

Interpersonal Relationships and Sexual Expression Policy

Controlled Document

Purpose

The purpose of this policy is:

-) To uphold the rights of Activ's Customers to establish relationships including sexual relationships (where of the Age of Legal Consent), and to be socially aware, have personal standards and integrity in their relations;
-) To uphold the rights of Activ's Customers to have full access to sufficient knowledge and information regarding sex, sexual expression, sexual health and interpersonal relationships;
-) To enable Activ's Customers to make informed decisions and choices about their sexual expression and relationship lifestyle; and
-) To provide Activ staff with the framework for supporting Customers to establish relationships, including sexual relationships (where of the Age of Legal Consent), and to be socially aware, have personal standards and integrity in their relations.

Scope

This policy applies to all Activ Customers and staff and outlines the rights of Activ's Customers to form and maintain relationships and receive support to meet their individual needs.

The policy excludes:

-) Any practices that are unlawful or impinge on the rights of other Customers, staff or significant others; and
-) Any practices that may compromise Activ's duty of care obligations to Customers.

Policy Statement

Activ is committed to actively upholding the rights of all Customers to have access to sufficient knowledge and information regarding sex, sexual expression, sexual health and interpersonal relationships in order to make informed decisions and choices regarding their sexual and relationship lifestyle.

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This will be done by:

- J Providing appropriate information related to safe/healthy sexual activity, or assisting Customers to access information from other sources.
- J Maintaining the privacy of individuals and exercising a respectful approach with all concerned.
- J Where there are no relevant guardianship arrangements in place, Activ's staff and volunteers should not inform or share information with third parties, including families, about a customer's sexual expression without the customer's consent.
- J Providing relevant details to the appropriate authorities when any behaviour or information received and/or disclosed indicates this is necessary in order to lessen or prevent a serious threat to the life, health or safety of any individual.
- J Assisting Customers to access appropriate healthcare and related services and supports as required.
- J Enabling Customers to legitimately, lawfully and safely develop a means of sexual expression.
- J Activ is committed to enhancing the well-being of Customers by supporting and encouraging respect for oneself and others in relationships and social interaction.

Guidelines to assist customers, staff and families

1. Staff must be aware of customers' rights to have informed choice and control in matters of sexual expression and consensual sexual activities based on sections 319 – 331 of the Western Australian Criminal Code. This requires that:
 - a. The person has given free and informed consent (that is, they understand what they are consenting to and cannot be considered to be an Incapable Person under the terms of Section 330 of the WA Criminal Code);
 - b. If the customer is aged 16-17, the other person is not in a position of care, supervision, or authority for the person with disability;

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2. Activ's staff and Volunteers are not permitted to have a sexual relationship with any of Activ's Customers, regardless of the age of the Customer.
3. All customers have a right to protection against unwanted sexual advances.
4. Staff must maintain customers' rights to privacy and confidentiality.
5. Staff may assist customers to link into external agencies, which provide sexual counselling/education and or sexual services (where of the Age of Legal Consent). In accordance with relevant state legislation it is illegal to engage the services of a street based sex worker.
6. If sexual behaviours are observed in customers who are not of the Age of Legal Consent, Staff are referred to the resources listed in Appendix A for guidance, specifically to the NDIA-funded People 1st Program.
7. Adult customers in the organisation's accommodation support services are entitled to have guests in their rooms, but are expected to respect the rights and privacy of co-residents at all times.
8. Adult customers have the right to live in a de facto relationship if the person is over the legal age of consent.
9. Where disagreement occurs on the exercising of these rights amongst co-residents, staff will endeavour to mediate the differences.
10. Adult customers have the right to marry if the nature and effect of the marriage ceremony is in accordance with the relevant State and Federal legislation at the time.
11. Staff must not physically assist customers in sexual activities.

Reference to National Standards for Disability Services as measured by WA's Quality System

Standard 1: Individual rights to freedom of expression, self-determination and decision-making and actively prevents abuse, harm, neglect and violence.

Standard 3: Building individual strengths and enabling individuals to reach their goals.

Definitions

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Adult Customer: for the purpose of this Procedure an Adult Customer is someone who is legally of the age of consent.

Age of Legal Consent: this is defined by the Criminal Code as a person who is aged 16 years or older.

Customer: the term 'customer' is used to describe a person with disability who utilises a service or support.

Incapable Person: is defined by Section 330 of the Western Australian Criminal Code as:

A person who is so mentally impaired as to be incapable:

- a) of understanding the nature of the action performed by or against him or herself; or
- b) of guarding himself or herself against sexual exploitation.

Significant other: is colloquially used as a gender-neutral term for a person's partner in an intimate relationship without disclosing or presuming anything about marital status, relationship status, or sexual orientation. Synonyms with similar properties include sweetheart, better half, spouse, domestic partner, lover, soulmate, or life partner.

Key Related Policies and Documents

Interpersonal Relationships and Sexual Expression Procedure (AQuA: 2666)

Code of Conduct & Ethics (AQuA: 1867)

Protection of Human Rights and Freedom from Abuse Policy (AQuA: 271)

Protection of Human Rights and Freedom from Abuse and Neglect Procedure for Use by Staff (AQuA: 1455)

Indicators of Abuse (AQuA: 685)

Privacy Policy (AQuA 111)



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Privacy Procedure (AQuA 1347)

Procedures for the Management of Sexual Abuse Allegations (AQuA: 686)

Consultation Process

) Policy Consultation Procedure.