



**Australian Government**  
**Department of Social Services**

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**Operational Guidelines for the  
National Disability Advocacy Program  
(December 2023)**

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# 1. Introduction

## 1.1 Program Description

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.

## 1.1 Why is disability advocacy important?

The primary purpose of disability advocacy is to protect and uphold the human rights of people with disability. 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)
- ensuring duty of care at all times.

Effective disability advocacy promotes, protects and supports a persons, or groups, full and equal human rights. Advocates support or work on behalf of a person with disability to help them to speak out and defend their rights and interests. This is particularly important in situations where people with disability may not be able to speak up for themselves, or even identify when they have been exploited, abused or neglected.

## 1.2 Who is the primary client?

Primary clients for this program activity are people with a disability, and carers and family members on behalf of people with disability.

# 2. Advocacy services

- 90% is used for the provision of individual advocacy services
- no more than 10% is used for systemic advocacy activities.

Further information on advocacy service models is contained in **Attachment A**.

NDAP providers are also funded to deliver disability advocacy support:

- from specified locations
- to a specified number of people\*\*
- across a specified service area (these are currently either state-wide or a collection of Australian Bureau of Statistics Statistical Areas)

\*\*The number of clients assisted is measured using benchmarking, comparing an organisation's achievement against similar service providers delivering comparable services, using characteristics defined in the Data Exchange protocols.

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

- Aboriginal and Torres Strait Islander people with disability
- people with disability from diverse cultural and linguistic backgrounds
- 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 *Disability Services Act 1986* (DSA). Funding is provided subject to providers:

- signing and complying with the streamlined Grant Agreement, Grant Schedule and Activity Work Plan (AWP), including the Supplementary Terms and General Conditions of the grant of financial assistance – documents available at <https://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
- complying with these Operational Guidelines.

NDAP funding is conditional upon advocacy providers achieving and maintaining certification against the applicable standards, currently the National Standards for Disability Services (NSDS) - <https://www.dss.gov.au/our-responsibilities/disability-and-carers/standards-and-quality-assurance/national-standards-for-disability-services>. Please refer to **Section 5.1** of these guidelines for further information on NSDS requirements.

### **3. Eligible organisations and activities**

#### **3.1 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 DSA as the United Nations Convention on the Rights of Persons with Disabilities.*

### 3.2 Target groups

It is a requirement under section 8 of the DSA that the target group for advocacy support provided by NDAP providers 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
- results in:
  - a substantially reduced capacity of the person for communication, learning or mobility
  - the need for support services.

### 3.3 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 NDAP services in the identified coverage area or areas as per the Grant Agreement
- employee training for paid and unpaid staff including Committee and Board members, that is relevant, appropriate and in line with the NDAP
- operating and administration expenses directly related to delivery of advocacy services, such as:
  - telephones
  - rent and outgoings
  - computer / IT / website / software
  - insurance
  - utilities
  - postage
  - stationery and printing
  - accounting and auditing
  - travel/accommodation costs
  - motor vehicle purchase or lease
  - Auslan interpreting services. For translating and interpreting services refer to **Section 4.11**.

There is provision under the DSA whereby funding for capital works or improvements to premises may be granted. NDAP providers must obtain approval from the Department of Social Services (the Department) prior to spending NDAP funding on capital works or improvements.

### 3.4 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 (AWP), unless in the circumstances outlined in **Section 4**
- overseas travel.

## 4. Access to disability advocacy support

All people with disability residing in the service area defined in the Grant Agreement or AWP should have equal access to disability advocacy support. In providing disability advocacy, NDAP providers 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.
- Require people to become members of any organisation.

NDAP providers 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 a NDAP provider to close for short periods of time (less than 5 business days), providers must give advice, for example, by updating their telephone answering message and a notice on the door which provides alternative contact details.

NDAP providers should not be closed for extended periods of time (more than five business days), except during Christmas and New Year. If a provider anticipates it will need to close for more than five business days outside this period, it must notify the Department immediately.

The above arrangements also apply where a NDAP provider is required to close for short periods of time or extended periods (as described above) due to a state/national emergency being declared e.g. pandemic, bushfires or floods.

### 4.1 Service capacity and waitlisting

NDAP providers are required to plan for and manage service demand increases, including by implementing waitlist and triaging processes, where appropriate.

