

# Client Advocacy Procedure



**AUTHENTIC  
SUPPORT**

4/177 Main South Road  
Morphett Vale SA 5162  
1800 202 202

Policy area	Advocacy
Document type	Procedure
Applicable to	Authentic Support Pty Ltd
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Related policies	<p>Client Advocacy Policy                      Support Planning Policy                      Service Access and Exit Policy                      Service Delivery Policy                      Safeguarding Against Violence, Abuse, Neglect, Exploitation and Discrimination Policy                      Transition of Care Between Different Environments Policy                      Client Living Alone and Receiving Personal Care Support from a Sole Worker Policy                      Client Health and Wellbeing Policy                      Duty of Care Policy                      Client Feedback and Complaints Management Policy                      Client Money and Property Policy                      Manual Handling Policy                      Consent Policy                      Diversity Policy                      Conflict of Interest Policy                      Incident Management Policy                      Privacy Policy</p>
Authority	<p>NDIS Act 2013                      NDIS Practice Standards and Quality Indicators                      NDIS Code of Conduct                      UN Convention on the Rights of Persons with Disabilities                      Aged Care Act 1997                      Aged Care Quality and Safety Standards                      Aged Care Code of Conduct                      Privacy Act 1988</p>

## PURPOSE

The purpose of this procedure is to explain how our organisation supports an individual's right to an advocate.

## SCOPE

This procedure applies to all our workers (employees, contractors and volunteers).

## DEFINITIONS

Term	Definition
<b>Advocacy</b>	Services provided by a nominated individual, family or professional entity, to support a person by speaking on their behalf and representing their best interests (even if that interest does not reflect the advocate's own beliefs, opinions, conclusions, or recommendations). It may include achieving social justice, improving the person's well-being, preventing abusive, harmful, and discriminatory treatment, or stopping unjust and unfair treatment from meeting their fundamental needs and interests.



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	<p><b>Note:</b> the advocate does not make decisions on the person's behalf, they are <i>speaking</i> on their behalf. For example, if the person does not have the confidence to speak up and further their own.</p>
<b>Advocate</b>	<p>Based on the definition of advocacy above, an advocate:</p> <ul style="list-style-type: none"><li>• aims to protect the interests and welfare of the person for whom they are advocating;</li><li>• is not a substitute/alternate decision-maker and does not have the capacity to make decisions on behalf of the individual for whom they are advocating;</li><li>• operates from the perspective of the person for whom they are advocating when negotiating an outcome; and</li><li>• respects the privacy and confidentiality of the person for whom they are advocating.</li></ul> <p>An advocate may be:</p> <ul style="list-style-type: none"><li>• an informal advocate (e.g. family member or friend);</li><li>• a formal, independent advocate, for example (e.g. Aged and Disability Advocacy Australia (ADA Australia), Older Persons Advocacy Network (OPAN), National Disability Advocacy Program); or</li><li>• a legal advocate (e.g. lawyer).</li></ul>

## CONTEXT

Our organisation recognises the rights of clients to access and engage with an advocate of choice to speak on their behalf. We value the important contribution of the advocacy role in upholding human rights and ensuring each individual has a voice.

## PROCEDURES

### 1. Expectations and Limitations of Advocacy

- 1.1 Start from the assumption that an adult has the capacity to make their own decisions.
- 1.2 Recognise the expectations and limitations of the advocacy role (see Schedule 1).
- 1.3 Be aware that the greater the level of advocacy support provided to a client, the greater the risk of conflict of interest, manipulation and/or undue influence (see Schedule 1).
- 1.4 Implement strategies to minimise risk of perceived conflict of interest, manipulation and/or undue influence (see Schedule 1).

### 2. Access to an Advocate

- 2.1 Provide new clients/family/alternate decision-maker with information (e.g. Welcome Pack) about:
  - the right to use an advocate, and/or advocacy services;
  - the role of an advocate;
  - who can be an advocate; and
  - how to contact a formal advocacy service.
- 2.2 Remind clients/families/alternate decision-makers of their right to have an advocate where there is:
  - a perceived or actual conflict of interest (e.g. where a worker or family member promotes personal or professional interests rather than the client's);



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- a concern regarding undue or inappropriate influence or pressure being placed on the client's decision-making;
  - an issue confronting the client which requires a level of 'advocacy power' that might be beyond them or their support network;
  - a concern that the interests of workers or organisational policy is in conflict with the interests of the client (e.g. where there is a complaint or grievance which impacts on the client).
3. Where a client and/or their family/alternative decision-maker requests it, support them to contact an independent advocacy service.

