

# Advocacy

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## Introduction

Connect Allied Health (CAH) believe that people are entitled to be in control of their own lives but sometimes, whether through disability, financial circumstances or social attitudes, they may find themselves in a position where their ability to exercise choice and control, or represent their own interests is limited. In these circumstances, advocates (including an independent advocate) can help ensure that an individual's rights are upheld and that views, wishes, preferences and needs are heard, respected and acted upon.

## Definition

**Advocacy** is acting, speaking or writing to promote and protect the human rights and welfare of a vulnerable person or group of people. Examples of vulnerable people include Aboriginal and Torres Strait Islander peoples, children and their families, refugees, the elderly, the LGBTQIA community, the homeless, and people with a disability. Advocacy services for people with a disability in Australia are funded by The National Disability Advocacy Program (NDAP) which ensures there is no cost for participants or service providers to access advocacy services.

The National Disability Insurance Scheme Act 2013 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 (including independent advocate) or other representative.

Types of advocacy include:

- Individual advocacy—a one-on-one advocacy aimed to prevent or address instances of discrimination or abuse to a person with disability
- Systemic advocacy—advocacy to influence or secure long-term changes to ensure the collective rights and interests of people with disability
- Family advocacy—when a parent or family member advocates with and on behalf of a family member with disability
- Group advocacy—advocacy for a group of people with disability, such as a group of people living in shared accommodation
- Citizen advocacy—where community volunteers advocate for a person with a disability over the long-term, supported by a citizen advocacy organisation
- Legal advocacy—where a lawyer provides legal representation, pursues positive changes to legislation, or gives legal advice to people with disability about discrimination and human rights.

**Disability advocacy** is acting, speaking or writing to promote, protect and defend the human rights of people with disability. The Australian Government, and some state and territory governments, fund independent advocacy to help people with disability who face complex challenges or are unable to advocate for themselves, and do not have family, friends or peers who can support them as informal advocates, to access advocacy support.

A disability advocate must be independent and act solely in the interests of the person with disability who they are supporting. An advocate cannot be independent if they, or the organisation they work for, might benefit in some way from influencing the outcomes of the advocacy - this would be a conflict of interest. A conflict of interest can happen in many situations, for example, a support worker helping a person with disability to resolve a complaint about the disability service that employs the support worker. Government-funded independent advocates can act solely on the side of the person with disability and without a conflict of interest. This differs from National Disability Insurance Scheme (NDIS) Local Area

Coordinators, for example, whose role is to link people with the NDIS and to provide information and support in their community, but not to act as advocates. It also differs from NDIS Support Coordinators who have an interest in maintaining services and/or funding relationships and have restrictions on how much they can support the direct wishes of the person with a disability.

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 Agency, the 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
- Is free of relevant conflicts of interest.

Independent advocates assist people with complex, specialised and often serious issues that can include supporting them:

- To understand their rights and responsibilities;
- Through discrimination, criminal and child protection cases;
- Within mental health facilities and through the mental health review tribunal;
- To resolve issues about government benefits, payments, pensions and support services; □ through tribunals for guardianship, tenancy and consumer affairs;
- To access housing, education or other state systems;
- To resolve complex service provision or complaints issues, especially where it is difficult for the person to speak up for themselves; and
- To leave domestic violence situations.

Individual advocates can:

- Provide direct advocacy on behalf of a person
- Provide information and advice so a person can advocate for themselves (e.g. deal with a landlord, go to court, deal with police, get legal advice, negotiate deals, deal with problems at work or education, deal with guardianship and financial matters)
- Connect a participant to relevant services e.g. solicitor
- Help a participant work through problems
- Help a participant make formal actions on matters e.g. assist to make a complaint with the anti-discrimination board.

Advocates do not:

- Provide counselling
- Make decisions for another person
- Provide mediation
- Provide case management.

## Applicability

When

- Applies to **all** services at **all** sites.

Who

- Applies to **all** representatives involved in providing services including key management personnel, full time workers, part time workers, casual workers, and contractors.

