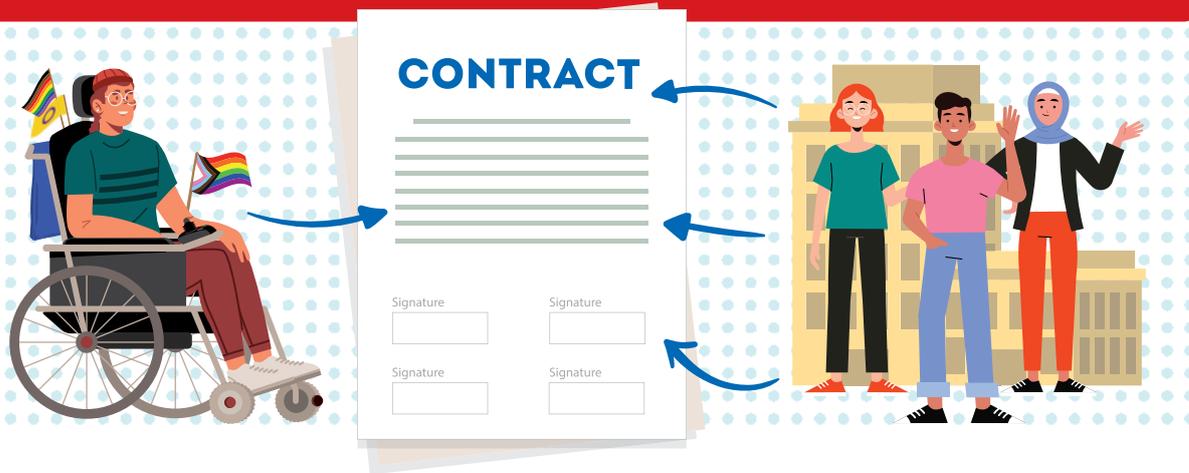


LGBTIQA+ clauses for your contracts



NDIS Registered Service Providers need to create a Service Agreement when they provide supports to an NDIS participant.

A Service Agreement is a contract that outlines how the provider will meet the support needs of the participant. Service Agreements need to include:

- ✦ The name of the participant and the name of the provider
- ✦ The dates of service
- ✦ Relevant details from the participant's NDIS plan. These can include the plan goal that is connected to the support being provided, as well as the line items, frequency of support, and the duration of service.
- ✦ Key contact details
- ✦ Consent details, including consent agreements.
- ✦ Any specific requirements outlined by the provider and/or the participant

Service Agreements are important tools that allow participants to feel confident that they will receive the supports they have paid for. NDIS registered providers cannot sign a Service Agreement if they know that they do not have the capacity to meet the needs of the participant. This is an important protection for NDIS participants and is part of Australian Consumer Law and the NDIS Practice Standards.

! This means that a service provider that knows that you are LGBTIQA+, and then signs a contract with you, **must** be able to provide you with supports that are LGBTIQA+ inclusive, and can embrace, affirm and navigate your experiences as an LGBTIQA+ person with a disability.

There are many ways to create a service agreement:

- ✦ Some organisations create their own service agreements from scratch.
- ✦ Some providers use online templates from the NDIA, from consultants, or from other providers.
- ✦ Some providers start with a basic template then create a personalised template according to the wishes of the participant.

Thorne Harbour Health and Inclusion Designlab have worked with a team of LGBTIQA+ people with disability to develop text that you can ask NDIS registered providers to add to any Service Agreements that they create with you. This text can be modified and included as part of the service provider's responsibilities in your service agreement.

! You do not need to tell your NDIS registered provider that you are LGBTIQA+ if you don't want to.

! Service Providers are required to let you make changes to the service agreements they create with you.

Clause about support:

[The Support Coordinator/Support Professional/Therapist/Organisation/NDIS provider] is responsible for guaranteeing it/he/she/they has/have the appropriate training, knowledge, experience, human resources capability, and safeguards in place to adequately support your LGBTIQ+ support needs, particularly where this is required to achieve your NDIS plan goals. It is a requirement of the NDIS Act 2013 and NDIS Practice Standards (specifically Standards 6, 7, 8, 9, 17, 19, 20, 21, 22, 24, 68) that [name of the NDIS registered provider] must work with you towards reaching your goals in a way that respects your body, values, lifestyle, sexual orientation, gender identity, and how you prioritise each part of your identity.