### **3. Engaging with an Advocate**

1. Make sure the client (and/or the family) is aware they can nominate an advocate to assist in communications with us.
2. Where a client does not have the capacity to self-advocate, seek their input to identify potential family members or friends who would be suitable to speak on their behalf.
3. Where a client is unable to self-advocate and does not have family or friends to advocate for them, make any further necessary arrangements, which may include:
  - undertaking a needs assessment of the client;
  - appointment of a formal advocate from a recognised Advocacy Service; and/or
  - consulting the relevant state/territory Public Guardian.
4. If there is a current Public Guardian appointment for the client, consult with the Public Guardian regarding the appointment of an advocate.
5. Engage with the client and/or their family/alternate decision-maker subject to any conditions or limitations outlined in the appointment, by:
  - providing the nominated advocate with information that would also be provided to the client/family/ alternative decision-maker, including relevant personal client information; and
  - where practicable, participating fully in any meetings or correspondence initiated by the nominated advocate/s.
6. Make sure the client/family/alternate decision-maker is aware they can change the nominated advocate at any time. On receipt of a written request from the client to discontinue with the advocate, we will cease all communication with the discontinued advocate in respect of the client's affairs.

### **4. Maintenance of Records**

- 4.1 Document the name and contact details of the advocate in the client file.
- 4.2 Clearly distinguish the contact details of the advocate from the client's next of kin and/or emergency contact (although they may be the same person).
- 4.3 During the client's annual review, confirm with the client that the recorded details for their nominated advocate are still correct.
- 4.4 Obtain a written request from the client/family/alternate decision-maker in relation to nomination of a new advocate or ceasing an existing advocacy arrangement and document this in the client's file.

### **5. Acting on Concerns and Resolving Issues**

1. When acting as or liaising with an advocate, be alert to:



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- actual, potential or perceived conflicts of interest, in which the advocate may have a professional or personal interest that is either directly or indirectly different from, and in competition with, the interests or wishes of the other person; and
  - situations where the advocate does not consider, or adequately consider, the client's rights and wishes.
2. Report concerns in relation to an advocate to your manager. The manager will take further action as appropriate (e.g. discuss with family or other stakeholders).
  3. Where the issue cannot be resolved by discussing with the advocate, take action in accordance with the Safeguarding Against Violence, Abuse, Neglect, Exploitation and Discrimination Policy.

### **SUPPORTING DOCUMENTS**

Related procedures and forms include:

- Authority to Act as an Advocate Form
- Easy Read - Authority to Act as an Advocate
- Easy Read - Advocacy
- Third Party Information Release Consent Form
- Conflict of Interest Register
- Diversity Procedure
- Client Feedback and Complaints Management Procedure
- Support Planning Procedure
- Service Access and Exit Procedure
- Service Delivery Procedure
- Safeguarding Against Violence, Abuse, Neglect, Exploitation and Discrimination Procedure
- Manual Handling Procedure
- Transition of Care Between Different Environments Procedure
- Client Living Alone and Receiving Personal Care Support from a Sole Worker Procedure
- Client Money and Property Procedure
- Incident Management Procedure
- Reportable Incident Management Procedure

### **RESPONSIBILITIES**

Operations Manager is responsible for:

- maintaining this procedure and associated documents;
- ensuring the procedure is effectively implemented across the service;
- monitoring workers compliance with the requirements of this procedure; and
- ensuring training and information is provided to workers to carry out this procedure.

All workers are responsible for complying with the requirements of this procedure.

### **COMPLIANCE**

Deliberate breaches of this procedure will be dealt with under our misconduct provisions, as stated in the Code of Conduct Agreement.

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## Schedule 1 Types of Advocacy Roles

<b>Standing Behind</b>	<ul style="list-style-type: none"><li>• Providing support which empowers the client to self-advocate by assisting them to:<ul style="list-style-type: none"><li>• understand their rights and responsibilities;</li><li>• self-advocate;</li><li>• make choices and decisions;</li><li>• understand the consequences of their choices and decisions;</li><li>• become self-confident and appropriately assertive; and</li><li>• build a strong and collaborative personal support network or team.</li></ul></li><li>• This often takes the form of providing training, information and/or advice.</li></ul>
<b>Standing Beside</b>	<ul style="list-style-type: none"><li>• Assisting the client to raise issues with others by:<ul style="list-style-type: none"><li>• effectively and appropriately asserting their rights and interests;</li><li>• effectively and appropriately making their views, opinions and decisions known to others; and</li><li>• resisting coercion, manipulation or undue influence from others (e.g. learning to say 'no').</li></ul></li><li>• This often takes the form of offering prompts and reminders.</li></ul>
<b>Standing Before</b>	<ul style="list-style-type: none"><li>• Providing representation by:<ul style="list-style-type: none"><li>• speaking or acting on the client's behalf;</li><li>• defending the client's rights; and</li><li>• protecting the client's interests, care and wellbeing.</li></ul></li></ul>