

SDA Rights and Responsibilities Policy

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Revision History

Version	Date	Summary of Changes	Approved By
1.0	11 August 2026	Initial issue – Module 5 Part 1	Director

1. Purpose

This policy establishes how Smart Way Disability Care Pty Ltd protects the legal and human rights of participants accessing Specialist Disability Accommodation (SDA). It supports informed choice and control, accessible communication, reasonable adjustments to the dwelling, privacy, autonomy, intimacy and lawful sexual expression.

2. Scope and activation

This policy applies to directors, managers, employees, contractors, agents, maintenance personnel and any person acting for Smart Way in relation to an SDA dwelling. It applies to enquiries, dwelling offers, assessment, agreement discussions, occupancy, property access, modifications, reviews and exit.

Smart Way will not advertise, offer or provide a dwelling as SDA unless the organisation holds the required registration and the dwelling is enrolled in accordance with applicable NDIS requirements. Before SDA service delivery commences, the forms, registers, training and oversight controls named in this policy must be operational.

3. Policy outcome

Each participant's access to an SDA dwelling will be consistent with their legal and human rights. Participants will receive accessible information, be supported to exercise informed choice and control, and have their privacy and autonomy respected in their home.

4. Principles

- The participant is the primary decision-maker about their home wherever possible.
- Rights apply in everyday property and tenancy practice, not only in written information.
- Communication is adapted to the participant rather than expecting the participant to adapt to the organisation.
- Reasonable adjustments are identified, considered, documented, implemented where approved and reviewed for effectiveness.
- Safety concerns are addressed through consultation, dignity of risk and the least restrictive lawful response.
- A participant may involve a representative, advocate, interpreter or trusted person with consent or lawful authority.
- No person is disadvantaged for asking questions, requesting an adjustment, asserting privacy or making a complaint.

5. Legal and human rights in everyday practice

Smart Way will recognise and promote each participant's rights to dignity, equality, non-discrimination, accessibility, safety, privacy, freedom from violence, abuse, neglect and exploitation, security of tenure, access to advocacy, cultural identity, personal relationships and participation in decisions affecting their home.

Participant rights and responsibilities will be explained before an agreement is entered into and revisited at commencement, review, when needs or circumstances change, and whenever the participant requests clarification. Workers and property representatives must act consistently with the NDIS Code of Conduct and the participant's recorded communication and privacy preferences.

6. Assessment and reasonable adjustments

Before a dwelling is offered or occupied, Smart Way will work with the participant and, with consent, relevant supporters or professionals to identify accessibility, communication, sensory, cultural, privacy,

safety, technology and environmental requirements. The outcome will be recorded in the Participant Needs, Accessibility and Privacy Assessment.

A request for a reasonable adjustment or dwelling modification may be made verbally, in writing or through a representative. Smart Way will document the request, assess urgency and risk, consult the participant, consider available evidence and identify options. Where required, building, design-category, landlord, tenancy, funding or regulatory approvals will be obtained before work begins.

The decision, reasons, timeframes and review arrangements will be communicated accessibly. Approved adjustments will be entered in the SDA Rights, Adjustments and Property Access Register and reviewed after implementation and when participant needs change. A refusal or alternative option will be explained, recorded and open to complaint or review.

7. Accessible communication and agreements

All communication about SDA, dwelling rights and responsibilities and any related agreement will use the language, format, communication method and terms the participant is most likely to understand. Adjustments may include plain language, Easy Read or visual information, large print, translated information, an interpreter, augmentative or alternative communication, demonstration, repetition, extra time or support from a chosen person.

The participant will be given adequate time to consider information, ask questions and obtain independent advice. Smart Way will check understanding respectfully and record how the agreement and rights were explained. A signature alone is not treated as evidence of understanding. A copy of any signed agreement and accessible information will be provided to the participant.

