

## What is the Purpose?

The purpose of this policy is to guide staff in supporting customers with sexual activity. The policy outlines staff and customer rights and responsibilities when implementing this policy.

## Who needs to know about this Policy?

- All Northcott staff
- All Northcott customers

## What is Northcott's policy?

- ✓ Positive relationships and sexuality are important to our physical and emotional wellbeing and give meaning to our lives.
- ✓ We all have the right to:
  - Make our own choices
  - Learn about our body, sex and relationships
  - Enjoy sexual relationships
  - Be free from abuse
- ✓ Many people with disability do not need support in creating positive relationships and exploring their sexuality. However, some people with disability may need assistance.
- ✓ We respect everyone's right to make their own choices and their right for privacy.
- ✓ We understand that people have their own values and attitudes. Sometimes people don't share the same values as the people they support. That's OK. However, we must respect the values and attitudes of the people we work with and respect their decisions and actions. Talk to your manager if you are unsure or worried that your values and beliefs may impact on your service delivery.

## What's Northcott's Policy about Supporting Customers with Sexual activity?

- ✓ We will support sexual activity of Northcott customers if:
  - The person/s is over 16 (NSW Crimes Act 1900 – Section 66C) – unless assessed as not having the capacity to consent (NSW Crimes Act 1900 – Section 61HE) or if one of the person's holds a supervisory role under care.

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## Supporting Customers with Sexual Activity Policy and Procedure

- To have capacity to consent the person needs to understand the nature of a sexual act, understand the difference between sexual touch and non-sexual touch.
  - If there is uncertainty about the person's capacity to consent to sexual activity, contact Northcott's Sexuality and Relationship Education Service or the Safeguarding and Response Team. *It is not the role of an individual staff member to decide if a person has capacity to consent.*
  - In NSW, it is an offence for a "person responsible for care" (staff member) to sexually engage a customer with cognitive impairment under his or her care (NSW Crimes Act 1900 – Section 66F). Northcott's [Code of Conduct](#) requires staff to maintain a professional relationship with all customers.
- ✓ All people involved, consent to the sexual act without fear, force or intimidation.
  - ✓ All people involved, have been offered sexual health information, for example advice on contraception and safe sex.
  - ✓ The level of support has been agreed and a private and safe space for the sexual act has been agreed. Note: Staff should never be in the same room or waiting at the door while the sexual activity is in progress (they should be in a completely separate room).
  - ✓ A minimum of two staff must work together for this process to ensure staff and person/s safety. This does not apply for masturbation, one staff member can set up or give the person/s the sex aids or toys they require to independently masturbate.
  - ✓ Communication arrangements have been discussed for when the person/s are finished and needs assistance. Suggestions include a buzzer, phone nearby to enable them to call.
    - See 'Appendix A – Supporting customers prepare for sexual activity'.

### What are the Procedures?

- Knowing what to say and how to best support a customer with sexual activity can be difficult at times. For a guide to supporting a customer with sexual activity please see:
  - [Appendix B – Staff guide for supporting a customer to see a sex worker](#)
  - [Appendix C – Staff guide for supporting a customer to engage in sexual activities with a partner](#)
  - [Appendix D – Staff guide for supporting a customer with sexual acts performed alone](#)

### What will Northcott do to help staff better understand sexuality?

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- We will provide opportunities for staff to attend positive relationship and sexuality training as required.
- We will provide information for staff on services available in the community and resources that are able to provide assistance e.g. Family Planning, Community Health Programs.
- We will make sure staff have access to education and resources for people that need help with creating and maintaining relationships.
- We will help staff to be clear about complex issues regarding sexuality and where to get help from.

### Where can I get help?

- If you feel uncomfortable about discussing sexuality and feel like it will stop you from offering support to a customer please contact your manager, Northcott's Coordinator Sexuality and Relationship Education or the Safeguarding and Response Team. Other resources include:
  - **Touching Base Inc.** [www.touchingbase.org](http://www.touchingbase.org)  
Touching Base Inc. is committed to providing high quality services to people with disabilities, sex workers and other community stakeholders. Touching Base Inc can provide information for people with disability or their carers on how to access the sex industry.
  - **Family Planning NSW** [www.fpnsw.org.au](http://www.fpnsw.org.au)  
Family Planning NSW is the state's leading provider of reproductive and sexual health services.
  - **People with Disability Australia Inc.** [www.pwd.com.au](http://www.pwd.com.au)  
People with Disability Australia Inc. are a state peak disability rights and advocacy organisation.

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## What other Northcott documents are related?

You may need to refer to these documents for more information:

- Sexuality and Relationship Policy – User Friendly Version
- Supporting customers prepare for sexual activity
- Staff guide for supporting a customer to see a sex worker
- Staff guide for supporting a customer to engage in sexual activities with a partner
- Staff guide for supporting a customer with sexual acts performed alone
- Valued Status Policy
- Privacy Policy
- Duty of Care and Dignity of Risk Policy and Procedure
- Responding to an Allegation of Adult Abuse and Neglect Policy and Procedure
- Children at Risk of Harm Policy and Procedure

Who is responsible?	What are they Responsible for?
<b>Chief Executive</b>	<ul style="list-style-type: none"> <li>• Final review and approval of this policy and procedure</li> </ul>
<b>Level 2 Manager</b>	<ul style="list-style-type: none"> <li>• Maintain this policy, its related procedures and documents.</li> </ul>
<b>Level 3 and 4 Manager</b>	<ul style="list-style-type: none"> <li>• Ensure the policy and procedure is effectively implemented in their services.</li> <li>• Ensure staff follow the policy and procedure.</li> </ul>
<b>Supervisor</b>	<ul style="list-style-type: none"> <li>• Ensure staff have read and understand the policy and procedure, and have sufficient skills, knowledge and ability to meet the requirements.</li> </ul>
<b>Sexuality and Relationships Education Coordinator</b>	<ul style="list-style-type: none"> <li>• Ensure staff have access to education and resources.</li> <li>• Support staff to access information and for consultation.</li> <li>• Ensure this policy and procedure is up to date.</li> <li>• Set up and management of document control system.</li> </ul>
<b>All Employees</b>	<ul style="list-style-type: none"> <li>• Follow the requirements of the policy and procedure.</li> </ul>

## Definitions, Legislation & Standards Compliance

### Definitions:

- For other definitions, please refer to Northcott Policy Dictionary.

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**Legislation:**

- This policy and procedure was developed in accordance with the National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018.
- This Policy and Procedure refers to the NSW Crimes Act 1900 (Sections 61HE, 66C and 66F).
- For other Legislation and Standards Compliance, refer to the Service Management Policy.



**Authorised by:** .....

**Kerry Stubbs, Chief Executive Officer**

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