



CHCADV001

Facilitate the
interests and rights
of clients



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Release 1

Learner Guide

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CHCADV001 Facilitate the interests and rights of clients, Release 1

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Phone: (03) 9820 1300

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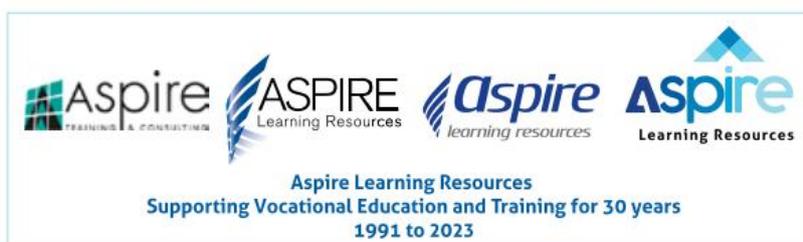
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Aspire acknowledges the homelands of all Aboriginal and Torres Strait Islander peoples and pays our respect to Country



Before you begin

This Learner Guide is based on the unit of competency *CHCADV001 Facilitate the interests and rights of clients*, Release 1.

Your trainer or training organisation must give you information about this unit of competency as part of your training program.

How to work through this Learner Guide

This Learner Guide contains a number of features that will assist you in your learning. Your trainer will advise which parts of the Learner Guide you need to read, and which Practice Tasks and Learning Checkpoints you need to complete.

Feature of the Learner Guide	How you can use each feature	
Learning content	Read each topic in this Learner Guide. If you come across content that is confusing, make a note and discuss it with your trainer. Your trainer is in the best position to offer assistance. It is very important that you take on some of the responsibility for the learning you will undertake.	
Examples	These highlight learning points and provide realistic examples of workplace situations.	
Practice Tasks	Practice Tasks give you the opportunity to put your skills and knowledge into action. Your trainer will tell you which Practice Tasks to complete.	
Callouts	Callouts reiterate key learning points to help students revise for their assessments.	
Weblinks	Weblinks provide learners with additional content to contextualise their learning and develop their understanding.	
Videos	Videos provide a visual reference of key concepts to aid comprehension and guide learner exploration. Each video is accessed by a QR code in the Learner Guide (or a button in the eBook version) for ease of access.	 
Glossary/margin definitions	Key terms are defined where they first appear to help consolidate understanding. A glossary of terms is provided at the end of the Learner Guide to assist learner revision of key concepts.	
Summaries	Key learning points are provided at the end of each topic.	
Learning Checkpoints	There are Learning Checkpoints at the end of each topic. Your trainer will tell you which activities to complete. These activities give you an opportunity to check your progress and apply the skills and knowledge you have learnt.	
Case studies	Case studies are interspersed throughout the learning content to provide a workplace setting that contextualises key concepts.	



Foundation skills

As you complete learning using this guide, you will be developing the foundation skills relevant for this unit. Foundation skills are the language, literacy and numeracy (LLN) skills and the employability skills required for participation in modern workplaces and contemporary life.

These skills are listed below:

Foundation skill area	Foundation skill description
Reading	<ul style="list-style-type: none"> • Understanding how documents are presented and being able to navigate through documents • Understanding industry- and job-specific terminology • Interpreting key information in relevant documents • Understanding routine workplace checklists and documentation
Writing	<ul style="list-style-type: none"> • Planning, drafting and writing reports and documents • Communicating through written letters, email and online • Recording progress; reporting incidents
Oral communication	<ul style="list-style-type: none"> • Clarifying instructions • Providing information • Supporting others through encouragement, negotiation and conflict resolution • Using body language to model desired behaviour and responding to others' body language
Numeracy	<ul style="list-style-type: none"> • Calculating costs, weights, measurements of height and distance • Interpreting measurements
Learning	<ul style="list-style-type: none"> • Understanding your job role, organisational procedures and legal responsibilities • Managing your work and seeing how well you are going • Making goals for yourself at work • Seeking professional development opportunities for continuous improvement
Problem-solving	<ul style="list-style-type: none"> • Identifying problems • Working out how to fix a problem using problem-solving processes • Reviewing the outcome
Initiative and enterprise	<ul style="list-style-type: none"> • Recognising opportunities to develop and apply new ideas • Generating ideas by thinking of new ways to do something • Making suggestions to improve work
Teamwork	<ul style="list-style-type: none"> • Working well with other people by cooperating, collaborating, encouraging and building rapport



