



Australian Government

Department of Social Services

**Operational Guidelines for the
National Disability Advocacy Program**

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1. Introduction

The National Disability Advocacy Program (NDAP) provides people with disability with access to effective disability advocacy that promotes, protects and ensures their full and equal enjoyment of all human rights, enabling community participation.

Advocacy for people with disability can be defined as speaking, acting or writing on behalf of the interests of a disadvantaged person or group, with minimal conflict of interest, in order to promote, protect and defend the welfare of, and justice for, either the person or group.

This involves:

- acting in a partisan manner (i.e. being on their side and no-one else's);
- being primarily concerned with their fundamental needs;
- remaining loyal and accountable to them in a way which is empathetic and vigorous (whilst respecting the rights of others); and
- ensuring duty of care at all times.

NDAP disability advocacy agencies receive funding under the *Disability Services Act 1986* (DSA), available at <https://www.legislation.gov.au>. The Australian Government has legislated standards, the National Standards for Disability Services, that define the elements of quality support for people with disability. All disability advocacy agencies funded under NDAP must comply with the DSA and the applicable standards, as well as all relevant Commonwealth, State and Territory legislation.

2. Funding for the activity

Agencies funded under NDAP must comply with the DSA and all relevant Commonwealth, State and Territory legislation, including the legislated standards. NDAP funding is conditional upon advocacy agencies achieving and maintaining certification against the applicable standards.

Agencies are funded to provide disability advocacy support:

- delivered from specified locations;
- covering a specified service area – either state-wide or a collection of Australian Bureau of Statistics Statistical Areas (SAs); and
- using the specified model or models of disability advocacy support.

Agencies may also be funded to specialise in providing advocacy support to particular groups such as:

- Aboriginal and Torres Strait Islanders;
- people from diverse cultural and linguistic backgrounds; or
- people with a particular disability type e.g. acquired brain injury.

Funding under the NDAP is a grant of financial assistance approved by the Minister or delegate under the DSA. Funding is provided subject to agencies:

- signing and complying with the streamlined grant agreement, grant schedule and activity work plan, including the supplementary terms and general conditions of the grant of financial assistance – documents available at www.dss.gov.au;
- complying with the DSA, including undertaking all necessary work to meet and maintain certification against the legislated standards;
- meeting all other relevant legislative requirements;
- meeting all performance requirements;

- providing advocacy support under the grant agreement free of charge; and
- complying with these Operational Guidelines.

Interpreting services

From 1 July 2018, the Department of Social Services (DSS) will meet the cost of interpreting services used by NDAP agencies during the delivery of funded advocacy supports to people from diverse cultural and linguistic backgrounds.

Interpreting services will be available through an arrangement between DSS and the Department of Home Affairs' Translating and Interpreting Service (TIS National).

Payment of interpreting services for languages other than those provided by TIS National will be considered on a case-by-case basis, and will be dependent on the availability of funds within the budget allocation.

3. Eligible organisations and activities

Eligible organisations

An advocacy service, as defined in section 7 of the DSA, means:

- (a) a service that seeks to support persons with disabilities to exercise their rights and freedoms, being rights and freedoms recognised or declared by the *Disabilities Convention*, through: one-to-one support; or supporting them to advocate for themselves, whether individually, through a third party or on a group basis; or
- (b) a service that seeks to introduce and influence long-term changes to ensure that the rights and freedoms of persons with disabilities, being rights and freedoms recognised or declared by the *Disabilities Convention*, are attained and upheld so as to positively affect the quality of their lives; or
- (c) a service included in a class of services approved by the Minister under section 9B.

Note: The *Disabilities Convention* is defined in the *Disability Services Act 1986* (DSA) as the *United Nations Convention on the Rights of Persons with Disabilities*.

Target group

It is a requirement under section 8 of the DSA that the target group for advocacy support provided by NDAP agencies consists of people with disability that:

- is attributable to an intellectual, psychiatric, sensory or physical impairment, or a combination of such impairments;
- is permanent or likely to be permanent; and
- results in:
 - a substantially reduced capacity of the person for communication, learning or mobility; and
 - the need for support services.

It is important to note that the above target group, as defined by the DSA, does not restrict eligibility based on age. NDAP agencies should not apply an age restriction on eligibility for advocacy support.

Eligible activities

Program funding is to be used in accordance with the DSA and the grant agreement. The funding may be used for:

- staff salaries and on-costs which can be directly attributed to the provision of disability advocacy support in the identified service area or areas as per the grant agreement;
- employee training for paid and unpaid staff, Committee and Board members that is relevant, appropriate and in line with the delivery of disability advocacy;
- operating and administration expenses directly related to the delivery of advocacy support, such as:
 - telephones;
 - rent and outgoings;
 - computer / IT / website / software;
 - insurance;
 - utilities;
 - postage;
 - stationery and printing;
 - accounting and auditing;
 - travel/accommodation costs; and
 - assets as defined in the Terms and Conditions, including motor vehicle purchase or lease. Acquittals for all assets must be in accordance with the Australian Accounting Standards.

