

Procedures Manual

Title: HUMAN RIGHTS ENHANCEMENT COMMITTEE

SD-27

1.0 Scope

1.1 The procedure to be followed when there is a concern made by any person that the rights of a W.I.D.A. service user are being restricted.

2.0 Aims and Values

2.1 To ensure that all W.I.D.A. service users are treated as equal citizens.

2.2 To ensure that all W.I.D.A. service users have the opportunity to be heard.

2.3 To create and safeguard a restriction free environment.

2.4 To encourage safe risk taking.

2.5 To ensure due process is followed if/when necessary restrictions are imposed.

3.0 Contents

6.0 Purpose of the HREC.

7.0 Composition of the HR.

8.0 Referrals.

9.0 Process.

10.0 Appeals.

11.0 Uncertainty/Conflicts.

4.0 Referenced Documents

C4-002 General Risk Assessment.

C4-011 HREC Information Recording Form.

C4-077A Daily Report Record.

C4-115 HREC Referral Form.

C4-116 HREC Referral Log.

C4-118 HREC Consent Form.

C4-HRECF HREC File.

F-039 Confidentiality Agreement.

SD-09 Advocacy.

HR-036 Confidentiality.

5.0 Responsibilities

5.1 Management, all W.I.D.A. staff and members of the HREC.

WATERFORD INTELLECTUAL DISABILITY ASSOCIATION

Procedures Manual

This is the procedure to be followed

6.0 PURPOSE OF THE HREC

- 6.1 Ensure that staff and service users/their representatives are aware of their rights and how to request the committee's assistance where they are concerned about a rights restriction.
- 6.2 Receive and process referrals- considering whether due process was followed in imposing a formal rights restriction on a service user and make recommendations about reducing or eliminating a restriction.
- 6.3 Due process refers to a restriction only being imposed when:
- they are in the best interest of the person.
 - all appropriate people are consulted to ensure all available options are explored and the least restrictive option used.
 - the service user should be involved in the process of deciding the restriction to be used and appropriate communication methods must be available to ensure that they understand the reasons for the restriction, when it will be reviewed or removed and their responsibility to having it reduced/removed.
 - Adequate supports should be in place to help the person to cope with the rights restriction for the period of time that it may be in place.
 - All imposed formal restrictions are in place following a risk assessment using C4-024 General Risk Assessment Form and there must be a review date set which should be no longer than every six months.
 - Informal restrictions should not be imposed for more than one instance and are only to deal with an immediate situation. These must be documented in C4-077A Daily Report Record. Failure to do so may result in disciplinary action.
 - There must be a plan to reduce identified risk and in turn reduce the formal restriction.
 - The service user should have access to an independent advocate in line with SD-09 Advocacy.
 - At any time the service user may question the imposed restriction and any person they wish may support them to appeal a restriction, either through the HREC or by speaking to a member of staff who will support them.

7.0 COMPOSITION OF THE HREC

- 7.1 The HREC should comprise of a panel of no less than eight members who work in or access W.I.D.A. services, and also people who are external to the organisation.
- 7.2 A minimum of a half of these members must be independent (ie not employees or service users of WIDA).
- 7.3 The normal term of committee members is three years, with staggered replacement to ensure continuity and experience.
- 7.4 The HREC will appoint a Chairperson and a Secretary by way of nomination.

WATERFORD INTELLECTUAL DISABILITY ASSOCIATION

Procedures Manual

- 7.5 All members of the HREC must be trained in HR-036 Confidentiality and SD-26 Human Rights Enhancement Committee, and have signed F-039 Confidentiality Agreement.
- 7.6 The Secretary will format the C4-HRECF-HREC File which will contain/store the following documents:
- C4-115 HREC Referral Form
 - C4-116 HREC Referral Log
 - C4-117 HREC Consent Form
 - C4-118 Information Record Form
 - F-039 Confidentiality Agreement (for non WIDA staff members of the HREC).
 - Record of training for HREC non staff members.
 - All documents received during the information gathering and decision making processes.
- 7.7 HRECF-HREC File will be stored in a locked cupboard in WIDA head office, and may only be accessed by the HREC Secretary and the Director of Services.
- 7.8 The HREC will meet at least every three months or when required.
- 7.9 The Chairperson and The Secretary must be at each meeting and a minimum of two external HREC members.
- 7.10 Where a conflict of interest arises, a member of the HREC may be asked by The Secretary not to attend HREC meetings, until the conflict is resolved.