NDAP providers are required to notify the Department in writing/email via their Funding Arrangement Manager (FAM) if the provider forecasts it will be at service capacity. The notification should include how the provider proposes to manage clients that contact them during this period. This could include collaborating with other NDAP providers for assistance.

The collection of waitlist and capacity data from NDAP providers will facilitate referrals through the Disability Advocacy Support Helpline, and inform the Department's understanding of unmet demand and capacity constraints on providers.



NDAP providers are required to engage with the National Centre for Disability Advocacy (NCDA) to develop, establish and maintain intake, triaging and waitlist protocol for NDAP. More information on the NCDA is contained in **Attachment B**.

## **4.2 Promotion of services**

NDAP providers must make the details of their service publically available on their websites and in their offices, and should raise awareness of their service availability, for example, through networking, social media, and promotional materials.

When promoting services, consider:

- awareness: people need to be aware that the service exists
- education: people need to understand the service provided and see the value in accessing the service
- accessibility: services should be accessible and welcoming for people with disability
- diversity and inclusivity: be non-discriminatory, be relevant to the local community and reflect its ethnic and cultural values; ensure promotional materials are available in commonly spoken languages in your local community
- individuality: tailor services based on the needs of individual participants
- continuity: provide support and enable a relationship to develop.

It is best practice to consult with the Department on developing any communication materials.

NDAP providers are encouraged to periodically review their service details on the Ask Izzy Disability Advocacy Finder [www.askizzy.org.au/disability-advocacy-finder](http://www.askizzy.org.au/disability-advocacy-finder) and follow the prompts on the website to update their contact details as required.

## **4.3 Specialised disability advocacy providers**

Some NDAP providers specialise in providing advocacy support to certain cohorts, such as people from an Aboriginal or Torres Strait Islander background, from a Culturally and Linguistically Diverse (CALD) background, or with a specific type of disability.

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

NDAP providers that offer specialist disability advocacy can act in an advisory capacity to assist the generalist providers to provide culturally or disability appropriate advocacy support.

## **4.4 Aboriginal and Torres Strait Islander access**

All NDAP providers have a responsibility to provide disability advocacy support to Aboriginal and Torres Strait Islander peoples with disability in their service area.

## **4.5 Culturally and Linguistically Diverse background access**

All NDAP providers have a responsibility to provide disability advocacy support to people from CALD backgrounds in their service area. The Department's funding for interpreting services through the Translation and Interpreter Service (TIS National) supports this.

## **4.6 LGBTQIA+ access**

All NDAP providers have a responsibility to provide disability advocacy support to people with a disability in their service area who identify as LGBTQIA+.

## **4.7 Providing advocacy support outside the service area**

NDAP providers 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 another advocacy provider or appropriate service should be arranged, where possible.

NDAP providers must not provide advocacy support to people with disability outside their service area, as defined in their Grant Agreement, without gaining prior approval from the Department.

## **4.8 Rural and remote access**

It is expected that most NDAP providers 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:

- Mobile service – NDAP providers may travel to deliver services.
- Virtual service delivery – provided it is appropriate and preferred by the participant, NDAP providers may deliver services virtually e.g. by video link or telephone.
- Co-location – NDAP providers may co-locate or share outlet facilities with other community organisations.

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

## **4.9 Subcontracting**

The Department considers any parts of the activity which are not directly delivered by the grant recipient, and are instead delivered by a third-party pursuant to an agreement between the grant recipient and the third party, to be subcontracting.

In line with the Grant Agreement, the Department must provide prior written consent before a provider enters into any subcontracting arrangement, and the Department may impose any conditions it considers reasonable and appropriate when giving consent. The Department may request a copy of the agreement between the provider and the subcontractor.

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.

Reporting requirements for subcontracted services is the responsibility of the provider that the Department has the Grant Agreement with, unless otherwise agreed by the Department.

## **4.10 Closure of an agency**

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

## **4.11 Interpreting services**

From 1 July 2018, the Department covers the cost of interpreting services used by NDAP providers during the delivery of funded NDAP supports to people from diverse CALD backgrounds.

Interpreting services are available through an arrangement between the Department and the Department of Home Affairs' TIS National.

To access funded interpreting, NDAP providers first need to set up a TIS National Client Code by completing the online registration form available on TIS Online:  
<https://tisonline.tisnational.gov.au/RegisterAgency>.

Please note that if a provider has another TIS National account, they will still need to set up an account specific to NDAP.

