

GUIDELINES TO INFORM DISABILITY SERVICE AGENCIES IN MANAGING AND SUPPORTING THE ADVOCACY ROLE OF SUPPORT STAFF

This Position Statement sets out the Key Principles and Core Definitions that should be considered in the development of guidelines for staff in disability services undertaking the advocacy component of their support role.

Introduction

Disability support workers have an important role to play in promoting and facilitating the rights and interests of the people with a disability they support. To support and guide staff in this role, service agencies need to provide clear guidelines to ensure staff:

- understand the responsibilities of their advocacy role
- understand and are alert to potential conflicts of interest
- recognise situations which might require the involvement of independent advocacy
- can identify relevant sources of independent advocacy for people they support
- support the involvement of independent advocates

1. KEY PRINCIPLES

Self Determination

Every person has a right to make their own decisions. It should be assumed that all people with a disability have a capacity to make decisions for themselves.

Self Advocacy

Disability support workers have an important role to play in supporting people with a disability to realise and develop their capacity for self determination to the maximum possible extent, by encouraging confidence and providing opportunities for decision making, self expression and self advocacy.

Person Centred Individual Planning

The planning process should be at the individual level and place a key emphasis on encouraging and supporting individuals to make their own decisions and advocate their own rights and interests. This will often require the collaboration and support of others involved in the person's support network, such as family members, friends and staff from other services.

Person Centred Individual Planning – which may include Support Plans, Treatment Plans, Restrictive Interventions and other personal plans - provides an opportunity to identify issues, clarify goals and strategies, build stronger personal support networks (or Circles of Support), as well as build the capacity of people with disability to self advocate.

The planning process also provides the opportunity to establish the need for independent advocacy support, and to identify the formal or informal advocacy roles that might be played by family members or friends, independent advocates or appointed guardians.

Advocacy Role of Disability Support Workers

Advocacy is an important component of the role of disability support workers. Certificate IV in Disability Studies, which provides base-level training for the disability sector workforce, defines the following competencies:

Maintain an environment designed to empower people with a disability

Content:

1. Work to enhance the independence and 'self-determination' of the person with a disability
2. Foster the independence of a person with a disability
3. Contribute to the development and review of policy and legislation related to disabilities and disability services
4. Recognise and accommodate the expressions of identity and sexuality of the person with a disability

(Unit CHCDIS2C)

Advocate for Clients

Elements:

- Assist clients to identify their rights and represent their own needs
- Advocate on behalf of clients on request
- Advocate for clients – where assessment indicates the client requires advocacy support

(Unit CHCAD1C)

The FIELD Ready4Work induction training program also states:

“Advocates and advocacy services are important in assisting people to be aware of their rights and to have these rights upheld. The role of the disability support worker goes beyond the recognition of rights and responsibilities of people with a disability. Workers should empower people with a disability to be aware of and to act on their rights and, where necessary, advocate for them and/or help them access advocacy support.”

2. CORE DEFINITIONS

2.1 Advocacy Support

To assist disability support workers in understanding the expectations and limitations of the advocacy component of their support role, VALID defines the following forms of individual advocacy support:

VALID defines three broad advocacy support roles:

Standing Behind – providing support (e.g. training, information and advice) which empowers the person to self advocate

Standing Beside – providing assistance (e.g. offering prompts and reminders) to assist the person raise issues with others

Standing Before – providing representation (e.g. acting or speaking on behalf of the person)

2.2 Expectations of Staff

2.2.1 Disability support workers are commonly expected to 'stand behind' people with a disability to empower them to:

- understand their rights and responsibilities
- self advocate
- make choices and decisions
- understand the consequences of their choices and decisions
- become self confident and appropriately assertive
- help build a strong and collaborative personal support network or "team"

One of the most important ways disability support workers perform this empowering role is through the provision of information.

The Disability Act 2006 requires that information is provided to people with disabilities in ways that best assist them to understand their rights and responsibilities.

Disability support workers should ensure they are familiar with the different communication requirements and the individual needs of all clients, and provide appropriate forms of 'enabling' information.

