



Annex 1 (PSP)

**Key Elements to Include in the Personal
Support Plan (PSP) to Guarantee
Freedom and Autonomy under the
UNCRPD**

By Doninu (Malta) International

Revised Version of the Personal Support Plan (PSP) Agreement

Aligned with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)

This document represents the updated and comprehensive version of the Personal Support Plan (PSP) Agreement, meticulously designed to fully comply with the principles and obligations established under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). The revision reflects a commitment to embedding the highest international human rights standards into the framework guiding residential and support services for persons with disabilities.

The revised PSP Agreement seeks to ensure that all persons with disabilities receive care and support that prioritizes their autonomy, dignity, freedom, and active participation in society. It reinforces the fundamental rights enshrined in the UNCRPD—particularly the right to live independently and be included in the community (Article 19), the right to equality and non-discrimination (Article 5), and the right to full participation and inclusion in society (Article 3).

This Agreement serves as a legally binding framework between the Ministry, service providers, and persons with disabilities (and/or their representatives), establishing clear roles, responsibilities, and safeguards. It emphasizes person-centred planning, active participation, transparent decision-making, and mechanisms for feedback, complaint, and appeal. It also incorporates provisions for independent monitoring, quality assurance, and continual improvement, ensuring that support services evolve to meet the changing needs and aspirations of each individual.

By aligning the PSP Agreement with the UNCRPD, this document not only advances Malta's commitment to disability rights but also sets a benchmark for best practices in inclusive residential and community-based support services, promoting equality, respect, and empowerment for all persons with disabilities.

Preamble and Introduction

This Revised Personal Support Plan (PSP) Agreement is developed to provide a robust, transparent, and legally sound framework governing residential and support services for persons with disabilities in Malta. The purpose of this Agreement is to fully align service provision with the fundamental rights, freedoms, and principles enshrined in the **United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)**, ratified by Malta in 2012, and relevant domestic legislation.

The UNCRPD represents the global benchmark for disability rights, emphasizing the **inherent dignity, individual autonomy including the freedom to make one's own choices, and full inclusion and participation in society** of persons with disabilities. This Agreement embraces these principles as core to all service planning, delivery, and evaluation.

The overarching objective of this Agreement is to ensure that every person with a disability living in residential or community settings:

- Is treated with **respect, dignity, and equality** as a full citizen;
- Retains **full control over decisions** affecting their lives, supported where necessary by appropriate and accessible assistance;
- Experiences **maximum freedom of choice and autonomy** in daily living, including personal care, relationships, and community involvement;
- Has access to **effective mechanisms** for participation, feedback, complaint, and appeal, free from discrimination or coercion;
- Benefits from **transparent and independent monitoring** that ensures quality, safety, and responsiveness of services;
- Is supported in **living independently or in the most integrated community settings possible**, in line with Article 19 of the UNCRPD;
- Receives services that recognize and respect their **individual culture, language, and identity**, enabling full social and civic participation.

This Agreement establishes clear roles and responsibilities for all parties involved — including the Ministry responsible for disability services, service providers (both public and private, including NGOs), and the service users themselves or their legal representatives. It requires active collaboration and co-production of Personal Support Plans to ensure they reflect the unique needs, preferences, and aspirations of each individual.

Additionally, this Agreement codifies the right of service users to **inclusive participation in all aspects of their support**, from initial assessment and planning

through to review and ongoing adjustment. It mandates accessible communication, culturally sensitive approaches, and safeguards against any form of abuse, neglect, or discrimination.

Aligned with the UNCRPD's general obligations (Article 4) and monitoring framework (Article 33), this Agreement also commits to the establishment of independent oversight mechanisms, public reporting, and continuous quality improvement, thereby fostering a culture of accountability and transparency.

By implementing this Revised PSP Agreement, Malta reaffirms its dedication to becoming a **model jurisdiction in Europe for disability-inclusive residential and community living**, advancing the human rights and well-being of all persons with disabilities.

Preamble

This agreement establishes a comprehensive and rights-based framework for the planning, provision, and monitoring of residential and support services for persons with disabilities. It is grounded in the fundamental principles of **human dignity, autonomy, equality, and full inclusion** as enshrined in the **United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)**, to which Malta is a State Party.

Recognising that persons with disabilities have the same rights as all other members of society to live independently, participate fully in community life, and exercise control over decisions affecting their lives, this agreement is designed to safeguard these rights within the context of **residential or supported living environments**, including but not limited to homes operated by public authorities, non-governmental organisations (NGOs), and private service providers.

This agreement shall serve as a **binding operational standard** between the **Ministry responsible for Inclusion and Social Wellbeing (MIV)**, the **designated service provider or NGO**, and the **individual service user**, promoting accountability, mutual respect, and person-centred care.

Objectives

The overarching objectives of this agreement are as follows:

1.1 Alignment with International and National Law

- To ensure that all planning, delivery, and review processes related to the Personal Support Plan (PSP) fully comply with:
 - The **UN Convention on the Rights of Persons with Disabilities (UNCRPD)**.
 - The **Equal Opportunities (Persons with Disability) Act** (Cap. 413 of the Laws of Malta).
 - The **Care Standards for Supported Accommodation** as issued by Maltese authorities (e.g., the Social Care Standards Authority - SCSA).
 - Other relevant European and national legislation concerning human rights, social inclusion, and safeguarding.

1.2 Promotion of Human Rights and Freedoms

- To uphold the inherent dignity, individual autonomy (including the freedom to make one's own choices), and independence of all persons with disabilities, without discrimination on the basis of impairment or support needs.

1.3 Individualised and Person-Centred Planning

- To place the **individual at the centre** of all service planning, ensuring that supports are tailored to the person's preferences, aspirations, cultural background, and evolving needs.
- To ensure that each resident's PSP is **co-developed with their active participation**, and that of their family or legal representative where relevant.

