

Advocacy Policy

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Policy Intention

The purpose of this policy is to ensure that WEmpower Services Staff, Managers, and volunteers are aware of different forms of advocacy and respond effectively to the involvement of advocates on behalf of people with lived experience of mental illness/recovery and / or their families and carers.

Relationship to other WEmpower Services Policies

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| Book 1 - Service Delivery Policies: |
| Advocacy Policy |
| Boating Policy |
| Bullying & Harassment Policy |
| Child Safety Policy |
| Client Rights & Responsibilities Policy |
| Driving of Client Vehicle Policy |
| Diversity & Equal Employment Opportunities |
| Dress Code Policy |
| Feedback & Complaints Policy |
| Freedom from Abuse, Neglect & Exploitation |
| Informed Consent Policy |
| Intake Policy |
| Managing Allegations of Sexual Abuse |
| Mobile Phone Policy |
| Privacy Statement Policy |
| Responding to Quality-of-Care Concerns |
| Restrictive Practices Policy |
| Risk Assessment Policy |
| Safeguarding Policy |
| Service Access Policy |
| Service Agreements with Participants Policy |

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| Staff Code of Conduct Policy |
| Staff Recruitment and Induction Policy |
| Support Planning Procedures |
| Transitions to and from the Provider Procedures |

Scope

Management, staff, and volunteers have a responsibility to ensure that they are aware of WEmpower Services procedures for Advocacy and follow the requirements of the policy.

Definitions

Advocacy: is the process of acting to:

- achieve social justice in the areas of rights, access, participation, and equity.
- prevent or stop abusive, discriminatory, or negligent treatment.
- increase and improve well-being.
- increase inclusion and acceptance in the community; and
- identify and put a stop to the causes of unjust and unfair treatment, situations and their many causes, so that people's fundamental needs can be met

Capacity, in this policy, describes a person's ability to make his/her own decisions. A person may lack capacity in some areas, i.e., make financial or medical decisions but still be able to make other decisions i.e., what to eat and wear. Therefore, capacity may be decision specific.

Informed decision making occurs when a person with decision-making capacity decides after gathering and considering relevant facts.

Individual Advocacy means the advocate concentrates their efforts on one or two people only. Individual advocacy includes:

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- a. Informal Advocacy: carers, parents, brothers and sisters, relatives, friends who take on advocacy roles are all examples of informal individual advocacy.
- b. Community managed organisations: some staff have a formal advocacy role and are paid to advocate for Clients.
- c. Community legal services: including specialist mental health legal services also have an important advocacy role. Citizen advocacy is a community-based movement that aims to recognise, promote, and defend the rights, well-being, and interests of people with lived experience of mental illness/recovery. It does so by finding and supporting caring, responsible citizens who make long-term voluntary commitment to make a positive difference in the life of a person who may be lonely, face difficult challenges, or be in “at risk” situations.

Systemic Advocacy is primarily concerned with influencing and changing the system (legislation, policy, and practices) in ways that will benefit people with lived experience of mental illness/recovery as a group within society. Systemic advocates will encourage legislative and government policy reform to improve standards, guidelines, and implementation to improve service policies and community attitudes.

Self-advocacy is undertaken by people on their own behalf, and in their own interests, or by groups who share the same characteristics or interests.

Principles

Inclusion: People with lived experience of mental illness/recovery:

- are placed at the centre of decision making so that personal needs, goals, and senses of achievement shape advocacy support.
- are supported to enable them to choose how they want to participate and contribute within their communities.

Social and cultural diversity is explored, considered, and embraced, and strategies implemented that minimise exclusion.

Empowerment: People with lived experience of mental illness/recovery are encouraged and supported to represent themselves and to understand their rights and responsibilities and the options available to make informed decisions.

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Trauma: The impact of past trauma may make it difficult for people to develop self-advocacy skills, or to trust an individual advocate.

Privacy and confidentiality: The privacy, dignity, and confidentiality of people with lived experience of mental illness/recovery are protected and always upheld and consistent with relevant privacy laws and principles, and limits to confidentiality under the NSW Mental Health Act (2007).

Collaboration: Advocates should foster strategic alliances with people with lived experience of mental illness/recovery, families and carers, peak organisations, and universal services to ensure contemporary models of treatment, care, and support.

Independence of support: People with lived experience of mental illness/recovery and their families and carers all receive independent and autonomous support that is not inhibited by conflict of interest.

Quality: All supports delivered to people with lived experience of mental illness/recovery are of high quality, effective and outcomes based.

Equity: Each person seeking a service has access to that service based on relative need and available resources.