2.2.2 Disability support workers are also often expected to 'stand beside' people with a disability to:

- effectively and appropriately assert their rights and interests (e.g. to remain calm or to be self confident)
- effectively and appropriately make their views, opinions and decisions known to others (e.g. to 'stay on track' in meetings and discussions)
- resist coercion, manipulation or undue influence from others (e.g. learning to say 'no')

While this is a role that is typically performed by many support staff, it is also an advocacy support role that in certain situations might give rise to accusations of manipulation, undue influence or conflict of interest.

Disability support workers assisting a person with disability to assert his or her rights or interests should recognise the risk of their own more powerful interests or values being projected. Even the perception of such a conflict of interest may itself be problematic, regardless of the staff member's intentions.

This is not to say that disability support workers should not 'stand beside' people with a disability, for the reality is that such assistance is often an essential part of their general support role. Rather, it highlights the need for disability support workers to be conscious of the potential for conflict of interest and the need to minimise such risk.

Disability support workers therefore need to be constantly 'mindful' of their own influence and power, and avoid situations in which they might be perceived as having undue influence or a possible conflict of interest.

Disability support workers should also be constantly mindful that the assistance and advice they provide, and the ways in which they provide it, is aimed at supporting the person with disability to develop and assert his or her own views and opinions, freely and independently.

Where there is a potential conflict of interest, disability support workers need to adopt strategies for minimising that risk. For example, by ensuring important issues are canvassed within the individual planning process, by involving others in providing advice or assistance, by seeking guidance from supervisors, by conferring with and/or deferring to family and/or independent advocates.

2.2.3 Staff members are sometimes required to 'stand before' people with disability to:

- speak or act on their behalf
- defend their rights
- protect their interests, care and wellbeing

Before undertaking a 'representative' role, staff members need to be very mindful of the following issues:

The principle of self-determination requires that all adults with disability (i.e. age 18+) are assumed to have the capacity for making their own decisions. Where a person is capable of making his or her own decisions and asserting his or her own rights and interests, staff members should not seek to speak or act on their behalf without proper consent.

Where a person with disability requires support to assert or represent his or her rights and interests, such support should be drawn from those people identified as members of his or her person-centred individual planning process, such as family members, friends, advocates or guardians.

Where a person with disability requires someone to speak or act on his or her behalf in specific areas, such representation should be identified and agreed upon in the context of the person's plan. For example, a parent or sibling might be nominated to deal with the person's financial issues in relation to a Supported Accommodation Service, or a friend might be nominated to organise social outings.

Where a person with disability does not have the capacity to self advocate, it is generally accepted that parents or family members will provide informal representation on their behalf. The Disability Act 2006 requires that the role and contribution of family members be invited and respected at all times.

Where a person with disability does not have the capacity to self advocate, and where informal advocacy support arrangements are considered inadequate to properly represent his or her rights and interests, the engagement or appointment of an independent advocate might be necessary.

2.3 Independent Advocacy

Independent advocacy can be defined as speaking or acting on behalf of a person or group with minimised conflict of interest. Independent advocacy might be provided either by an informal advocate through a community-based advocacy organisation or through the Office of the Public Advocate, or by the appointment of a formal guardian through VCAT.

Independent advocacy support should be sought:

- Where there is a perception of conflict of interest – e.g. staff or family member promoting personal or professional interests rather than advocating the person with disability's rights and interests – that cannot be resolved through the usual processes.
- Where there is conflict regarding the choices or decisions being made – e.g. where a decision by staff or family is rejected by the person with disability, or vice versa.
- Where there is a concern regarding undue or inappropriate influence or pressure being placed on the person's decision-making.
- Where the issues confronting the person with disability require a level of "advocacy power" that might be beyond them or their support network.
- Where there is a potential for, or a perception of, the interests of staff members, line management or organisational policy being in conflict with the interests of the person or persons with disability.

Advice on obtaining independent advocacy can be obtained either through the Disability Advocacy Resource Unit (DARU) or by contacting the Office of the Public Advocate (OPA). Information on advocacy organisations can be found at:

<http://advocacyagencies.daru.org.au>