

Disability Advocacy Code of Conduct

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Disability Advocacy Resource Unit



This Code of Conduct has been developed with the assistance of a number of people.

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Disability Advocacy Code of Conduct

Contents

Abbreviations.....	2
1. Preamble.....	3
2. Introduction.....	3
3. Purpose of the Code of Conduct	4
4. How to Use this Document.....	6
5. Definitions	7
6. Key Advocacy Principles	9
7. Key Advocacy Principles for Committees of Management, and/or Board Members	14
8. Need to Know More?	15
Useful Contacts.....	15
Useful Resources.....	17
Appendix 1: The Victorian Charter of Human Rights and Responsibilities	18
Appendix 2: The Disability Act 2006	19
Appendix 3: The Quality Framework for Disability Services in Victoria (2007)	22

A Code of Conduct will assist to focus a program and help educate members of the community about the nature and principles of advocacy and its application¹

Abbreviations

DARU	Disability Advocacy Resource Unit
DHS	Department of Human Services
VCSS	Victorian Council of Social Services
VDAN	Victorian Disability Advocacy Network
FaHCSIA	Department of Families, Housing, Community Services and Indigenous Affairs

¹ Refer to the National Disability Advocacy Program : Review Report July 1999
Commonwealth Department of Family and Community Services

1. Preamble

The Disability Advocacy Resource Unit (DARU) was established in 2007 and is funded by the state government. It is run by a governance group, which includes members of the Victorian Disability Advocacy Network (VDAN), and the Victorian Council of Social Service (VCOSS).

Values Statement

The goal of DARU is to strengthen the total advocacy effort for people with disabilities by:

- improving advocacy practice;
- supporting organisations providing advocacy;
- developing networks and providing information within the advocacy sector;
- strengthening links between disability advocacy organisations and broader social policy advocacy; and
- resourcing the network of disability advocacy organisations to enable those organisations to participate in the activities of the DARU.²

2. Introduction

Disability Advocates are concerned with issues of social justice and equity for people with disabilities including access to quality services and the opportunity to fully participate in the community.

Advocacy organisations play an important role in improving the lives of people with disabilities and in bringing to public attention issues affecting people with disabilities. Whilst there is diversity among disability advocacy organisations there is a common focus.

This Code of Conduct is a part of a suite of initiatives being introduced by DARU to professionalise disability advocacy and is consistent with the federal government's proposal to introduce minimum standards for the sector and other initiatives being introduced.

² DHS – Disability Services Division: Invitation to Submit for the Establishment and Provision of a Statewide Disability Advocacy Resource Unit, 2005, p.4

This document is not prescriptive but provides a framework, allowing organisations to retain their autonomy and diversity.

A Disability Advocate is placed in a unique relationship. The role carries with it specific responsibilities that arise out of this relationship. This Code of Conduct provides Disability Advocates and Disability Advocacy organisations with a clear framework for understanding their responsibilities for effective advocacy practice.

Currently, advocacy organisations operate with differing levels of accountability. This Code of Conduct provides a guide for the work of disability advocacy organisations; it enables compliance with relevant Disability Standards, promotes effective advocacy practice and advocacy development.

Visit the DARU website, <http://www.daru.org.au> for contact details of the relevant government offices to identify any government prescribed Standards and/or regulations that may apply.

3. Purpose of the Code of Conduct

This Disability Advocacy Code of Conduct seeks to identify the ethical principles that underline effective advocacy. It will assist programs to focus on providing effective advocacy and educate members of the wider community about the nature and principles of advocacy and how it works in practice.³

This Disability Advocacy Code of Conduct has been developed in the context of a number of important policy and program initiatives related to Disability Advocacy in Victoria. The Code defines the nature of advocacy, advocacy programs and a set of principles underpinning advocacy.

It has been developed to be a practical guide for Boards or Committees of Management, the staff of Disability Advocacy organisations and Disability Advocates (both paid and unpaid). It is intended to protect each program's client group and advocates; promote accountability to stakeholders and progress quality outcomes for people with disabilities.

It is not designed to be a primary source of information about Disability Advocacy but is a useful starting point for discussion within your organisation to advance good practice.

3 National Disability Advocacy Program : Review Report July 1999 Commonwealth Department of Family and Community Services

The Code of Conduct should promote consistency among Disability Advocacy organisations and Disability Advocates. This should not be at the expense of diversity which has developed in response to local circumstances. Local application of the Code is particularly important in regional and rural areas where resources may be limited.