Outcomes

- People with lived experience of mental illness/recovery and their families and carers are supported to self-advocate, advocate on behalf of other people, or access an advocate so that their rights are upheld in the community.
- People with lived experience of mental illness/recovery choose to participate in a community in which they are welcomed and supported.
- A person's participation and contribution to the local community is determined by that Client.
- People have improved access to appropriate and responsive advocacy including people from Aboriginal and Torres Strait Islander and CALD backgrounds.
- There is greater acknowledgement and awareness of mental health in the community.

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Policy Detail

To fulfil its responsibilities in relation to advocacy, WEmpower Services will:

- facilitate life choices by supporting people with lived experience of mental illness/recovery to have their say and make their decisions.
- provide better opportunities for people with lived experience of mental illness/recovery and their families and carers to make informed decisions about their lives, while considering how these decisions will impact upon those around them.
- enhance the rights of people with lived experience of mental illness/recovery through advocacy.
- support families and carers of people with lived experience of mental illness/recovery to choose how they want to participate and contribute to the care of their loved ones.
- support people with lived experience of mental illness/recovery to choose how they want to participate and contribute within their communities.
- increase options for Aboriginal and Torres Strait Islander people, people from culturally and linguistically diverse backgrounds, and other target groups with lived experience of mental illness/recovery to participate in the community.
- include and value families and carers (where available) as part of the support system for people with lived experience of mental illness/recovery.
- improve access to mental health advocacy supports that meet individual requirements/goals.
- acknowledge and respect the role of people who act as advocates for clients, including their families, guardians, and friends when they take on that role; and
- build upon the existing support system to ensure a strong and viable sector and the delivery of high-quality services.

Advocacy Activities

WEmpower Services Advocacy activities may include, but are not limited to:

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- providing access for people with lived experience of mental illness/recovery, their families, and carers to an advocate for consultation and representation if required.
- fostering the development of self-advocacy amongst people with lived experience of mental illness/recovery, their families, carers, and friends through the provision of advocacy training and education; • assisting the person with lived experience of mental illness/recovery to understand and utilise review and complaints processes where required.
- providing access to culturally appropriate advocacy supports for Aboriginal and Torres Strait Islander people.
- providing access to culturally appropriate advocacy support for people from culturally and linguistically diverse backgrounds.
- developing links between people with lived experience of mental illness/recovery, their families, and carers into the local community; and
- locally promote social inclusion, valuing of diversity and building of mental health awareness that will support clients and groups.

Access to Advocacy

Clients are made aware that WEmpower Services responds positively to advocacy on their behalf.

WEmpower Services:

- provides opportunities to families to gain an understanding of the role of advocacy
- provides clients with a list of advocates in their area
- assists people to access all forms of advocacy, when required.
- respects the right of clients to choose their own advocates.
- ensures clients have unimpeded access to their advocates.
- identifies clients who do not have personal networks and who need assistance to speak up and actively seek the involvement of advocates on their behalf.
- records contact details of advocates on Client's files and individual plans.

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Involvement of Advocates

WEmpower Services encourages Clients to involve their advocates or families to support or represent them in processes such as:

- individual planning.
- informed decision-making.
- complaints and disputes.
- communication and consultation.
- recovery meetings.
- policy development and review.
- strategic planning; and
- general meetings.

Self-Advocacy

WEmpower Services staff support self-advocacy through activities such as:

- Assisting individuals to identify their issues, rights, and preferred options.
- Providing information on self-advocacy in relation to individual or group issues.
- Supporting individuals to gain self-advocacy skills
- Following up and supporting individuals after self-advocacy activity
- Promoting self-advocacy

Consent, Concerns and Choice

- A customer's informed consent is gained before a WEmpower Services staff member rings an advocacy service on the Client's behalf.

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- Where WEmpower Services is concerned about the actions of a client's advocate, WEmpower Services raises its concerns with the advocate and/or the Advocacy organisation which appointed the advocate.
 - WEmpower Services respects the right of clients to change their advocate at any time.
 - WEmpower Services respects the right of a clients to make the decision not to share information with any family member who is not the primary carer.
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Organisations

Commonwealth Care Link Centres – Toll Free: 1800 052 222

People with Disabilities Australia – Toll Free: 1800 422 015

Multicultural Disability Advocacy Association – Toll Free: 1800 629 072

Family Advocacy – Toll Free: 1800 620 588

Synapse NSW – 1800 673 588

Indigenous Disability Advocacy Service (IDAS) – 02 4722 6126

NSW Community Visitor (regarding accommodation in NSW) – 02 9286 1000

Aging & Disability Commission NSW – Community Visitor Scheme – 02 4904 7500

Disability Advocacy NSW – Toll Free: 1300 365 085

NSW Aging & Disability Abuse Helpline – 1800 628 221

Consequences

WEmpower Services shall take appropriate disciplinary action against any employee who does not follow the requirements of the Advocacy Policy.

