

Advocacy - Policy & Procedure

Issued:12/02/2020 Stage: Issued

Objective:

As a registered service provider, **focus** is required to provide access to advocacy support to our clients. The purpose of this policy is:

- to outline our commitment to respecting and protecting the legal and human rights of individuals and their right to services.
- to ensure all **focus** clients have access to advocacy support.
- to provide a framework for staff to use when providing access to advocacy support.

Scope:

All **focus** staff and clients

All staff are responsible to assist clients to access information about advocacy and available advocacy services.

Policy Statement:

focus is committed to acting for and on behalf of the people we support to ensure that their rights and best interests are protected and recognised at all times.

We expect that all staff will treat each person with dignity and respect as an individual and value their unique contribution. We believe that each person should be encouraged and supported to exercise choice and control and participate in their community to the fullest extent that they wish. To achieve this we work with the wider community to improve inclusion by raising community awareness about issues affecting people living with disabilities.

Disability advocacy ensures the human and legal rights of people with disabilities are promoted and protected so that people with disabilities are empowered to speak and can fully participate in the community.

focus recognises and supports the right of clients to use an advocate to negotiate on their behalf. This may be in relation to assessment, reviews, incidents, complaints, or any other communication between the client and **focus**.

focus will work co-operatively with any advocate nominated by a client and treat them with respect.

focus will ensure that the clients are informed of their right to access an advocate to speak on their behalf. Disability advocacy plays an important role in making sure that the rights and interests of people with a disability are respected and realised. To this end, specialist advocacy groups may be engaged to assist in advocating for and on behalf of clients.

It may also be required to engage these groups to provide education to clients to promote self-advocacy skills.

focus will adopt an active leadership role to promote and/or protect client rights. The organisation is proactive in representing the needs of people with a disability and their families in service planning and improved service delivery, through the participation in local and regional networks and partnerships.

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This policy aligns with legislative requirements as stated within the NDIS Act 2013. The Act acknowledges the important role of advocates (including independent advocates) and other representatives of persons with disability; and requires registered NDIS providers to cooperate with, and facilitate arrangements for, advocates (including independent advocates) and other representatives of persons with disability who are affected by complaints or incidents and who wish to be independently supported in that process by an advocate or other representative.

This policy also incorporates obligations regarding provision of advocacy support when delivering service as outlined within NDIS Quality and Safeguards Commission within the following:

- Standards - NDIS Commission Quality and Safeguards Commission Practice Standards Core Module
- Rules and Guidelines - NDIS Incident Management and Reportable Incident Rules 2018 and NDIS Complaints Management and Resolution Rules 2018

Process Steps:

1 Advocacy Definition and Types

An advocate is a person who supports a client to protect and promote their rights and interests.

An advocate can, with the client's permission, negotiate on their behalf or support the client to negotiate for themselves.

An advocate does not conciliate or arbitrate between organisation and client.

An advocate 'stands beside' a client to support them to make their own decisions.

An advocate is an important resource for a client in situations where a client feels confused, overwhelmed, intimidated or under confident. An advocate can be a family member, friend or an outside organisation.

The National Disability Insurance Scheme Act 2013 defines an independent advocate, in relation to a person with disability, to mean a person who:

- is independent of the National Disability Insurance Agency, the NDIS Commission and any NDIS providers providing supports or services to the person with disability
- provides independent advocacy for the person with disability, to assist the person with disability to exercise choice and control and to have their voice heard in matters that affect them
- acts at the direction of the person with disability, reflecting the person with disability's expressed wishes, will, preferences and rights

Types of Advocacy:

- Self Advocacy - Encourage and promote independence including self representation. Provide and support training and development opportunities for clients to enhance self advocacy skills.
- Systemic Advocacy - To advocate for change in systems within the community that may affect clients
- Parent/Family Advocacy - To assist families of clients to represent their interests in the community and within government
- Citizenship Advocacy - To represent client rights to equal status in the community
- Legal Advocacy - To support clients to access skilled professionals to represent and defend their human and legal rights
- Individual Advocacy - To ensure that clients understand the role of an advocate as well as their right to use an advocate in matters related to **focus**.

2 Providing Clients with Information

Clients and potential advocates are informed via appropriate formats (including verbally and in writing) about their right to use an advocate and the role of an advocate when the client is:

- Assessed and re-assessed for services
- Oriented to the service or program
- Refused service

Or if:

- They want to make a complaint about the service
- A staff member believes an advocate may be beneficial to the client
- Information will be provided to clients and families/carers who appear to have a particular need for advocacy regarding:
 - Their right to an advocate
 - What an advocacy service does
 - Contact details for local advocacy services.

focus acknowledges the right of our clients to change their nominated advocate and their right to request an advocate of their choice at any time. This may be inclusive of a family member, friend or representative of an advocacy service.

focus is required to ensure that clients are aware of their rights to use an advocate in relation to the service, including having their advocate present for all assessments, meetings and communication between themselves and the organisation.

If the client is unsure whether they may want to nominate a person as an advocate, they are to be provided with information (in an appropriate format) on various specialist advocacy organisations that may be able to assist them. If they would like to contact any of these organisations staff must liaise with their CRL/AF and Area Manager to organise assistance to make contact.