8. Autonomy, privacy, intimacy and sexual expression

An SDA dwelling is the participant's home. Smart Way respects each participant's private life, relationships, visitors, gender identity, sexual orientation, intimacy and lawful sexual expression. Disability, communication needs or support requirements will not be used to justify unnecessary interference, surveillance or blanket restrictions.

Workers, contractors and property representatives must knock, identify themselves, explain the purpose of entry and obtain permission before entering a participant's bedroom or private area, except where immediate entry is lawfully required to respond to an emergency. Inspections, maintenance and other non-emergency access will follow the applicable agreement and legal notice requirements.

Any limitation considered necessary to address a serious risk must be lawful, necessary, proportionate, least restrictive, documented, time-limited and reviewed. The participant will be consulted and supported to understand options. If a regulated restrictive practice may be involved, it must not be implemented outside the applicable behaviour support, authorisation and reporting requirements.

9. Visitors, private spaces and personal information

Participants may receive visitors and use private and shared areas in accordance with their agreement and the equal rights of other residents. Privacy preferences, preferred contact method, access arrangements and

any agreed safeguards will be recorded. Personal information will only be shared with consent, lawful authority or where required to prevent or respond to serious harm.

10. Advocacy, complaints and review

Participants may request an independent advocate, interpreter, legal or tenancy advice, or support from a chosen person. Complaints may be made in any accessible way without retaliation. Smart Way will record and respond to concerns through its complaints, incident, risk and continuous improvement systems.

11. Roles and responsibilities

Director and management:

- approve and resource this system;
- confirm registration and dwelling status before SDA is offered;
- approve or escalate modification decisions;
- monitor registers, complaints, incidents and participant feedback;
- ensure relevant workers and contractors are trained.

Coordinators/property representatives:

- provide accessible information and complete required assessments;
- record requests, decisions, consent, access and review actions;
- arrange lawful notice and protect privacy during access;
- escalate rights concerns immediately.

Workers and contractors:

- respect privacy, dignity, relationships and communication preferences;
- follow agreed property access and confidentiality requirements;
- report barriers, rights concerns, privacy breaches or unsafe conditions.

12. Records and evidence

- Participant Needs, Accessibility and Privacy Assessment;
- reasonable adjustment or modification requests, decisions, approvals and review records;
- agreement explanation and understanding checklist;
- accessible participant rights information and acknowledgement;
- property access, inspection and maintenance entry records;
- worker/contractor acknowledgements and training records;
- complaints, incidents, risks and continuous improvement actions where applicable.

13. Monitoring and review

Management will monitor implementation through participant feedback, file and register checks, complaints and incident reviews, property records, worker supervision and internal audit. This policy will be reviewed annually and earlier following a legislative or NDIS change, audit finding, serious incident, rights concern or identified failure of an adjustment.

14. Related Smart Way documents

- SWDC-PRO-SDA-001 SDA Rights and Responsibilities Procedure
- SWDC-POL-001 Person-Centred Supports Policy
- SWDC-POL-002 Individual Values and Beliefs Policy
- SWDC-POL-003 Privacy and Dignity Policy
- SWDC-POL-004 Independence and Informed Choice Policy
- SWDC-POL-005 Violence, Abuse, Neglect, Exploitation and Discrimination Policy
- SWDC-POL-007 Access to Supports Policy
- Complaints Management, Incident Management, Risk Management and Conflict of Interest policies and procedures
- Module 5 Part 1 forms, registers and accessible participant guide listed in SWDC-PRO-SDA-001

15. References

- NDIS Practice Standards – Supplementary Module 5: Specialist Disability Accommodation
- National Disability Insurance Scheme Act 2013 (Cth)
- National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018
- National Disability Insurance Scheme (Specialist Disability Accommodation Conditions) Rules 2018
- NDIS Code of Conduct
- Residential Tenancy Act 1997 (Tas)
- Disability Discrimination Act 1992 (Cth)
- Anti-Discrimination Act 1998 (Tas)
- Privacy Act 1988 (Cth) and Australian Privacy Principles
- United Nations Convention on the Rights of Persons with Disabilities

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