Foundation skill area	Foundation skill description
Planning and organising	<ul style="list-style-type: none"> • Planning your workload and commitments • Implementing tasks • Completing work on time • Knowing how to deal with hazards and risks
Self-management	<ul style="list-style-type: none"> • Understanding and applying decision-making processes • Reviewing your behaviour and the impact of your decisions
Technology	<ul style="list-style-type: none"> • Efficiently using digitally based technologies and systems correctly and safely • Accessing, organising and presenting information • Using equipment correctly and safely

Note: Not every unit of competency will contain all foundation skills.

What do you already know?

Use the following table to identify what you may already know. This may assist you to work out what to focus on in your learning.

Topic	Key outcome	Rate your confidence in each section
Topic 1 Facilitate the realisation of client interests, rights and needs	1A Discuss the rights and responsibilities of all parties with client	<input type="checkbox"/> Confident <input type="checkbox"/> Basic understanding <input type="checkbox"/> Not confident
	1B Assist client to identify their interests, rights and needs	<input type="checkbox"/> Confident <input type="checkbox"/> Basic understanding <input type="checkbox"/> Not confident
	1C Provide clients with available options to meet their needs	<input type="checkbox"/> Confident <input type="checkbox"/> Basic understanding <input type="checkbox"/> Not confident
Topic 2 Advocate in accordance with client preferences and requests to optimise client outcomes	2A Assess your client's ability to self-advocate	<input type="checkbox"/> Confident <input type="checkbox"/> Basic understanding <input type="checkbox"/> Not confident
	2B Implement strategies to address rights and needs	<input type="checkbox"/> Confident <input type="checkbox"/> Basic understanding <input type="checkbox"/> Not confident
	2C Effectively represent your client	<input type="checkbox"/> Confident <input type="checkbox"/> Basic understanding <input type="checkbox"/> Not confident
	2D Ensure information is kept in confidence	<input type="checkbox"/> Confident <input type="checkbox"/> Basic understanding <input type="checkbox"/> Not confident



Topic	Key outcome	Rate your confidence in each section
Topic 3 Provide ongoing support to clients	3A Uphold people’s rights and preferences without compromising safety	<input type="checkbox"/> Confident <input type="checkbox"/> Basic understanding <input type="checkbox"/> Not confident
	3B Identify risks and apply work practices to minimise harm	<input type="checkbox"/> Confident <input type="checkbox"/> Basic understanding <input type="checkbox"/> Not confident
	3C Work in accordance with legal, organisational and duty of care requirements	<input type="checkbox"/> Confident <input type="checkbox"/> Basic understanding <input type="checkbox"/> Not confident
Topic 4 Support clients making a complaint	4A Discuss organisational and legal complaint mechanisms	<input type="checkbox"/> Confident <input type="checkbox"/> Basic understanding <input type="checkbox"/> Not confident
	4B Assist clients who lodge complaints and provide ongoing support	<input type="checkbox"/> Confident <input type="checkbox"/> Basic understanding <input type="checkbox"/> Not confident
Topic 5 Review progress	5A Discuss progress and outcomes, collaborate on further action and ensure follow up	<input type="checkbox"/> Confident <input type="checkbox"/> Basic understanding <input type="checkbox"/> Not confident
	5B Obtain feedback and action opportunities for improvement	<input type="checkbox"/> Confident <input type="checkbox"/> Basic understanding <input type="checkbox"/> Not confident





Topic 1: Facilitate the realisation of client interests, rights and needs

- 1A Discuss the rights and responsibilities of all parties with client
- 1B Assist client to identify their interests, rights needs and choices
- 1C Provide clients with available options to meet their needs



1A

Discuss the rights and responsibilities of all parties with client

If people do not have information about their rights and responsibilities, they cannot advocate effectively for themselves or allow others to advocate for them.

