

ADVOCACY

Policy & Procedure

QA REFERENCE	Management P&P No 21 Rev 13 May 2021
INTRODUCED	16th February 2017
LAST REVIEWED	18 January 2022
NEXT REVIEWED	18 January 2025
RESPONSIBILITY	The Operational Leadership Group is responsible for the review and currency of this policy and associated procedures.
APPROVED	Approved by the Chief Executive Officer on 18 January 2022 This policy and procedure is valid from the date of introduction and remains in force, as amended from time to time, until such time as formally revoked by resolution at a meeting of the Operational Leadership Group.
ENDORSED	Endorsed by the Operational Leadership Group on 18 January 2022
RATIFIED	Ratified by the Board of Directors by resolution at a meeting of the Board on – N/A This policy is valid from the date of introduction and remains in force, as amended from time to time, until such time as formally revoked by resolution at a meeting of the Board of Directors.
REFERENCES	
Related Legislative Acts and other sources of Authority	<p><u>COMMUNITY SERVICE ORGANISATIONS</u></p> <ul style="list-style-type: none"> • Children Youth and Families Act 2005 • Community Services Act 1987 • Child Wellbeing and Safety Act 2005 <p><u>HOUSING PROVIDER</u></p> <ul style="list-style-type: none"> • Housing Act 1983 (Vic) Part VIIIA – Social Housing • Residential Tenancies Act 2018 – with amendments 1/1/21 <p><u>NDIS PROVIDER</u></p> <ul style="list-style-type: none"> • Disability Services Act 1986 (Cth) • Disability Act 2006 (Vic) • National Disability Insurance Scheme Act 2013 <p><u>CLIENT SERVICES</u></p> <ul style="list-style-type: none"> • Charter of Human Rights and Responsibilities Act 2006 • Freedom of Information Act 1982 • Health Records Act 2001 • Information Privacy Act 2000 • Modern Slavery Act 2018 (Cth) • Privacy Act 1988 (Cth) • Privacy and Data Protection Act 2014 • Working with Children Act 2005

	<p><u>ANTI DISCRIMINATION ACTS</u></p> <ul style="list-style-type: none"> • Age Discrimination Act 2004 (Cth) • Australian Human Rights Commission Act 1986 • Charter of Human Rights and Responsibilities Act 2006 • Disability Discrimination Act 1992 (Cth) • Equal Opportunity Act (Vic) 2010 • Human Rights and Equal Opportunity Commission Act 1986 (Cth) • Racial and Religious Tolerance Act 2001 and Amendment Bill 2019 (Vic) • Racial Discrimination Act 1975 (Cth) • Sex Discrimination Act 1984 (Cth)
Related Standards, Guidelines and other References	<p><u>STANDARDS</u></p> <ul style="list-style-type: none"> • Child Safe Standards • DHHS Victorian Housing Register Operational Guidelines • Guidelines for Registered Housing Agencies published by DHHS • Human Services Standards • Performance Standards for Registered Housing Agencies • Standards for Disability Services in Victoria <p><u>WEBSITE LINKS</u></p> <ul style="list-style-type: none"> • Australian Human Rights Commission • Commonwealth Ombudsman • DHHS Community Services Quality Governance Framework • DHHS Child Safe Standards • DHHS Families & Children - Child Protection • DHHS Victoria • Disability Services Commissioner • Mandatory Reporting • Office of the Disability Services Commissioner
Related MASP Policy and Procedure Documents	<ul style="list-style-type: none"> • <u>Child Safe – M't P&P No 22</u> • <u>Clients at Risk and our Duty of Care - CWG P&P No 02</u> • <u>Privacy and Confidentiality - M't P&P No 16</u> • <u>Management P&P No 29</u>
Related MASP Instructions and Guidelines	<ul style="list-style-type: none"> • Inclusive Communities Client Journey – IC I&G No 09 Int 18 01 2019 • Inclusive Communities Services Manual – IC I&G No 04 Int 29 09 2019
Related MASP Forms and Templates	<ul style="list-style-type: none"> • Code of Conduct - HRM P&P No 12 • Case Management Manual - CM P&P No 8 • Complaints and Appeals - CM Form No 3 • Brochure: Working Together - You and MASP Info No 1 • Brochure Complaints and Appeals Info No 2
ACRONYMS/DEFINITIONS	
<ul style="list-style-type: none"> • MASP • CEO • NDIS 	<ul style="list-style-type: none"> • Mallee Accommodation and Support Program Ltd. • Chief Executive Officer • National Disability Insurance Scheme

PURPOSE

MASP is required to provide access to advocacy support to our clients. The purpose of this policy is:

- to outline our commitment to respecting and protecting the legal and human rights of individuals and their right to services.
- to ensure all MASP clients have access to advocacy support.
- to provide a framework for staff to use when providing access to advocacy support.