Each Disability Advocacy organisation should develop policies and procedures that are tailored to their individual circumstances while still incorporating the principles and core values outlined in this document.

There are a number of key accountability issues that Disability Advocacy organisations should aim to have in place that will ensure good governance, leadership and management. At a minimum this means having in place:

- a clear mission or values statement;
- a description of what programs and services are provided;
- a statement of the organisation's planning and policy directions;
- a sound financial and accounting system;
- staffing and employment practices; and
- an understanding of the different roles and responsibilities of the Board, board members, the CEO and staff.

Other areas to consider which relate to the above points might be:

- inclusive participation policy;
- conflicts of interest;
- service users' rights;
- processes for grievances and complaints;
- privacy and confidentiality;
- meetings and decision-making;
- publicity and media contact; and
- occupational health and safety (including management of critical incidents).

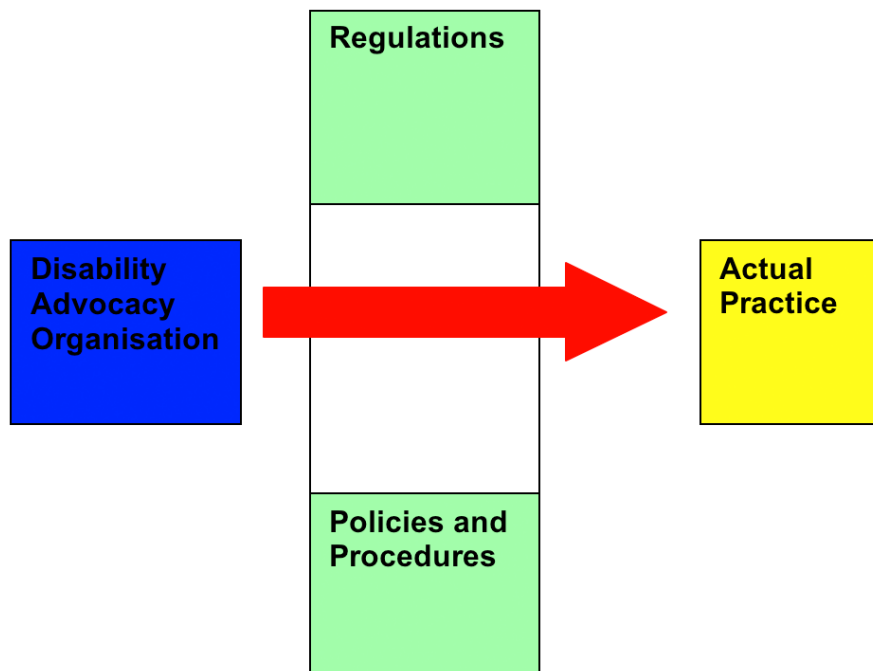
4. How to Use this Document

Procedures should be informed by a relevant policy and describe how the policy will be put into action. They should detail how and when things are done, and who is responsible for doing them.

All Policies and Procedures should be consistent with:

- The Disability Act 2006;
- The Victorian Charter of Human Rights and Responsibilities Act 2006 (This contains an agreed set of human rights, freedoms and responsibilities protected by law);
- The Information Privacy Act 2000;
- The Health Records Act 2001;
- The Commonwealth Privacy Act 1988;
- The Equal Opportunity Act 1995;
- The Quality Framework for Disability Services in Victoria 2007; and
- Other relevant Commonwealth and State laws, policies and procedures.

These are all important resources offering useful sources for your organisation to develop relevant policies and procedures. A brief overview of some of these can be found in the Appendix.



5. Definitions

These are not prescriptive. Definitions may vary

Disability Advocacy ensures the rights of people with disabilities are promoted and protected so that people with disabilities can fully participate in the community.

An **advocate** in the disability sector works to ensure the rights of people with disabilities are upheld and supports people with disabilities to make decisions affecting their lives.

Self Advocacy is when a person with a disability acts on their own behalf without using a third party to negotiate outcomes.

A **self-advocate** is someone with a disability who is able to represent themselves.

There are a number of community based self-advocacy groups providing support and training to enable and empower people with disabilities to represent themselves.

