Some notes on VALID’s statement on the advocacy in disability support

**S*elf Determination***

*Every person has a right to make their own decisions. It should be assumed that all people with a disability have a capacity to make decisions for themselves.*

***Self Advocacy***

*Disability support workers have an important role to play in supporting people with a*

*disability to realise and develop their capacity for self determination to the maximum*

*possible extent, by encouraging confidence and providing opportunities for decision*

*making, self expression and self advocacy.*

***Person Centred Individual Planning***

*The planning process should be at the individual level and place a key emphasis on*

*encouraging and supporting individuals to make their own decisions and advocate their own rights and interests. This will often require the collaboration and support of others involved in the person’s support network, such as family members, friends and staff from other services.*

*VALID defines the following forms of individual advocacy support:*

*Standing Behind – providing support (e.g. training, information and advice) which*

*empowers the person to self advocate*

*Standing Beside – providing assistance (e.g. offering prompts and reminders) to*

*assist the person raise issues with others*

*Standing Before – providing representation (e.g. acting or speaking on behalf of the person)*

***2.2 Expectations of Staff***

*2.2.1 Disability support workers are commonly expected to ‘stand behind’ people with a disability to empower them to:*

*• understand their rights and responsibilities*

*• self advocate*

*• make choices and decisions*

*• understand the consequences of their choices and decisions*

*• become self confident and appropriately assertive*

*• help build a strong and collaborative personal support network or “team”*

*One of the most important ways disability support workers perform this empowering role is through the provision of information. The Disability Act 2006 requires that information is provided to people with disabilities in ways that best assist them to understand their rights and responsibilities. Disability support workers should ensure they are familiar with the different communication requirements and the individual needs of all clients, and provide appropriate forms of ‘enabling’ information.*

*Disability support workers are also often expected to ‘stand beside’ people with a*

*disability to:*

*• effectively and appropriately assert their rights and interests (e.g. to remain calm*

*or to be self confident)*

*• effectively and appropriately make their views, opinions and decisions known to*

*others (e.g. to ‘stay on track’ in meetings and discussions)*

*• resist coercion, manipulation or undue influence from others (e.g. learning to say*

*‘no’)*

*While this is a role that is typically performed by many support staff, it is also an*

*advocacy support role that in certain situations might give rise to accusations of*

*manipulation, undue influence or conflict of interest.*

*Disability support workers assisting a person with disability to assert his or her rights or interests should recognise the risk of their own more powerful interests or values being projected. Even the perception of such a conflict of interest may itself be problematic, regardless of the staff member’s intentions.*

*This is not to say that disability support workers should not ‘stand beside’ people with a disability, for the reality is that such assistance is often an essential part of their general support role. Rather, it highlights the need for disability support workers to be conscious of the potential for conflict of interest and the need to minimise such risk.*

*Disability support workers therefore need to be constantly ‘mindful’ of their own influence and power, and avoid situations in which they might be perceived as having undue influence or a possible conflict of interest.*

*Disability support workers should also be constantly mindful that the assistance and*

*advice they provide, and the ways in which they provide it, is aimed at supporting the person with disability to develop and assert his or her own views and opinions, freely and independently.*

*Where there is a potential conflict of interest, disability support workers need to adopt strategies for minimising that risk. For example, by ensuring important issues are canvassed within the individual planning process, by involving others in providing advice or assistance, by seeking guidance from supervisors, by conferring with and/or deferring to family and/or independent advocates.*

*Where a person with disability does not have the capacity to self-advocate, it is generally accepted that parents or family members will provide informal representation on their behalf. The Disability Act 2006 requires that the role and contribution of family members be invited and respected at all times.*

*Where a person with disability does not have the capacity to self advocate, and where informal advocacy support arrangements are considered inadequate to properly represent his or her rights and interests, the engagement or appointment of an independent advocate might be necessary.*

***Independent Advocacy***

*Independent advocacy can be defined as speaking or acting on behalf of a person or group with minimised conflict of interest. Independent advocacy might be provided either by an informal advocate through a community-based advocacy organisation or through the Office of the Public Advocate, or by the appointment of a formal guardian through VCAT.*

*Independent advocacy support should be sought:*

*• Where there is a perception of conflict of interest – e.g. staff or family member*

*promoting personal or professional interests rather than advocating the person*

*with disability’s rights and interests – that cannot be resolved through the usual*

*processes.*

*• Where there is conflict regarding the choices or decisions being made – e.g.*

*where a decision by staff or family is rejected by the person with disability, or vice*

*versa.*

*• Where there is a concern regarding undue or inappropriate influence or pressure*

*being placed on the person’s decision-making.*

*• Where the issues confronting the person with disability require a level of*

*“advocacy power” that might be beyond them or their support network.*

*• Where there is a potential for, or a perception of, the interests of staff members,*

*line management or organisational policy being in conflict with the interests of the*

*person or persons with disability.*

*Advice on obtaining independent advocacy can be obtained either through the Disability Advocacy Resource Unit (DARU) or by contacting the Office of the Public Advocate (OPA). Information on advocacy organisations can be found at:* <http://www.daru.org.au/?s=advocacy&post_type=advocacy-org&post_type=advocacy-org&advocacy-type-array%5B%5D=disability-advocacy-organisation&advocacy-speciality>=