POLICY STATEMENT

Beata is committed to ensuring that each client and/or his or her representative has access to an advocate of their choice to represent their best interests and act on their behalf in all dealings with us. This policy establishes the operational framework for supporting clients to exercise their advocacy rights, and to provide a shared understanding of advocate’s roles and responsibilities.

SCOPE

This policy applies to all persons accessing a Beata’s service, program or activity, including clients, carers, advocates and families.

ACRONYMS

HREOC Human Rights and Equal Opportunity Commission
ISO International Standards Organisation
NACAP National Aged Care Advocacy Program
QIC Quality Improvement Council

DEFINITIONS

An advocate is defined as a person who, with explicit authority, represents another person’s interests. An advocate may speak on behalf of the client, to ensure their best interests are represented.

An informal advocate is a friend or family member who is nominated by a client as their personal advocate.

A systems advocate refers to an organisation or trained professional person whose capacities and skills enable them to act for an individual or group of individuals in an institutional setting.

A legal advocate refers to a nominated person whose role has legal authority, such as a Health Attorney or Enduring Power of Attorney.

A support person acts to support the client in his or her negotiations with the service. This may include interpreting, providing assistance with communication, and/or advising on the service user’s needs. A client may nominate different people as their support person and advocate.

PHILOSOPHY

We acknowledge and value each individual’s right to full participation in decisions about their care and lifestyle options, and their right to equal access to services without discrimination based on gender, race, ethnicity, disability, age or cultural or religious beliefs. In order to exercise those individual rights to their...
full extent, it is our belief that many clients will benefit from the confidence that comes from having a chosen advocate and/or support person to uphold their rights and represent their interests.

RESPONSIBILITIES

The Case Manager is responsible for:

- Informing prospective clients and their carers on their opportunity to nominate an advocate

## PROCEDURES

### PROVIDING ASSISTANCE

Prior to commencement of services, prospective clients and their carers will be offered the opportunity to nominate an advocate to attend the initial home visit by the service, to assist them in decision-making. All clients are provided with information in their Home Care Agreement about their right to access an advocate and/or support person of their choice to support them in all dealings with Beata, and how to do so. This information is verbally explained at the initial home visit, and is supported by provision of a list of advocacy services and their contact details. In addition, the client information package also includes “Advocacy Information Sheet” which explains what an advocate is, who can be an advocate, and the benefits accruing for the client from the advocacy role. The client is also given a copy of “Client and Carer Advocacy/Support Services List”. Reminders of the client’s right to access an advocate are given at each formal review meeting.

The National Aged Care Advocacy Program (NACAP) and the Aged Care Complaints Scheme (ACCS) have been established by the commonwealth government to ensure aged care clients are aware of, and can exercise their rights. Assistance and advice from the NACAP and ACCS can be accessed through the My Aged Care website: www.myagedcare.gov.au/how-make-complaint/advocacy-services.

### THE ROLE OF A CLIENT ADVOCATE

An advocate is a person or organisation who stands alongside another individual and speaks out on their behalf in a way that represents the best interests of that individual. Advocacy differs from mediation and negotiation, which are both processes that aim to reach a mutually acceptable outcome between two parties. The role of an advocate is not impartial, as he or she has an obligation to operate entirely from the perspective of the client in negotiating an outcome. An advocate aims to protect the interests and promote the welfare of the client.

The advocacy role may involve speaking, acting or writing on behalf of an individual who has limited capacity to exercise his/her rights, or who may feel intimidated by formal structures or authorities. Advocacy is a mechanism to facilitate client rights, and the advocate may be requested to support the client in exercising his/her rights. This may involve, for example, supporting the client’s right to be treated with respect and dignity; to receive quality services; to autonomy and choice; to privacy and confidentiality; to resolution of complaints; to non-discrimination; and to protection of his/her legal and human rights to freedom from abuse and neglect.
### 3 RESPONSIBILITIES OF A CLIENT ADVOCATE

Accepting a nomination as a client advocate means attendance would be expected during assessments and reviews of the client’s care plan, or in any circumstance where the client wishes to communicate or negotiate with Beata, for example, to request access to his/her personal information; to lodge a complaint; or to provide feedback on our service performance. Clients are free to change their advocates whenever they wish, through completing another notification form. Client advocates are expected to respect the client’s wishes.

### 4 ROLE RESTRICTIONS

Clients and prospective advocates should be made aware that neither language interpreters nor signing interpreters can be used as advocates. Advocates are required to represent a client’s interests independently of the service provider’s perspective, which may involve a degree of conflict with service providers and other relevant authorities.

Interpreters have a distinct role to play in accurately interpreting communication between two or more parties, and this responsibility does not permit the necessary independence required of an advocate. Interpreters may be nominated as the client’s chosen support person, but not as a client advocate.

### 5 STAFF AWARENESS AND TRAINING

During their initial induction to the service, all staff/volunteers are inducted on client rights and responsibilities. This includes information on clients’ advocacy rights, and training on the role of the advocate and how staff can assist clients in accessing advocacy support.

The induction program includes familiarisation with all operational policies, and each member’s responsibility to understand and comply with documented procedures. All staff are required to sign an Induction Checklist.

### 6 RELEASE OF INFORMATION

Personal client information will only be provided to an advocate or support person with the signed consent of the client.

### 7 SYSTEMS ADVOCACY

In pursuance of our vision and values and in acknowledgement of our support for the *Universal Declaration of Human Rights*, Beata accepts a corporate responsibility to advocate for a fair society based on social justice principles of access, equity and natural justice, in accordance with our Corporate Governance Policy.

We will promote and participate in collaborative community action to influence policy change and/or attitudinal barriers to address identified issues of discrimination or inequality in access to services by members of special needs groups, and will at all times advocate for equal participation and access to the social, educational, and economic fabric of society by those suffering any form of disadvantage.

**EXPECTED OUTCOME**
• 100% of clients and their representative has been informed by the Case Manager on entry to Beata’s services on their rights on accessing/ having an advocate or support person and information on the advocacy groups available in the community.

• Advocates are aware of their roles and responsibilities.

• 100% of all employees have the knowledge on the client’s rights and responsibilities.

Related Documents:
- Home Carer Agreements
- Client Care Plan
- Client Information Checklist
- Client Satisfaction Survey
- Feedback Form
- Client and Carer Advocacy /Support Services List
- Senior Rights Victoria: Elder abuse prevention and support
- Aged Care Complaints Commissioner: I have a concern

Register:
- Regional Services Register

References:
- The Home Care Standards (2013) (Standard 3 Expected Outcome 3.4)
- Human Services Quality Standards (2012) (Standard 3, 4 & 5)
- ISO 9001:2008 Quality Management Systems Requirements (Standard Requirements 5.2, 7.1, 7.2, 7.5)
- National Community Housing Standards (Standard 3.1)
- QIC Health and Community Services Standards (Standard 2.4)
- The HACC National Service Standards (Objective 7, Expected Outcome 7.1)
- The Aged Care Act (1997) Quality of Care Amendment (Home Care) Principle 2013
- Client Information Systems
- Care Coordination and Delivery