Whenever you are working with clients you need to discuss the rights and responsibilities of everyone involved in the service they are receiving. This includes the rights and responsibilities of the:

- client
- worker (or workers)
- organisation.

People must know and understand their rights, so they can determine when their rights are being infringed.

Understand resources, guidelines and regulations

In the context of health and community services work, information about the rights and responsibilities of clients, workers and organisations are outlined in numerous resources.

Resources, guidelines and regulations that include information about the rights and responsibilities of clients, workers and organisations include the following:

Human rights frameworks, approaches and instruments

Commonwealth and state/territory legislation relevant to health and community services sectors, such as laws relating to aged care, disability, mental health, discrimination and child protection

Organisational policies, processes, codes and charters that set out the rights and responsibilities of workers and people who receive services

Professional standards and guidelines

It is important to understand these resources, guidelines and regulations as they are key to communicating with clients about their rights and responsibilities.



Human rights frameworks, approaches and instruments

Human rights acknowledge the value of every person, regardless of background, appearance, thoughts or beliefs.

All people have basic human rights that need to be upheld. These rights are about being treated fairly, treating others fairly and having the ability to make genuine choices in our daily lives. They allow every person to contribute to society and feel included. Human rights inform the approaches, values and principles of many organisations in the health and community services sectors.

In 1948, the United Nations General Assembly adopted and proclaimed the Universal Declaration of Human Rights (UDHR). The UDHR is not a law, but an international convention (also referred to as a 'universal **human rights instrument**') that countries voluntarily ratify.

Countries that have ratified the UDHR, such as Australia, then use it to develop their own laws.

Some of the human rights to which all people are entitled, as outlined in the UDHR, include the following.

All human beings have the right to:

- life
- education
- free choice of employment
- freedom from torture and other inhuman treatment
- rights and freedoms regardless of race, colour, gender, language, religion and political opinion
- an adequate standard of living for one's own health and wellbeing and the health and wellbeing of family
- a family and to participate in the community.

The UDHR provides a framework for organisations and workers to understand their ethical responsibilities when it comes to clients' basic human rights. It also informs the approaches that organisations use when providing services to clients. For example, work practices designed to uphold client dignity reflect the basic human right to dignity, as outlined in the UDHR.

The UDHR also provides clients with a framework for understanding their basic human rights when engaging with health and community services.

Human rights instrument
A treaty or text that is used as a source of human rights law and the protection of human rights in general.



Additional United Nations conventions outline the rights of specific groups of people, such as the 2007 United Nations Convention on the Rights of Persons with Disabilities (CRPD). The CRPD is an international convention (and also a human rights instrument) that outlines the fundamental rights of people with disability, such as the right to:

- freedom from exploitation, violence and abuse
- freedom of expression and opinion, and access to information
- live independently and be included in the community.

The CRPD provides organisations with a clear framework for ensuring people with disability are treated in a fair and equal way in every aspect of their lives. This then informs how workers provide services to people with disability.

For more information about the UDHR, visit: aspirelr.link/udhr

Legislation

Commonwealth legislation applies to the whole of Australia, whereas state/territory legislation only applies to specific states and territories.

Legislation
The written law produced by the government.

