

Service User Policy

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1. Background

SWOP NSW provides support, information, referrals, and services to current and former sex workers across NSW. The safety, dignity, rights, and confidentiality of service users are central to our work.

This policy brings together and replaces SWOP NSW's previous standalone policies on Complaints Management, Confidentiality, Privacy, Service User Rights and Responsibilities, and Service User Feedback. It outlines the rights and responsibilities of service users, how we manage personal information, and how service users can provide feedback or raise concerns.

2. Purpose

This policy aims to ensure that:

- Service users are aware of their rights and responsibilities.
- SWOP NSW staff and volunteers deliver services that are respectful, confidential, and responsive to feedback.
- Personal and sensitive information is handled lawfully, ethically, and securely.
- Feedback and complaints are managed fairly and transparently.

3. Scope

This policy applies to all SWOP staff, volunteers, and contractors, and to any person accessing SWOP services or programs ("service users").

4. Principles

SWOP NSW services are underpinned by the following principles:

- **Peer-informed:** All staff have lived or living experience of sex work, and services are designed and delivered with direct input from the community.
- **Trauma-informed:** Services are delivered in ways that promote safety and choice.
- **Culturally safe:** We affirm the identities, values, and needs of all sex workers.
- **Confidential:** Privacy and discretion are paramount.
- **Accessible:** Services are available regardless of visa status, documentation, or working arrangements.

5. Definitions

Term/Acronym	Definition
Anonymity	The state of interacting with SWOP NSW without revealing one's identity. Wherever lawful and practicable, SWOP provides services anonymously or under a pseudonym.
Client	A term used internally for service users engaged in ongoing counselling or case management. Not all service users are considered clients.
Complaint	An expression of dissatisfaction about a SWOP NSW service, staff member, volunteer, decision or action, requiring a response or resolution.
Confidentiality	The obligation to protect private or sensitive information from unauthorised disclosure. At SWOP NSW, this applies to information about service users, staff, volunteers, and organisational operations.
Duty of Care	A legal and ethical obligation to take reasonable steps to prevent foreseeable harm to a person. At SWOP, this may override confidentiality in specific situations involving serious threats to life, health, or safety.
Feedback	Any comment, suggestion, compliment, or concern provided by a service user about their experience of SWOP NSW's services.
Mandatory Reporting	A legal requirement under the <i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW) for certain professionals and service providers to report to the NSW Department of Communities and Justice (DCJ) if they have reasonable grounds to suspect that a child (under 16) is at risk of significant harm. While SWOP NSW is a peer-led organisation, all staff must be aware of these obligations. Reports will only be made by, or in consultation with, the CEO or their delegate to ensure compliance and accuracy.
Peer-informed	A service approach that centres the lived or living experience and expertise of sex workers. At SWOP NSW, all staff have lived or living experience of sex work, and services are designed and delivered with direct input from the community.
Personal Information	Information or opinion about an identified individual (or reasonably identifiable individual), such as name, contact details, or demographic data.
Sensitive Information	A subset of personal information including racial or ethnic origin, sexual practices, gender identity, political

	opinions, health information, criminal history, or religious beliefs.
Service User	Any person who accesses SWOP NSW services, programs, resources, information or referrals. This includes current and former sex workers, people intending to enter the sex industry, and in some cases, others affected by sex work (e.g. partners, family members, receptionists, venue staff).
Staff	Paid employees of SWOP NSW, whether full-time, part-time, or casual.
Trauma-Informed	A service delivery approach that recognises the prevalence and impact of trauma, prioritising physical, emotional, and cultural safety, and supporting client control and empowerment.
Volunteer	A person who provides services to SWOP NSW without financial compensation. This includes members of the Executive Committee.

6. Service User Rights

Service users have the right to:

- Access any SWOP services for which they are eligible.
- Feel safe and be treated with dignity and respect.
- Choose to use services anonymously or with a pseudonym, where lawful and practicable.
- Have their personal and sensitive information kept confidential.
- Know what information is collected and how it will be used.
- Request access to or correction of their personal information.
- Provide feedback or make a complaint without fear of retribution.
- Be supported by an advocate or support person during complaint processes.

7. Service User Responsibilities

Service users are expected to:

- Treat staff, volunteers, and other service users with respect.
- Respect the privacy and confidentiality of others.
- Refrain from violence, threats, or illegal activity while accessing SWOP NSW services.
- Provide relevant information when seeking support, while noting the right to withhold.

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- Attend scheduled appointments or notify SWOP NSW of changes.
 - Accept the outcomes of personal decisions made in relation to care or service use.