There is provision under the DSA whereby funding for capital works or improvements to premises may be granted. NDAP agencies must obtain approval from DSS prior to spending NDAP funding on capital works or improvements.

Ineligible activities

Program funding may not be used for:

- costs that are not directly related to the delivery of disability advocacy support in the identified service area or areas;
- advocacy support for people outside the target group;
- disability advocacy support for people outside the service areas identified in the grant agreement or activity work plan (unless in the circumstances outlined in section 4); or
- overseas travel.

4. Access to disability advocacy support

All people with disability residing in the service area defined in the grant agreement or activity work plan should have equal access to disability advocacy support. In providing disability advocacy, agencies are expected to meet the diverse needs of their community and ensure all groups can access culturally appropriate support.

Access to disability advocacy support under the NDAP should be based on vulnerability and fundamental need and cannot:

- be based on religious or spiritual considerations. Further, people accessing disability advocacy support cannot be required to undertake religious or spiritual education to access support under the NDAP; or
- require people to become members of any organisation.

Agencies are required to ensure they are accessible during advertised operating hours. Strategies must be in place, within existing resources, to ensure continuity of service provision during times when staff are absent or on leave.

If operational circumstances require an agency to close for short periods of time (less than five business days), agencies must provide advice, for example, by updating their telephone answering message and a notice on the door which provides alternative contact details.

Agencies should not be closed for extended periods of time (more than five business days), except during Christmas and New Year. If an agency anticipates it will need to close for more than five business days outside this period, it must notify DSS immediately.

Specialisation

DSS currently funds some agencies that specialise in providing advocacy support to people from an Aboriginal or Torres Strait Islander background, from a culturally and linguistically diverse background, or with a specific type of disability.

Specialisation is intended to ensure priority of access to specified populations. Agencies providing specialist support should provide advocacy support to people who are outside of their specialisation as resources allow.

Specialist disability advocacy agencies can act in an advisory capacity to assist the generalist agencies to provide culturally or disability appropriate advocacy support.

Aboriginal and Torres Strait Islander access

All NDAP funded disability advocacy agencies have a responsibility to provide disability advocacy support to Aboriginal and Torres Strait Islanders.

Culturally and Linguistically Diverse (CALD) Background access

All disability advocacy agencies have a responsibility to provide disability advocacy support to people from CALD backgrounds. DSS funding for interpreting services supports this.

Providing advocacy support outside the service area

Disability advocacy agencies are funded to provide disability advocacy support within a specified service area. Where a person moves outside an advocacy agency's service area, a referral to an appropriate agency should be arranged, where possible.

NDAP agencies must not provide advocacy support to people with disability outside their service area, as defined in their grant agreement, without gaining prior approval from DSS.

Rural and remote access

It is expected that most NDAP agencies funded to provide advocacy support in rural and remote areas will have an outlet in the region where advocacy support is provided. However, if it is not feasible to have an outlet, the following alternatives can be considered:

- Outreach - a service location for an advocacy agency that is not permanently open but may operate for a period on a regular basis such as weekly or monthly, or on demand. Outreach sites do not include consumers' private homes.
- Mobile service - where the agency takes its facilities to people who, for reasons of distance, disability or other, would not otherwise have access.

DSS must be informed of operational arrangements, including the locations of outlets, outreach, and the home base of the mobile services.

Subcontracting

A subcontracting arrangement is when a funded NDAP provider contracts, rather than employs, another person or organisation to deliver services on their behalf using NDAP grant funding. The provider using the services of a subcontractor must ensure that all services delivered by the subcontractor are in line with the grant agreement and these Guidelines.

All subcontracting arrangements must be approved by DSS.

Closure of an agency

NDAP agencies must notify DSS immediately if they become insolvent or are no longer able to provide advocacy support as required under the grant agreement. In this instance, the agency is expected to work with DSS to ensure that people currently receiving advocacy support are referred to another advocacy provider or appropriate agency.

5. Reporting

Reporting requirements

Data Exchange (DEX) Reporting

Agencies are required to provide client level data and service delivery information from all recipients of this Activity in accordance with the [DEX Protocols](#).

The Data Exchange has two standardised six monthly performance reporting periods each year:

- Reporting Period 1 runs from 1 July to 31 December
- Reporting Period 2 runs from 1 January to 30 June

Service providers can enter data at any time within a reporting period, and are encouraged to do so regularly to make best use of the self-service reports and avoid unnecessary backlog.

