



# Disability Services Standards (Advocacy Standards) (FaHCSIA) Determination 2012

*Disability Services Act 1986*

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I, Senator the Hon. JAN McLUCAS, Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Disabilities and Carers, determine these Standards under paragraph 5A(1)(ba) of the *Disability Services Act 1986*.

Dated

7<sup>th</sup> May

2012

Parliamentary Secretary to the Prime Minister and Parliamentary Secretary  
for Disabilities and Carers

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## PART A – PRELIMINARY

### 1 Name of Determination

This Determination is the *Disability Services Standards (Advocacy Standards) (FaHCSIA) Determination 2012*.

### 2 Commencement

These Standards commence on 1 July 2012.

### 3 Application of Standards to advocacy services

The Standards, as specified in Part B, are to be observed in respect of advocacy services funded under the Act.

Note: The *Disability Services Standards (Eligible Service Standards) (FaHCSIA) Determination 2010* applies to all eligible services except in relation to advocacy services.

### 4 Definition

Unless the contrary intention appears, words and expressions used in this Determination have the following meanings:

**Act** means the *Disability Services Act 1986*.

**advocacy agency** means the management and operational units of an eligible organisation responsible for the advocacy service in respect of which funding has been granted to the eligible organisation under the Act.

**community** means the immediate local environment and the broader society.

**complaint and dispute** means instances which involve a problem or cause for discontent relating to some aspect of the advocacy agency, its staff or the advocacy support provided.

**conflict of interest** means where the agency, or its staff, has a competing interest with the interests of the person with disability which a reasonable person would regard as making it difficult for the agency or its staff to properly discharge their responsibilities to the person with disability.

**continuous improvement** means a detailed program of improvement resulting from activities that may include, but are not limited to, internal review, internal or external audit or assessment, service user feedback, complaints and other service delivery issues.

**ethical guidelines** means guidelines for ethical practice that includes a system of beliefs held about what constitutes moral judgment and right conduct.

**external complaints resolution mechanism** means a system that exists outside an advocacy agency to guide the process of investigation of complaints that are made about it, its staff, or the advocacy support being provided.

**individual needs** includes both the needs of an individual person and the collective needs of people with disability.

**integration** means physical integration and social integration. Physical integration means ensuring that people with disability have access to the same places, and in the same manner as other people. It also means that people with disability receive services in the community. Social integration means that people with disability are able to build and maintain a wide range of relationships with members of the community.

**internal complaints resolution mechanism** means a system set up by an advocacy agency to guide the process of investigation of complaints that are raised with it about it, its staff or the advocacy support being provided.

**participation** means the process of persons or people with disability taking part or actively sharing in the life of the community, and in making decisions about the advocacy support being provided to them.

**quality management systems** are management systems set up to direct and control an advocacy agency with regard to quality.

**relative need** means a ranking of potential consumers on the basis of greatest unmet need and the benefits that they would gain from the service.

**resolved** means that a complaint or dispute is settled or concluded, and each of the parties is notified of the outcome. It does not necessarily mean that the complaint or dispute is concluded in favour of any of the parties.

**retribution** means a negative action taken in response to a person with disability if that person raises a complaint or dispute. It may include intimidation, punishment or withdrawal of service.

**staff** means a person who has an employment or volunteer relationship with the advocacy agency.

**valued status** means a service that is delivered by an advocacy agency in a way that enables a person with disability, as far as possible, to live and work in ways that are valued by the community.

Unless words are defined to the contrary in the interpretation they have the same meaning as in the Act.

## **PART B – THE ADVOCACY STANDARDS**

### **STANDARD 1: ACCESSING ADVOCACY**

Each person with disability has opportunities to access advocacy on the basis of relative need and available resources.

#### **Key Performance Indicators**

- 1.1 The advocacy agency adopts, applies and promotes non-discriminatory policies in respect of age, gender, race, culture, religion, disability or living arrangements, consistent with the contractual obligations and purpose of the advocacy agency and the relative need and available resources.
- 1.2 The advocacy agency has processes to determine how the individuals or issues supported are chosen and prioritised based on relative need and available resources.
- 1.3 Each person with disability is informed about how decisions are made in relation to access and advocacy issues.

### **STANDARD 2: INDIVIDUAL NEEDS**

Each person with disability receives advocacy that is designed to meet their individual needs and interests.

