

Advocacy Policy

1. Purpose

Inala Community House (ICH) National Disability Insurance Scheme (NDIS) is committed to ensuring all participants have the right to advocacy. This policy sets out how ICH NDIS ensures NDIS participants can access advocacy services to help promote and protect their human rights and welfare.

2. Scope

This policy applies to all ICH NDIS representatives including key management personnel, Directors, full time workers, part time workers, casual workers, contractors, volunteers and students. For the purpose of this policy, these persons shall be referred to as workers.

3. 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 disability. Advocacy services for people with 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.

Independent Advocate: is a person who:

- Is independent of the organisations providing supports or services to the participant
- Provides independent advocacy for the participant, to assist them in exercising choice and control and to have their voice heard in matters that affect them
- Acts at the direction of the participant, reflecting their expressed wishes, will, preferences and rights, and
- Is free of relevant conflicts of interest

Independent advocates may be funded by the government where:

- A participant faces complex challenges or are unable to advocate for themselves, and
- They do not have family, friends or peers who can support them as informal advocates

4. Policy

Upon commencing services, new participants are informed of the role of advocates, their right to use advocates and advocacy services, and how to contact and involve advocacy agencies.

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 or 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.
- Independent advocacy

An advocate 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. where a solicitor helps 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.

Independent advocates may assist with more complex or specialised matters such as supporting a participant:

- 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 participant to speak up for themselves
- To leave domestic violence situations

Advocates do not:

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

A participant is not required to use an advocate and will be supported in cases where they choose to self-advocate. They will also be supported to elect a new advocate or withdraw their authority for an advocate.

If a participant needs an advocate and a family or carer cannot provide it, an ICH NDIS worker will attempt to introduce an advocate chosen by the participant.

ICH NDIS will facilitate access to an advocate where allegations of violence, abuse, neglect, exploitation or discrimination have been made.

If a participant requests a worker to be an advocate, their authority to act in this capacity will be recorded along with the issues important to the participant and their goals. NDIS workers are not able to be independent advocates as there is a conflict of interest.

The program 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.

5. Review

This policy remains in effect unless otherwise determined by resolution of the Board of Directors.

This policy will be reviewed every two years or sooner as required.

6. Related Documents

Policies

ICH NDIS Participant Rights Policy
ICH NDIS Abuse, Neglect and Exploitation Policy
ICH NDIS Person-centred Care Policy
ICH NDIS Duty of Care and Dignity of Risk Policy
ICH NDIS Decision Making and Consent Policy
ICH Anti-Bullying Policy
ICH Anti-Discrimination Policy
ICH Anti-Sexual Harassment Policy
ICH Service User Support Policy
ICH Service User Protection Policy

Other Documents

Participant Rights (easy read)

References

CentroAssist Policy Portal
NDIS (Quality Indicators) Guidelines (Cth)
National Disability Insurance Scheme Act (Cth)
Disability Services Act 1986 (Cth)
NDIS (Nominees) Rules 2013 (Cth)
Disability Discrimination Act 1992 (Cth)