If you and [The Support Coordinator/ Support Professional/ Therapist/ Organisation/ NDIS registered provider] want to change this agreement, each party must make any changes they have talked about and agreed to in writing. The written changes should be dated and signed by you and [name of the NDIS registered provider].

Clause about discrimination:

[The Support Coordinator/Support Professional/Therapist/Organisation/NDIS provider] is responsible for ensuring that you do not experience discrimination based on your sexual orientation, gender identity, or sex characteristics when you are receiving services. [The Support Coordinator/Support Professional/Therapist/Organisation/NDIS provider] will investigate any claims of discrimination and will engage an advocacy organisation with LGBTIQ+ expertise to ensure the investigation takes place in a transparent and robust way.





Hiring great support workers

There are many ways to hire disability support workers! NDIS funds can be used to hire support workers through support organisations, however you can also hire support workers directly through websites like Mable, Hireup, Careseekers, and Find A Carer. These websites remove the middle-person between you and your support workers, and can give you more choice over who you choose to let into your home.

If you decide to hire your own support workers, it can help to hire two or three regular people in case your main support worker goes on a holiday or is sick.

When you hire staff this way, you don't need to develop a contract. However, you can choose to provide them with a pre-service agreement (a nonbinding contract), or a support plan that includes some information about yourself like your pronouns and helpful LGBTIQ+ resources. You can write about what you want them to do and what you don't want them to do. You can include things that are off-limits, such as questions they should not ask or belongings they should not touch, and advice about how they can best support you.

Thorne Harbour Health and Inclusion Designlab have worked with a team of LGBTIQ+ people with disability to develop text that you can add to any pre-service agreements or contracts that you sign with disability support workers. This text can be modified and included in agreements. You could even use some of the text in ads that you put up on hiring websites.

! You can ask someone to help you write a pre-service agreement if you are not able to do it by yourself.

Part 1: Use this text to start your pre-service agreement or support plan

- ▶ My pronouns are: (she/her), (he/him), (they/them), (zey/zir)
- ▶ I am a proud (gay/lesbian/bi/trans/gender diverse/intersex/ace/aro/queer person) with disability/disabilities. I am also (faith/cultural background).
- ▶ If you don't know much about the LGBTIQ+ community, here are some places to start:
 - Australian Human Rights Commission: humanrights.gov.au/sites/default/files/content/letstalkaboutrights/downloads/HRA_GLBTI.pdf
 - LGBTIQ+ Health Australia: www.lgbtihealth.org.au/lgbti_people_and_communities

It's important that we are both comfortable moving forward with our working arrangement. To help with that process, please keep in mind the following:

- ▶ When I purchase supports from organisations or individuals, my rights are protected according to:
 - Australian Consumer Law
 - Sex Discrimination Act (Commonwealth)
 - Disability Discrimination Act (Commonwealth)
 - Equal Opportunity and Anti-Discrimination laws in each state and territory
 - National Disability Insurance Scheme (NDIS) Practice Standards
- ▶ There are some things I am happy to talk about, but I have to spend a lot of my time explaining my identity and it can get exhausting and upsetting. When I'm at home or when I am having a hard or high pain day, I might not want to talk about some things and will get upset if they come up. To try and avoid these uncomfortable moments, here are some of the things that I do not want to discuss (unless I bring it up myself):
 - My disability
 - Treatments and therapies
 - My personal journey with sexuality and gender
 - General information about disability, sexuality and gender
- ▶ I am LGBTIQ+ and I have a disability, however these do not define me or describe every part of me. There are so many other things that are important to me, however it is really difficult for me to thrive as a person if my access needs and LGBTIQ+ identity are not respected.