1.4 Full Inclusion and Community Participation

- To guarantee access to ordinary life in the community, including opportunities for education, employment, social interaction, cultural engagement, and recreation.
- To eliminate all forms of segregation or institutionalisation, replacing them with **inclusive, community-based living arrangements**.

1.5 Transparent and Accountable Governance

- To establish clear roles, responsibilities, and mechanisms for **monitoring and reviewing** the quality of support services.
- To ensure that residents are empowered to **raise concerns, appeal decisions, and influence service delivery** through meaningful and supported participation.

1.6 Partnership and Shared Responsibility

- To affirm the **shared commitment** of the Ministry, the service provider/NGO, and the individual to work collaboratively towards agreed goals.
- To define the mutual obligations and ethical standards required to foster **respect, safety, and trust** within residential settings.

2. Active Participation and Co-Production

Principle

This section establishes the fundamental right of every Service User (SU) to actively participate in the design, implementation, and review of their Personal Support Plan (PSP). In alignment with the **United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)**—notably Articles **3 (General Principles)**, **12 (Equal recognition before the law)**, and **19 (Living independently and being included in the community)**—the PSP must reflect a model of **co-production**, wherein persons with disabilities are not merely consulted but recognised as equal partners in all decisions affecting their lives.

2.1 Right to Participation

- Every Service User has the **unconditional right** to be meaningfully involved in all stages of the PSP process, including:
 - Initial needs assessment and goal-setting.
 - Planning of supports, services, and routines.
 - Regular reviews, evaluations, and updates to the PSP.
 - Any changes that may affect the user's rights, living arrangements, or care provision.
- Participation shall be **voluntary, informed, and supported** as necessary to enable full engagement.

2.2 Inclusion of Representatives

- A Service User may choose to be accompanied or represented by:
 - A designated **family member, guardian, or informal carer**.
 - A **legal representative**.
 - An **independent advocate**, such as from a recognised civil society organisation.
- Representatives may attend all PSP-related meetings and contribute verbally, in writing, or through any accessible format the SU prefers.

2.3 Accessible Communication and Information

- The Service Provider must ensure that all information relevant to the PSP—such as planning documents, meeting notices, service options, and rights—is provided in formats that are **accessible, clear, and tailored** to the communication needs of the Service User. This may include:
 - Easy-read versions.
 - Braille, large print, or audio recordings.
 - Sign language interpretation.
 - Augmentative and alternative communication (AAC) tools.
 - Translations in the Service User’s preferred language.

2.4 Decision-Making Support

- If a Service User has **limited or fluctuating decision-making capacity**, the Service Provider must offer appropriate support in accordance with the **UNCRPD Article 12** and the **Guardianship and Administration Act (where applicable under Maltese law)**. This includes:
 - Supported decision-making frameworks.
 - Time and flexibility in making choices.
 - Engagement of support persons chosen by the SU themselves.
- Substituted decision-making must only be used **as a last resort**, subject to legal safeguards and with the primary aim of preserving the individual’s will and preferences.

2.5 Documentation and Record Keeping

- Every stage of the SU’s involvement in the PSP process must be clearly documented, including:
 - Meeting dates and attendance.
 - Suggestions or feedback made by the SU or their representative.
 - Agreements or points of disagreement.
 - Actions taken based on user input.
- The Service User must be provided with a **copy of the PSP and any updates** in an accessible and durable format.

2.6 Ongoing Engagement and Feedback

- Service Providers must encourage and facilitate **ongoing communication** between PSP review cycles by:
 - Allowing the SU or their representative to raise issues or suggest revisions at any time.
 - Creating user-friendly feedback channels (e.g., suggestion boxes, regular informal check-ins, or digital feedback tools).
 - Conducting annual satisfaction surveys that are inclusive and accessible.

2.7 Ethical and Cultural Sensitivity

- All interactions within the PSP process must reflect **respect for the SU's cultural background, personal identity, religion, beliefs, and lived experiences**.
- Participation must be conducted in a **non-coercive, person-centred, and dignified manner** that honours the rights, wishes, and best interests of the individual.

Summary

The PSP process is not complete or valid unless the Service User is **actively and meaningfully involved** throughout. By adopting a co-production approach, this agreement ensures that services reflect the real aspirations, choices, and rights of persons with disabilities, and aligns with both **national legal frameworks** and **international human rights obligations**.

3. Dialogue and Appeal Mechanisms

Principle

In line with the **United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)**—notably **Article 13 (Access to justice)** and **Article 21 (Freedom of expression and opinion, and access to information)**—all persons with disabilities must be guaranteed the right to express concerns, challenge decisions, and seek redress in a manner that is transparent, accessible, and free from retaliation. Effective dialogue and appeal mechanisms promote **accountability, empowerment, and trust** between service users and providers.

3.1 Right to Provide Feedback and File Complaints

- **Service Users (SUs)** must be regularly informed of their right to:
 - Provide ongoing feedback—positive, neutral, or critical—about their care or living situation.
 - File complaints regarding any aspect of the service, including but not limited to treatment by staff, safety, respect for dignity, availability of resources, or changes to their routine or environment.
- **No complaint shall result in punishment, retaliation, or reduction of services.** This right is non-negotiable and must be explicitly guaranteed in all PSP documentation.

3.2 Accessible Communication and Complaint Tools

- Complaint mechanisms must be designed in a variety of **accessible formats**, including:
 - Easy-to-read forms with images or symbols.
 - Sign language access.
 - Braille or large print versions.
 - Digital portals with screen reader compatibility.
 - In-person verbal reporting to a designated staff member, advocate, or ombudsperson.
 - Anonymous submissions through locked drop boxes or secure online forms.

- Staff must be trained to **identify non-verbal signs of distress** and facilitate communication for individuals with severe communication difficulties.

