



# familybasedcare Tasmania

## POLICY – NDIS AND ENGAGEMENT OF SEX WORKERS

ID No: FBC-18-742

Version: 1.0

- Applies to:
- Applicable Standards:
- All Staff
  - NDIS Quality and Safeguarding Framework
  - United Nations Conventions on the Rights of Persons with Disabilities
  - Personal Relationships and Sexuality Policy, Disability and Community Services, Tasmanian Government
  - National Safety and Quality Health Service Standards and Tasmania Accreditation Framework
- Applicable Legislation:
- *Sex Industry Offences Act 2005*
  - *Personal Information Protection Act 2004*
  - *Tasmanian Disability Services Act 2011*

### Policy Statement

Every adult, with a disability or not, has a right to seek consensual sexual expression. People with disability have a right to a sexual life, just like everyone else.

At Family Based Care Tasmania we believe it is entirely natural and reasonable for a person with a disability to want to have consensual intimate relationships as an ordinary part of exploring their physical, social, and emotional needs for sexual intimacy and sexual expression. The majority of people with a disability do not need support to create, initiate, and maintain rewarding relationships. However, some people with a disability have encountered obstacles in their attempts to develop relationships, explore and express their sexuality, and access sexual health information and services.

This policy has been formulated to assist Coordinators and Direct Care Workers to develop a sensitive and consistent approach to the support of people with disability in the areas of personal relationships and sexuality. It is designed to provide accessible, relevant information for staff who are directly involved with supporting people with a disability, and will assist Coordinators and Direct Care Workers to explore and enhance opportunities for people with a disability in the areas of sexuality and personal relationships while exercising their duty of care to avoid harm. The policy focuses on ensuring the person with a disability is as fully informed as possible before making or being assisted to make their choice/s.

### Definitions

*Personal Relationships* - Personal relationships cover the spectrum of relationships from casual acquaintances to colleagues, friends, family, and partners. These personal relationships develop and change over a lifespan. They can provide support, love, joy, intimacy, sex, and opportunities for giving and receiving. They can enhance our self-esteem and give us a sense of belonging. They are fundamental to our sense of wellbeing.

*Sexuality* - Sexuality refers to our desires, practices, and identity. It has psychological, biological, and social aspects and involves values and attitudes. Sexuality develops throughout childhood and adolescence. Our sexuality is a key feature of our identity and so it affects the way we present ourselves in the world. The way each individual understands and interprets their sexuality varies enormously and often changes over time.

*Dignity of Risk* - provides balance between over protecting and under protecting a client by enabling the client to make a decision which involves making a change. This decision may have a risk or questionable consequences for the client.

### NDIS Funding

The NDIS will only fund services and supports that are 'reasonable and necessary'. For some people with disability, this is the only way they have experienced a sexual life, while others utilise sexual services to learn more about themselves, their bodies, and increase their social skills before finding a sexual partner in the community. The decision to fund these services is up to the participant in consultation with the NDIS. Family Based Care Tasmania's role is to facilitate access to safe sexual services when requested.

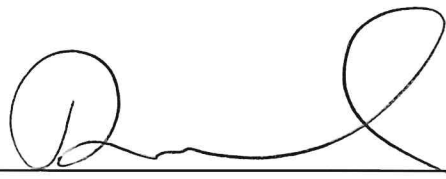
### Access to a Sex Worker

- Staff should consider access to a sex worker as one of the number of options when supporting people with disability to make decisions about their sexual needs.
- Management must ensure that staff who provide physical assistance to enable people with disability to access the services of a sex worker are aware that they are not in any breach of law in Tasmania.
- All staff are to only deal with a self-employed sex worker (ie a sex worker who with not more than one other person owns and operates a sexual services business).
- The *Sex Industry Offences Act 2005* Tasmania must be complied with to gain a clear understanding of what sorts of sexual services can be legally provided in Tasmania.
- Staff must refer all requests for the services of a sex worker to their supervisor in a respectful manner.
- Following consultation by the staff member with their supervisor, the staff member has the option to decline any involvement in supporting the person's request. In this case the supervisor must refer the matter to another staff member.

### What Kind Of Sex Work Services Should Be Funded?

Family Based Care Tasmania believes that will be up to the individual person with a disability depending on their goals, their preferences, and their needs. The person with disability must be able to give informed consent and be of legal age.

Authorised by:

  
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President of the Board

Date:

29/6/22