Part 2: Choose as many of the following statements as you like. You can also add some of your own. These will be different for every person based on needs and preferences.

Here are some other things that will make our working relationship work well:

- ▶ Please use an encouraging tone when communicating with me. Even though it is a professional relationship, I want to feel that our communication is mutual and respectful.
- ▶ If I correct you or ask you to do something differently, please don't get defensive.
- ▶ Please don't make generalisations about my disability, sexual orientation, gender, or body.
- ▶ Please don't make comments comparing your experiences, or the experiences of your friends and family, to my own experiences of disability, being queer, or mental health.
- ▶ Please don't suggest cures, treatments or new therapies to me when we talk about my disability. Eg. "Have you tried...?"
- ▶ Recognise that my capacity can change day to day, hour to hour
- ▶ Please don't talk about my disability, sexual orientation, gender or body to other people – either while you are with me or when you are not with me. This information is mine to share. In many situations, it is not relevant either.
- ▶ If you meet a member of my family, a friend, a loved one, someone from my community, a person from my support network, or a health professional who works with me, please make sure that you listen to my thoughts and opinions about myself. Other people's advice can be helpful, however your professional relationship is with me. If you feel you are receiving conflicting instructions from people around me, please follow my directions first.
- ▶ I come from a [insert name of cultural background], [insert name of language]-speaking background.
Please [ask/don't ask] to have a conversation with me about how disability is viewed in my culture.
- ▶ Please do not ask about my mobility aid. It doesn't matter why I need it. It just matters that I do.
- ▶ I live in supported accommodation:
 - > [All of/Some of/None of] the people I live with know that I am LGBTIQ+.
 - > Please support me to express my LGBTIQ+ identity in my home.
- ▶ No perfume or strong scents please, I have sensory sensitivities.
- ▶ Please don't tell me about other [autistic/trans/queer/intersex] people you know if I haven't asked. It's reductive.
- ▶ I may not want to talk about my disabilities/gender/sexuality with you. If you are curious, there are great resources online.
- ▶ Be professional when working with me. Social conversation can distract me from completing my day to day activities at times.
- ▶ I can also be blunt at times and I am very literal in meanings. I am not trying to be rude, and I do not want to hurt your feelings.
- ▶ Please use clear language. I don't understand sarcasm well.
- ▶ Please be aware that I have some emotional sensitivities. If I get affected by something you say, please use clear communication and ask me what I need. I may need space, or I may need a chat.



- ▶ My memory is quite bad, so reminding me consistently each week to complete tasks or activities is helpful to promote a good routine. Please write things down to help me remember i.e. steps to completing tasks, reminders.
- ▶ I am very self-aware. I know what I usually need, so please ask.
- ▶ My pain and fatigue levels can change. Therefore, it may be difficult for me to complete usual tasks depending on each day.
- ▶ Please don't comment on my capacity as each day can be different and I need your assistance to support my weekly routine.
- ▶ Encourage me to continue with my activities and programs as recommended by my therapists. Please do not give me your personal opinions on my care needs, unless I ask.
- ▶ I can get tired with long conversations, so please try to keep instructions simple and brief.
- ▶ When you're here to support me please don't take personal calls or perform personal tasks.

If you have questions about these clauses, you can learn more by contacting:

Thorne Harbour Health's NDIS Services team at
1800 134 840

OR

Inclusion Designlab at
projects@inclusiondesignlab.org.au



thorneharbour
health*

Address: 200 Hoddle Street Abbotsford VIC 3067

Toll Free Phone : 1800 134 840 Email: enquiries@thorneharbour.org

Web: www.thorneharbour.org  www.facebook.com/thorneharbour  www.twitter.com/ThorneHarbour

 www.instagram.com/thorneharbour  www.youtube.com/c/ThorneHarbourHealth

inclusiondesignlab 

67 Sutherland Road Armadale VIC 3143

PO Box 8093 Armadale VIC 3143

T. 03 9509 4266 E. projects@inclusiondesignlab.org.au W. inclusiondesignlab.org.au

 Inclusion Melbourne Inc.  InclusionMelb