



Australian Government

Department of Social Services

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

Preface

The Australian Government Department of Social Services (DSS) has a suite of documents (the **Programme Guideline Suite**) which provide information relating to the Disability, Mental Health and Carers Programme, Disability and Carer Support Activity – which includes the National Disability Advocacy Program. They provide the key starting point for organisations considering whether to participate in the programme and form the basis for the business relationship between the Department and the grant recipient.

These Operational Guidelines are an adjunct to the Programme Guidelines, and provide more specific information about the National Disability Advocacy Program.

DSS reserves the right to amend these documents from time to time by whatever means it may determine in its absolute discretion and will provide reasonable notice of these amendments.

Table of Contents

PREFACE	2
1. OVERVIEW OF THE NATIONAL DISABILITY ADVOCACY PROGRAM.....	4
1.1 AIMS AND OBJECTIVES	4
1.2 NDAP PROVIDER ELIGIBILITY.....	4
1.3 TARGET GROUP	4
1.4 FUNDING FOR THE ACTIVITY	5
1.5 ELIGIBLE AND IN-ELIGIBLE ACTIVITIES	5
1.5.1 <i>Eligible activities</i>	5
1.5.2 <i>In-eligible activities</i>	5
1.6 ACTIVITY LINKS AND WORKING WITH OTHER AGENCIES AND SERVICES.....	6
1.7 SPECIALIST REQUIREMENTS	6
1.8 INFORMATION TECHNOLOGY.....	6
1.9 ACTIVITY PERFORMANCE AND REPORTING	6
1.9.1 NDAP ANNUAL PERFORMANCE REPORT	6
1.9.2 DISABILITY SERVICES CENSUS.....	6
1.10 CONFLICT OF INTEREST IN PROVIDING ADVOCACY SUPPORT	6
1.11 ACCESS TO DISABILITY ADVOCACY SUPPORT	7
1.11.1 <i>Specialisation</i>	7
1.11.2 <i>Providing advocacy support outside of the service area</i>	8
1.11.3 <i>Rural and remote access</i>	8
1.12 QUALITY ASSURANCE SYSTEM	8
1.13 ACKNOWLEDGEMENT OF OUR SUPPORT	9
1.14 CLOSURE OF AN AGENCY	9
1.15 COMPLAINTS ABOUT ADVOCACY AGENCIES.....	9
2. APPLICATION PROCESS.....	10
3. SPECIAL CONDITIONS APPLYING TO THIS ACTIVITY	10
4. CONTACT INFORMATION	10
5. DEFINITION AND MODELS OF ADVOCACY	10

1. Overview of the National Disability Advocacy Program

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

NDAP disability advocacy agencies receive funding under the *Disability Services Act (DSA) 1986*. The *DSA* and its associated *Principles and Objectives* have a focus on outcomes for people with disability. The Australian Government has legislated standards that define the elements of quality support for people with disability – the Disability Advocacy Standards (until 30 June 2015) and the National Standards for Disability Services (from 1 July 2015). All disability advocacy agencies funded under the NDAP must comply with the *DSA* and the applicable standards, as well as all relevant Commonwealth, State and Territory legislation.

Agencies are funded to provide disability advocacy support:

- delivered from specified locations;
- covering a specified service area – collectively called the service area these are currently either state-wide or by Local Government Areas (LGAs); and
- using the specified model or models of disability advocacy support.

Agencies may also be funded to specialise in providing advocacy support to:

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

1.1 Aims and objectives

The objective of the NDAP is that people with disability have access to effective disability advocacy that promotes, protects and ensures their full and equal enjoyment of all human rights enabling full community participation.

1.2 NDAP provider eligibility

An eligible organisation to apply for funding for this activity is defined in section 7 of the *DSA*.

1.3 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.**

1.4 Funding for the activity

Funding under the NDAP is a grant of financial assistance approved by the Minister or delegate under the *DSA*. The funding to agencies includes a Quality Assurance (QA) contribution payment.

Funding is provided subject to agencies:

- signing and complying with the Terms and Conditions of the grant of financial assistance as set out in the grant agreement;
- complying with the *DSA*, including undertaking all necessary work to meet 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 the Programme Guidelines and these Operational Guidelines.

