



Advocacy

Policies & Procedures

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ADVOCACY

Scope

All 123 Support Services staff and clients

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

Purpose

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

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 123 Support Services.

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.

123 Support Services 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.

123 Support Services 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.

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

Where a client has identified or nominated an advocate 123 Support Services must:

- Record the advocate's 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

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.

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 123 Support Services 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.

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.

Authorised Representatives

If an Authorised Representative is acting on behalf of a client, 123 Support Services 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.

Making Comment

123 Support Services 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 123 Support Services staff involved in these activities must do so in consultation with the CEO.

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

Further Advice or Assistance

Further advice and information can be obtained from the:

» Complaints Handling Officer:

- by phoning: 07 4361 6848;
- by emailing: admin@123supports.com

» NDIS Quality and Safeguards Commission (<https://www.ndiscommission.gov.au>)

Effectiveness and Review

The Director will review this Policy and Procedures document each 12 months on the anniversary of its approval.