Disciplinary action may include any of the following:

- a requirement to provide a written or verbal apology.
 - a formal warning.
 - a requirement to attend training or counselling, and dismissal.
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Steps for Staff

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| 1. | Read and understand the Advocacy Policy |
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| 2. | Comply with the Advocacy Policy in all dealings as required. |
| 3. | If concerns arise about the well-being of a customer who may require an advocate, provide them with an Advocacy Brochure and refer this information to the Managers. |

Steps for Managers

| Step | What to do |
|------|---|
| 1 | Read and understand the Advocacy Policy |
| 2 | Comply with the Advocacy Policy in all dealings as required. |
| 3 | Ensure that all new staff are introduced to the Advocacy Policy in their Induction Training and that all staff have read and understand the policy. |
| 4 | Advocacy Brochures are made available to Carers and Clients to assist with obtaining advocates if required. |
| 5 | If concerns are raised by Carers in relation to a clients potential need for an advocate, or clients identify their need, or You identify a possible Need, provide contact details for local advocates and facilitate this if required. |

Forms

Advocacy Brochure

Legislation List for all WEmpower Services Policies

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| ADHC Risk and Safety Procedures, January 2016 | Aged Care Act 1997 (Commonwealth) |
| Age Discrimination Act 2004 | Anti-discrimination Act 1977 (NSW) |
| Associations Incorporation Act 2009 | Australian Human Rights Commission Act 1986 (Commonwealth) |
| Carer's Recognition Act 1974 | Children & Young Persons (Care & Protection) Act 1988 <ul style="list-style-type: none"> Children & Young Persons (Care & Protection) Act 1998 Chapter 16A Children & Young Persons (Care & Protection) Act 1988 Section 27 Protection of Persons who make a Report |

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| | <ul style="list-style-type: none"> Children & Young Persons (Care & Protection) Act 1998 Restrictive Practices S158 Children & Young Persons (Care & Protection) Act 1988 Section 23 ROSH |
| Children & Young Persons (Care & Protection) regulation 2012 | <p>Children's Guardian Act 2019</p> <ul style="list-style-type: none"> Children's Guardian Act 2019 Section 28 |
| Commonwealth Privacy Act 1988 | Commonwealth State and Territory Disability Agreement |
| Community Services (Complaints, Review & Monitoring) Act 1993 | Corporations Act 2001 |
| Crimes Act 1900 (NSW) section 66F | Disability Discrimination Act 1992 (Commonwealth) |
| Disability Inclusion Act 2014 | Equal Employment Opportunity Act (1987) |
| Guardianship Act 1987 (NSW) | Health Records & Information Privacy Act 2002 |
| Home and Community Care Act 1985 | Mental Health Act 2007 (NSW) |
| Model Work Health and Safety Regulations 2011 (Cth) | National Disability Insurance Scheme Act (NDIS) 2013 |
| National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2020 | National Disability Insurance Scheme Rules (NDIS) 2018 |
| National Standards for Disability Services 2013 | NDIS (Incident Management and Reportable Incidents) Rules 2018 |
| NDIS Practice Standards & Quality Indicators Jan 2020 | NDIS (Restrictive Practices and Behaviour Support) Rules 2018 – Updated July 2020 |
| NDIS Terms of Business | NSW Carers (Recognition) Act 2010 |
| NSW Home Care Service Act 1988 | NSW Protected Disclosures Act 1994 |
| NSW Restrictive Practices Authorisation Policy June 2019 | Occupational Health and Safety Act 2000 NSW |
| Ombudsman Act 1974 | Principles for Child Safe Organisations |
| Privacy Act 1988 (Cth) | Privacy & Personal Information Protection Act 1998 |
| State Records Authority of New South Wales <i>Functional Retention and Disposal Authority: FA306</i> | Statutory Procedures - Voluntary Out-Of-Home Care in NSW 2020 |
| The Advocate for Children and Young People Act 2014 | The Australian Privacy Principles 2014 |
| The Fair Work Act 2009 | The Fair Work Regulations 2009 |
| The Human Rights & Equal Opportunity Commission Act 1986 | The National Employment Standards |

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| The Racial Discrimination Act 1975 | The Racial Hatred Act 1995 – Bullying |
| The Sex Discrimination Act 1984 | United Nations Convention on The Rights of Persons with Disabilities |
| Universal Declaration of Human Rights | Work Health and Safety Act 2011 (Commonwealth) |
| Workers Compensation Act 1987 (NSW) | Workers Compensation Regulation 2010 (NSW) |
| Workplace Gender Equality Act 2012 (Commonwealth) | Workplace Injury Management and Workers Compensation Act 1998 (NSW) |

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