3.3 Timely and Fair Resolution Procedures

- All complaints must be:
 - **Acknowledged within five (5) working days.**
 - **Investigated impartially** by someone not directly involved in the matter raised.
 - **Resolved within a reasonable timeframe** (ideally not exceeding 30 days), with clear communication of outcomes and actions taken.
- If the complaint involves **serious rights violations, abuse, or neglect**, it must be immediately escalated to relevant safeguarding authorities, including national safeguarding commissions, the police, or regulatory bodies.

3.4 Appeals Against Key Decisions

- **All major decisions** affecting a Service User's life must be **subject to appeal**, including:
 - Allocation or withdrawal of specific supports.
 - Transfers between residential homes or services.
 - Changes in PSP content or care routines without informed consent.
 - Limitations on freedom of movement, privacy, or communication.
- The appeals process must include the right to:
 - Present evidence or testimonials.
 - Be supported by legal representatives or advocates.
 - Have the case reviewed by a **truly independent and impartial board**, not linked to the residential home or service provider.
 - Receive a written, reasoned decision, and the right to **further appeal to national administrative or judicial bodies.**

3.5 Inclusion of Family and Advocates

- Service Users may appoint a **family member, guardian, or independent advocate** to support or represent them in complaints or appeals processes.
- These representatives must also be informed of the procedures and provided with relevant materials in accessible formats.

3.6 Institutional Safeguards

- All residential and support services must have **internal policies and protocols** in place to:
 - Prevent and detect abuse or maladministration.
 - Regularly evaluate the effectiveness of their complaint and appeal systems.
 - Conduct training for staff on respectful communication, conflict resolution, and trauma-informed approaches.

3.7 Monitoring and Reporting

- **Complaint and appeal statistics**, as well as actions taken, must be:
 - Documented securely and confidentially.
 - Reviewed periodically by independent monitoring bodies.
 - Summarised in **publicly available, anonymised reports** to support accountability and service improvement.

Summary

A robust, accessible, and independent system for dialogue and appeals is essential to uphold the rights of persons with disabilities and build a culture of transparency and continuous improvement. These mechanisms must be proactive, inclusive, and monitored by impartial bodies to ensure they function fairly and effectively. This framework ensures alignment with both **Maltese legislation** (such as the Equal Opportunities (Persons with Disability) Act, Cap. 413) and **international obligations under the UNCRPD**.

4. Support for Independent Living and Inclusion

Principle

In accordance with **Article 19** of the **United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)**, persons with disabilities have the right to live independently and be included in the community, with the necessary support to enjoy full participation in all aspects of life. This section establishes the framework for the provision of services aimed at empowering individuals to exercise autonomy, develop self-reliance, and fully integrate into society on an equal basis with others.

4.1 Individualised Empowerment and Functional Skill Building

Residential and support services must develop and implement **individualised programmes** that promote:

- **Functional daily living skills** such as cooking, cleaning, personal care, and budgeting.
- **Mobility and travel training**, including use of public transport.
- **Communication and interpersonal skills**, including self-advocacy and decision-making.
- **Personal health and wellbeing education**, including nutrition, emotional regulation, and sexual health.

These programmes must be:

- Tailored to the unique needs, aspirations, and cultural background of each service user.
- Regularly reviewed and adapted through Personal Support Plan (PSP) meetings with full user participation.

4.2 Access to Community and Civic Life

All services must actively promote and facilitate the inclusion of persons with disabilities in:

- **Community activities** (e.g., arts, recreation, sports, cultural events).

- **Civic engagement** (e.g., voting, attending public meetings, engaging in local decision-making).
- **Religious and spiritual practices**, if desired by the service user.
- **Friendship and social networks**, both with and without disabilities.

To ensure this:

- Staff should be trained to identify and remove environmental or attitudinal barriers.
- Transportation must be made available or supported.
- SUs must be informed of opportunities and supported in decision-making regarding participation.

4.3 Communication Support and Assistive Technologies

Every person must have access to:

- **Communication aids** appropriate to their needs, such as:
 - Augmentative and Alternative Communication (AAC) devices;
 - Picture Exchange Communication Systems (PECS);
 - Speech-generating devices;
 - Sign language interpreters;
 - Text-to-speech tools and mobile apps.
- **Assistive technology** that supports independence in:
 - Mobility (e.g., wheelchairs, walkers, powered scooters);
 - Sensory needs (e.g., hearing aids, visual aids, sensory integration tools);
 - Daily tasks (e.g., adapted kitchenware, smart home devices).

Services must:

- Conduct periodic **assistive needs assessments**.
- Facilitate access to funding schemes or state provisions for technology.
- Train both staff and users in the use of these tools to ensure effectiveness and autonomy.

4.4 Access to Education, Employment, and Volunteering

All support frameworks must incorporate actions to:

- Facilitate **continuing education**, including formal schooling, vocational training, adult learning, and digital literacy.
- Enable **access to inclusive employment**, including supported employment schemes, internships, and career planning.
- Support **volunteering opportunities** that build confidence, contribute to society, and strengthen skills.

This includes:

- Collaboration with employers, training institutions, and NGOs.
- Availability of job coaching, workplace accommodations, and mentoring.
- Advocacy to prevent discrimination and promote reasonable accommodation under Maltese and EU legislation.

4.5 Promotion of Equality and Reduction of Stigma

Services must actively combat ableism and promote:

- **Positive images of disability** in the media, community, and internal service culture.
- **Awareness-raising programmes** targeting the general public, service providers, families, and institutions.
- **Education and training of staff** in:
 - Disability rights;
 - Intersectionality (gender, race, sexuality, etc.);
 - Trauma-informed and dignity-based care;
 - Deconstructing harmful stereotypes.

These efforts are essential to ensuring that persons with disabilities:

- Are not seen as passive recipients of care, but as full citizens.
- Are valued for their contributions and diverse perspectives.
- Are included in shaping the services and systems that affect their lives.

Summary

Promoting **independent living and inclusion** is not an optional feature of support services but a **fundamental right** of every person with a disability. Residential care providers, NGOs, and governmental bodies must work collaboratively to create an enabling environment where persons with disabilities:

- Acquire the skills and resources they need to thrive;
- Participate fully in society;
- Live with freedom, equality, and dignity.

