



# POLICY

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## Advocacy

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## PURPOSE

To provide guidelines to staff to ensure that all clients of JCS have the opportunity to choose, access and utilise an advocate of their choice

## SCOPE

This policy applies to:

- a) JCS staff for the purpose of providing advocacy information and options to clients;
- b) All clients and/or their carers for the purpose of accessing advocacy information and options; and
- c) External advocates, case managers, agencies and service providers for the purpose of advising a client who wishes to access advocacy information and options.

## DEFINITIONS

**JCS** Jewish Community Services Inc

**Client** An individual, also known as a *consumer, service user or care recipient*.

**Carer** A person who, through family relationship or friendship, looks after a frail older person or someone with a disability or chronic illness. Carers look after these people in the community or in their own homes (DoHA, 2006).

**Advocate** A person who represents and works with an individual or group of people who may need support and encouragement to exercise their rights, in order to ensure that their rights are upheld.

**Advocacy** ensures the human and legal rights of people who receive aged care and disability services are promoted and protected so that they can fully participate in the community.

**Self-Advocate** is someone with a disability or aged who is able to speak up and represent themselves. There are a number of community based groups providing support and training to enable and empower people to speak up for themselves.

**Individual Advocacy** is when a person is assisted by an advocate who takes action on their behalf and in their best interests. This can be:

- Providing information and advice so that the person can advocate for themselves.

- Supporting the person to take action on any matter related to discrimination.

This type of advocacy can be undertaken by a relative, friend or professional advocacy service.

**Group Advocacy** is similar to individual advocacy but involves representing a group of people with disabilities or receiving aged care services.

**Systemic Advocacy** is about social change. It addresses discrimination affecting a number of people with disabilities or receiving aged care services by advocating for change to legislation, policies and practices. Systemic advocacy includes lobbying politicians, campaigning and public awareness raising in order to build an inclusive community.

**Legal Advocacy** Provides advice and assistance to people with legal issues. For example, discrimination, making complaints, tenancy, guardianship and police issues.

**Citizen Advocacy** is where responsible citizens are trained to act as voluntary advocates for people with intellectual disabilities. They provide practical support and representation.

**Family Advocacy** assists family units that have a member with a disability. Provide families with support and networking opportunities and advocacy training to increase their success in advocating on behalf of the person with the disability.

#### **Formal Advocacy**

- usually involves long-term, personal relationships
- advocates are appointed under various pieces of legislation and include guardians, financial managers and attorneys and
- may be appointed indefinitely in the case of persons considered to be incapable of giving consent to decisions, as in the case of dementia

#### **Informal Advocacy**

- an advocate has no legal power to act on the older persons behalf

the advocate's role includes the provision of support necessary to seek redress in any dispute.

## **POLICY**

JCS respects the client's choice to involve an advocate of their choice, representing their interests, at any time and where it is the expressed wish of the client.

# GUIDELINES

## Aims of Advocacy

The common aims of advocacy are to:

- Increase a person who received aged care or disability services control over goods and services
- Overcome barriers that restrict opportunities
- Ensure appropriate societal and service delivery responses
- Protect human rights
- Ensure a better quality of life
- Be responsive to and emphasize individual needs and wishes
- Be oriented towards outcomes for those who are older or have a disability
- Aim for empowerment of disadvantaged individuals and groups
- Challenge stereotypes and stigma

Advocates are not impartial because they work entirely from the perspective and interests of the person receiving aged care services or have a disability. Their role is to assist by representing the person's wishes.

Advocacy is not:

- taking over or imposing the will of the advocate on the person they are assisting
- reinforcing feeling of helplessness and dependence
- discouraging people from becoming activists
- controlling people in vulnerable positions
- interceding on behalf of people who can help themselves
- a parent/child relationship

## Guidelines to assist JCS Staff

- If an advocate is present, they will be encouraged to sign the advocates' agreement to ensure that confidentiality is maintained and that they will fairly represent the client;
- Advocacy, in respect to JCS services, can be extended to include case managers, with whom the client has built up a relationship of trust;
- If an advocate is present they must be identified on the assessment form;
- If a client chooses to have an advocate present, JCS will endeavor to locate or recommend a suitable advocate on their behalf, who has the appropriate skills to represent the wishes of the client. E.g. CALD, disability services, aged related, illness etc;

- JCS will display and make available brochures and posters promoting access to advocacy services and organisations relevant to client groups accessing services and programs from JCS.