Numerous laws incorporate information about the rights and responsibilities of clients, workers and organisations in health and community services settings, including the following:

<i>Aged Care Act 1997 (Cth)</i>	<ul style="list-style-type: none"> • The <i>Aged Care Act 1997 (Cth)</i> covers government-funded aged care. It includes rules relating to funding, quality of care and the rights of people receiving aged care. • A series of principles underpin the Aged Care Act, including those relating directly to workers' responsibilities, such as the <i>Quality of Care Principles 2014</i>.
<i>Disability Services Act 1986 (Cth)</i>	<ul style="list-style-type: none"> • The <i>Disability Services Act 1986 (Cth)</i> describes the arrangements for service provision to people with disability. • The Disability Services Act aims to support people with disability to receive the services they need to fully participate as members of the community.
<i>Privacy Act 1988 (Cth)</i>	<ul style="list-style-type: none"> • In Australia, information collected about individuals is regulated by the <i>Privacy Act 1988 (Cth)</i>. • Within the Privacy Act, a higher level of protection is given to 'sensitive information', such as information about religious affiliation, sexual orientation and criminal records. • In addition to the Commonwealth law regarding privacy, most Australian states and territories have their own privacy legislation.



<p>Age Discrimination Act 2004 (Cth)</p>	<ul style="list-style-type: none"> • The <i>Age Discrimination Act 2004</i> (Cth) (ADA) prohibits discrimination on the basis of age in employment, education, the getting or using of services, and other areas of public life. • The ADA makes it unlawful for organisations that provide goods and services to refuse to provide a person with goods, services or facilities because of age, or to provide them in an unfair manner, or to provide less favourable terms or conditions to someone because of their age.
<p>Disability Discrimination Act 1992 (Cth)</p>	<ul style="list-style-type: none"> • The <i>Disability Discrimination Act 1992</i> (Cth) (DDA) recognises that people with disability must be treated equally before the law. • The DDA aims to ensure that people with disability have the same fundamental rights as the rest of the community, including the right to equality before the law.

The Charter of Aged Care Rights outlines the rights and responsibilities of aged care consumers according to the Aged Care Act: aspirelr.link/charter-of-aged-care-rights

Discrimination

To discriminate against someone means to treat them unfairly or to favour others.

The ethical principles that underpin many health and community services professions and organisations are overtly anti-discriminatory. For example, principles such as respect for diversity, fairness and inclusion challenge the attitudes and behaviours that drive discriminatory practices.

In addition to these professional and ethical standards, there are multiple laws in Australia (both Commonwealth and state/territory-based) that mean discrimination based on specific attributes, and in certain areas of public life, is illegal.

Organisational policies and procedures

Most health and community services organisations have policies and procedures relating to client and worker rights and responsibilities.

Some organisations set out these rights and responsibilities in a charter that they routinely share with clients upon commencement of services.

Here are some examples of organisational policies relating to client and worker rights and responsibilities.

Policy

A course of action proposed by an organisation as a basis for making decisions.

Procedure

An established or official way of doing something.



Client rights	<p>Clients have the right to:</p> <ul style="list-style-type: none"> • be treated with respect and courtesy • be part of decisions made about their care • make a complaint about the services they receive.
Client responsibilities	<p>Clients have a responsibility to:</p> <ul style="list-style-type: none"> • treat staff, volunteers and other clients with respect • observe safety procedures when attending the service • inform the organisation if they are unable to attend an appointment within 24 hours of their appointment time.
Worker rights	<p>Staff have the right to:</p> <ul style="list-style-type: none"> • be treated with respect and courtesy • work in a safe environment • refuse services to anyone who abuses or threatens them or another worker, volunteer or client.
Worker responsibilities	<p>Staff have a responsibility to:</p> <ul style="list-style-type: none"> • inform clients of their rights and responsibilities • assist clients in exercising their rights • comply with international conventions, legislation and regulations at all times.

Organisations have an ethical responsibility to ensure clients' and workers' rights that are supported by organisational policies and procedures, are upheld. However, they also have legal responsibilities towards clients and workers (as outlined above). For example, the *Fair Work Act 2009* (Cth) outlines organisations' legal responsibilities towards workers, as well as workers' legal rights in the workplace.