These provisions are essential for Malta to meet its obligations under both **national law** (such as the Equal Opportunities Act, Cap. 413) and **international frameworks** including the **UNCRPD** and the **European Strategy for the Rights of Persons with Disabilities 2021–2030**.

5. Privacy and Relationships

Principle

In accordance with **Articles 22 (Respect for privacy)** and **23 (Respect for home and the family)** of the **United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)**, every person with a disability has the right to privacy in all aspects of life, including their living space, communications, personal choices, and relationships. Residential and support services must safeguard these rights by establishing practices that uphold dignity, autonomy, and freedom of association.

5.1 Right to Personal Privacy and Private Space

Each service user shall be entitled to:

- A **private room** that is:
 - Secure, safe, and appropriately furnished;
 - Personalized and adapted to their preferences and needs;
 - Respected by all staff and other residents as their **personal and inviolable space**.
- The **option to lock their door** and keep a personal key, unless there is a documented and justified risk that requires a temporary exception, which must be:
 - Proportionate;
 - Time-limited;
 - Reviewed regularly with the user's involvement.
- The right to **store personal belongings securely**, including medication, financial items, and documents.

Staff members must:

- Knock and obtain **verbal permission before entering** any private space;
- Refrain from intrusive supervision or surveillance unless lawfully required and ethically justified;
- Be trained on the **ethical and legal boundaries** of personal privacy.

5.2 Hosting of Visitors

All users have the right to receive visitors of their choice, including:

- Family members;
- Friends;
- Personal assistants, advocates, or community contacts.

Service providers must:

- Ensure **designated common areas** or private spaces are available and welcoming for hosting guests;
- Avoid unnecessary restrictions on visiting hours or visitor types unless there is:
 - A safeguarding concern (which must be documented);
 - A clear policy agreed with the user and, where relevant, their legal representative;
- Promote a **home-like, community-oriented culture**, not an institutional environment;
- Support users with **mobility or communication difficulties** to organise or facilitate visits if desired.

5.3 Respect for Personal and Sexual Relationships

Service providers must acknowledge that persons with disabilities:

- Have the right to engage in **romantic and sexual relationships** of their choosing;
- Have a right to **intimacy and emotional connection** without undue interference;
- Must not be subject to moralistic, paternalistic, or discriminatory restrictions on expression of affection, sexuality, or partnership.

Services must:

- Provide **age-appropriate, accessible information** and guidance on:
 - Sexual and reproductive health;
 - Consent, boundaries, and healthy relationships;
 - Rights in relation to sexual orientation, gender identity, and privacy.

- Respect users' **self-determination** regarding:
 - Their gender identity and expression;
 - Same-sex or opposite-sex relationships;
 - Decisions around marriage, civil union, or cohabitation.
- Facilitate **supportive environments** by:
 - Training staff in respectful, non-discriminatory attitudes;
 - Providing private spaces where appropriate and consensual intimate contact can occur;
 - Addressing myths, stigma, or discomfort within staff or peer communities in an educational manner.

5.4 Protection Against Interference and Harm

While safeguarding is essential, it must never be used as a reason to deny rights unnecessarily. Instead:

- Concerns around a relationship (e.g., risk of abuse, coercion, or exploitation) must be:
 - **Assessed individually** with the full involvement of the service user;
 - Managed through **education, empowerment, and advocacy**, not prohibition;
 - Escalated to appropriate legal or social care authorities only when truly necessary.

Staff and service providers must:

- Protect the **right to confidentiality** of personal and relationship matters;
- Recognize the **difference between support and control**;
- Engage in regular training on **sexual rights and non-discrimination**.

Summary

Respecting the **right to privacy and personal relationships** is fundamental to human dignity and equality. Residential care settings must:

- Provide private rooms and control over personal space;

- Allow for the maintenance and nurturing of personal and family connections;
- Promote and respect the sexual and emotional lives of users;
- Offer safeguards only where strictly necessary, and in ways that do not undermine autonomy.

By implementing these measures, service providers will fulfil their obligations under:

- **UNCRPD Articles 22 and 23;**
- **The Maltese Equal Opportunities (Persons with Disability) Act (Cap. 413);**
- **The European Charter of Fundamental Rights;**
- National care standards and human rights frameworks.

6. Choice in Daily Life

Principle

The ability to make everyday personal choices—such as what to eat, what to wear, and how to spend one’s time—is fundamental to **human dignity, autonomy, and equality**. According to **Article 19 (Living independently and being included in the community)** and **Article 3 (General Principles)** of the **United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)**, persons with disabilities have the same rights as others to determine the course of their daily lives, without undue influence or restrictive institutional routines.

Residential and support services must be built on a **person-centred approach**, where the individual’s preferences, values, cultural background, and identity shape every aspect of their living experience.

6.1 Autonomy in Food and Nutrition

Service users have the right to:

- **Choose their own meals and dietary preferences**, including:
 - Types of food (vegetarian, cultural, religious, or health-based diets);
 - Meal times and eating habits;
 - Snacks and beverages between meals;
- **Participate in menu planning** and food preparation where desired, with appropriate supports and safety measures;
- Request changes or alternatives if the food provided does not meet their taste, health needs, or ethical choices.

Service providers must:

- Avoid implementing **fixed menus** or “one-size-fits-all” catering systems;
- Ensure access to **nutrition education and dietary support** from qualified professionals;
- Respect **religious or cultural food restrictions**;
- Support **flexibility in meal times** to suit individual routines.

6.2 Freedom in Personal Appearance and Clothing

Each individual must have full control over:

- **Choice of clothing**, including:
 - Style, colour, and cultural or religious garments;
 - Weather-appropriate and sensory-friendly attire;
 - Items that express personal identity (e.g., gender, age, or lifestyle);
- **Grooming and hygiene preferences**, such as:
 - Haircuts, makeup, shaving, and personal care products;
 - Frequency and method of bathing or hygiene routines;
 - Use of accessories or assistive items (e.g., glasses, head coverings).