Documents relevant to this policy



Operational Guidelines for the National Disability Advocacy Program

## Advocacy commitment

- Each participant's right to access an advocate (including an independent advocate) of their choosing is supported, as is their right to have the advocate present.
- Each participant is provided with information about the use of an advocate (including an independent advocate) and access to an advocate is facilitated where allegations of violence, abuse, neglect, exploitation or discrimination have been made.
- Each participant is provided with information on how to give feedback or make a complaint, including avenues external to the provider, and their right to access advocates. There is a supportive environment for any person who provides feedback and/or makes complaints.
- Upon commencing services, participants/representatives are informed of the role of advocates, their right to use advocates and advocacy services, and how to contact and involve advocacy agencies.
- Participants are supported if they choose to self-advocate, change advocates, or withdraw their authority for an advocate.
- If a participant needs an advocate and a family or carer cannot provide it, we will attempt to support access to an advocate chosen by the participant.
- We will work with the advocate chosen by a participant and involve the advocate in all areas of the participant's service planning and decision making.
- Whenever a participant is assisted by an advocate, this will be documented in their file.

## Advocacy Policy

CAH recognises the right of each participant to participate in the planning and the provision of services and supports received from the organisation. This includes supporting the participant to access an advocate (including independent advocate) to assist and support the participant in decision-making processes, inclusive of individual plans and service development.

CAH recognises and respects the role of people who act as advocates, including the participant's family, guardians and friends when they take on that role, or an independent advocate, as per the participant/representative's preferences.

CAH aims to empower all participants and stakeholders to freely express their views concerning the organisation. The organisation aims to support participants to develop their self-advocacy skills and/or to support participants to use advocates (including independent advocates or advocates from CALD backgrounds for participants from CALD backgrounds, as preferred by the participant) to assist them to achieve greater independence both at the organisation and in the broader community.

CAH will gather information from the participant, their family and significant people or service providers about the cultural and linguistic background of the participant on an ongoing basis. This information should be reflected in the planning and provision of the services and support for the participant, including but not limited to the support plan.

Each participant/representative will be provided with information regarding advocacy via the NDIS Participant Information Handbook.

CAH will record any potential conflicts of interest in the register of interests.

## Advocacy Procedures

- During on-board and the support planning process, CAH staff will address with the participant/representative whether they require or prefer an advocate (including independent advocate). This is documented in support planning documentation. CAH staff will provide the participant/representative with information regarding advocacy, including independent advocates.
- If CAH staff have concerns that individual participants do not have personal networks to advocate on their behalf and who are unable to self-advocate, the organisation is committed to actively assisting participants to access an independent advocate on their behalf, including bilingual advocates.
- Participants will be encouraged to seek out or use external advocates or decision making skills development programs (e.g., self-advocacy programs) as required.
- CAH staff will support each participant to make decisions and choices and as necessary, to draw on external agencies or individuals to facilitate information exchange and effective communication (e.g., interpreters etc.) with each participant.
- CAH will assist to link each participant, their family members and significant other persons in their lives, with external agencies (e.g., interpreter services, culturally appropriate/responsive information, advocacy and support groups) as required, to facilitate effective information exchange and communication.
- The participant has a right at any time to make their own decision on whether or not they need an advocate.
- Each participant, and their representative as appropriate, will be provided with the opportunity to be fully and actively involved in all decision making processes concerning the planning, development, delivery, evaluation and monitoring of the organisation.
- CAH respects the participant's right to change their advocate at any time or to use an independent advocate.
- Individual advocate contact details are to be kept in participant files and regularly updated.
- CAH will support participants to access an advocate at all stages if they wish.
- CAH will ensure that all team members have advocacy training, as directed by CAH, and evidenced in the training register.
- If an actual or potential conflict of interest arises, staff will alert the Director, and the actual or potential conflict of interest will be added to the register of interests, and appropriate follow up will occur. Also refer to Complaint Management and Incident Management policies.

## Advocates

If a participant/representative wishes for the services of an advocate, here is a list of local advocates:

- Advocacy for Disability Access and Inclusion Inc
- **Phone 08 8340 4450**
  
- Brain Injury South Australia
- **Phone 08 8217 7600**
  
- Citizen Advocacy South Australia Inc
- **Phone 08 8410 6644**

- Disability Advocacy and Complaints Service of South Australia Inc
- **Phone 08 7122 6030**
  
- Disability Rights Advocacy Service Inc
- **Phone 08 8351 9500**
  
- Independent Advocacy SA Inc
- **Phone 08 8232 6200**

To find the locations and contact details of government-funded independent advocates near you, go to:

<https://askizzy.org.au/disability-advocacy-finder>

## Relevant legislation

Australian Human Rights Commission Act 1986

Disability Discrimination Act 1992

Disability Services Act 1993

Convention on the Rights of Persons with Disabilities (CRPD) 2006

National Disability Strategy 2010-2020

National Disability Insurance Scheme Act 2013

National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018

The National Disability Insurance Scheme (Quality Indicators) Guidelines 2018

The National Disability Insurance Scheme Terms of Business