SCOPE

This policy applies to:

- board directors
- all staff, including: managers and supervisors; full-time, part-time or casual, temporary or permanent staff; job candidates; students on placement and volunteers
- how MASP provides services to clients and how it interacts with other members of the public
- all aspects of employment, recruitment and selection; conditions and benefits; training and promotion; task allocation; shifts; hours; leave arrangements; workload; equipment and transport
- on-site, off-site or after-hours work; work-related social functions; conferences – wherever and whenever staff may be as a result of their MASP duties.
- staff treatment of clients, of other staff and of other members of the public encountered in the course of their MASP duties.

POLICY

This policy aims to provide MASP staff with information around advocacy. As a provider of direct support or casework services to vulnerable people in our community (many of whom are marginalised and powerless) it is our role to advocate on their behalf.

In this role MASP's direct support service staff should operate as advocates to other services or agencies on behalf of their clients (in having their client's individual needs met). As well as the direct service advocacy role of caseworkers and support workers, it is expected that staff at a Senior Management level and/or Board member should speak on behalf of MASP as an advocate to the community, other service providers and to government on broad issues impacting on our client groups, where resolution of systemic or infrastructure inadequacy is necessary. Such action is consistent with our vision "empowering our community to be free from homelessness, abuse, poverty and disadvantage".

Finally, MASP recognises that there may be occasions where advocacy is required for a client of a MASP service in relation to another MASP service. In these circumstances the two MASP services will work collaboratively and proactively in the best interest of the client. MASP staff are required to make clients aware of (and if required, facilitate access to) advocacy opportunities and advocacy organisations/services which might assist our client's access MASP or other services, resolve conflict with MASP staff or other service staff and make appeals or complaints.

In all of our many Advocacy roles, MASP ascribes to the following broad principles:

- We take our many advocacy roles seriously, particularly when they relate to the need for systemic change.
- We act professionally, building on **hard data and experience**, not just on rhetoric and ideology. On the individual advocacy level, we are **person or client directed** representing the needs of our clients and or their carers and not leading them towards our own agendas. We work with the understanding and knowledge of our clients.
- We **encourage** clients to use external advocates or advocacy services, friends or families to support them and to ensure that they get the most appropriate service from MASP appropriate to their needs.
- We are consistent with the MASP vision and mission, in that we do not take public positions outside our main areas of operation.

- We endeavour to avoid confrontational approaches as much as possible but we **do** take the side of our client/cause ... we are **not** neutral.
- We operate confidentially and respect privacy.
- We are culturally sensitive.
- We seek to empower our clients.
- We maintain a Duty of Care which expressly forbids illegal action and actions that significantly harm or disadvantage the person/client concerned.
- We remain independent and eschew any conflicts of interest.

PROCEDURE

1. DIMENSIONS OF THE ADVOCACY ROLE

1.1 Undertaking Advocacy on behalf of individual clients to external agencies/services

This requires staff to work on behalf of **clients in an advocacy role** to assist them obtain services at other locations or agencies and gain outcomes sought by clients. However, there will be times when MASP advocacy on behalf of clients may not be seen sufficiently powerful. In these cases, **external** advocacy services may be more appropriate to advocate to external services, programs and bodies and should be considered.

1.2 Engagement of External Advocacy (on behalf of clients) directly to MASP (or other services/agencies)

This requires staff to encourage and facilitate the client or potential clients' use of **external advocacy** services (or individuals), who assist clients in accessing **MASP** and other Agency Services, and to help clients make decisions and agreements about MASP and/or other agency services to be provided. Included in this, is assistance given to clients to help them complain, appeal or otherwise deal with MASP and other agencies and their respective staff in an adversarial context.

1.3 MASP Advocacy on a community or policy basis

This requires senior management or the BOM to **advocate collectively for systemic change**, on behalf of the broad client groups serviced, based on experiential evidence collected during service delivery. Change might be sought at the political level to existing and proposed policy and resources allocation.