SWOP NSW reserves the right to delay, limit, or refuse service in cases where there is a risk to staff, volunteers, or other service users, or where access is not feasible due to resource or legal constraints.

8. Privacy and Confidentiality

SWOP NSW complies with the *Privacy Act 1988 (Cth)*, *Privacy Amendment (Enhancing Privacy Protection) Act 2012*, and *NSW Health Records and Information Privacy Act 2002 (HRIP Act)*.

We collect only information relevant to service delivery. Personal and sensitive information is:

- Collected directly from the service user where practicable.
- Stored securely in password-protected systems.
- Accessed only by authorised staff.
- Not used for unrelated purposes such as marketing.
- Destroyed or de-identified when no longer required.

Limits to confidentiality:

SWOP NSW may disclose personal information without consent if:

- Required by law (e.g. subpoena or court order).
- There is a serious threat to someone's life, health or safety.
- A child or young person is at risk of significant harm.
- Disclosure is required to prevent a serious crime.

Data Breach Response Procedure:

If personal or sensitive information is lost, accessed, or disclosed in an unauthorised way, SWOP NSW will:

- **Contain** – Take immediate steps to secure systems or records and prevent further access.
- **Assess** – The CEO (or delegate) will assess the scope of the breach, the risks to service users, and whether the breach is notifiable.
- **Notify** – Where required, affected service users and the Office of the Australian Information Commissioner (OAIC) will be notified in line with

the Notifiable Data Breaches scheme. Service users will be informed of steps they can take to protect themselves.

- **Review** – SWOP will review what occurred, identify lessons, and strengthen processes to prevent recurrence.

All staff must immediately report any suspected or actual data breach (e.g. lost devices, misdirected emails, unauthorised system access) to the CEO.

9. Mandatory Reporting Obligations

In NSW, certain individuals and organisations are required by law to report to the Department of Communities and Justice (DCJ) if they have reasonable grounds to suspect that a child (under 16) is at risk of significant harm.

At SWOP NSW:

- All staff must immediately inform the CEO (or their delegate) if they become aware of information that may trigger a mandatory report.
- The CEO (or delegate) is responsible for assessing the information and, where necessary, making the report to DCJ.
- Reports must be made as soon as possible and documented in accordance with SWOP NSW's confidentiality and recordkeeping procedures.

The legal threshold for “risk of significant harm” includes, but is not limited to:

- Physical abuse or ill-treatment
- Sexual abuse
- Serious psychological harm
- Exposure to domestic violence
- Neglect (e.g. failure to provide food, shelter, medical care, or supervision)

Mandatory reporting obligations apply even where the service user has requested confidentiality. Staff should, wherever possible, explain the limits of confidentiality before collecting or receiving sensitive information.

10. Feedback and Complaints

SWOP NSW values all feedback and encourages service users to share their views. Feedback can be submitted:

- Verbally to a staff member.
- Via the online feedback form or email.

- Through service evaluations or surveys.

Complaints:

Complaints can be made verbally or in writing, anonymously or with contact details. They will be:

- Acknowledged promptly.
- Investigated fairly and confidentially.
- Responded to within a reasonable timeframe.
- Managed in line with principles of procedural fairness.

If a complaint is about the CEO, it should be directed to the President of the Board.

11. Policy Review

This policy will be reviewed every two years, or sooner if required due to legislative, operational, or organisational change.

12. Related Documents

- Privacy Policy (superseded)
- Confidentiality Policy (superseded)
- Complaints Management Policy (superseded)
- Service User Feedback Policy (superseded)
- Service User Rights and Responsibilities (superseded)
- Code of Conduct
- Diversity Policy
- Strategic Plan
- SWOP Constitution

13. Version Control

Date:	Reason for Change:	Change Description:	Author:	Issue No:
29/07/2025	Consolidation and modernisation of service user-related policies	First issue of new consolidated Service User Policy. Supersedes and replaces: Complaints	Kerrie Jordan, CEO	1.0

		Management Policy 1.0, Confidentiality Policy 1.0, Privacy Policy 1.0, Service User Rights and Responsibilities 1.0, and Service User Feedback Policy 1.0. Redrafted for plain language, compliance with ACNC and AICD standards, and alignment with the Privacy Act and HRIP Act.		
11/08/2025	Inclusion of mandatory reporting definition and obligations – feedback from staff.	Added definition of mandatory reporting and new section outlining SWOP NSW's obligations under NSW law, including processes for staff and CEO.	Kerrie Jordan, CEO	1.1
10/09/2025	Strengthening privacy framework	Added Data Breach Response Procedure to Privacy and Confidentiality section to align with Notifiable Data Breaches scheme and strengthen client data protections.	Kerrie Jordan, CEO	1.2