Individual Advocacy is when a person with a disability is assisted by an advocate who takes action by:

- representing the person with a disability;
- supporting the person with a disability to advocate for themselves; and
- assisting the person with a disability to take appropriate action.

This type of advocacy can be undertaken by a relative, friend or professional advocacy service. Currently, there are no formal training requirements involved in being an individual advocate.

Group Advocacy is similar to individual advocacy but involves representing, supporting or assisting a group of people with disabilities.

Citizen Advocacy is when a community member voluntarily enters a relationship with a person with an intellectual disability to represent the interests of that person. They typically develop a long term relationship that offers new experiences and opportunities.

A **Citizen Advocate** is recruited, trained and supported through a community based Citizen Advocacy organisation and then matched up to a person with a disability.

Systemic Advocacy is about social change. It addresses discrimination affecting a number of people with disabilities. It includes advocating for change to legislation, policies and practices. Systemic advocacy may include:

- public awareness raising;
- submission writing;
- lobbying politicians; and
- campaigning .

Systemic advocacy seeks to build an inclusive community, often working together with other social advocates seeking broader social change.

6. Key Advocacy Principles

Disability Advocacy organisations will seek to:

- Act independently;
- Be accessible to people with disabilities;
- Improve communication between people with disabilities and the general community;
- Have clear advocacy priorities;
- Deliver high quality services;
- Provide measurable program goals and objectives;
- Have operating policies and procedures including a Code of Conduct for Committees of Management / Governance/ Board members;
- Increase understanding of disability related issues in the wider community;
- Clearly communicate what service users can expect from the organisation; and
- Be informed of current issues affecting the lives of people with disabilities.

Disability Advocacy will seek to assist people with disabilities by:

- Promoting the autonomy and best interests of the person with a disability;
- Respecting the privacy, dignity and confidentiality of the person with a disability;
- Being respectful of existing family and other support networks;
- Where possible, working collaboratively with family and other support networks;
- Within a reasonable time frame offering high quality services.;
- Maximising the safeguards of the person with a disability from possible exploitation, abuse and/or neglect;
- Maximising the economic and social participation and inclusion of people with disabilities in the wider community;

- Identifying and responding to the broader systemic issues relevant to people with disabilities;
- Ensuring people with disabilities know their rights and responsibilities;
- Promoting and enhancing the rights of people with disabilities; and
- Supporting people with disabilities to make informed choices.

Accountability

Disability Advocacy should demonstrate accountability by:

- Ensuring where possible, the course of action is directed by the person with a disability;
- Working to clear objectives in a transparent manner;
- Accepting responsibility for decisions made and actions taken with or on behalf of people with disabilities;
- Seeking to achieve the most efficient use of the organisation's resources;
- Seeking assistance or referring on when required;
- Ensuring awareness of and compliance with all relevant legislation.
- Maintaining effective standards of practice; and
- Upholding the principles and ethics of the Code of Conduct at all times.

Disability Advocates must:

- Respect the wishes of the person with a disability;
- Minimise conflicts of interest;
- Gather all relevant information;
- Present information in a format that is accessible to the person with a disability;
- Ensure whether the person with a disability can make an informed decision; and
- Act in a timely manner.

Disability Advocates must not:

- Impose their own opinion;
- Use their position of authority; or
- Make decisions on behalf of a person with a disability without proper consultation.

When direction from the person with a disability is not possible, the Disability Advocate will work within the mandate of the Victorian Charter of Human Rights and Responsibilities and the Disability Act and be mindful of the provisions within the Guardianship and Administration Act 1986.

Confidentiality

Disability Advocacy understands the importance of privacy and confidentiality. People providing personal information have the right to expect disclosed information will be treated as confidential.

A disability advocate should always ensure confidentiality by:

- Using all information obtained in a proper manner;
- Protecting confidential information; and
- Acting in accordance with the relevant legislation and policies relating to confidential information.

Exceptions to this do exist:

- When the person with a disability has provided informed consent to release the information; and
- Where there is a potential risk of harm to the individual or to others.

Disability Advocates should seek professional advice if in doubt.