Service providers must:

- Never impose **uniform dress codes** unless for health or safety reasons clearly explained and agreed with the user;
- Provide **support for personal care** only when requested or required, in a respectful and non-intrusive way;
- Recognize that personal presentation is **a form of self-expression** and should never be diminished or overruled.

6.3 Lifestyle and Daily Schedule

Service users must have the right to **determine how their day unfolds**, including:

- **Bedtimes and wake-up routines**;
- **Leisure and recreational choices**, such as:
 - Music, television, reading, outdoor activities, arts, and sports;
 - Time spent alone or with others;
- **Participation in religious, cultural, or political life**;
- Freedom to **stay home or go out** as they wish, with or without support.

Staff must:

- Avoid rigid timetables or institutional routines that **remove spontaneity and personal control**;
- Adapt support schedules to **fit the user's pace, energy, and preferences**;

- Encourage and support users to **develop their own routines**, with flexibility for change.

6.4 Optional and Individualised Activities

All activities and programs offered by the service must be:

- **Optional:** No resident should ever be **forced or pressured** to participate in group activities or therapies they do not want;
- **Tailored to the individual's goals and interests**, such as:
 - Personal hobbies, education, volunteering, or community events;
 - Development of new skills and talents;
 - Creative expression or meaningful social engagement.

The user must be supported to:

- Create a **personal weekly plan** based on their goals;
- Suggest and co-design activities they would enjoy;
- Opt out or modify their involvement at any time without consequence.

6.5 Legal and Policy Foundations

This section is grounded in the following legal instruments:

- **UNCRPD:**
 - Article 3: General Principles (especially respect for individual autonomy and freedom to make one's own choices);
 - Article 19: Living independently and being included in the community;
 - Article 21: Freedom of expression and opinion, and access to information.
- **European Charter of Fundamental Rights**, Article 26 (Integration of persons with disabilities);
- **Equal Opportunities (Persons with Disability) Act (Malta)** – Cap. 413;
- **National Standards for Residential Services for Persons with Disability** (where applicable).

Summary

The right to choose what to eat, wear, and do each day is essential for a life of **dignity, freedom, and equality**. Residential and support services must be designed to empower individuals with disabilities to:

- Exercise control over all daily life choices;
- Live without rigid routines or institutional constraints;
- Enjoy flexible, individualised, and voluntary activities.

By embedding personal choice into everyday practice, service providers uphold the core values of person-centred care and fulfill their human rights obligations under both Maltese and international law.

7. Complaint Mechanisms and Independent Advocate

Principle

The right to be heard and to challenge unfair, abusive, or inadequate treatment is a cornerstone of human dignity and justice. Persons with disabilities living in residential settings must have **accessible, effective, and safe mechanisms** for raising concerns and complaints. In accordance with **Article 16 (Freedom from exploitation, violence and abuse)** and **Article 33 (National implementation and monitoring)** of the **United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)**, every individual must be ensured **access to independent advocacy and redress** without fear of retaliation or bias.

This section ensures that all residential and support services for persons with disabilities provide an **institutionally independent, rights-based, and user-friendly framework** for complaint handling and legal support.

7.1 Accessible Complaints System

Service providers must implement and maintain a **transparent and universally accessible complaints system**, ensuring that:

- **Complaint procedures** are explained in a clear, simple, and user-friendly manner, using:
 - **Plain language;**
 - **Easy-to-read versions;**
 - **Sign language, Braille, audio recordings, pictograms, and augmentative communication devices,** depending on individual needs;
- Residents can submit complaints **verbally or in writing**, including via:
 - One-on-one staff conversations;
 - Confidential suggestion boxes;
 - Dedicated hotlines or messaging platforms;
- Complaints are:
 - **Received and acknowledged immediately;**
 - **Resolved within a reasonable timeframe;**
 - **Documented transparently and securely;**

- **Support is provided** for those who need assistance in formulating or submitting a complaint;
- Staff are trained to handle complaints **sensitively and respectfully**, without discouraging or dismissing residents.

7.2 Independent Advocacy Support

Each resident must have access to **an independent legal advocate or support person** who is:

- **Not employed by the service provider**, residential home, or its staff;
- **Trained in disability rights, communication methods, and safeguarding**;
- Authorized to:
 - **Listen confidentially** to concerns;
 - **Support residents in lodging formal complaints**;
 - **Accompany or represent** the individual during internal or external investigations;
 - **Monitor follow-up actions** and outcomes.

Residents may choose their advocate freely or be supported in contacting registered external advocacy services, including those run by:

- NGOs;
- Disability rights organizations;
- Legal aid offices or professional bodies.

Advocates must act in the **sole interest of the individual** and **maintain confidentiality**, unless a safeguarding risk requires limited disclosure under law.

7.3 Access to Independent Oversight and Ombudsman

In cases where internal procedures are insufficient, slow, or biased, residents must be granted:

- **Direct access to national-level Ombudsman offices** or equivalent independent complaint resolution bodies;

- **Contact details and procedures** clearly displayed in accessible formats throughout the facility;
- **Free and confidential communication** with external monitoring entities, including:
 - The **Office of the Ombudsman (Malta)**;
 - **Commission for the Rights of Persons with Disability (CRPD)**;
 - **Commissioner for Children** (if applicable);
 - **Equality and Human Rights institutions**;
 - **United Nations Treaty Body reporting mechanisms** in cases of serious human rights violations.

No staff member or service provider shall **obstruct, delay, discourage, or retaliate** against any attempt by the resident to seek external assistance.

7.4 Protection Against Retaliation

Residents who file complaints—either internally or externally—must be:

- **Protected from intimidation, punishment, or threats** by staff or management;
- Reassured that their **residency, level of care, or social environment** will not be negatively affected as a result of speaking out;
- Informed about their **right to confidentiality** and how their personal data will be handled.