Both organisations and workers also have rights and responsibilities relating to work health and safety legislation. Each state/territory in Australia has its own work health and safety laws and regulators to enforce those laws.

For more information on employer or organisation rights, visit: aspirelr.link/daslaw-employer-rights

Professional standards and codes

Most professions have professional standards that outline workers' rights and responsibilities.

For example, the Community Workers Code of Ethics is applicable to any worker who is a member of the Australian Community Workers Association (ACWA). It includes the obligations and expectations of community workers, such as the:



- obligation to treat clients with dignity and to safeguard, promote and acknowledge their capacity for self-determination
- expectation to achieve the aims of the employing organisation without denying clients their rights.

For more information about the Community Workers Code of Ethics, visit: aspirelr.link/acwa-ethics-standards

Workers in the health sector also have professional standards and codes they need to follow. For example, the National Safety and Quality Health Service (NSQHS) Standards is a code of ethics for occupational therapists and a code of professional conduct for nurses.

For more information about the National Practice Standards for the mental health workforce, visit: aspirelr.link/national-practice-standards

Communicate with clients

When discussing rights and responsibilities with clients, ensure you communicate clearly in a way that can be understood.

Although it is important for you to understand the resources, guidelines and regulations that underpin the rights and responsibilities of clients, workers and organisations, it is not necessary for clients to understand them in detail. Rather, you need to be able to communicate the rights and responsibilities of all parties involved in a way that clients can understand.

Here are some strategies for clear communication in health and community services settings.

Have a clear purpose	Make sure that the idea or main purpose of the message is clear.
Keep it brief	Communicate the most essential information in short, simple statements.
Ensure correct information	Make sure the information you are communicating is accurate and up to date.
Ensure information makes sense	Present the information in a logical sequence.
Do not leave things out	Make sure you provide the person with all the information they need.



When delivering information about rights and responsibilities, you may need to tailor your communication to the needs of the individual, such as:

- making your sentences shorter
- avoiding the use of slang or jargon
- facing a person who is hearing impaired when you speak to them.

Example

Discuss the rights and responsibilities of all parties with client

Roger works as a team leader for a disability service provider. He is meeting with a new client, Meredith, to discuss her rights and responsibilities as a client of the disability service that he works for.

Roger uses clear communication and avoids jargon when talking to Meredith. She is hearing impaired so Roger makes sure to face her when he speaks.

After explaining Meredith's rights and responsibilities, Roger leaves her with a copy of his organisation's charter of rights and responsibilities so she can review it in her own time.

Practice Task 1

Question 1

Which of the following statements are correct? Select yes or no for each one.

a. The Universal Declaration of Human Rights is an international law that individual workers need to comply with.	Yes / No
b. A human rights instrument is a treaty or document that provides a source for human rights law.	Yes / No
c. Human rights underpin the values and principles of many health and community services organisations.	Yes / No
d. Australia has both Commonwealth and state/territory laws relating to discrimination.	Yes / No
e. Organisations in the community services sector have a legal and ethical responsibility to give preferential treatment and support to people with disabilities.	Yes / No



Question 2

List three strategies that workers can use to clearly communicate the rights and responsibilities of clients, workers and organisations to clients.

A large, empty rounded rectangular box with a thin black border, intended for the student to write their answer to the question.

1B

Assist client to identify their interests, rights and needs

When working with a client, your role is to facilitate the realisation of their interests, rights and needs.

Your role as a worker is not to simply identify the client's interests, rights and needs but to enable this process to happen. Assisting clients to identify their own interests, rights and needs – as well as their choices and responsibilities – can be an empowering process.

Good communication skills and a relationship based on trust and respect will help when you are working with a client to identify their interests, rights, needs, choices and responsibilities. Even in situations where a client has a limited capacity to communicate, every effort should be made to identify their interests and preferences. This is part of a collaborative, empowerment-based approach.