Integrity

Disability Advocacy should demonstrate integrity by:

- Ensuring their focus is on supporting, assisting and/or representing people with disabilities;
- Being honest, open and transparent in all their dealings with people with disabilities;
- Developing and maintaining trust with people with disabilities;
- Providing advice and taking action based on available facts;
- Using their authority in a responsible way;
- Avoiding conflicts of interest. Personal or financial interests should never influence or interfere;
- Disclosing any potential conflict of interest to the appropriate person/ authority; and
- Reporting instances of improper conduct to the appropriate person/ authority.

Promotion of Human Rights

Disability Advocacy should promote human rights by:

- Working within legislation relating to discrimination, harassment, bullying and victimisation by:
 - Creating a working environment that values diversity and is free of unfair treatment or discrimination; and
 - Promoting opportunity and inclusion.
- Complying with the rights set out in the Victorian Charter of Human Rights and Responsibilities by:
 - Making decisions and providing advice consistent with the Charter;
 - Delivering services and acting in a manner consistent with the Charter of Human Rights and Responsibilities; and
 - Raising concerns when it appears rights have been breached in accordance with established procedures.

Responsiveness

Disability Advocacy should always demonstrate responsiveness by:

- Providing high quality services to people with disabilities in a prompt and professional manner, and in accordance with relevant policies;
- Identifying and promoting a best practice approach. This involves adopting appropriate strategies, methods and processes that leads to improved outcomes for people with disabilities;
- Applying knowledge and expertise to deliver a high quality service and identifying opportunities to improve service outcomes; and
- Accessing alternative sources of counsel, advice or service when necessary.

Respect

Disability Advocacy should always demonstrate respect by:

- Promoting an environment that encourages respect and trust;
- Treating others fairly, objectively and in a courteous manner; and
- Ensuring freedom from discrimination, harassment, bullying and victimisation.

Leadership

Disability Advocacy should always demonstrate leadership by:

- Providing a positive influence;
- Inspiring and empowering others;
- Advancing the rights of people with disabilities;
- Actively implementing, promoting and supporting advocacy values;
- Acting in an ethical manner;
- Working with or on behalf of people with disabilities to respond to identified needs;
- Ensuring policies and procedures are implemented; and
- Ensuring all programs show clear, measurable goals and objectives.

7. Key Advocacy Principles for Committees of Management, and/or Board Members

All Committees of Management and/or Board Members are accountable for the governance and activities carried out by their respective Disability Advocacy organisation.

Governance is the process of decision making and the systems which ensures the overall direction, effectiveness, efficiency, responsiveness and accountability of the organisation.

Members will at all times:

- Respond to the needs of people with disabilities and Disability Advocates;
- Act in the best interests of the organisation;
- Act with honesty and integrity;
- Act fairly and impartially;
- Be open and transparent in their dealings;
- Use authority responsibly;
- Identify and acknowledge where a conflict of interest exists;
- Strive to earn and sustain public trust of a high level;
- Work in a professional manner when representing the organisation;
- Respect the confidentiality of information that they have access to in their role;
- Respect the opinions of others by acting in a professional and courteous manner;
- Support paid and unpaid staff;
- Identify issues of concern;
- Be accountable for decisions made; and
- Uphold legislation relating to Human Rights.

8. Need to Know More?

Useful Contacts

Government

Department of Human Services – Disability Services

Website: <http://www.dhs.vic.gov.au/disability/>
Telephone: 1300 650 172
Email: disability.services@dhs.vic.gov.au

DHS Funded Agency Channel

The CSO portal contains useful information resources. You do not need to be a member of the Funded Agency Channel to access the portal

Website: <http://fac.dhs.vic.gov.au>
Telephone: (03) 9096 2742
Email: fac@dhs.vic.gov.au

Disability On-Line

The Victorian Government's website for people with a disability, their family and support networks. It provides a range of government and community information.
Website: <http://www/disability.vic.gov.au>

Department of Families, Housing, Community Services and Indigenous Affairs

FaHCSIA provides services and assistance that help people with disabilities to participate actively in the community and economic life.

Website: <http://www.fahcsia.gov.au/>
Telephone: (03) 8626 1109 or 1300 653 227 (local call cost only)
Email: enquiries@fahcsia.gov.au

Office of Public Advocate

Services include providing advice and information, advocating for people with a cognitive disability who are at serious risk, providing guardianship for adults with a cognitive disability (intellectual disability, acquired brain injury, mental illness, dementia).and investigating allegations of abuse, risk or neglect in cases at the Victorian Civil and Administrative Tribunal (VCAT).

