

Disability Advocacy: know your rights

Tonight, we will cover:

- What is an independent disability advocate?
- How an advocate can help you
- When to engage and how to find an advocate
- Process for feedback & complaints

Presented by: Alexandra Browne, Senior Support Coordinator

Acknowledgement of Country

I would like to begin today by acknowledging the Traditional Custodians of the land on which we meet today, and pay my respects to their Elders past, present and emerging. I extend that respect to Aboriginal and Torres Strait Islander people here today.



What is a disability advocacy?

- Disability advocacy is acting, speaking or writing to promote, protect and defend the human rights of people with disability.
- The Australian Government and some state and territory governments fund independent advocacy to help people with disability who face challenges or are unable to advocate themselves.



An Independent Advocate – person with disability

- Is independent of organisations providing supports or services to the person with disability.
- Provides independent advocacy for the person with disability, to assist the person to exercise choice and control.
- To help the person with disability have their voice heard.
- Acts at the direction of the person with a disability, reflecting the person with disability's expressed wishes, preferences and rights.
- Free of relevant conflicts of interest.



Why does independence matter?

- A disability advocate must be independent and act solely in the interests of the person with disability who they are supporting.
- An advocate cannot be independent if they or the organisation they work for might benefit in some way from influencing the outcomes (this would be a conflict of interest).
- Government funded independent advocates can act solely on the side of the person with disability and without a conflict of interest.



What's the difference?

- An independent advocate is different from an LAC (Local Area Coordinator) whose role is to gather information and share information with the NDIA in relation to funding for an NDIS plan, not to advocate.
- It also differs from an NDIS support coordinator or psychosocial recovery coach who have an interest in maintaining services and/ or funding relationships and have restrictions on how much they can support the direct wishes of the person with a disability.



We have NDIS, do we need independent advocacy as well?

Yes. Independent advocates assist people with complex, specialised and often serious issues. This can include supporting them:

- To understand their rights and responsibilities
- Through discrimination, criminal and child protection cases,
- Within mental health facilities and through the mental health review tribunal.
- To resolve issues with government benefits
- Through tribunals for guardianship, tenancy and consumer affairs.
- To access housing, education or other state systems
- To resolve complex service provision or complaints issues,
- To leave domestic violence situations.

** None of these are available through NDIS funded supports.

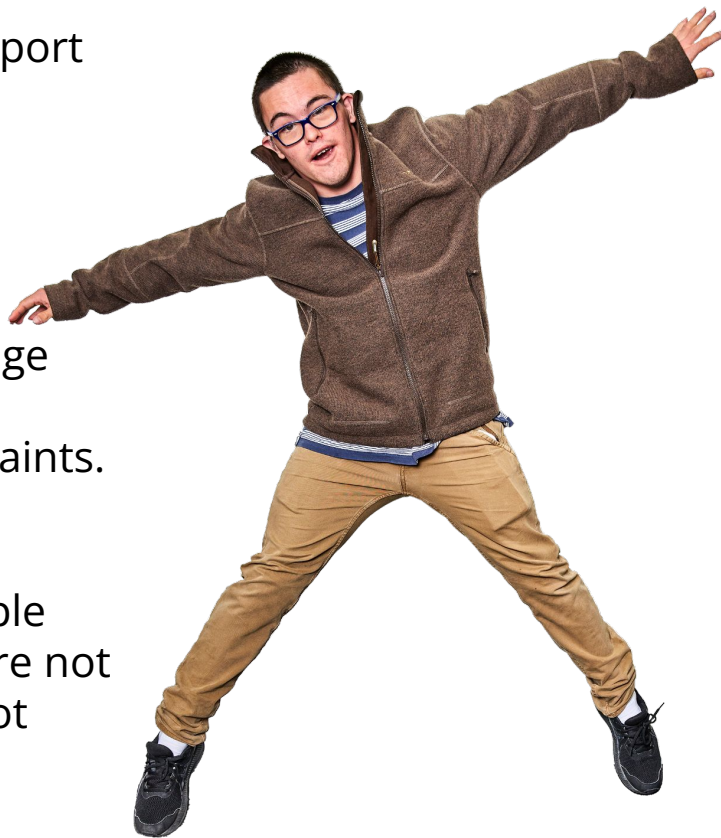


The difference: NDIS and independent advocacy

The NDIS will fund some forms of decision making support and capacity building through NDIS plans

- Assistance to coordinate NDIS supports
- Support to develop skills for decision – making to exercise choice and control.
- Supports that help people to develop their knowledge and skills for making choices and decisions.
- Information and training about how to make complaints.
- Information about where to make complaints.

Although advocacy organisations have supported people with disability in similar ways, NDIS funded supports are not the same as independent advocacy support and will not replace the role of independent advocates.



How do I find an independent advocate?

To find locations and contact details of government funded independent advocates near you:

- <https://disabilityadvocacyfinder.dss.gov.au/>
- <https://www.pdcnsw.org.au/useful-resources/advocacy-information-in-nsw/>



Participant Service Charter

The participant service charter is NDIA's commitment to their NDIS participants, parents or carers. The participant service charter explains what you can expect from the NDIS. If you feel like this is not being met then putting in a complaint may be necessary.

<https://www.ndis.gov.au/about-us/policies/service-charter/participant-service-guarantee>

<https://www.ndis.gov.au/news/7975-2022-ndis-legislation-amendments-july-update>

<https://www.ndis.gov.au/about-us/policies/service-charter/participant-service-improvement-plan>



NDIS feedback and complaints:

If making a complaint about the NDIS - whether it is timeframes or staff - then there are the options of filling out the online form, filling out the complaint form.

When you have filled out the complaints form you can either:

- Email your form to: feedback@ndis.gov.au
- Post your form to: National Disability Insurance Agency, GPO Box 700, Canberra ACT 2601
- Drop your form off at any [National Disability Insurance Scheme office](#).

<https://www.ndis.gov.au/contact/feedback-and-complaints>



What happens when you make a complaint:

The NDIS has an obligation to

- Act immediately where there appears to be a high risk of harm, neglect or abuse
- Acknowledge the complaint within one day after they receive it.
- Make contact with you within one day after they receive it.
- Resolve the complaint within 21 days after they receive it.

If dissatisfied with the outcome:

<https://www.ombudsman.gov.au/>



Making a complaint about the quality or safety of services or supports:

The NDIS Quality and Safeguards commission is an independent commonwealth agency established to improve the quality and safety of NDIS supports and services.

The NDIS commission can take complaints from anyone about:

- NDIS services or supports that were not provided in a safe or respectful way.
- NDIS services and supports that were not delivered to an appropriate standard.
- How an NDIS provider has managed a complaint about services or supports provided to an NDIS participant.

You can make a complaint by:

- Calling 1800 035 533, or
- Completing a complaint form
<https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=PRD00-OCF>
- <https://www.ndiscommission.gov.au/about/making-complaint>





Questions?