The registration form needs to be completed as follows:

- Category: Commonwealth Government Agency
- Sub-Category: Other Commonwealth Government Agency
- Name of Agency: <Insert organisation name>
- Section: National Disability Advocacy Program

Providers will then be asked for an e-billing address for invoicing purposes. Once TIS have reviewed the registration and confirmed the provider's eligibility, the account will be linked to the Department's client code so that we will be charged for services accordingly.

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 Department funding availability.

## **5. Key legislative requirements, standards and guidelines**

The policy and implementation of the NDAP is guided by the principles and objectives of key legislation, conventions, agreements and frameworks, including but not limited to:

- the United Nations Convention on the Rights of Persons with Disabilities;
- Australia's Disability Strategy 2021-2031; the National Disability Agreement, the National Disability Advocacy Framework;
- the National Disability Insurance Scheme Act 2013
- the Disability Services Act 1986 (DSA).

The DSA and its associated principles and objectives have a focus on outcomes for people with disability. All NDAP providers must comply with the DSA and all relevant Commonwealth, state and territory legislation and supporting documents. This includes any legislative standards in force (currently the NSDS).

The NSDS define the elements of quality support for people with disability. Funding is conditional upon active certification against these standards. It is the responsibility of the provider to ensure certification remains active whilst delivering both NDAP activities. More information on the NSDS available at:

<https://www.dss.gov.au/our-responsibilities/disability-and-carers/standards-and-quality-assurance/national-standards-for-disability-services>.

## 5.1 NDAP Quality Assurance (QA) System

NDAP providers are required to be independently audited and certified as complying with the DSA and the legislated standards (currently the NSDS).

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 providers with the legislated standards
- support disability advocacy providers to continuously improve.

Key points about the NDAP QA system include:

- The QA system applies to all NDAP funded disability advocacy providers who have a responsibility to gain and maintain an active certification against the legislated standards.
- The QA system involves on-site audits conducted by independent Certification Bodies, or Conformity Assessment Bodies (CABs), that are accredited by the Joint Accreditation System of Australia and New Zealand (JAS-ANZ), to certify that providers comply with the legislated standards.
- Independent assessment of providers has been designed to ensure that people with disability are involved with all aspects and stages of the process.
- The NDAP QA certification cycle applies to all disability advocacy providers funded under the NDAP. The requirements of the 3-year cycle are detailed below.
  - **Scenario 1:** New NDAP providers seeking an initial certification are required to:
    - Register their intention to seek certification with the Department.
    - Receive a Certificate of Compliance within 18 months of being approved for NDAP funding.
    - Undertake surveillance audits at 12 and 24 months.
    - Within 36 months of certification, undertake a recertification audit.
  - **Scenario 2:** NDAP providers that have completed an initial 3-year certification process are required to:
    - Undertake a re-certification audit and receive a Certificate of Compliance at the start of a new 3-year cycle.
    - Undertake a surveillance audit at either:
      - 12 and 24 months, or
      - 18 months.
    - For NDAP providers on a 12-month surveillance audit frequency, the frequency of surveillance may be reduced to a 18-months if:
      - the provider has demonstrated their capability to meet the NSDS on an ongoing basis, and
      - the certifying body has no concerns and/or evidence to suggest otherwise.
    - For NDAP providers on an 18-month surveillance audit frequency, there is no change as long as the provider can demonstrate that they are low risk based on their audit history.

- A provider's certification body is responsible for monitoring and assessing their suitability to move to, or continue on, a 18-month surveillance audit frequency.
- Within 36 months of certification, undertake a recertification audit.
- It is the responsibility of each NDAP provider to maintain active certification when delivering NDAP activities.
  - If a provider's certification lapses or is withdrawn, the department may require a full certification audit to be conducted for the provider to be recertified.
- The role of the Department is to develop policy and provide support, tools and resources to help providers 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.

## 6. Privacy

As stipulated in the Grant Conditions, when dealing with personal information in carrying out the Activity, the NDAP provider agrees not to do anything which, if done by the Commonwealth, would be a breach of an Australian Privacy Principle.

In line with Australian Privacy Principal 11, NDAP providers should ensure appropriate information technology (IT) and other security measures are implemented to protect client's personal information from misuse, interference and loss, and from unauthorised access, modification or disclosure.