The standard terms and conditions can be found at:

<http://www.dss.gov.au/about-dss/news/2011/new-terms-and-conditions-for-standard-funding-agreements>.

1.5 Eligible and in-eligible activities

1.5.1 *Eligible activities*

Programme funding is to be used in accordance with the *DSA*, the grant agreement and the objective of the NDAP as outlined in section 1.1.

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.

1.5.2 *In-eligible activities*

Programme 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, unless in the circumstances outlined in section 1.11.2; or
- overseas travel.

1.6 Activity links and working with other agencies and services

None specified.

1.7 Specialist requirements

Agencies funded under the 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.

1.8 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. Agencies must have access to email services and information technology systems compatible with Microsoft Word and Excel.

1.9 Activity performance and reporting

DSS Standard Performance Framework requires that all standard grant agreement schedules include a set of performance indicators (PIs) which can be used to measure and report on the performance of the funded activities.

The current PI for NDAP is *number of people with disability provided with advocacy support*. Individual targets have been applied for this PI (negotiated with each agency), however, 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.

1.9.1 NDAP Annual Performance Report

Agencies are required to complete an NDAP Annual Performance Report which includes, in addition to the number of people with disability provided with advocacy support, non-identified demographic data about their consumers, and information about the type of individual and systemic issues they have addressed.

1.9.2 Disability Services Census

NDAP agencies must provide information annually to the Disability Services Census conducted by DSS. Information about the Disability Services Census and a Data Guide for disability advocacy agencies will be made available each year on the website at:

[Disability Services Census 2013-14 - Data Guide for Disability Service Providers](#)

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.

1.10 Conflict of interest in providing advocacy support

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.

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. 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.

1.11 Access to disability advocacy support

All people with disability residing in the service area defined in the grant agreement 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 should not 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, as advised by agencies to DSS in the *Organisation Details* form. 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.

1.11.1 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.

Those agencies currently providing specialist support should provide advocacy support to people who are outside of their specialisation **as resources allow** but within the target group as defined by the *DSA*.

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

The Toolkit for Indigenous Service Provision consolidates information and resources into a single package that any of DSS's service providers can use to:

- review their current practices;
- build their knowledge and relationship;
- develop, implement and evaluate strategies.

The Toolkit can be applied across a whole organisation or within a specific location or activity or service area that DSS specifically funds.

The Toolkit can be found at:

[Toolkit for Indigenous service provision](#)

There are a small number of specialist Indigenous disability advocacy agencies funded under the NDAP.

Culturally and Linguistically Diverse (CALD) Background access

All disability advocacy agencies have a responsibility to provide disability advocacy support to people from CALD backgrounds.

A small number of agencies funded under the NDAP specialise in providing advocacy support to people from CALD backgrounds.

1.11.2 Providing advocacy support outside of the service area

Disability advocacy agencies are funded to provide disability advocacy support within a specified service area (Local Government Areas or LGAs) and should ensure support is able to be provided to people with disability within their 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 of their service area, as defined in their grant agreement, without gaining prior approval from DSS.

1.11.3 Rural and remote access

It is normally expected that NDAP agencies funded to provide advocacy support in rural and remote areas have an outlet in the region where advocacy support is provided. If it is not feasible to have an outlet, either outreach or mobile services can be used.

- **Outreach** is 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.
- A **mobile service** is where the agency takes its facilities to people who for reasons of distance, disability or other would not otherwise have access. This includes travelling to an area as requested.

DSS must be informed of operational arrangements, including the locations of outlets, outreach and the home base of the mobile services. Details must be recorded in the grant agreement.

1.11.4 Subcontracting

Subcontractor means any contractor, persons or organisation who is engaged by an NDAP agency to undertake advocacy support (and any of those persons or organisations employees, agents and subcontractors). This is typically an on-going arrangement and does not include ad-hoc fee-for-service costs, for example IT support. All subcontracting arrangements **must** be approved by DSS.

1.12 Quality Assurance system

DSA legislative changes to introduce the new QA system for NDAP funded agencies were passed in 2011. These changes require advocacy agencies funded under the DSA to be independently audited and certified as complying with the Disability Advocacy Standards (until 30 June 2015) or the National Standards for Disability Services (from 1 July 2015).