Rights and needs

Human rights

Fundamental rights and freedoms that apply to all people, setting norms for standards of human behaviour.

Human rights are the rights that apply to every person because they are human.

It is through **human rights** that **human needs** are fulfilled. For example, the right to an adequate standard of living fulfils basic human needs such as food and shelter.

According to Maslow's hierarchy of needs, human needs include:

- **physiological needs**, such as air, water, food and sleep
- **safety needs**, such as resources, health and property
- **love and belonging needs**, such as friendship, intimacy and family
- **esteem needs**, such as respect, status and recognition
- **self-actualisation needs**, such as creativity, purpose and personal growth.

Human needs

Requirements of persons to achieve a level of basic functioning, such as physical needs (shelter and food/water), emotional needs (love and affection) and social needs (a sense of belonging).

Identify situations where rights are being infringed or not met

Protecting clients' rights is part of a worker's duty of care. Therefore, to exercise their duty of care, workers need to be able to identify when a client's rights are being infringed or not met.

Here are some examples of situations where a client's rights are being infringed or not met.

Workers need to be able to identify when a client's rights are being infringed or not met.



The client is experiencing discrimination

- The client is denied access to a service.
- The client receives unfair treatment because of their age, gender or disability.
- The client is unable to access a service because of their age, gender or disability (e.g. the office is not accessible to people with a physical disability).

The client's rights are being denied

- The client's requests for support for basic care needs (e.g. toileting) are ignored.
- The client's complaints are ignored or not followed up.
- The client is told to not complain.

The client is being abused

- The client has been physically, sexually or emotionally abused.
- The client is being exploited or financially abused (i.e. someone is taking or using the client's money, assets or property without their consent).
- The client has been restrained (including the use of chemical restraints) unlawfully.

For more information about elder abuse and restrictive practices, visit:

aspirelr.link/health-gov-restrictive-practices

For more information about the financial abuse of older people, visit:

aspirelr.link/seniors-rights-financial-abuse

Health and community services organisations have their own policies and procedures regarding what workers should do if a client's rights are being infringed or not met. In some cases, these policies and procedures are a requirement for service providers. For example, the National Standards for Disability Services require organisations to have preventive measures in place to ensure that individual service users are free from discrimination, abuse, harm and violence.

For more information about the National Standards for Disability Services, visit:

aspirelr.link/nsds

Assist clients to identify interests, rights and needs

It is not always easy for people to identify their interests, rights and needs.

As a worker, you can play a key role in assisting clients to identify their interests, rights and needs, as well as their choices and responsibilities. This process might involve any of the following tasks.



Ways to help clients identify their interests, rights and needs
Talk with the client and ask them questions to clarify their interests, rights, needs, choices and responsibilities.
Consult with other trusted people in the client's life (e.g. family, friends, carers) about the client's interests, rights, needs, choices and responsibilities.
Source information about a client's rights, choices and responsibilities (e.g. from websites and documents).
Contact organisations that can provide a client with information about their rights and choices.
Refer clients to other services that can help them identify their rights and choices, such as: <ul style="list-style-type: none">• advocacy services• legal services• specialist services.

Source information about rights and responsibilities

When providing information to clients about their personal rights and responsibilities, it is important that the information is reliable, relevant, accurate and provided in a timely manner.

Providing clients with information about rights and responsibilities may be required in a range of circumstances. Here are some examples of when clients may need this information.

When information about rights and responsibilities may be required
• Prior to the client signing up for a service
• When clients are considering options related to their care
• When you determine the client would benefit from the information
• When the client asks for the information
• When the client's family, friends or carers would benefit or when they request the information

Regardless of the circumstances surrounding the provision of information, it should be provided in a timely manner.

Your organisation may already have information for clients that outlines their rights and responsibilities when receiving services. However, in some cases you may need to obtain information about clients' rights and responsibilities from other sources.