Further information on the Australian Privacy Principals is available at: <https://www.oaic.gov.au/>.

## 7. Information technology

Grant recipients are expected to ensure they have suitable IT systems in place to allow them to meet their data collection and reporting obligations under the Grant Agreement, including supplying data through the DSS Data Exchange (DEX).

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

## 8. Activity performance reporting

The Department's Performance Framework requires that all Standard Grant Agreement Schedules include a set of performance indicators which can be used to measure and report on the performance of funded activities.

The Department monitors outcomes and service provider performance. Reporting is based on achieving the activity outcomes. Data is collected directly from NDAP providers through DEX.

DEX is a program performance tool used by client facing programs as part of the Community Grants Hub. It collects data on client demographics, access to services and the outcomes achieved for these clients.

NDAP providers are required to submit to the Department a range of reports as part of government reporting and accountability requirements.

The reporting requirements include quantitative, qualitative and milestone information, and are:

- 6-monthly performance reports against the AWP
- 6-monthly reports (quantitative) summarising individual client data (de-identified) as reported in DEX
- a yearly non-audited financial acquittal report.

## 8.1 Activity Work Plan (AWP)

The purpose of the AWP is to include output-level detail for the funded activity negotiated with the Department. The information listed against each activity should include the activity details, deliverables, timeframes for delivery and measures of achievement. It may include a budget or other administrative controls intended to help manage activity risks. An AWP can contain more than one activity.

All NDAP providers are required, as part of their Grant Agreement, to submit an AWP on a financial year basis. Once mutually agreed the AWP will form part of the Grant Agreement. The AWP Report seeks details of progress on requirements in the AWP for the reporting period, including any compliance requirements. This report is intended to detail the achievements/outcomes for the previous 12 months undertaken by the provider and should align with the content of the AWP.

The amount of detail providers include in their reports should be relative to the size, complexity and grant amount. Importantly, the report should clearly articulate an 'output' as opposed to an 'outcome'. Simply, an 'output' is a specific activity undertaken by the provider and an 'outcome' is the result of this activity. The report should clearly describe how the advocacy support provided (the 'output') made a difference to people with a disability (the 'outcome').

When outlining successes and challenges, you should include case studies which can demonstrate where advocacy support made a difference to a person with disability. Each case study should highlight a client's experiences and outcomes. Ideally, each case study should include the type of advocacy provided (e.g. individual, systemic etc.), background/context, the problem/issues (e.g. discrimination/rights, health/mental health, finances, NDIS – access/planning), aim of the advocacy support, action taken and the results. It would be beneficial to include what the gains were for client and any recommendation/learnings for the provider.

## 8.2 Six monthly performance reporting

The data items collected in DEX are divided into two parts:

- a set of **priority requirements**, including client level data and service delivery information
- an extended data set known as the **partnership approach**.

NDAP providers are required to provide client level data and service delivery information from all recipients of the relevant funded activity in accordance with the following, which can be found on the Data Exchange website:

- the Data Exchange Protocols: <https://dex.dss.gov.au/data-exchange-protocols>
- Program Specific Guidance for Commonwealth Agencies in the Data Exchange: <https://dex.dss.gov.au/document/466>.

The Program Specific Guidance is updated periodically when amendments are required. Providers will be advised if the guidance is updated via their FAM.

DEX has two standardised six monthly performance reporting periods each financial year:

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

NDAP providers are required to report for any session delivered in the Reporting Period. They 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.

The Reporting Period automatically closes at the end of the 30 days (i.e. 30 July and 30 January each year). NDAP providers are required to finalise the submission of data within DEX for each reporting period within 30 days of the reporting period ceasing, known as 'closing periods'.

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 provider has sought and been granted an extension.

Providers who offer support under the citizen advocacy model of NDAP are to record the protégé as the client for outcomes reporting purposes in DEX.

The Department has a legal obligation to protect confidential information under the [Privacy Act 1988](#) and other relevant legislation. Considering this, the Data Exchange ensures a client's personal information is protected through strict protocols that comply with the requirements of these Acts, including the [Australian Privacy Principles](#).

### 8.3 Partnership approach

For all NDAP providers, participation in the 'partnership approach' is a mandatory requirement of funding from Reporting Period 2, January 2021. By participating, NDAP providers provide the Department with some additional information in exchange for the receipt of regular and relevant reports.