2. INDIVIDUAL AND COMMUNITY ADVOCACY BY MASP STAFF

As indicated above, MASP works at both the **individual and systemic/community** level.

At the individual level, MASP staff must focus on the specific needs and rights of individuals by providing an environment in which individuals can assert their rights, obtain justice and equality and challenge decisions and actions which restrict their opportunities and life choices.

MASP does this by assisting people to **develop skills** to advocate their own interests, by **supporting** them in **actually (self) advocating** their interests and by **speaking for and on their behalf** when individual clients are unable to do so.

At a systemic level, MASP works on publicising information (and data) about injustice and inequality in relation to its target client groups and by influencing and changing the systems – including government laws and policies, departmental procedures, generic community practices, MASP procedures, etc., that maintain or reinforce the marginalised status of our clients.

In our **advocacy** roles there is, therefore, work for members of the MASP staff at all levels;

- by case managers and caseworkers at the individual level at the direction of and with the agreement of the individual,
- by the Management group at the organisational level through work with other organisations and/or government and funding bodies to change policy and procedure or to redress inadequacies in responses to clients at an individual level.
- by the CEO and Board at the community level and in the public arena including feeding of data and information into the political level.

3. ENCOURAGING ACCESS TO EXTERNAL ADVOCATES

There are times when clients may need the services of an advocate to assist them negotiate with MASP staff to get the best service, or to appeal decisions or complain about service delivery.

Clients might also need to engage advocacy services to assist them advocate with **other** services or programs. MASP staff should be aware of the potential for considerable power imbalance when dealing with clients and be prepared to redress this wherever necessary by engaging independent third parties as advocates for the client.

All clients must be advised, starting at initial contact stage of their rights and responsibilities as MASP clients. At a minimum this advice will be conveyed through handouts and explanation of the MASP Brochure ***Working Together: You and MASP***.

In this brochure clients are advised of their right to have family friends or an advocate with them when dealing with MASP in accessing services OR to assist them in making complaints or appealing against MASP decisions.

Staff must be aware of the Advocacy services operating in this area, focussing on the needs of their client group (e.g. Social Housing Advocacy and Support provider, Disability Advocacy Service etc.) and convey this information to clients. This is particularly important when adverse eligibility decisions are made or when clients indicate that they wish to complain about service delivery. Staff are expected to take active steps in assisting clients to access these services where it would seem to increase the clients' power to deal more equally with MASP staff. Of course, MASP staff can also seek to help the client obtain external advocacy services to advocate on behalf of clients to services and programs outside MASP where this is judged as more likely of success (or preferred by the client).

Advocacy support for clients is valid at all stages of client contact, particularly at, but not limited to the eligibility decision stage, plan formation or plan review stage and in relation to Appeals and Complaints. External Advocacy services seen as appropriate might also include legal advice or general legal services.

Where a family member, friend or external advocate is involved (at the request of the client) in the development of the action plan or plan review they should be provided with copies of the plan or any other documentation provided to the client

4. ADVOCACY IS INTERDEPENDENT

Although MASP works at three levels in our advocacy practice, work at each level builds on work at another level as they are interdependent. For instance, it is critical that systemic issues impacting on clients identified at caseworker level that require ongoing, repetitive advocacy in case after case, are conveyed up to Management via Team Leaders, to ascertain patterns or frequency across the agency or across organisations within the service community.

The Management team may then collaborate with all stakeholders in its main fields of practice (Homelessness Support, Placement and Family Services, Disability Support) to build the agency 'will' necessary to make inroads into the problem.

On the same issue the Board may also see a role in advocacy at the political level or working with peak bodies and industry groups. **MASP does not have a silo approach to advocacy.**

5. PROTOCOLS FOR PUBLIC COMMENT/ADVOCACY

Within MASP there are clear protocols that must be followed in putting forward positions (and grievances) in the public arena. Only the CEO can authorise public comment via news releases and the like by MASP staff. Any advocacy **campaigns** must be channelled through this position.

This applies also to aggressive advocacy for an individual's rights which requires media comment or argumentation. A style which the organisation as a whole is comfortable with is needed.

Public advocacy/educational campaigns would usually need to be approved at Board level, particularly if it involved criticism of the political process.