#### **Key Performance Indicators**

- 2.1 The advocacy agency has a process for determining and documenting the advocacy objectives that reflect the wishes, needs or interests of each person with disability.
- 2.2 Advocacy activities are directed to meeting the advocacy objectives of each person with disability.
- 2.3 Each person with disability engaged in determining advocacy objectives is provided with opportunities to involve a support person of their choice.
- 2.4 In meeting the needs of a person with disability, the advocacy agency avoids, where possible, any conflict of interest or the perception of any conflict of interest in relation to the conduct of its advocacy work, and deals with any conflict or perceived conflict transparently.
- 2.5 The advocacy agency helps to empower people to advocate for themselves or their family or others with appropriate strategies (e.g. information, training, mentoring, support).

## **STANDARD 3: DECISION MAKING AND CHOICE**

Each person with disability has the opportunity to participate as fully as possible in making decisions about the advocacy activities undertaken.

### **Key Performance Indicators**

- 3.1 The advocacy agency's policies support each person with disability to direct, within the limits of their capacity or interest, the advocacy activities undertaken to meet their advocacy objectives.
- 3.2 In all circumstances the advocacy activity is informed by ethical guidelines.

## **STANDARD 4: PRIVACY, DIGNITY AND CONFIDENTIALITY**

The right of each person with disability to privacy, dignity and confidentiality is recognised and respected.

### **Key Performance Indicators**

- 4.1 The advocacy agency complies with the Information Privacy Principles of the *Privacy Act 1988* in order to protect and respect the rights of each person with disability.
- 4.2 The advocacy agency promotes privacy, dignity and respect for each person with disability.

## **STANDARD 5: PARTICIPATION AND INTEGRATION**

Each person with disability is supported and encouraged to participate and be involved in the community.

### **Key Performance Indicators**

- 5.1 Through advocacy, opportunities for participation and involvement in the community are promoted.
- 5.2 Where appropriate, the advocacy agency takes action to introduce, influence or produce positive systemic change in the community.

## **STANDARD 6: VALUED STATUS**

The intrinsic value of each person with disability is recognised and each person is supported and encouraged to enhance their valued status in the community.

### **Key Performance Indicators**

- 6.1 Through advocacy, the aspirations and strengths of each person with disability is promoted.
- 6.2 The advocacy agency promotes the intrinsic value and the valued status of each person with disability in all its activities.

## **STANDARD 7: COMPLAINTS AND DISPUTES**

Each person with disability, who has a complaint or dispute with the advocacy agency, is encouraged to raise it, and have it resolved without threat of retribution.

### **Key Performance Indicators**

- 7.1 The advocacy agency informs each person with disability about how to raise a complaint or initiate a dispute about any areas of dissatisfaction with the advocacy agency, without threat of retribution.
- 7.2 The advocacy agency seeks to resolve complaints or disputes raised or initiated by a person with disability, with access to both internal complaints resolution mechanisms and external complaints resolution mechanisms.

## **STANDARD 8: AGENCY MANAGEMENT**

Each advocacy agency adopts quality management systems and practices that optimise the effectiveness of advocacy for each person with disability and facilitates continuous improvement.

### **Key Performance Indicators**

- 8.1 The advocacy agency has clearly stated aims and objectives that communicate to each person with disability and other relevant stakeholders the scope and limitations of the advocacy agency.
- 8.2 The advocacy agency has governance and management systems in place that facilitate quality management practices and continuous improvement.

- 8.3 The advocacy agency operates independently and is structured in such a way that it is as free as possible from conflicts with other service provision and the interests of each person with disability.

## **STANDARD 9: STAFF, RECRUITMENT, EMPLOYMENT AND TRAINING**

Each person who has an employment or volunteer relationship with the advocacy agency has appropriate skills and competencies.

### **Key Performance Indicators**

- 9.1 The advocacy agency ensures that its staff have relevant skills and competencies.
- 9.2 The advocacy agency provides opportunities for the appropriate and continuing training and skills development for each staff member.

## **STANDARD 10: PROTECTION OF HUMAN RIGHTS AND FREEDOM FROM ABUSE**

The advocacy agency acts to prevent abuse and neglect and to uphold the legal and human rights of each person people with disability.

### **Key Performance Indicators**

- 10.1 The advocacy agency takes all practical and appropriate steps to prevent abuse, neglect and discrimination of each person with disability.
- 10.2 The advocacy agency upholds and promotes the legal and human rights of each person with disability.