

AS 5391 – Advocacy in Aged Care and Disability (draft)

Public Comment Consultation

Capacity Services

Virtual Session 1 November 2023





AS 5391 Public Comment: Overview

- The agencies, networks and Government departments involved
- Some basic facts about the Standard and how it came about
- Progress and timeline Draft Standard – AS 5391
- Providing comments; and how they will be recorded and included
- Structure of the Standard
- Going through the Sections and Clauses – key questions
- Time for Q&A at the end of each Section
- Q&A at the end



Advocacy Standard Project: Agencies

- Standards Australia (SA): is Australia's peak non-government, not-for-profit standards organisation
- OPAN: Older Persons Advocacy Network - a network of independent not-for-profit organisations combining to deliver NACAP under contract to DoHAC) – funding the project
- DANA: Disability Advocacy Network Australia is the national representative body for a network of (disability) Advocacy organisations throughout Australia
- Department of Health and Aged Care (DoHAC) – funds and administers the National Aged Care Advocacy Program (NACAP) – provided funds to OPAN to develop a quality assurance Standard
- Department of Social Services (DSS) – funds and administers the National Disability Advocacy Framework (NDAF)



Advocacy Standard Project: FAQs

- **What is the Standard meant to do?**
 - Provide Advocacy Services with a guide to aid the quality of their work
- **How will the Standard work?**
 - It is “voluntary” standard – up to Advocacy Services to use it, or government departments to require it
- **Who will the Standard apply to?**
 - Funded Advocacy Services who provide Independent Advocacy to older people and/or people with disability
- **How was the Standard produced?**
 - OPAN and DANA applied to Standards Australia, who have written the Standard with the assistance of a Technical Committee
- **Have people with lived experience been involved?**
 - The Technical Committee includes people with lived experience. Working Groups also had people with lived experience.
- **Who can make comment on the draft and how?**
 - Anybody – via the Standards Australia website. You need to register.



Providing Input to AS 5391

- **Through Standards Australia website:**
- To access the Public Comment system, visit the Standards Australia website, <https://www.standards.org.au/> and hover over the Committee Access tile, and select Public Comment. You can also use this web address: <https://comment.standards.org.au>

The screenshot shows the Standards Australia website interface. At the top left is the Standards Australia logo. To its right is a search bar with the text "Search site or look for a standard". Further right are links for "FAQ" and "Contact Us", and social media icons for LinkedIn, Twitter, and YouTube. Below this is a horizontal navigation menu with items: "Home", "About us", "Standards Development", "Engagement & Events", "Access Standards", "News", "Our Centenary", and "Committee Access". The "Committee Access" item is highlighted with a green box. Below the navigation menu is a grid of tiles. The "Public Comment" tile, which features a speech bubble icon, is also highlighted with a green box. Other tiles include "Connect", "Technical Committees", "Standards Academy", "Standards Library", "Submit a Proposal", "Proposal Consultation", and "International Participation Platform".

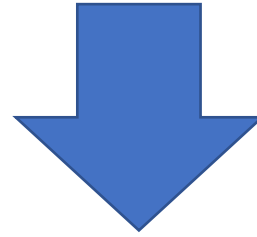


Providing Input to AS 5391 (cont)

- **All comments and suggestions will be uploaded and visible on the Public Comment pages linked to AS 5391:** Each comment will be linked to a specific **Clause** in a **Section** of the Standard.
- **Consultation will note comments and upload them the same way:** each consultation will produce its own spreadsheet, which will feed these responses up to Standards Australia, for inclusion on the Public Comment page.
- **Types of comments:**
 - Technical: requesting changes to requirements
 - Editorial: grammatical, format, style
 - General: all other comments
- **Copies of the draft Standard:** only available on the Standards Australia website – it is not permitted to print out or distribute copies of the draft Standard



Progress – and next steps



Public Comment phase – 19 October – 22 December 2023

Consultation, development and implementation timelines





Draft Standard: Structure

- **Preface:** legislation and human rights instruments
- **Introduction:** principles underpinning Advocacy and concepts important to its delivery
- **Section 1 Scope and general:** Intention of Standard, terms and definitions used in the Standard.
- **Section 2 Working in a human rights framework:** requirements about how human rights shall underpin all aspects of Advocacy delivery
- **Section 3 Service delivery:** requirements of Advocacy Services when they deliver their support to individuals who require Advocacy
- **Section 4 Service operations and governance:** requirements of Advocacy Services' management and governance structures, including policies and procedures which support high quality Advocacy