Users of the Data Exchange also have an extra 30 days at the end of each reporting period, known as 'closing periods', to allow time to quality check their data before the reporting period automatically closes at the end of the 30 days (i.e. 30 July and 30 January each year).

Once a reporting period has closed, data relating to that period of time will no longer be able to be recorded. Data outside a reporting period may only be entered if a service provider has sought and been granted an extension.

Disability Services Data Collection

NDAP agencies must provide information annually to the Disability Services Data Collection conducted by DSS. Information about the Disability Services Census and a Data Guide for disability advocacy agencies is available on the [DSS website](#).

The data collected informs national reporting purposes under the National Disability Agreement. This information is provided to the Australian Institute of Health and Welfare for collation into the Disability Services National Minimum Data Set.

Information technology

Funding recipients are expected to ensure they have suitable information technology systems in place to allow them to meet their data collection and reporting obligations.

Details of DEX IT Access requirements are available at <https://dex.dss.gov.au/it-access/>.

Reporting targets

Although individual targets have been negotiated with each NDAP agency, DSS is aware that providing support to people with complex needs or multiple disabilities may affect the agencies capacity in relation to the number of people provided with advocacy support.

Agencies should discuss variances with their DSS Grant Agreement Manager.

6. Conflict of interest in providing advocacy support

Conflict of interest arises when an 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.

An advocacy agency will be as free from conflict of interest as possible, both in design and operation of advocacy supports, and actively seek to reduce conflicting interests, in particular where the organisation provides additional services.

Independent advocacy should be provided by an organisation whose primary focus is independent advocacy.

If the independent advocacy agency or advocate has a conflict of interest, they should inform all relevant parties of this, and should withdraw from acting for the client.

In meeting the needs of a person with disability, advocacy agencies must:

- operate independently;
- avoid, where possible, any conflict or perceived conflict of interest in relation to the conduct of its advocacy work; and
- deal with any conflict or perceived conflict transparently.

7. Quality assurance and complaints

NDAP Quality Assurance (QA) System

Advocacy agencies funded under the DSA are required to be independently audited and certified as complying with the National Standards for Disability Services (the Standards), within eighteen months of the initial grant of funding.

In order to assist NDAP agencies to prepare for certification against the Standards, a number of resources have been developed:

- the NDAP Quality Toolkit. This practical guide to quality assurance contains information and tools to assist agencies to prepare for certification;
- a table that lists examples of evidence for each of the Standards;
- self-assessment worksheets, and
- standard and Easy read booklets, and an Easy read factsheet to explain the quality assurance process to consumers.

The objectives of the QA system are to:

- provide people with disability, the disability advocacy sector and government with assurances about the quality of disability advocacy support being delivered;
- introduce mechanisms independent from government to assess the compliance of advocacy agencies with the legislated standards; and
- support disability advocacy agencies to continuously improve.

Key points about the QA system:

- it applies to all NDAP funded disability advocacy agencies;
- it involves on-site audits by independent certification bodies, accredited by the Joint Accreditation System of Australia and New Zealand (JAS-ANZ), to certify that agencies comply with the legislated standards;
- it has been designed to ensure that people with disability are involved with all aspects and stages of the process;
- the role of DSS is to develop policy and provide support, tools and resources to help agencies gain certification and pursue continuous improvement;
- if a disability advocacy agency has been audited to another set of standards by a JAS-ANZ accredited certification body, then common criteria can be considered during the NDAP QA process to avoid audit duplication; and
- after 36 months of certification, agencies participate in a full recertification audit.

Information on the QA system for NDAP agencies is available on the [DSS website](#).

Complaints

Disability advocacy agencies should have processes in place for the management of complaints in a positive, timely and fair way. Initially, complaints (from consumers or others) should be raised directly with the disability advocacy agency.

Although most complaints should be handled by the disability advocacy agency in the first instance, particular complaints will require an external referral, such as complaints of a serious or sensitive nature that cannot be handled by the disability advocacy agency. These may include allegations of assault or abuse and neglect - which should be referred to police.

If a satisfactory resolution is not reached through the agency's internal complaints system, or if the complainant prefers to raise the matter with an independent organisation, the complaint can be referred to the Complaints Resolution and Referral Service (CRRS). The CRRS is an independent service, funded by the Australian Government, that manages complaints about service providers funded under the DSA, including disability advocacy agencies.

CRRS can be contacted on 1800 880 052 and further information can be found on the CRRS website at www.jobaccess.gov.au/people-with-disability/making-complaint.

8. Acknowledgement of support

The following wording is to be used to acknowledge the financial support of DSS in all NDAP material published by disability advocacy agencies:

Funded by the Australian Government Department of Social Services.