Service providers must have **whistleblower protections** in place for both residents and staff who report abuse or misconduct.

7.5 Monitoring and Review of the Complaints System

To ensure continuous improvement:

- The complaints procedure must be **reviewed annually**, in consultation with:
 - Resident councils or user forums;
 - External disability rights organizations;
 - Independent legal experts;
- **Data on complaints** (excluding personal identifiers) should be:

- Analysed for patterns or systemic issues;
- Reported publicly and transparently;
- Used to implement **corrective actions or policy changes**.

Legal and Policy Foundations

This section is supported by:

- **UNCRPD:**
 - Article 16: Freedom from exploitation, violence, and abuse;
 - Article 33: National implementation and monitoring;
 - Article 13: Access to justice;
- **European Pillar of Social Rights**, Principle 20: Access to essential services;
- **Equal Opportunities (Persons with Disability) Act** (Cap. 413, Malta);
- **National Standards for Residential Services for Persons with Disability**;
- **The Ombudsman Act** (Cap. 385, Malta).

Summary

A safe, accessible, and independent complaints and advocacy system is essential for safeguarding the rights and wellbeing of persons with disabilities in residential care. Through inclusive communication, external oversight, and legal representation, this model guarantees:

- Fair redress for grievances;
- Protection from abuse and institutional silencing;
- A culture of accountability and empowerment.

This approach reflects international best practice and helps position Malta as a rights-based, inclusive society in line with European and global standards.

8. Public Inclusion and Participation

Principle

Full and equal participation in public and civic life is a fundamental human right. Persons with disabilities must not be excluded from democratic, political, or social engagement due to institutional living, disability-related barriers, or discriminatory practices. This section ensures that residential services actively promote and enable the **civic, political, and social inclusion** of every individual resident, recognising them as equal citizens with agency and voice.

8.1 Right to Vote and Access to Political Information

Every resident shall enjoy full and equal rights to:

- **Register to vote and participate in all national, local, and European elections;**
- **Access voting-related information** in formats appropriate to their communication needs, including:
 - Easy-read summaries of manifestos;
 - Sign language interpretation;
 - Braille or large-print documents;
 - Audio and pictorial materials;
 - One-to-one explanations with trained facilitators;
- **Receive logistical support** to:
 - Travel to polling stations;
 - Vote by mail or through mobile voting services if eligible;
 - Request reasonable accommodations during the voting process;
- **Be protected from coercion**, manipulation, or denial of their voting rights based on disability or support needs.

Residential homes must liaise with the **Electoral Commission, Disability Commissioner (CRPD)**, and **civil society** to facilitate inclusive voter engagement.

8.2 Participation in Civil Society, NGOs, and Community Forums

Service users must be encouraged and supported to:

- **Join and participate actively in:**
 - Non-governmental organisations (NGOs);
 - Local community associations;
 - Disability rights organisations;
 - Youth or senior groups;
 - Cultural and voluntary associations;
- Be elected or appointed to **advisory boards, resident councils, steering committees**, or other public roles;
- Contribute to public consultations on matters that affect them, especially in disability, health, housing, and social inclusion policies.

Support provided must include:

- Transport to meetings and forums;
- Accessible venues and documents;
- Personal assistants or communication facilitators;
- Time allowances in daily routines to participate meaningfully.

The residential service provider shall document and monitor the user's **level of civic participation** as part of their **Personal Support Plan (PSP)** and offer individualised support for further engagement.

8.3 Active Citizenship Programme

Every resident must be offered participation in a structured **Active Citizenship Programme**, tailored to their abilities, interests, and aspirations. This programme may include:

- **Civic education workshops** (rights, institutions, responsibilities);
- **Visits to local councils, parliament, community events**, and public institutions;
- **Opportunities to volunteer**, vote in mock elections, attend debates, or host information sessions;
- **Training in leadership, public speaking**, or advocacy;
- **Support to create personal projects** of civic or social value (e.g., awareness campaigns, environmental initiatives, inclusion talks).

This programme must be co-developed with residents, disability advocates, and education professionals and reviewed annually for effectiveness and user satisfaction.

8.4 Safeguards and Equality Measures

To ensure non-discrimination and dignity in civic participation:

- No resident may be excluded from civic or political life due to medical assessments, institutional status, or guardianship arrangements unless a court has specifically limited such rights under law, and even then, with safeguards and periodic review;
- Any **barriers to participation** identified by residents must be addressed proactively through reasonable accommodation and inclusive planning;
- Staff must **not interfere with political choices or affiliations** of residents and must maintain a neutral, supportive role;
- Any **restriction of rights** must be justified, proportionate, lawful, and appealable.

Legal and Policy Foundations

This section aligns with:

- **UNCRPD:**
 - Article 29: Participation in political and public life;
 - Article 3: General principles (dignity, non-discrimination, participation, and inclusion);
- **European Charter of Fundamental Rights** – Articles 39-40 (right to vote and stand as a candidate);
- **Maltese Constitution** – Article 33 and electoral legislation;
- **Equal Opportunities (Persons with Disability) Act (Cap. 413, Malta);**
- **Council of Europe Action Plan on the Rights of Persons with Disabilities 2023–2030.**

Summary

Public inclusion and participation are essential components of a rights-based approach to disability support. Through active engagement in civic, political, and community life, residents not only claim their rightful place in society but also help shape inclusive democratic processes. Residential services must foster and safeguard these rights through structured support, inclusive education, and facilitation of real-world participation.

This commitment places Malta at the forefront of inclusive citizenship in line with the **European Union's human rights values** and the **UN Convention on the Rights of Persons with Disabilities**.

9. Participatory and Independent Monitoring

Principle

Ensuring accountability, transparency, and continuous quality improvement in residential services for persons with disabilities requires robust **monitoring mechanisms** that are **inclusive, independent, and grounded in the lived experiences of residents**. This section affirms the legal and ethical imperative to include persons with disabilities in the oversight of services that affect their lives, and to create mechanisms that reflect **human rights, dignity, personal liberty, and service responsiveness**.