Draft Standard: Preface and Introduction

Preface

- **Relevant legislation:** includes – Aged Care Act 1997, Disability Services Act 1986, NDIS Act 2013, Disability Discrimination Act 1992
- **Human Rights instruments:** includes - UN Convention on the Rights of Persons with Disabilities, UN Declaration on the Rights of Indigenous Peoples, Madrid International Plan on Ageing; and Australian national, state/territory human rights legislation

Introduction

- **Advocacy Context:** includes the national frameworks for funding Aged Care and Disability Advocacy; Royal Commissions, Australia's Disability Strategy; state and territory strategic frameworks
- **Advocacy Delivery:** includes the different types of Advocacy that can be delivered (individual, systemic and self); explains the relationship amongst them



Draft Standard: Introduction (continued)

- **Important principles informing practice:**
 - **Social Model of Disability** – disadvantage originates within community, not attributed to individual impairment
 - **Human Rights Model of Advocacy** – Advocacy models the human rights it upholds
 - **Equal recognition before the law** – Article 12 of UN CRPD, right to enjoy legal capacity and support for decision making
 - **Statement on diversity** – other characteristics and identities, some of which compound disadvantage
 - **Supported decision making** – affirming the right to make decisions, and for support as an alternative to substitute decision making
 - **Person-led** – Advocates operate according to the will and preference of those they are supporting
 - **Dignity of risk** – right to engage in activities or make lifestyle choices which involve elements of risk
- **Public Advocacy, Public Guardian and Public Trustees:** legislation and arrangements in each state/territory which guide these offices
- **Enduring Guardianship and Powers of Attorney:** instruments which will impact on whether others have the rights to make decisions on behalf of people.
- **Service Standards:** Aged Care Quality Standards, National Standards for Disability Services, National Disability Insurance Scheme (NDIS) Practice Standards.



Draft Standard: Preface and Introduction – Q & A

- **Are there important laws and human rights instruments, which inform Advocacy delivery, which should also be included in the Preface?**
- **Are there important context documents and principles of practice that need to be described in the Introduction?**



Draft Standard: Section 1

- **1.1 Scope:** minimum requirements for disability and aged care Advocacy with 3 areas:
 - Human rights framework of Advocacy
 - Advocacy Service delivery
 - Advocacy Service governance and operations.
- **1.2 Application:** applies to Advocacy Services delivering disability or aged care Advocacy. Intended as an auditing tool.
- **1.3 No “normative references”** in the document.
 - (Note the use of American spelling in document e.g “z” instead of “s” – international standardisation)
- **1.4 Terms and Definitions:** a glossary of terms used throughout the document
 - (Note the term “Person” is used to refer to those people using Advocacy. Also “shall” for mandatory requirement, “should” for recommendation)



Draft Standard: Section 2 – Working in a Human Rights Framework

- **Four Clauses:**
 - **2.1 General:** describes the section as specifying requirements of the promotion of the rights of those who use Advocacy and that human rights principles should underpin all aspects of Advocacy Services.
 - **2.2 Working with individuals:** outlines rights practice that respects individuality, encourages self-determination and self-advocacy, respects will and preference, and protects privacy and confidentiality.
 - **2.3 Rights promotion:** is about informing people of their rights, providing activities and resource that promote rights, and adapting these to meet individual needs.
 - **2.4 Violence, abuse, neglect, discrimination and exploitation:** is about prioritising Advocacy for people experiencing these; ensuring people do not experience through the Advocacy Services; and reporting allegations appropriately.



Draft Standard: Sections 1 & 2 Q & A

- **Do the clauses in Section 2 meet the intention of the Outcomes Statement (in Appendix A)? Do you agree with the Outcome Statement, or how could it be improved?**
- **Are human rights reflect throughout this Section, and throughout the draft Standard?**



Draft Standard: Section 3 – Service Delivery (1)

- **Six Clauses:**
 - **3.1 General**
 - **3.2 Service Access:** requires Advocacy Services to provide information about what they do in a format the Person can understand; timely access to Advocacy and alternative pathways if it cannot be given; and identify and respond to the needs of the Person.
 - **3.3 Core service delivery processes:** including provision of an Advocacy Plan; access provided to information about the Advocacy Service; consent protocols, and ensuring that the support is delivered according to the will and preference of the Person.
 - **3.4 Service coordination:** identifies the need for coordination and collaboration with chosen family and supporters; and with other agencies.