Website: <http://www.publicadvocate.vic.gov.au/>

Telephone: 1300 309 337

Email: publicadvocate@justice.vic.gov.au

Legal Services*Disability Discrimination Legal Service Inc*

DDLS provide free legal services including information, referral, advice, casework assistance, community legal education, and policy and law reform.

Website <http://www.communitylaw.org.au/ddls/>

Telephone: (03) 9654 8644

Email: info@ddls.org.au

VILLAMANTA

Villamanta is a free statewide legal service that works on disability related legal issues

Website: <http://www.villamanta.org.au/>

Telephone: 1800 014 111

Email: legal@villamanta.org.au

Useful Resources

VCOSS Manuals for Community Organisations

1. Community Management

This plain language manual is a good introduction and reference for management group members about the roles and responsibilities of management and the keys to running an effective and efficient organisation.

The book includes:

- an explanation of the differences between governance and management;
- detailed information on specific areas of responsibility;
- handy tips and reminders for improving management practice; and
- samples of widely-used forms, agreements and policies.

2. The Policies and Procedures Manual for Community Organisations

Policies and procedures help make a workplace run smoothly by ensuring staff and volunteers know how things are done and how decisions are made. They provide guidelines for resolving conflict and minimising risk and they enable staff to get on with the job of delivery quality services.

This book identifies a broad range of policy areas that your organisation may need to consider. It includes sample policies with tips on how to adapt and implement them.

DARU

The DARU website has a large database of useful resources – <http://www.daru.org.au/>

Appendix 1: The Victorian Charter of Human Rights and Responsibilities ⁴

The Victorian *Charter of Human Rights and Responsibilities Act 2006* (Vic) is an Act of Parliament that sets out our rights, freedoms and responsibilities.

Rights protected by the Charter:

- recognition and equality before the law;
- right to life;
- protection from torture and cruel, inhumane or degrading treatment;
- freedom from forced work;
- freedom of movement;
- privacy and reputation;
- freedom of thought, conscience, religion and belief;
- freedom of expression;
- peaceful assembly and freedom of association;
- protection of families and children;
- taking part in public life;
- cultural rights;
- property rights;
- right to liberty and security;
- humane treatment when deprived of liberty;
- children in the criminal process;
- fair hearing;
- rights in criminal proceeding;
- right not to be tried or punished more than once; and
- retrospective criminal laws.

For further information go to <http://www.humanrightscommission.vic.gov.au>

⁴ Reprinted with the permission of the Victorian Human Rights and Equal Opportunity Commission

Appendix 2: The Disability Act 2006

The **Disability Act 2006** ('the Act') commenced on 1 July 2007. It replaced the **Intellectually Disabled Persons' Services Act 1986** and **Disability Services Act 1991**.

The Act provides for:

- a stronger whole-of-government, whole-of-community response to the rights and needs of people with a disability, and
- a framework for the provision of high quality services and supports for people with a disability.

Regulations have been developed to support the Act in the areas of residents' funds and residential charges, and restrictive interventions and supervised treatment. The Disability Regulations 2007 were subject to a Regulatory Impact Statement and a public submission process.

Principles

Principles provide guidance about how an Act should be interpreted. The Act has two sets of principles.

Principles for people with a disability

People with a disability should have the same rights and responsibilities as other members of the community, including the right to:

- respect for their human worth and dignity;
- live free from abuse, neglect or exploitation;
- realise their potential in every area of their life;
- have control over their own lives;
- take part in decisions that affect their lives, with support where necessary;
- be given information and to communicate in a way that suits their needs; and
- services that support their quality of life.

Principles for disability services

Disability Services are provided by either the Department of Human Services, or an agency funded by the Department of Human Services to provide services for people with a disability.

The principles for Disability Services include that they should:

- assist people with a disability to be included and take part in activities in the community;
- maximise choice and independence for people with a disability;
- recognise that people with different types of disability may need different sorts of support;
- consider and respect the role of families and other people who are important to a person with a disability;
- where possible strengthen and build the capacity of families who are supporting people with a disability;
- be aware of the needs of children with a disability;
- be aware of any extra disadvantage a person may have because of their culture, language or where they live;
- ensure that people with a disability have support, if they need it, to make decisions ;
- be of high quality and protect the rights of people using the service; and
- choose the least restrictive option possible, if a person's rights or opportunities need to be restricted.