### **Some Frequently Asked Questions (FAQ)**

**Q: I am receiving help at home which I really need. However, the care workers are not doing things the way I would like them to. Is it alright to tell them what to do and how to do it, or will I jeopardise my service if they take offence?**

A: It is alright to discuss with your care worker what you would like them to do and how you would like them to do it. Sometimes you may find that workers have different ways of performing a task such as lifting, showering or transferring you.

No one should take offence at being requested, politely, to do something for you in your home. If they do, or there is a problem of any sort with a care worker, you can always contact the coordinator of the service and discuss the matter with him or her.

Legislation governing home-based services has been developed to ensure that "Each consumer's complaint about a service...is dealt with fairly, promptly, confidently, confidentially and without retribution."

**Q: My father cannot speak English very well and cannot understand the person who comes to shower him. This makes things difficult for everyone. Can anything be done about this?**

A: Your father has a right to receive a service that is appropriate to his needs. He could request that the agency send him a care worker who speaks his language. He (or a family member) could speak to the coordinator of the service about this.

**Q: My mother really needs help if she is going to stay living in her own home. She is very independent and reluctant to accept any assistance at all. Where do I begin to find out about services and will they be provided in a way that enables my mother to stay in control of her life?**

A: There are a range of agencies which provide services for older people, depending on the type and level of assistance required. Organisations to contact include your Local Government, Council on the Ageing (COTA), Citizens/Seniors Information, community care services, district nursing service and your advocacy service. The Home Care Common Standards state your right to information, consultation and choice about your care.

**Q: The Doctor has just diagnosed my dad as having dementia. Mum and dad have never got on well together, they often argue. Mum said to me that she is sick of dad and that he stresses her out. As a daughter what can I do to help them?**

**A:** You can assist by talking to your mother about her concerns and encouraging her to access and use community services. Once your mother has agreed to have community services, you can help by contacting a local aged care service provider and ask them to arrange services for her and your father for example: Aged Care Assessment Team (ACAT) for care services; Counseling for individual, relationship and marriage counseling; Mediation for an approach to resolving family conflict; Alzheimer's Association for support to families in their caring role; Carers SA for information and advice about services available to carers.

**Q: My father has early dementia, he lives at home and manages with the help of a housekeeper. Lately other family members have been saying that dad needs to go into a nursing home. Dad told me that he wants to stay at home, but I think that there will be arguments in the family over this. Should I apply to be his guardian and how do I do it?**

**A:** In situations like this if a person has dementia and there are concerns that others may not uphold their rights or wish to stay at home, then an application can be made by the concerned person, to the Guardianship Board for a Guardianship Order to be guardian of the older person with dementia. This then gives the delegated guardian the legal right to make decisions on choices of accommodation, health and lifestyle matters and relationship with others for the benefit of that person.

Guardians do have responsibilities. The guardian is a substitute decision maker for that person and must ensure that they make decisions about certain aspects of the person's life in the way that they would have wished it to be carried out.

### **Useful Contacts for Advocacy Services**

**Aged Rights Advocacy Service (ARAS)** - <http://www.sa.agedrights.asn.au>

**Carers SA** – [www.carers-sa.asn.au](http://www.carers-sa.asn.au)

**Citizens Advocacy SA** - [www.citizenadvocacysa.com.au](http://www.citizenadvocacysa.com.au)

**Council on the Ageing (SA)** - [www.cotasa.org.au](http://www.cotasa.org.au)

**Disability Advocacy and Complaints Service of SA (DACSSA)** [www.dacssa.org.au/](http://www.dacssa.org.au/)

**Disability Rights Advocacy Service (DRAS)** [www.dras.com.au/](http://www.dras.com.au/)

**Independent Advocacy SA** - [www.independentadvocacysa.org.au](http://www.independentadvocacysa.org.au)

**Office of the Public Advocate SA** - [www.opa.sa.gov.au](http://www.opa.sa.gov.au)

## RELATED DOCUMENTS & ATTACHMENTS

### Related Legislation/Acts

- [Aged Care Act 1997](#)
- [Aged Care Complaints Commissioner](#)
- [Complaints Principles 2015](#)
- [Disability Discrimination Act 1992](#)
- [Commonwealth Home Support Program Manual 2015](#)

### Related JCS Policies/Documents/Forms

- Complaints & Feedback Policy
- Complaints Investigation Form
- [Online Feedback Form](#)

### Related Standards

#### [Home Care Standards 2011](#)

- 2.1 Service Access
- 2.2 Assessment
- 2.5 Service User Referral
- 3.1 Information Provision
- 3.3 Complaints & Service User Feedback
- 3.4 Advocacy