The main focus of the partnership approach is collecting information on client outcomes achieved as a result of service delivery. This includes information about a client's presenting needs and circumstances, such as the reason for seeking assistance, referrals (in and out), household composition and income status. Collecting outcomes based data assists the Department to make recommendations to government about the future of the program, including funding.

As part of the partnership approach, NDAP providers record client outcomes known as Standard Client/Community Outcomes Reporting (SCORE) reporting. The collection of SCORE data is divided into two parts, an initial SCORE recorded toward the beginning of service delivery and a follow-up SCORE recorded toward the end of service delivery. Where practical, providers can also collect SCORE assessments periodically throughout service delivery. NDAP providers are expected to report client circumstances SCOREs for the majority of their clients (over 50%).

NDAP providers must meet minimum requirements as specified in the Program Specific Guidance, which can be found on the Data Exchange website:

<https://dex.dss.gov.au/sites/default/files/documents/2022-08/1471-program-specific-guidance.pdf>.

NDAP providers should refer to the Data Exchange Protocols, for practical information about the requirements of the partnership approach: <https://dex.dss.gov.au/data-exchange-protocols>.

Further information on the partnership approach can be found on the Data Exchange website: <https://dex.dss.gov.au/>.

## 8.4 Financial Acquittal Report

A Financial Acquittal must be submitted for each financial year (FY) funded under the Grant Agreement - to align with the relevant FY 1 July to 30 June and submitted on 31 October following the end of the FY. This declaration is a certification from the grant recipient stating that the funds were spent for the purpose as outlined in the Grant Agreement and in-which the grant recipient is required to declare unspent funds.

## 8.5 Reporting milestones

The table below summarises the reporting requirements the grant recipient agrees to as a requirement of funding.

Milestone	Information to be included	Due Date
Performance Report	Finalisation of Data Exchange period 2 data (1 January to 30 June), as set out in the Data Exchange Protocols, as per Item E.1	30 July 2023
Activity Work Plan Report	A report with progress against Activity Work Plan, compliance or other reporting as set out in Item E.4	15 August 2023
Financial Acquittal Report	Financial Acquittal from 1 July 2022 to 30 June 2023 as per Item E.3.	31 October 2023
Performance Report	Finalisation of Data Exchange period 1 data (1 July to 31 December), as set out in the Data Exchange Protocols, as per Item E.1	30 January 2024
Statement of Compliance Report	Statement of Compliance Report as per Item E.4 relating to Child Safety	31 March 2024
Performance Report	Finalisation of Data Exchange period 2 data (1 January to 30 June), as set out in the Data Exchange Protocols, as per Item E.1	30 July 2024
Activity Work Plan Report	A report with progress against Activity Work Plan, compliance or other reporting as set out in Item E.4	15 August 2024
Financial Acquittal Report	Financial Acquittal from 1 July 2023 to 30 June 2024 as per Item E.3	31 October 2024
Performance Report	Finalisation of Data Exchange period 1 data (1 July to 31 December), as set out in the Data Exchange Protocols, as per Item E.1	30 January 2025
Statement of Compliance	Statement of Compliance Report as	31 March 2025



Milestone	Information to be included	Due Date
Report	per Item E.4 relating to Child Safety.	
Performance Report	Finalisation of Data Exchange period 2 data (1 January to 30 June), as set out in the Data Exchange Protocols, as per Item E.1	30 July 2025
Final Report	A report of outcomes for the funded Activity based on monitoring and data collection methods agreed with between the Parties as per Item E.4	30 July 2025
Financial Acquittal Report	Financial Acquittal from 1 July 2024 to 30 June 2025 as per Item E.3	31 October 2025

## 8.6 Reporting targets

Although individual targets have been negotiated with each NDAP provider, the Department is aware that varying models of support and providing support to people with complex needs or multiple disabilities may affect the providers' capacity in relation to the number of people who receive advocacy support.

Providers should discuss variances with their FAM.

## 9. Dealing with conflicts of interest

Conflict of interest arises when a provider or 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 provider or staff to properly discharge their responsibilities to the person with disability.

In meeting the needs of a person with disability, NDAP providers must:

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

In line with the Commonwealth Standard Grant Conditions, providers must notify their FAM of any conflict of interest, whether actual, perceived or potential.

NDAP providers must also notify of any material change to a previously disclosed conflict of interest.