The Act requires that people with a disability be given information that explains their rights.

The information given to a person under the Act must:

- use the language and type of communication they are most likely to understand
- where possible, be both explained to the person and given in writing.

If the person with a disability cannot understand the information, it can be given to another person of their choosing, who can assist them with understanding their rights.

For more information about the Act contact
Disability Services Division, Department of Human Services
Tel 1300 366 731 TTY (03) 9096 0133 (for people who are deaf or have a
hearing, speech or communication impairment)
Email disability.legislation@dhs.vic.gov.au or go to the DHS website:
http://www.dhs.vic.gov.au/disability/improving_supports/disability_act_2006

Appendix 3: The Quality Framework for Disability Services in Victoria (2007)

The Quality Framework is designed to measure, monitor and improve the quality of disability supports in Victoria. It supports the effective implementation of the Standards for Disability Services.

The Standards for Disability Services in Victoria

People who use disability services have the right to receive high quality services that meet their needs and expectations.

In 2007, Outcome Standards for Disability Services (Outcome Standards) were introduced into the Quality Framework. The Quality Framework maintains the standards introduced in 1997 as the Industry Standards for Disability Services (Industry Standards).

Outcome Standards for Disability Services in Victoria

The Outcome Standards for Disability Services in Victoria describe what is important for people with a disability as Victorian citizens and take into consideration the influence and impact we have upon the political, social, cultural economic and physical wellbeing of people with a disability.

Individuality

Each individual has goals, wants, aspirations and makes decisions and choices about their life:

- Individuals are valued and respected;
- Individuals are encouraged and supported to be themselves;
- Individuals have access to relevant information; and
- Individuals have access to a range of opportunities and supports that assist them to make informed decisions about their life and future.

Capacity

Each individual has the ability and potential to achieve a valued role in the community. Individuals achieve their desired level of capacity through:

- Their abilities being identified, encouraged and supported;
- Participating in the planning and receipt of their supports; and
- Choosing and receiving planned and flexible support responses that are lifestyle appropriate and meet their needs.

Participation

Each individual is able to access and to participate in their community. Individuals participate in the community by:

- Having access to information, opportunities, encouragement and supports that maximize their participation in the community; and
- Being included and involved in the areas of community life that they choose.

Citizenship

Each individual has rights and responsibilities as a member of the community:

- Individuals maximise control over their life by having the same opportunities as all members of the community to participate as a citizen;
- Individuals maximise control over their life by being as treated equal members of the community;
- Individuals maximize control over their lives by having awareness, understanding and knowledge of their rights and responsibilities;
- Individuals maximise control over their life by being encouraged and supported to exercise their rights and responsibilities; and
- Individuals are free from physical, sexual, verbal, financial, emotional and psychological abuse and neglect.

Leadership

Each individual informs the way that supports are provided:

- Individuals achieve a leadership role through having the opportunity to inform the way supports are provided to them.

Industry Standards for Disability Services in Victoria

The Industry Standards describe the systems and processes that must be in place in order to support people to achieve outcomes and safeguard the rights of people with a disability, their family members and carers.

Service Access

Fair and equitable practices that are consistent with funding obligations, applicable legislation and purpose of the service are applied when managing and allocating resources.

Individual needs

Planning and support is tailored, flexible responsive and appropriate to the individual.

Decision making and choice

Support options are planned, developed, implemented and reviewed in a manner that is responsive to the decisions, choices, and aspirations of individuals.

Privacy, dignity and confidentiality

Privacy, dignity, and confidentiality is respected and maintained.

Participation and integration

Support options are planned, developed, implemented and reviewed in a manner that build opportunities for individuals to participate in the life of the community.

Valued status

Support options are planned, developed, implemented and reviewed in a manner that recognise the skills, abilities and potential of individuals and enable the achievement of valued roles in the community.

Complaints and disputes

Complaints and disputes are addressed promptly, fairly and respectfully without compromising services to the individual.

Service management

Management and governance practice is sound, accountable and consistent with current disability support policy and practice.

Freedom from abuse and neglect

Supports are provided in safe and healthy environments that support individuals to exercise their legal and human rights.

For further information go to the DHS website: http://www.dhs.vic.gov.au/disability/improving_supports/quality_framework_for_disability_services_2007





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