If a client has an advocate, the name and contact details of the advocate are to be included in the client's personal record

Staff will not disclose any information about the client to an advocate, when the client is not present, unless the client has provided their permission to do so.

3 Working with advocates (when a client has nominated an advocate)

Where a client has identified or nominated an advocate **focus** must:

- Record the advocates details in the client's personal record
- Ensure the client is aware of their advocacy rights including the right to have an advocate present for all assessments, meetings and communication between themselves and the organisation
- Ensure the advocate knows they have been nominated as an advocate and agrees to this
- Ensure any identified advocate is present at assessments and meetings
- Communicate and work co-operatively with the advocate
- Communicate comprehensively with a client's advocate and involve them in the support and service planning

4 Client Meetings and Feedback

To promote and develop skills in self-advocacy, clients will be supported to hold regular meetings. These meetings will provide clients the opportunity to:

- make decisions about their daily lives
- provide information to clients regarding their rights and any news related to their service and or the organisation
- advocate and negotiate on behalf of clients
- assist clients to gain self-advocacy skills
- foster client participation in service planning
- develop links in service networks

Clients will also be provided with the opportunity to raise issues they may be having within the household or service, with staff or other residents.

For clients who prefer 1:1 situations rather than house /client meetings, staff will facilitate regular 1:1 meetings. This acknowledges the different communication styles of the people we support and provides those people the same opportunity to give feedback in an environment that reflects their preferences.

Staff must ensure that communication resources (pictures, aids) are provided to ensure clients can meaningfully participate. Staff are to use the Client Meeting Agenda and Client Talk/Feedback Sheet when conducting these meetings.

A copy of the Client meeting minutes and/or feedback sheet (with the client's consent) is to be stored electronically within Houses on Server, with a hard copy stored in the Client Communication Folder. Any pertinent information and/or feedback is to be documented within a journal note in the client's Supportability file and linked to the 'Nothing about Me Without Me' goal against the appropriate strategy.

Feedback from these meetings is to be communicated with the rest of the team and discussed at the next staff meeting and also documented in the staff meeting minutes to follow a continuous improvement process.

5 Support for Clients

- The individual with a disability is the primary customer
- The person's family is the secondary customer
- There may be occasions where **focus** needs to advocate in the person's best interests against the wishes of the family. This will be done in a manner that promotes the ongoing relationship wherever possible.
- Staff must always seek support and supervision when there are conflicts between the individual and family wishes
- If the matter is complex, it will be referred to a specialist advocate.

6 Advocacy within the Complaints Management System

Staff must ensure that appropriate support and assistance is provided to any person who wishes to make, or has made a complaint. Reminding people that it's okay to have support when making a complaint and offering support can increase their confidence and reduce anxiety. It can also help for a person with disability, who is a service user, to feel that raising their concern is not a confrontation. Sometime a person might need support from staff, family of an advocacy service to make a complaint or during the complaints handling process.

Therefore, staff must always inform the person who is making the complaint of their right to access support throughout the process.

Staff must familiarise themselves with the Complaints Management Policy and follow the Complaints Management Procedure.

7 Authorised Representatives

If an Authorised Representative is acting on behalf of a client, **focus** will require proof of representative authority.

Authorised Representatives include:

- Guardians
- Attorneys under Enduring Power of Attorney
- Agents under the Medical Treatment Act 1998
- Administrators under the Guardianship and Administration Act 1986
- A person otherwise empowered by the client to act or make decisions in the best interest of the person

Proof of the Representative Authority will be sighted and a copy of the document placed in the clients file. Proof of Authority includes Guardianship or Administration order or Enduring/Medical Power of Attorney.

8 Making Comment

focus Board and staff can be involved in partnerships and networks which advocate for an improved environment, service provision and systems on behalf of people with a disability and/or their carers. The CEO and Board Chairperson are the only authorised spokespersons for the organisation. Other **focus** staff involved in these activities must do so in consultation with the CEO.

9 Resources

There are a range of supports available to assist people with a disability accessing the NDIS with decision making. The National Disability Advocacy Program (NDAP) is one of these. The NDAP can help with general access and support issues. The NDAP can also assist with issues that may arise with the National Disability Insurance Scheme or with support providers. The NDAP can also help people with a disability develop self-advocacy skills.

The NDAP can:

- help people to build capacity to identify their needs and goals
- ensure that people understand their rights and responsibilities
- make sure that people understand their decisions and how they will affect their life
- provide support with reviews
- provide contact with a support person if client/participant is seeking a review of a NDIS decision in the Administrative Appeals Tribunal

Other agencies that can provide advocacy support and information include but are not limited to:

Southern Disability Advocacy

320 Main St, Mornington (Box 161 Bentleigh 3204)

Tel: 9533 5977

Email: info@southernda.org.au

www.southernda.org.au

Advocates for person with a disability living in Southern Region using paid & voluntary staff

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Community Visitors (cv)

C/- Office of Public Advocate

204 Lygon St Carlton

Free call: 1300 309 337

www.publicadvocate.vic.gov.au

Monitors and reports on care of people living in disability funded residential accommodation