When declaring a conflict of interest, NDAP providers should include relevant information surrounding the circumstances of the conflict of interest, and how they will manage the conflict of interest.

## 10. Complaints about disability advocacy providers

NDAP providers are required to have policies and procedures in place for the management of complaints in a positive, timely and fair manner. In the first instance, complaints (from clients or others) should be raised directly with the provider. Clients must be made aware of the avenues available to them to make a complaint, e.g. in person, in writing, over the phone, and via email.

NDAP providers must maintain a formal register of complaints received, including the nature of

the complaint and actions taken to resolve the client's issues and concerns, and how it was resolved, including whether it was referred to another authority. Providers must supply copies of the policies, procedures and register to the Department, if requested. Providers should refer to the Department's [Complaints Procedures](#) for further information.

If a satisfactory resolution is not reached through the NDAP provider's internal complaints system, or if the complainant prefers to raise the matter with an independent organisation, the complainant can be referred to the Complaints Resolution and Referral Service (CRRS) which is an independent service, funded by the Australian Government for complaints about services funded under the DSA, including advocacy providers. CRRS can be contacted on 1800 880 052 and further information can be found on the CRRS website at: [www.jobaccess.gov.au/complaints/crrs](http://www.jobaccess.gov.au/complaints/crrs).

NDAP providers must immediately notify their FAM about significant complaints, that is, those related to serious harm or misconduct, or serious injury to a client, and keep their FAM informed of developments.

Although most complaints should be handled by the NDAP provider 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 provider. These may include allegations of assault or abuse and neglect which should be referred to police.

The Department encourages participants to provide feedback on their experiences with the Department or a service provider funded by the Department. However, we recommend that clients try to resolve the matter with the relevant organisation before contacting the Department's complaints line. General complaints are dealt with under the DSS Complaints Management process, please find below the details to contact the DSS Complaints line:

Telephone: 1800 634 035

Fax: (02) 6133 8442

Email: [complaints@dss.gov.au](mailto:complaints@dss.gov.au)

Post: DSS Feedback, GPO Box 9820, Canberra, ACT. 2601

[Online Complaints Form](#)

More information on the Department's complaints management process can be found on the Department's website: <https://www.dss.gov.au/contact/feedback-compliments-complaints-and-enquiries/complaints-page>.

Please note: Calls made to the 1800 634 035 number will be recorded to assist in the effective management of the complaint as well as for training purposes. Please advise the complaints officer if you do not wish to have your call recorded.

Should the participant be dissatisfied with the Department's management of their complaint, they may contact the Commonwealth Ombudsman (the Ombudsman) for further investigation. For more information, refer to the Ombudsman's website: [www.ombudsman.gov.au/](http://www.ombudsman.gov.au/).

## 11. Serious incidents

If a serious incident occurs, the NDAP provider's primary obligation is to report the incident to the police or other Commonwealth/state/territory organisations that have jurisdiction over their service. Providers must comply with Commonwealth, state and territory laws if there is a serious incident in relation to providing NDAP services.

A serious incident is an event that disrupts service provision or threatens the safety of people or property.

Examples of serious incidents include:

- incidents involving fraud (including allegations)
- unlawful sexual or physical contact with, or assault of, a client including:
  - incidents of alleged physical or sexual assault of a client committed by an employee
  - incidents of alleged physical or sexual assault of a client committed by another client while in the care of the provider
- culpable neglect
- serious unexplained injury
- incidents of self-harm
- death of a client (irrespective of cause)
- unauthorised use of restrictive practices in relation to a client, other than where the use is in accordance with authorisations (however described) of a state or territory in relation to the person (seclusion, chemical restraint, mechanical restraint, physical restraint, environmental restraint).

NDAP providers must notify their FAM of any serious incident, particularly where they affect services to clients or a client's wellbeing, within 72 hours of personnel being aware of a serious incident using the Incident Notification Form at **Attachment C**. Further updates should be provided within 5 days of the Incident Notification Form being supplied. Information supplied to the Department is to be de-identified.

If you suspect a child or young person is in need of protection from abuse or harm you should report your concerns to the Child Protection agency in your relevant state or territory. It is best practice to report if you have belief on reasonable grounds, however for some jurisdictions reporting is mandatory. Further details and information about mandatory reporting can be obtained from the relevant statutory child protection authority in each jurisdiction.

