

Policy Statement:

ODEEP is committed to the principles of respecting and protecting the legal and human rights of individuals and their right to services and supports.

To this end ODEEP supports the right of parents/carers to use an advocate of their choice to negotiate on their behalf. This may be in relation to assessment, reviews, complaints, feedback or any other communication between the family and ODEEP or other services. The organisation will work co-operatively with any other advocate nominated by a parent/carer and treat them with respect.

ODEEP is also committed to providing families with advocacy and support when it is requested.

Responsibilities and delegations

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| This policy applies to | ODEEP staff, volunteers, contractors and families. |
| Specific responsibilities | This policy is developed by the ODEEP CEO and reviewed by ODEEP staff and Board of Directors. It is communicated and implemented by the CEO and staff. |
| Policy approval | ODEEP CEO. |

Policy context – this policy relates to:

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| Standards | NDIS Practice Standards and Quality Indicators 2018 |
| Legislation | NDIS Act 2013 Privacy Act 1988 and Privacy Amendment (Enhancing Privacy Protection) Act 2012 Disability Inclusion Act 2014 (NSW) Disability Discrimination Act 1992 Disability Standards for Schools 2005 |
| Organisation policies | Rights Policy Personal Records and Privacy Policy Feedback and Complaints Policy Privacy, Dignity and Confidentiality Policy Family Centred Practice Policy Individual Outcomes Policy |
| Forms, record keeping, other documents and links | ECIA Code of Ethics NDIS Code of Conduct ODEEP Family Charter Feedback Brochure and Client User Forms DVD – “Adopting a Human Rights Based Approach” and associated manual “Project Rights – promoting and supporting Human Rights”. Fact Sheet: A Summary of the rights under the Convention on the Rights of the Child. |

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| | Feedback and Complaints forms NSW Advocacy Services Resourcing Inclusive Communities Staff appraisal documents |
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Procedures:

The ODEEP CEO will be responsible for ensuring:

- All staff receive training in the use of advocates.
- The availability at ODEEP of printed and/or electronic material on relevant advocacy services.
- The maintenance of a local advocacy resource/contact lists where possible.

Providing clients with information

The Key Worker will ensure parents/carers are informed via appropriate formats (including verbally and in writing during the initial appointments) about their right to use an advocate and the role of an advocate when:

- The family attends appointments with ODEEP staff.
- Their child is being assessed.
- The family attends transition/funding meetings for enrolment of their child to a childcare service or school.
- An Individual Family Support Plan meeting is held.

Or if:

- They want to make a complaint about the service.
- A staff member believes an advocate may be beneficial to the client.

It is the responsibility of the Key Worker at the time of first contact with the client to discuss any communication issues or requirements.

The ODEEP CEO is required to ensure that clients are aware of their rights to use an advocate in relation to the service, including having their advocate present for all assessments, meetings and communication between themselves and the organisation.

If the client is unsure whether they may want to nominate a person as an advocate, they are to be provided with information (in an appropriate format) on various specialist advocacy organisations that may be able to assist them. If they would like to contact any of these organisations their Key Worker will be able to assist them to make contact.

If a client has an advocate it is the Key Worker's responsibility to discuss and document any specific communication issues or protocols to be used between the service and the client's advocate. The name and contact details of the advocate are to be included in the child's file.

Staff members will not disclose any information about the client to an advocate, when the client is not present, unless the client has provided her/his permission to do so.

Working with advocates (when a family has nominated an advocate)

Where a family has identified or nominated an advocate the Key Worker must:

- Record the advocates details in the child’s file.
- Ensure the family is aware of their advocacy rights including the right to have an advocate present for all assessments, meetings and communication between themselves and ODEEP.
- Ensure the advocate knows s/he has been nominated as an advocate and agrees to this.
- Ensure any identified advocate is present at the times the family requires her/him.
- Communicate and work co-operatively with the advocate.
- Ensure that the family knows they have the right to change their advocate at any time.

If an authorised representative is acting on behalf of a family or child, the organisation will require proof of representative authority.

Authorised representatives include:

- Foster Carers /Guardians.
- Attorneys under enduring powers of attorney.
- Agents under the Medical Treatment Act1988.
- Administrators under the Guardianship and Administration Act 1986.
- A person otherwise empowered by the consumers to act or make decisions in their best interests.

Providing advocacy and support

Where a family does not have an identified or nominated advocate and they request assistance from ODEEP the Key Worker will be responsible to either provide advocacy or seek support from another ODEEP staff member. The type and amount of individual advocacy and support that can be provided will be dependent on the staff capability and resources at the time.

| Record of policy development | | |
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| Version | Date approved | Date for review |
| Version 2 | 22 March 2019 | August 2021 |
| Version 3 | September 2021 | September 2022 |