

Advocacy Principles

Policy

This policy describes the expected standards for Aged Rights Advocacy Service (ARAS) Advocacy, ensuring that the wishes and interests of older people for whom they advocate, direct their work. This Policy is to be read in conjunction with OPAN's National Service Delivery Framework, 2019, and OPAN's National Elder Abuse Prevention and Advocacy Framework, November 2018.

Background

OPAN's National Service Delivery Framework (2019) defines Advocacy as follows:

"the process of standing alongside an individual who seeks support to ensure that their voice is heard in relation to a specific issue. Advocacy involves assisting the person to understand their rights and options, and to represent their views and perceived interests where required.

Advocacy occurs when support beyond initial information is required. Advocacy can involve a range of agreed actions that support clients to access services or resolve issues and concerns with government funded aged care services or with issues which affect their need for government funded aged care services, alongside other in-scope NACAP activities. Where a client cannot direct an advocate about their wishes, an advocate can take direction from their family or nominated representatives to ensure the person's voice is heard."

OPAN definition of an Advocate (OPAN, Advocacy, 2019):

"An advocate is an impartial person, who:

- takes the time to listen and understand your views and wishes
- informs you of your rights and responsibilities
- assists you to explore your options and make informed decisions
- supports you to raise your concerns and work towards a resolution
- provides practical assistance such as help to write a letter or raise your concerns at a meeting
- speaks for you in situations where you don't feel able to speak for yourself
- increases your capacity to self-advocate."

Advocacy types can include but are not limited to:

- Self-advocacy support that empowers the client or their legal representative to be better placed to resolve their issue independently. It may also involve assisting the client to understand their rights, options and the potential strategies available to them.
- Assisted advocacy when authority is gained to contact the service provider on the person's behalf by letter, email or phone. Verbal authority is gained and documented.
- Representation when we formally meet with the client or their legal representative and the service provider to raise concerns and negotiate agreed action(s). Advocates gain consent, either verbally or in writing, and this is recorded in the individual's case notes.

An Advocacy Case is undertaken when the older person provides authority to act on their behalf. Actions can include support at meetings, writing letters, providing strategies, assisting access to services.

Where the older person cannot convey their wishes to an advocate, an advocate can take direction from their legal representative to ensure the person's voice is heard. ARAS Advocates will ensure, to the best of their intentions and ability, to assist older people in exercising their human rights, and to be treated with respect without prejudice.

The National Aged Care Advocacy Program's (NACAP) National Strategic Plan lists the following Principles that underpin all areas of ARAS:

The fundamental principle is that

“.....difficulty in personally exercising rights should not mean that those rights no longer apply. Rather it means that some effective method of assisting the person to exercise their rights must be found. In practical terms the notion of an advocate or advocacy service is seen as one mechanism to meet their needs.”

Therefore, the National Aged Care Advocacy Program will:

- provide high quality consumer-focused services that are delivered in a manner that upholds the rights of consumers;
- aim to ensure maximum participation of consumers in the advocacy process so that they continue to be optimally involved in decision making about their quality of life;
- ensure that clearly stated standards of service are available and applicable to all members of the client group;
- strive for high quality practices delivered in a professional manner;
- include open and constructive communication, consultation and feedback mechanisms and clear points of contact;
- maintain a positive relationship with key stakeholders which, while recognizing the independence of the program, allows for collaborative approaches to improving quality of life and quality of care of older citizens;
- provide a consumer focus underpinned by the Charter of Aged Care Rights, and the Aged Care Quality Standards;
- fully utilise our unique capacity to contribute to other quality assurance mechanisms within the aged care system;
- act as a resource to further contribute to Better Practice and the Quality Assurance framework within the Australian aged care system; and
- maintain internal management systems that promote accountability and best practice.

OPAN National Elder Abuse Prevention and Advocacy Framework, 2018:

OPAN is guided by the World Health Organisation (WHO) definition of elder abuse, which identifies elder abuse as occurring within a relationship of trust and having multiple manifestations, including intentional or unintentional neglect:

“Elder abuse can be defined as a single, or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person.

Elder abuse can take various forms such as physical, psychological or emotional, sexual and financial abuse. It can also be the result of intentional or unintentional neglect (WHO, 2002)”.

A set of principles guide all of ARAS' interactions and programs in addressing abuse of older people as follows:

1. The rights of the older person are upheld in all actions and interactions, and this includes their right to autonomy and self-determination.
2. Older people are placed at the center of all advocacy processes and advocates act at their direction.
3. In preventing and responding to elder abuse, advocates aim to empower older people and to enable them to exercise informed choice.
4. The older person's capacity to make decisions is assumed.
5. It is recognised that older people enjoy legal capacity on an equal basis with other citizens and have a right to be supported to exercise that capacity.
6. In seeking to balance the right to autonomy with the right to be safe, information relating to risks and safety is always provided to support the older person.
7. Privacy and confidentiality are respected, unless the disclosure or use of personal information is required or authorized by law.
8. Consumers are linked with other service providers when their expertise enhances the support being provided and the consumer agrees to this. The Advocate continues to work with the consumer at their direction, supporting them until the matter is resolved, or when all options have been exhausted.
9. In recognising the diversity of older people, services are accessible and inclusive, and tailored wherever possible to individual need.
10. The importance of preserving family relationships is recognized wherever possible. OPAN recognizes and appreciates the complexity of family relationships.
11. Governance and management systems are designed to ensure safe, effective and efficient services.

ARAS structures its service to address elder abuse across a continuum from prevention to early intervention and responsive advocacy. Elder abuse prevention occurs at multiple levels and includes:

- Delivering free elder abuse education sessions to community members and service providers with a focus on:
 - the role of advocacy in supporting consumers to access and interact with the aged care system;
 - the role of advocacy in supporting consumers who are unhappy with their aged care services; and
 - consumer rights when receiving Commonwealth funded aged care services.

Summary:

All people aged 65 years or older, Aboriginal/Torres Strait Islander people aged 50 years or over, and young people accessing Commonwealth funded Aged Care services, are able to access ARAS support via information to self-advocate or individualised support, to assist with exercising their basic human right to live a life free of abuse, safeguarding themselves against abuse, and access to appropriate services.

In addition, any person residing in a Retirement Village are able to access ARAS' service, regardless of age.

Associated Documents

Advocacy Procedure
 Case Notes Policy
 Charter of Aged Care Rights
 SA Charter of Rights and Freedoms
 Code of Conduct
 Consumer Service Policy
 OPAN's National Service Delivery Framework
 Scope of Service (for all programs)

References

UN Convention for the Rights of Older Persons
 National Aged Care Advocacy Program's (NACAP), National Strategic Plan
 National Aged Care Advocacy Framework, 17 December 2018
 OPAN, Advocacy, 2019, link: <https://opan.com.au/advocacy/>
 OPAN National Elder Abuse Prevention and Advocacy Framework, November 2018

MONITORING, EVALUATION AND REVIEW

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