## 12. Acknowledgement of support

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

*Funded by the Australian Government Department of Social Services*

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

## 13. Contact information

Inquiries related to NDAP or the Commonwealth role in disability advocacy can be directed to [disabilityadvocacy@dss.gov.au](mailto:disabilityadvocacy@dss.gov.au)

or via post to:

Department of Social Services

Disability Strategy Group

Disability Advocacy and Counselling Supports

PO Box 9820

Canberra ACT 2601

## Attachment A – 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)
- 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.
- (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.
- (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
- is free of relevant conflicts of interest.

### Advocacy models

Providers 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)
- 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 commonly understood models of disability advocacy are provided at **Table 1** below.

**Table 1 Models of Disability Advocacy**

Advocacy Models
<p><b>Individual advocacy</b> – 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.</p> <p>Individual advocates:</p> <ul style="list-style-type: none"> <li>○ develop a plan of action (sometimes called an individual advocacy plan) in partnership with the person with disability that maps out clearly defined goals;</li> <li>○ educate people with disability about their rights; and</li> <li>○ work through the individual advocacy plan in partnership with the person with disability.</li> </ul>
<p><b>Citizen advocacy</b> – 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><b>Family advocacy</b> – 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><b>Self advocacy</b> – 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>
<p><b>Legal advocacy</b> – 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"> <li>• provide legal representation for people with disability as they come into contact with the justice system;</li> <li>• pursue positive changes to legislation for people with disability; and</li> <li>• assist people with disability to understand their legal rights.</li> </ul>
<p><b>Systemic advocacy</b> – 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>

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## Attachment B – National Centre for Disability Advocacy and Disability Advocacy Support Helpline

### National Centre for Disability Advocacy

The National Centre for Disability Advocacy (NCDA) is delivered by the Disability Advocacy Network (DANA).

- The National Centre for Disability Advocacy (NCDA) is intended to complement and support NDAP providers and build on existing strengths of the disability advocacy workforce.
- The NCDA will support NDAP providers improve access to, and quality of, their individual advocacy services by:
  - providing **workforce development** activities for individual advocates, including training and resource development
  - building an evidence base to **understand and inform responses to unmet demand and service gaps** for individual advocacy services
  - establishing an agreed process for NDAP providers to raise **systemic issues** in the advocacy sector with relevant government and non-government bodies.
- The NCDA will work with the sector to refine focus areas and priorities.

### Disability Advocacy Support Helpline

The Disability Advocacy Support Helpline (the Helpline) is a three-year pilot phone-based individual advocacy service delivered by Advocacy Law Alliance, and accessed through the Disability Gateway. The Helpline will provide people with disability access to advocacy support over the phone, and refer to in-person NDAP providers and other community and government agencies as required.

The Helpline is available in all states and territories and is appropriate for people who require short-term advocacy support and are comfortable with a phone-based service.

Currently, the Helpline is accessed via the Disability Gateway Contact Centre. In mid to late 2023, the service will be expanded to facilitate:

- clients self-referring using a web form
- NDAP providers referring suitable clients to the Helpline.

Currently, the Helpline does not provide advocacy support on NDIS Appeals matters.

## Attachment C – Serious Incident Notification Form

### Who should use this form

This template is provided for the use of NDAP providers should a serious or reportable incident occur as outlined at 16 of the Operational Guidelines.

### When to use this form

Providers should use this form when notifying the Department of a serious or reportable incident, as outlined in the Operational Guidelines. NDAP providers should submit a completed form to their Funding Arrangement Manager within the timeframes outlined in the Operational Guidelines, while updates on incidents should be provided within 5 days.

### Organisation details

**Organisation:**

**Site address:**

**Name of site manager:**

**Signature of site manager:**

**Date:**

### Details of incident

**Type of incident (serious or reportable):**

**Date of incident:**

**Time of incident:**

**No. of individual/s involved:**

**Gender of individual/s:**

**Age/s of individual/s involved:**

**Status of individual/s:**

**Location of incident (Address and location):**

**Incident details** (Describe what occurred, including what led up to the incident, if applicable. Where there is more than one individual involved, you may refer to the individuals involved as Staff1, Client1, if needed):

**Response to the incident** (What actions were taken as a result of the incident occurring):

**Preventative action** (What has been implemented, or will be, in order to prevent the incident from happening again):

**Media coverage** (Outline whether media coverage has occurred, or is likely to occur):