8.0 REFERRALS

- 8.1 Referrals can be made when a service user reports to a staff member that a restriction has been imposed on their rights. The staff member will support the person to refer this to the HREC.
- 8.2 A staff member may themselves realise that a rights restriction has been put in place for a service user and put in a referral.
- 8.3 The HREC may have a referral in relation to one service user and uncover that it is in place for another individual, or many individuals. Such findings should be reported to the Director of Services.
- 8.4 Any external person supporting a W.I.D.A. service user may make a referral.
- 8.5 A referral may be made verbally or in writing to any staff member or direct to the Secretary of the HREC.
- 8.6 On receipt of a verbal referral the Secretary shall ensure that C4-115 HREC Referral Form is completed either by themselves or the person making the referral.

WATERFORD INTELLECTUAL DISABILITY ASSOCIATION

Procedures Manual

9.0 PROCESS

- 9.1 All referrals should be forwarded to the Secretary and logged on C4-116 HREC Referral Log.
- 9.2 On receipt of a referral the Secretary shall acknowledge the referral in writing, outlining the nature of the referral and the process which will be followed. The secretary should include the name and contact details of the independent advocate. The Secretary should inform the person that the manager of the service will receive a copy of the referral.
- 9.3 The secretary shall ensure that C4-117 HREC Consent Form is completed by the service user or their parent/guardian.
- 9.4 The Secretary shall clarify if
- the issue raised is a rights issue? (If not it will be referred to the appropriate person. The person who made the referral and the Director of Services will be informed and C4-116 HREC Referral Log will be completed.)
 - due process been followed?
- 9.5 The issue may be resolved locally at any point. If this occurs, the manager is responsible for reporting this to The Secretary who must still bring the referral to the HREC for reference and to ensure due process was followed.
- 9.6 The Secretary shall speak to all relevant parties to gather the necessary information. This information should be recorded on C4-118 HREC Information Recording Form.
- 9.7 When the Secretary has gathered sufficient information, they should invite the members of the HREC to meet with them to present the facts.
- 9.8 At a HREC meeting no information will be shared that identifies a service user.
- 9.9 Where related documents are presented to the HREC members, they must be redacted copies and should be numbered and collected at the end of the meeting. These copies must then be destroyed, and a record kept that all copies distributed to HREC members were collected and destroyed in C4-118-HREC Information Record Form.
- 9.10 The Committee will not adopt a confrontational approach and all parties will be treated with the utmost respect and consideration.
- 9.11 The Committee's recommendations will be by majority decision, but dissenting views will be noted.
- 9.12 Draft recommendations will be sent to the original decision-maker(s) for comment, prior to issuing of final written recommendations to the person(s) concerned, the Director of Services. A redacted version will be presented by the Director of Services

WATERFORD INTELLECTUAL DISABILITY ASSOCIATION

Procedures Manual

to WIDA's Board of Directors. This copy will then be collected and destroyed by the HREC Secretary.

10.0 APPEALS

- 10.1 Any person dissatisfied with the decision or recommendations of the Human Rights Enhancement Committee, has the right to appeal to the Director of Services.
- 10.2 In such instances, having considered all of the appropriate facts, and where appropriate, having met with the individuals involved, the Director of Services will make a decision that is final and binding until the date identified for first review of the case.
- 10.3 The Director of Services will provide in writing, to the individuals involved in the case, the details supporting the decision that has been made.
- 10.4 The outcome of the HREC has no legal binding.

11.0 UNCERTAINTY WITH A REFERRAL

- 11.1 Where the secretary receives a referral that suggests in any way that a service user is/has been at risk of abuse, this must be immediately reported to the Designated Person, Deputy Designated Person or the Person in Charge.
- 11.2 No member of the HREC has any authority to investigate any referral to ascertain if a referral involves abuse. This is the sole responsibility of the Designated Person and Deputy Designated Person. Any breach of this may result in disciplinary action.