

Objective:

To ensure all people working at CODA actively promote individual rights to freedom of expression, self-determination and decision making. This policy and procedure also provides current information and support to people with a disability and their family regarding the range of advocacy services available to them.

Scope:

All CODA staff and clients

Policy Statement:

Underpinning all customer services policy is an approach to service delivery that is committed to ensuring that customers, their families and carers are at the very centre of decision making in matters related to their support needs and life choices. 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 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 can fully participate in the community.

Advocacy in relation to this policy and procedure falls within two categories of definition:

Individual Advocacy -

An advocate in the disability sector works to ensure the rights of people with disabilities are upheld and supports people with disabilities to make decisions affecting their lives.

Systemic Advocacy

Is about social change by; advocating for change to legislation, policies and practices to address discrimination that affects a number of people with a disability. Systemic advocacy includes lobbying politicians, campaigning and raising public awareness in order to build an inclusive community.

CODA recognises and supports the right of clients to use an advocate when dealing with the organisation, and that staff members within CODA will not become advocates in relation to this organisation.

CODA will adopt an active leadership role to promote the rights of people with a disability. The organisation will be proactive in representing the needs and aspirations of people with a disability and their families in service planning and improved service delivery, through the participation in local, regional and national networks and partnership opportunities as they arise.

1 Definitions of Advocacy

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 CODA.

An advocate can be defined as someone who pleads for, intercedes, or speaks on behalf of individuals or groups. 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 the client's 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.

An advocate can assist by:

- Ensuring client's rights are maintained
- Ensuring the client actively participates in the decision-making process where the outcome affects their lives
- Resolving problems or complaints in relation to services.

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

2 Provision of Information

1. At first contact for new clients CODA staff will explain advocacy and provide clients and their families/carers with a copy of the CODA Client Handbook appropriate to the service being accessed.
2. CODA 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.
3. Written 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.
4. The Victorian and Australian governments fund a number of disability advocacy and self-advocacy organisations. Most of these organisations do not provide services other than advocacy, information and community education. All staff must familiarise themselves with details of Advocacy agencies. When a client requests an advocate CODA staff will explain the role of an advocate and refer the client and family/carer to the contact details of the availability of advocacy service provided in their CODA Client Handbook.

3 Individual & Community Based Support Service

- The individual with a disability is the primary customer
- The person's family is the secondary customer
- There may be occasions where CODA 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 will 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.

4 Residential Services

- The individual with a disability is the primary customer
- The person's family is the secondary customer
- There may be occasions where CODA 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 will 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.
- To promote and develop skills in self-advocacy, clients will be supported to hold weekly house meetings. These meetings will provide clients the opportunity to make decisions about their daily lives such as menus, duty rosters for residents, daily routines, etc. Clients will also be provided with the opportunity to raise issues they may be having within the household, with staff or other residents.

5 Advocacy in relation to CODA services

Clients will receive support and training to understand their right to use an advocate when they have an issue they wish to resolve with CODA.

Staff members will not become an advocate for a client in relation to issues they have with the organisation.

Staff will ensure there is accessible information available to support clients to make contact with an advocate.

CODA will ensure clients understand the role of an advocate as well as their right to use an advocate in relation to CODA. The client will be informed about their right to use an advocate and the role of the advocate when the client is:

- Assessed and reassessed for services
- Oriented to the services and programs
- Refused service

Or if:

- They wish to make a complaint about the service
- A staff member believes an advocate may be beneficial to the client

6 Authorised Representatives

If an Authorised Representative is acting on behalf of a client, CODA 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 Eduring/Medical Power of Attorney.

7 Making Comment on Behalf of the Organisation

CODA Board members 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 CODA staff involved in these activities must do so in consultation with the CEO.

8 Funded Advocacy Agencies in Victoria

The Victorian Government helps to promote the participation and voice of people with a disability by funding disability advocacy and self-advocacy organisations.

The following organisations are funded through the Office for Disability's Disability Advocacy Program.