9.1 Direct Involvement of Persons with Disabilities in Evaluation

Residential services shall:

- **Formally include residents**—as well as persons with disabilities from outside the facility—in **evaluation, inspection, and service review activities**;
- Develop a structured **peer monitoring programme**, which:
 - Trains and empowers persons with disabilities to evaluate services based on quality-of-life outcomes;
 - Recognises lived experience as expert knowledge;
 - Fosters **user-led recommendations** for reform;
- Ensure that **feedback mechanisms** are **accessible, recurring, and action-oriented**, such as:
 - Focus groups facilitated in Easy-Read, Maltese Sign Language (LSM), and AAC (augmentative and alternative communication);
 - Suggestion boxes and anonymous surveys;
 - Resident-led evaluations on privacy, support, autonomy, and participation.

This inclusive approach strengthens ownership, trust, and quality within residential homes and aligns with the UNCRPD's principle of "**Nothing about us without us.**"

9.2 Supervisory Board with User Representation

Each residential service must establish or be accountable to a **Supervisory or Oversight Board**, whose mandate includes:

- Monitoring **compliance with national standards**, human rights obligations, and individual Personal Support Plans (PSPs);
- Reviewing complaints, safety, restraint use, and instances where liberty may be compromised;
- **Assessing residents' quality of life**, dignity, autonomy, and access to services;

The Supervisory Board must:

- Include at least **two persons with disabilities or their elected representatives**;
- Represent a **cross-section of stakeholders**, including:
 - Families;
 - Independent disability advocates;
 - External experts in human rights, social care, and community inclusion;
- Operate **independently from service management**, with secure funding and authority to make formal recommendations;
- Hold regular meetings (at least quarterly) and make **decisions by consensus**, ensuring users' voices are heard and weighted equally.

9.3 Annual Public Reports on Quality of Life and Personal Freedom

Residential services shall be required to:

- **Submit and publish annual monitoring reports**, co-authored with users and/or their advocates;
- Ensure reports are:
 - Written in accessible formats (Easy Read, Braille, audio, LSM-interpreted versions);
 - Translated into both English and Maltese;
 - Disseminated to residents, families, regulators, Parliament, the media, and the general public;
- Report content must include:

- User satisfaction levels and qualitative stories;
- Objective indicators such as:
 - Levels of autonomy and community engagement;
 - Frequency and types of restraints (if any);
 - Complaints registered and resolved;
 - Incidents affecting dignity or liberty;
 - Staff training and turnover rates;
- A **follow-up section** outlining how previous recommendations were implemented or why they were not;
- Clear action plans for improvement.

Failure to report or publish in full transparency shall result in a formal **review of the service license** by the appropriate national authority (e.g., Agenzija Sapport, CRPD, Social Care Standards Authority).

9.4 Legal and Human Rights Framework

This monitoring model upholds:

- **UNCRPD:**
 - Article 4(3): Involvement of persons with disabilities in all decision-making processes;
 - Article 19: Living independently and being included in the community;
 - Article 33(3): Civil society, in particular persons with disabilities and their representative organisations, shall be involved and participate fully in the monitoring process;
- **European Disability Strategy 2021–2030:** Emphasis on independent living and deinstitutionalisation;
- **Maltese Equal Opportunities (Persons with Disability) Act (Cap. 413);**
- **National Standards for Residential Services for Persons with Disability (SCSA, Malta).**

9.5 Summary

Participatory and independent monitoring ensures that residential care services for persons with disabilities do not operate in isolation but are **transparent, accountable, and continuously improving**. By embedding **user participation** and independent oversight into service evaluation, Malta can position itself as a **model of inclusive governance** within the European and international human rights community.

10. Legal Validity and Reference

10.1 Integral Part of Agreement

This document, including all its provisions, principles, and standards, shall constitute a **binding and integral part** of every formal agreement or contract entered into between the **Ministry responsible for Persons with Disability (MIV)**, relevant **Government Agencies** (such as Aġenzija Sapport), and the **Service Providers** (NGOs, private entities, or other organisations) delivering residential or support services to persons with disabilities. The inclusion of this document ensures a unified, consistent, and enforceable framework aligned with national and international legal obligations.

10.2 Legal Framework and Compliance

The Parties commit to adhering strictly to all applicable legal statutes and frameworks governing the rights and welfare of persons with disabilities in Malta, including but not limited to:

- **Article 33 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)**, which mandates effective national implementation, monitoring, and enforcement mechanisms, ensuring the full and equal participation of persons with disabilities in oversight processes;
- **Chapter 413 — Equal Opportunities (Persons with Disability) Act**, which establishes prohibitions against discrimination and outlines obligations to promote equal access and opportunities in services, employment, education, and community life;
- **Chapter 525 — Social Care Standards Authority Act**, which governs the registration, inspection, and regulation of social care services in Malta, including residential homes, ensuring quality, safety, and respect for individual rights;
- **Chapter 602 — Civil Code**, specifically provisions related to contracts, guardianship, capacity, and the legal protection of vulnerable persons, which provide the broader civil legal context within which support agreements and personal plans are executed.

10.3 Resolution of Conflicts and Breaches

In the event of any **dispute, conflict, or breach** arising from the interpretation, application, or implementation of this document or the associated Personal Support Plan (PSP) agreements, the Parties shall:

- Endeavour to resolve the matter promptly and amicably through **dialogue and mediation**, ensuring the active involvement of the affected service user and their authorised representatives;
- Should informal resolution fail, submit the dispute to the appropriate **legal and regulatory bodies** designated under Maltese law, including but not limited to:
 - The **Social Care Standards Authority (SCSA)** for compliance and service quality issues;
 - The **Office of the Ombudsman**, for complaints relating to maladministration or rights violations;
 - The **Commission for the Rights of Persons with Disability (CRPD)**, for safeguarding human rights and equality;
 - The **Civil Courts**, when legal adjudication is required concerning contract enforcement, capacity, or personal rights.
- Ensure all dispute resolutions are conducted in a manner consistent with **human rights principles, fairness, transparency, and respect for the dignity and autonomy of persons with disabilities**.

