**, go to www.hdc.org.nz, or email hdc@hdc.org.nz.

Nationwide Health and Disability Advocacy Service — if you would like to talk to an advocate, call **0800 555 050** or email advocacy@hdc.org.nz.