Draft Standard: Section 3 – Service Delivery (2)

- **3.5 Delivering systemic advocacy:** this addresses the way in which systemic advocacy shall be done, if and when it is done by those Advocacy Services whose principal role is to deliver Individual Advocacy. It shall be:
 - informed by the Person’s lived experience
 - identify issues which occur frequently among different Persons who receive Individual Advocacy
 - based on data and evidence where possible
 - collaborative and strategic and include people with lived experience
- **3.6 Developing and maintaining Advocacy Service networks:** this describes how Advocacy Services should network and use networks to improve professional practices, contribute to systemic improvements and raise community awareness of Advocacy Services. It requires Advocacy Services to keep their network contacts up to date, be strategic, and to ensure these networks reflect diversity.



Draft Standard: Section 3

Q & A

- **Do the clauses in Section 3 meet the intention of the Outcomes Statement (in Appendix A)? Do you agree with the Outcome Statement, or how could it be improved?**
- **Does the draft Standard provide enough details for Advocacy Services to understand what they need to do?**
- **Is the focus of the draft Standard clear, especially with respect to the interaction between Individual Advocacy and Systemic Advocacy?**



Draft Standard: Section 4 – Service operations and governance (1)

- **Eleven Clauses:**

- **4.1 General**
- **4.2 Service Information:** requires Advocacy Services to ensure their information is accurate and up to date, easy to understand and available in a range of formats. It also needs to be promoted to people with diverse identities and backgrounds.
- **4.3 Service scope, planning and design:** is about the definition of the service and what it delivers, ensuring it does tailor its delivery to cultural and communication needs of those accessing Advocacy. It includes service review and planning and having protocols in place to work with people from diverse backgrounds.
- **4.4 Management processes:** identifies the need for efficient management backed up by policies which are developed and reviewed systematically. Included here are transparent financial processes, risk management plans, WHS procedures, business continuity plans and good HR processes, including interaction between management and the governing body.



Draft Standard: Section 4 – Service operations and governance (2)

- **4.5 Data Governance:** requires Advocacy Services to inform Persons about how their data is kept, managed and used. It also speaks to the need for data security and protocols to report breaches, and to ensure staff are trained in how to handle data. It also addresses how data shall be used to inform service planning and decision making for those using Advocacy.
- **4.6 Human resource management and professional development:** requires the Advocacy Service to have staff that are suited to its goals; addresses human resources as part of its strategic plan; and has the relevant HR policies and procedures in place.
- **4.7 Feedback:** is about how feedback from Persons should be collected and used to inform the continuous improvement of Advocacy Services, and is done so methodically and within set timeframes
- **4.8 Complaints:** asserts the rights of Persons to make complaints, and the need to have processes which are consistent and facilitate the making of complaints. It also asserts the rights of Persons to make complaints anonymously, and to enable people to access independent supports to assist with making complaints, if required.



Draft Standard: Section 4 – Service operations and governance (3)

- **4.9 Governance processes:** requires Advocacy Services to operate in accordance with the strategic plan, have clear roles and responsibilities written for operational staff and those on the governing body, and review its organisational performance. Advocacy Services also need to engage with stakeholders to enable service co-design. There should be involvement of people with lived experience in the design and review of Advocacy Services, and these should be reviewed regularly for effectiveness.
- **4.10 Service review and quality improvement:** requires the Advocacy Service to plan and review its operations and measure its own effectiveness as well as its activity outputs.
- **4.11 Service improvement:** requires the Advocacy Services to employ principles for continuous improvement and for establishing and maintaining systems, resources and personnel; the intention is for these principles to support periodic planning and review, and review and accreditation processes.



Draft Standard: Section 4

Q & A

- **Do the clauses in Section 4 meet the intention of the Outcomes Statement (in Appendix A)? Do you agree with the Outcome Statement, or how could it be improved?**
- **Is the draft Standard structured in a logical way that makes sense to Advocacy Services and those who will use them?**

Capacity Services

Michael Bleasdale
Murray Coates

Contact: Michael Bleasdale

mbleasda@bigpond.net.au

0499 900 006