Implementation of the QA system commenced from 1 July 2012, with every NDAP agency being required to achieve a Certificate of Compliance against the Disability Advocacy Standards before 7 November 2013, in order to continue to receive NDAP funding, and to maintain certification thereafter.

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 annual 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:

[Quality Assurance for the National Disability Advocacy Program](#)

1.13 Acknowledgement of our support

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

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.

1.14 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.

1.15 Complaints about advocacy agencies

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) which is an independent service, funded by the Australian Government that for 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: [Complaints Resolution and Referral Service](#)

2. Application process

DSS conducted a direct selection approach to those NDAP agencies who met the requirements of their current grant agreement to extend their agreement from 1 July 2012 until 30 June 2015.

The agencies that received funding were not required to submit an application. Performance under the current grant agreement was used as a measure of the agency's ability to deliver quality services. The threshold requirements for continued NDAP funding with an objective of determining value for money were:

- performance and data reporting: measuring the agencies performance against their yearly targets
- meeting the obligations required under the grant agreement
- completing and submitting a self-assessment against the Disability Advocacy Standards
- attending QA training
- signing a Notice of Intention (NOI) to become certified by 7 November 2013

3. Special conditions applying to this activity

None specified.

4. Contact information

The person to contact within DSS about the National Disability Advocacy Program is:

Disability and Carers Group
Department of Social Services
PO Box 7576
Canberra Business Centre ACT 2610

Email: disabilityadvocacy@dss.gov.au

5. Definition and models of advocacy

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:
 - (i) one-to-one support; or
 - (ii) 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 *DSA* as the *United Nations Convention on the Rights of Persons with Disabilities*.

In broad terms, advocacy for people with disability involves speaking, acting or writing with no conflict of interest on behalf of the interests of a person or group, in order to promote, protect and defend the welfare of and justice for either the person or group by:

- being on their side and no-one else's;
- being primarily concerned with their fundamental needs; and
- remaining loyal and accountable to them in a way which is empathetic and vigorous.

Approaches to disability advocacy support can be categorised into six broad models, as given in Table 1.

Disability advocacy agencies funded under the NDAP can adopt multiple approaches in accordance with their grant agreement.

Table 1 Models of Disability Advocacy

Advocacy Model	Key Model Descriptors
<p>Individual advocacy – seeks to uphold the rights and interests of people with all types of disabilities on a one-to-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.</p> <p>Individual advocates:</p> <ul style="list-style-type: none"> ○ work with people with disability requiring one-to-one advocacy support; ○ 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>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>	<p>The systemic advocacy agency:</p> <ul style="list-style-type: none"> ○ pursues positive changes to legislation, policy and service practices in partnership with groups of people with disability, advocacy agencies and other relevant organisations; and ○ seeks to address barriers and discriminatory practices to produce long-term positive changes.
<p>Citizen advocacy – seeks to support people with disability (also called protégés) by matching them with volunteers. Some of the matches made may last for life.</p>	<p>Through citizen advocacy:</p> <ul style="list-style-type: none"> ○ people with disability who are vulnerable, isolated and may have no family or community supports or networks are sought out; ○ 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; and ○ Citizen Advocates are recruited, trained and supported by a coordinator who manages the work of the citizen advocacy agency.
<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. Family advocates work within the fundamental principle that the rights and interests of the person with disability are upheld at all times.</p>	<p>Through family advocacy:</p> <ul style="list-style-type: none"> ○ family members are provided with advice and support; and ○ the person with disability is assisted via the family member being directly supported by the agency to advocate on their behalf.
<p>Self advocacy – supports people with disability to advocate on their own behalf, to the extent possible, or on a one-to-one or group basis.</p>	<p>Through self advocacy advocates work with people with disability to:</p> <ul style="list-style-type: none"> ○ 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>Legal advocacy – seeks to uphold the rights and interests of people with all types of disabilities on a one-to-one basis by addressing legal aspects of instances of discrimination, abuse and neglect.</p>	<p>Legal advocates may provide:</p> <ul style="list-style-type: none"> ○ 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.