Office of the Public Advocate (OPA)

Refer to entry in State-wide Advocacy Services

www.publicadvocate.vic.gov.au

Office of the Victorian Information Commissioner (OVIC)

Level 6, 121 Exhibition St (GPO Box 24274) Melbourne 3001

Enquiries: 1300 006 842

General: 8684 1660

Email: enquiries@ovic.vic.gov.au

www.ovic.vic.gov.au

Action on Disability in Ethnic Communities (ADEC)

Address: 175 Plenty Road, PRESTON, VIC. 3072

Telephone: 03 9480 1666

Freecall: 1800 626 077

Website: www.adec.org.au

Provides and protects the rights and responds to the changing needs of people with a disability from culturally and linguistically diverse backgrounds and their carers.

Carers Victoria

Phone: 1800 052 222 Email: cav@carersvic.org.au

Website: www.carersvic.org.au

Offers a range of services and programs for carers including specialist information, counselling and referrals to other services and supports.

Communication Rights Australia

Address: Unity 4 / 3 Tuck Street, MOORABBIN, VIC, 3189

Phone: 9555 8552 Facsimile: 9555 8550

Email: info@caus.com.au

Website: www.caus.com.au

State-wide advocacy information agency for people with complex communication needs and their families. Also helps with training in communication skills and referral

Disability Resources Centre Outreach Service

Address 186 Foster Street East, Dandenong, VIC, 3175

Phone: 9791 4870 Facsimile: 9792 1111

Email: advocacy@drc.org.au

Website: www.drc.org.au

Individual advocacy to adults with physical, sensory, intellectual, psychiatric, neurological and multiple disabilities, assisting people to voice their views in relation to decisions that affect their lives. Acting with or on behalf of people to ensure their rights are recognised and respected. Membership is free and people with disabilities are encouraged to join. Open Monday Wednesday, 9.30am 4.30pm.

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Disability Rights Victoria

Address: 266 Johnston Street, ABBOTSFORD, VIC, 3067.

Telephone: 03 9427 3211

Website: www.advocacyhouse.org.au

Support and advocacy for adults with multiple disabilities

Victorian Equal Opportunity and Human Rights Commission - The Victorian Equal Opportunity and Human Rights Commission is an independent statutory body with responsibilities under three laws: *Equal Opportunity Act 2010*, *Racial and Religious Tolerance Act 2001*, *Charter of Human Rights and Responsibilities Act 2006*.

Office of the Public Advocate - The Victorian Office of the Public Advocate (OPA) provides services to protect and promote the rights, interests and dignity of people with disability (specifically intellectual impairment, mental disorder, brain injury or dementia) living in Victoria.

Disability Advocacy Resource Unit DARU - The resources that DARU provides aims to support the Disability Advocacy sector and Disability Advocates through disseminating relevant and up to date information, organising forums around the state so that there is a coordinated approach to issues of concern, providing professional development opportunities and undertaking capacity building projects on behalf of the sector.

Self Advocacy Resource Unit SARU - Self Advocacy Resource Unit to resource and assist Victorian self advocacy groups in Victoria for People with an intellectual disability, People with an acquired brain injury, and people with complex communication support needs

Every Australian Counts - everyaustraliancounts.com.au .Every Australian Counts is the grassroots campaign that fought for the introduction of the NDIS and won. They are a community of hundreds of thousands of people with disability, their families and carers and those who support them, all working together to fight for a fair go for Australians with disability.

Disability Loop - Disability Loop is a way to find out more about the National Disability Insurance Scheme (NDIS).

Infoxchange Service Seeker - Australia's most extensive directory of community support services

VALID - The Victorian League for Individuals with a Disability is an advocacy group for adults with intellectual disabilities and their families.

Villamanta Legal Service - Villamanta is a Community Legal Service operating throughout the state of Victoria on disability related legal and justice issues for people who have a disability. Our **focus** is on intellectual disability. Villamanta's mission is to protect and advance the rights of Victorians who have a disability, by advising, informing and representing them and acting as an advocate on disability related legal and justice issues.

Aboriginal Resource Guide Western Metro Region Melbourne to download Guide go to <https://www.vu.edu.au/sites/default/files/about-us/pdfs/aboriginal-resource-guide.pdf>

Koorie Heritage Trust Cultural Centre www.koorieheritagetrust.com www.aboriginalaffairs.vic.gov.au

Culturally and Linguistically Diverse People/Community Organisations

ADEC <http://www.adec.org.au/>

Action on Disability within Ethnic Communities Inc. (ADEC) is a state-wide organisation that strives to empower people with a disability from Non-English speaking backgrounds, their carers, and families to fully participate as members of the Victorian community.

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Migrant Information Centre <http://miceastmelb.com.au/> The Migrant Information Centre (Eastern Melbourne) (MIC) has been assisting refugees and migrants residing in the eastern suburbs of Melbourne to understand Australian life, integrate into a multicultural community and access services since 1999

Clickability - is an Australian disability service directory that features ratings and reviews from the people who actually use the services. Clickability is a platform for people to share their experience of different services.