In circumstances where funding is also received from other sources for advocacy, the words 'part funded' must be used.

9. Contact information

Inquiries related to NDAP or the Commonwealth role in disability advocacy can be directed to disabilityadvocacy@DSS.gov.au or via post to Advocacy and Access Section, Disability and Carers Group, Department of Social Services, PO Box 7576, Canberra Business Centre, ACT, 2610

Appendix 1 - Definition and models of advocacy

Advocacy for people with disability can be defined as speaking, acting or writing on behalf of the interests of a disadvantaged person or group, with minimal conflict of interest, in order to promote, protect and defend the welfare of, and justice for, either the person or group.

This involves:

- acting in a partisan manner (i.e. being on their side and no-one else's);
- being primarily concerned with their fundamental needs;
- remaining loyal and accountable to them in a way which is empathetic and vigorous (whilst respecting the rights of others); and
- ensuring duty of care at all times.

Advocacy service

An advocacy service, as defined in section 7 of the DSA, means:

- (d) a service that seeks to support persons with disabilities to exercise their rights and freedoms, being rights and freedoms recognised or declared by the *Disabilities Convention*, through: one-to-one support; or supporting them to advocate for themselves, whether individually, through a third party or on a group basis; or
- (e) a service that seeks to introduce and influence long-term changes to ensure that the rights and freedoms of persons with disabilities, being rights and freedoms recognised or declared by the *Disabilities Convention*, are attained and upheld so as to positively affect the quality of their lives; or
- (f) a service included in a class of services approved by the Minister under section 9B.

Note: The *Disabilities Convention* is defined in the *Disability Services Act 1986* (DSA) as the *United Nations Convention on the Rights of Persons with Disabilities*.

Independent advocates

An independent advocate, in relation to a person with disability, means a person who:

- is independent of the organisations providing supports or services to a person with disability;
- provides independent advocacy for the person with disability, to assist the person with disability to exercise choice and control and to have their voice heard in matters that affect them;
- acts at the direction of the person with disability, reflecting the person with disability's expressed wishes, will, preferences and rights; and
- is free of relevant conflicts of interest.

Advocacy models

Agencies funded through NDAP will receive funding to deliver:

- advocacy for individuals (which may involve individual advocacy, self advocacy, citizen advocacy, family advocacy and/or legal advocacy); and
- systemic advocacy.

This approach is designed to ensure that providers can deliver the advocacy a person needs, rather than be constrained by requirements in the grant agreement. Further information on the models of disability advocacy are provided at **Table 1** below.

Table 1 Models of Disability Advocacy

NDAP funding stream	Advocacy Model
Advocacy for individuals	<p>Individual advocacy – seeks to uphold the rights and interests of people with all types of disabilities on a one-on-one basis by addressing instances of discrimination, abuse and neglect.</p> <p>Individual advocates work with people with disability on either a short-term or issue-specific basis. Individual advocates:</p> <ul style="list-style-type: none"> ○ develop a plan of action (sometimes called an individual advocacy plan) in partnership with the person with disability that maps out clearly defined goals; ○ educate people with disability about their rights; and ○ work through the individual advocacy plan in partnership with the person with disability.
	<p>Citizen advocacy – seeks to support vulnerable or isolated people with disability (also called protégés) by matching them with volunteers. Some of the matches made may last for life.</p> <p>Citizen advocates are encouraged to represent the interests of a person with disability as if they were their own and be free from conflict of interest. Citizen advocates are recruited, trained and supported by a coordinator who manages the work of the citizen advocacy agency.</p>
	<p>Family advocacy – works with parents and family members to enable them to act as advocates with, and on behalf of, a family member with disability. Family advocates work with parents and family members on either a short-term or an issue-specific basis.</p> <p>Family advocates work within the fundamental principle that the rights and interests of the person with disability are upheld at all times</p>
	<p>Self advocacy – supports people with disability to advocate on their own behalf, to the extent possible, or on a one-on-one or group basis. Self advocacy advocates work with people with disability to develop their personal skills and self-confidence to enable them to advocate on their own behalf; and educate people with disability about their rights.</p>
Systemic advocacy	<p>Legal advocacy – seeks to uphold the rights and interests of people with all types of disabilities on a one-on-one basis by addressing legal aspects of instances of discrimination, abuse and neglect. Legal advocates may:</p> <ul style="list-style-type: none"> ○ provide legal representation for people with disability as they come into contact with the justice system; ○ pursue positive changes to legislation for people with disability; and ○ assist people with disability to understand their legal rights.
	<p>Systemic advocacy – seeks to influence or secure positive long-term changes that remove barriers and address discriminatory practices to ensure the collective rights and interests of people with disability are upheld.</p>