- Action on Disability within Ethnic Communities
- Association for Children with a Disability
- Barwon Disability Resource Council
- Blind Citizens Australia
- Brain Injury Matters
- Collective of Self Help Groups
- Communication Rights Australia
- Cystic Fibrosis Victoria
- Deaf Victoria
- Disability Advocacy & Information Service
- Disability Resources Centre
- Disability Resources Centre South East
- Gippsland Disability Advocacy
- Grampians disAbility Advocacy Organisation - Ararat, Ballarat and Horsham
- Leadership Plus
- Migrant Resource Centre, North West Region
- New Horizons Self Advocacy Group, auspiced by Eastern Access Community Health (EACH)
- Regional Information & Advocacy Council - Bendigo, Shepparton and Mildura
- Reinforce
- South West Advocacy Association
- STAR Victoria
- Victorian Advocacy League for Individuals with Disability (VALID)
- Women with Disabilities Victoria

- Youth Disability Advocacy Service, auspiced by Youth Affairs Council of Victoria

9 **NDIS and the National Disability Advocacy Program (NDAP)**

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 (AAT).

To find out more about the NDAP, please visit the NDAP page on the DSS website

10 **Supported Decision Making guide**

The DHHS - Supported Decision Making guide offers a principles-based approach to supporting decision making by people with a disability. It represents one step in communicating and facilitating the change that needs to occur in support services to ensure that people with a disability can, to the greatest extent that they are able, exercise the basic right to make choices and decisions.

All CODA staff should read and familiarize themselves with the guide attached to this policy and procedure.

Supported Decision Making CO-Information

New Client Information Pack: Handbook -(CO) Client Support

New Client Information Pack: Handbook -(CO) Client Support
(**Not Issued** - In Draft)

Client Rights & Responsibilities Charter: Official Position Statement -(CO) Governance

Accessible Information: Policy -(CO) Client Support

CS - Individual Rights & Decision Making: Policy -(CO) Client Support

References to Standards and Legislation:

HSS: Standard 1 - Empowerment **1.1:**Criteria 1.1 – People understand their rights and responsibilities.

HSS: Standard 1 - Empowerment **1.2:**Criteria 1.2 – People exercise their rights and responsibilities

HSS: Standard 2 – Access and **2.1:**Criteria 2.1 – Services have a clear and

Engagement

HSS: Standard 2 – Access and Engagement

HSS: Standard 3 – Wellbeing

HSS: Standard 3 – Wellbeing

HSS: Standard 3 – Wellbeing

HSS: Standard 4 – Participation

HSS: Standard 4 – Participation

HSS: Standard 4 – Participation

HSS: Standard 4 – Participation

HSS: Standard 4 – Participation

NSDS: Standard 1 - Rights

NSDS: Standard 1 - Rights

NSDS: Standard 2 - Participation and Inclusion

NSDS: Standard 2 - Participation and Inclusion

accessible point of contact

2.2:Criteria 2.2 – Services are delivered in a fair, equitable and transparent manner.

3.1:Criteria 3.1 – Services adopt a strengths based and early intervention approach to service delivery that enhances people’s wellbeing.

3.2:Criteria 3.2 – People actively participate in an assessment of their strengths, risks, wants and needs.

3.5:Criteria 3.5 – Services are delivered in a safe environment for all people free from abuse, neglect violence and /or preventable injury.

4.1:Criteria 4.1 – People exercise choice and control in service delivery and life decisions, where appropriate

4.2:Criteria 4.2 – People actively participate in their community by identifying goals and pursuing opportunities including those related to health, education, training and employment.

4.3:Criteria 4.3 – People maintain connections with family and friends, as appropriate.

4.4:Criteria 4.4 – People maintain and strengthen connection to their Aboriginal and Torres Strait Islander culture and community.

4.6:Criteria 4.6 – People develop, sustain and strengthen independent life skills.

1.3:Service supports active decision-making & individual choice including the timely provision of information in appropriate formats

1.5:The service has preventative measures in place to ensure that individuals are free from discrimination, exploitation, abuse, harm, neglect and violence

2.1:The service actively promotes a valued role for people with disability, of their own choosing

2.3:Staff understand, respect and facilitate individual interests and preferences, in relation to work, learning, social activities and community connection

over time

NSDS: Standard 2 - Participation and Inclusion

2.4:Where appropriate, the service works with an individual’s family, friends, carer or advocate to promote community connection, inclusion and participation

NSDS: Standard 3 - Individual Outcomes

3.2:Service planning, provision and review is based on individual choice and is undertaken together with an individual and, with consent, their family, friends, carer or advocate

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