

## 314 SDA Tenants' Rights and Responsibilities Policy

### 1. Customer Statement

At Link Wentworth our customers and communities are at the centre of what we do. We are committed to:

- treating our customers with compassion and respect
- communicating clearly so that our customers can make informed decisions
- providing fair service by following the right process
- working openly with customers to find shared solutions
- following all relevant laws and regulations

### 2. Purpose

This policy explains the rights and responsibilities of tenants living in a Link Wentworth Specialist Disability Accommodation (SDA) property. It also explains the rights of potential SDA tenants to receive clear and accurate information about SDA living before they make an accommodation agreement with Link Wentworth.

Link Wentworth aims to meet all state and federal requirements for SDA housing including the National Disability Insurance Scheme (NDIS) Standards and Quality Indicator Requirements 2018 and the NDIS (Specialist Disability Accommodation) Rules 2018.

### 3. Scope

This policy applies to tenants of SDA properties managed by Link Wentworth. It also applies to all Link Wentworth employees and contractors.

This policy does not apply to Link Wentworth social, affordable, or transitional housing tenants.

### 4. Policy

People considering Link Wentworth-managed SDA accommodation have a right to receive clear and accurate information about the rights and responsibilities of SDA tenants before they commit to an SDA Accommodation Agreement. This is so they can make an informed decision about moving into Link Wentworth-managed SDA accommodation.

SDA tenants have a right to autonomy, privacy, intimacy, and sexual expression. They can expect Link Wentworth staff, support providers and other tenants to respect these rights. However, it should be noted that our accommodations will only house the same number of people as the number of bedrooms.

The SDA Accommodation Agreement is between Link Wentworth and the SDA tenant. A tenant's right to live in the SDA accommodation is separate from the supported independent living (SIL) provider who supplies SIL activities.

#### Before becoming an SDA tenant

Link Wentworth takes the following steps and actions to enable informed decision-making by potential SDA tenants, with support from their guardian or chosen support person.

We provide clear information about the rights and responsibilities of SDA tenants both orally and in writing before an SDA Accommodation Agreement is made. For example:

- following an initial enquiry about SDA accommodation, Link Wentworth provides a copy of its SDA Tenant Handbook and explains the SDA Accommodation Agreement.
- Link Wentworth prepares and provides the SDA Accommodation Agreement before the appointment to sign the Agreement. This means a potential tenant, a guardian or chosen support person can review the Agreement before the appointment.

We provide information about SDA tenant rights and responsibilities using language, mode of communication and terms that the participant is likely to understand.

We arrange assistance from a person not employed by Link Wentworth if a potential tenant needs support to understand the SDA Accommodation Agreement and but does not have access to a family member, guardian, or administrator. This person is responsible for assisting the potential tenant to understand the agreement in a communication mode they understand for example, sign language.

We provide a written copy of the SDA Accommodation Agreement to the SDA tenant, their guardian or person responsible after it is signed.

#### 4.1 Organisation requirements prior to participant commencing residency

We will provide:

- the participant with a copy of the Link Wentworth SDA Tenant Handbook before the SDA Accommodation Agreement is established and agreed
- an explanation of the SDA Accommodation Agreement (also known as residential agreement) in language, mode of communication and terms that the participant is likely to understand
- an explanation both orally and in writing, where reasonable
- a written copy of the SDA Accommodation Agreement to the participant, their guardian or administrator.

An SDA tenant can expect Link Wentworth to:

- treat them with dignity and respect, including respecting their right to privacy, intimacy and sexual expression
- not interfere with the participant's right to privacy
- maintain their accommodation so it is kept in good repair. This includes maintaining fixtures and fittings such as carpets, electrical sockets, built-in cupboards, and ceiling fans
- make reasonable adjustments or modifications to the SDA accommodation, including installing install fixtures required by a resident to assist with their use and enjoyment of the SDA accommodation
- take reasonable steps to ensure the security of the premises
- complete any repairs or renovations in a timely manner so that any inconvenience or disruption is minimised
- let them know in writing, of any legislative requirements regarding tenancy-related notices, e.g. increase in rent, right to access premises to undertake repairs
- provide information in a language, mode of communication and terms to suit the participant, for example, easy-read documentation.

## SDA tenant rights

It is an SDA resident's right to:

- be respected for their human worth and to be treated with dignity as an individual
- live free from abuse, neglect and exploitation
- realise their individual capacity for physical, social, emotional and intellectual development
- exercise choice and control over their own lives
- access information and communicate in ways appropriate to their communication and cultural needs
- choose support workers with values, skills and qualifications that meet their needs
- access services which support their quality of life
- select their own NDIS support providers
- have security of tenure that is not linked to NDIS supports
- seek a review of any tenancy-related notices.

## SDA tenant responsibilities

A tenant must:

- pay the rent on the due date, in line with their SDA Accommodation Agreement.
- look after their SDA accommodation so there are no fire, health, or safety hazards
- get written agreement from Link Wentworth before installing any fixtures
- tell Link Wentworth as soon as possible about any damage to their accommodation, including details of the type of damage
- contribute to the cost of repairing any damage to the accommodation that they intentionally cause.

An SDA tenant must not:

- use the premises for an illegal purpose
- take actions that put other tenants or staff in danger
- put other tenants or staff in danger by not doing something when they should
- cause serious disruption to the ability of other tenants to use and enjoy their accommodation
- intentionally damage any part of the accommodation
- install any fixtures in their accommodation without getting written agreement from Link Wentworth first.

## 5. Definitions

**Fittings** are free-standing items such as furniture, and easy-to-remove items such as curtains and blinds.

**Fixtures** are items that are fixed securely to the building such as built-in wardrobes, ceiling fans, shelving, kitchen units, TV mounts, plugs and sockets.

- NDIS Standards and Quality Indicators 2020
- NDIS (Specialist Disability Accommodation) Rules 2018
- United Nations Convention on the Rights of Persons with Disabilities
- *Disability Discrimination Act 1992*
- *Disability Services Act 1986*



## 6. Legislation and other relevant policies

- *Disability Discrimination Act, 1992* (Cth)
- *Disability Services Act, 1986* (Cth)
- NDIS Standards and Quality Indicators 2020
- NDIS (Specialist Disability Accommodation) Rules 2018
- United Nations Convention on the Rights of Persons with Disabilities

## 7. Complaints and appeals

An SDA tenant or applicant who is not happy with a decision we make or who believes that we have not followed this policy can complain or appeal using the complaints and appeals policies that are available on the Link Wentworth website [www.linkwentworth.org.au](http://www.linkwentworth.org.au) or by phoning Link Wentworth on 9412 5111.

## 8. References

- Link Wentworth SDA Tenant Handbook
- Specialist Disability Accommodation Agreement
- SDA Vacancy Policy

## 9. Privacy and Confidentiality

Link Wentworth has obligations and responsibilities under its Privacy Policy. Please refer to the policy for further information.

## Approval, Policy Owner and Review Frequency

Policy type:	Management Level
Executive Leadership team owner:	Chief Customer Officer
Business owner:	Manager, Partnerships and Disability Supports
Ultimate Approval body:	Chief Customer Officer
Review Frequency:	Every two years or more frequently if circumstances warrant

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Approved by – **Chief Customer Officer**