10.4 Accountability and Enforcement

The Parties recognise that the **legal enforceability** of this document is essential for protecting the rights, wellbeing, and freedoms of persons with disabilities. Accordingly:

- Failure to comply with the obligations herein may result in **formal investigations, sanctions, suspension, or revocation of service provider licences**, as per the powers vested in Maltese regulatory authorities;
- The Ministry and Agencies will undertake **periodic audits and reviews** to verify ongoing compliance;
- Service Providers shall maintain **records and documentation** necessary to demonstrate adherence to this document and shall make these available for inspection upon request;

- The Parties shall cooperate fully with **independent monitoring bodies** and facilitate the involvement of persons with disabilities in oversight activities.

10.5 Reference to International Best Practices

This legal validity clause supports Malta's commitment to align with **international best practices** and frameworks, ensuring:

- Full compliance with the **UNCRPD** as ratified and domesticated in Maltese law;
- Harmonisation with the **European Disability Strategy 2021–2030**, advancing inclusion, independent living, and human rights protections;
- Promotion of a **rights-based, person-centred approach** in the delivery of residential and support services, thereby reinforcing Malta's position as a leader in disability rights and inclusive social policy.

Summary

By embedding this document as a legally binding annex to all relevant agreements, the Ministry, Agencies, and Service Providers affirm their joint responsibility and accountability to uphold the **highest standards of legal, ethical, and human rights compliance**. This ensures that persons with disabilities living in residential settings receive services that respect their dignity, freedom, and equality under Maltese and international law.

This revised Personal Support Plan (PSP) functions as a **comprehensive and practical safeguard** designed to uphold and guarantee the fundamental rights of every person with a disability. It ensures that individuals are **empowered to live with full autonomy, dignity, and freedom**, enabling them to actively participate in all aspects of their own lives. Through a person-centred, rights-based approach, this PSP facilitates **meaningful engagement, decision-making, and control** over personal choices, thereby promoting inclusion, independence, and equality in accordance with international human rights standards and best practices. It represents a clear commitment to removing barriers, respecting individuality, and

fostering environments where persons with disabilities can thrive as **equal members of society**.

1. Roles and Responsibilities

a. Ministry/Competent Authority

- Ensure the legislative, regulatory, and policy framework aligns with the UNCRPD and international human rights standards.
- Provide funding and oversight to service providers, ensuring compliance with the PSP Agreement.
- Facilitate capacity building and training to promote best practices in disability support.
- Establish and maintain independent monitoring and complaints mechanisms accessible to all service users.

b. Service Providers (NGOs, Private Entities, Public Agencies)

- Co-develop and implement individualized PSPs in full consultation with the service user and/or their legal representatives.
- Deliver services that respect the autonomy, dignity, and rights of persons with disabilities.
- Maintain safe, accessible, and inclusive living environments.
- Ensure staff are trained in disability rights, person-centred care, and communication supports.
- Facilitate residents' participation in decision-making, community inclusion, and personal development.
- Report regularly to the Ministry and independent oversight bodies on service quality and outcomes.

c. Service Users and Their Representatives

- Actively participate in the design, review, and decision-making processes of their PSP.
- Communicate needs, preferences, and concerns openly to service providers and oversight bodies.
- Exercise their rights to feedback, complaints, and appeals without fear of reprisal.

- Engage in community and civic activities as desired.

2. Personal Support Plan (PSP) Requirements

- **Person-Centred:** Tailored to individual preferences, abilities, cultural identity, and aspirations.
- **Comprehensive:** Covering all aspects of daily living including health, communication, social inclusion, education, employment, and leisure.
- **Dynamic and Reviewable:** PSPs must be living documents, regularly reviewed (minimum annually or upon significant change) to adapt to evolving needs and goals.
- **Supported Decision-Making:** Incorporate supports that empower the individual to make informed choices.
- **Accessible Format:** Written and presented in clear, understandable language or alternative communication modes as needed.
- **Rights-Based:** Explicitly referencing the rights guaranteed under the UNCRPD and relevant national laws.
- **Transition Planning:** Where applicable, include clear pathways for moving towards greater independence or community-based living options.

3. Complaint and Appeal Procedures

- **Accessible Complaint Mechanisms:** Multiple formats (verbal, written, pictorial, electronic) must be available for filing complaints.
- **Independent Advocacy:** All service users must have access to independent advocates who can assist in complaint submission, representation, and appeals processes.
- **Appeal Rights:** Decisions affecting the level of support, placement, or care conditions can be appealed to an independent review board or tribunal.
- **Confidentiality and Protection:** Complainants must be protected against any form of retaliation or discrimination.
- **Timely Resolution:** Complaints and appeals must be addressed within clearly defined timeframes, with outcomes communicated in accessible formats.
- **Record-Keeping and Reporting:** Maintain detailed logs of complaints, investigations, and resolutions for transparency and quality improvement.

4. Monitoring, Reporting, and Quality Assurance

- **Inclusive Monitoring:** Persons with disabilities, including residents, must be actively involved in monitoring and evaluating services.
- **Independent Oversight:** Establishment of supervisory boards or committees including user representatives, independent experts, and disability rights advocates.
- **Annual Public Reporting:** Transparent publication of reports detailing quality of life indicators, service performance, complaint statistics, and improvement measures. Reports must be accessible to all stakeholders, including service users and their families.
- **Continuous Quality Improvement:** Use monitoring data and user feedback to inform service improvements, training needs, and policy reforms.
- **Audit and Compliance:** Regular external audits to ensure adherence to the PSP Agreement and legal obligations.

Chev.Jean Pierre Calleja

Leader / Founder

Doninu (Malta) International