Reliable, relevant and accurate information about rights and responsibilities can be obtained from a variety of sources, including the following:

- Advocacy and legal services provide confidential and independent information and advice about people's rights and entitlements.
- Specialist advocacy and legal services provide information for specific groups, including:
 - older people
 - people with disability
 - people with mental health conditions.
- Government agencies, independent statutory and not-for-profit organisations (such as the Australian Human Rights Commission) also provide information.

Other potential sources of information include:

- your colleagues
- professional networks and communities of practice
- training courses.

If you are sourcing information from people who are not specialists in the areas of advocacy and rights, it is important to ensure the information is reliable, relevant and accurate. For example, information about laws in another country will most likely not be relevant to clients in Australia. Checking the reliability, relevance and accuracy of information obtained online is important, especially when it is from an unfamiliar source or from a source that others cannot vouch for.

Example

Assist client to identify personal interests, rights, needs, choices and responsibilities

Santi is a senior personal care assistant who provides home-based support to older people and people with disability. One of the people Santi works with is Max, an 87-year-old man who lives alone.

Max has recently decided to move into a residential aged care home as his mobility has deteriorated significantly. It is obvious to Santi that there is a conflict between what Max says about his family home and what his family is planning. Max wants his daughter and grandchildren to move into the home, but his two sons have recently arranged for an agent to sell the property. The situation is creating a great deal of anxiety and stress for Max.



Santi sits down with Max and talks to him about his interests, rights and needs. He provides Max with some information about his rights. Santi and Max then call an advocacy service specifically for seniors to discuss Max's situation and get some advice about his options.

When people are empowered, they have choice, influence and control over events in their lives.

Empowerment and collaboration

By providing clients with the knowledge and skills they need to realise their interests, rights and needs, you are giving them greater choice, influence and control over their lives – this is **empowerment**.

Empowerment
The process of gaining strength and confidence to voice one's own opinion.

Making decisions *with* clients – rather than making decisions *for* them – is a guiding principle for most health and community services organisations and a standard aspect of **collaboration**.

Collaboration
An approach that involves people working together to accomplish common goals.

When you collaborate with a client, you actively involve them in decisions that affect them and recognise that they are the expert in their own life. Expertise in this sense does not just mean professional or 'book-based' knowledge, it also means expertise in terms of a person's own insight into their likes, dislikes, preferences, interests, needs and aspirations.

Work with clients to identify interests and needs

Some clients will struggle to identify their interests and needs.

People can struggle with identifying their interests and needs for a range of reasons. It could be because they are overwhelmed by a situation, or they are not accustomed to being asked about what they need or what they believe to be in their best interests.

One way you can help clients to identify their own interests and needs is by asking questions. Both open- and closed-ended questions can be useful in this process.

Open-ended questions are helpful for learning about people's attitudes, thoughts and feelings. They cannot be answered with a simple 'yes' or 'no' and require a more nuanced and thoughtful response. Closed-ended questions can be answered with a simple 'yes' or 'no' and are useful for gathering and clarifying information.

Here are some examples of open- and closed-ended questions.

Open-ended questions	<ul style="list-style-type: none"> • 'What would you like to happen in this situation?' • 'What would be the best possible outcome for you?' • 'If I asked you what your preference was, what would you say?'
Closed-ended questions	<ul style="list-style-type: none"> • 'So, you're saying that you don't want to sell the house?' • 'The best outcome for you would be that the money goes to your grandson – is that right?' • 'Would you prefer to spend more time outside in the garden, rather than inside in the activity room?'



Practice Task 2

Question 1

Which of the following statements are correct? Select yes or no for each one.

a. It is through human rights that human needs are fulfilled.	Yes / No
b. Human rights and human needs are closely connected concepts.	Yes / No
c. According to Maslow's hierarchy, human needs are limited to air, food, water and shelter.	Yes / No
d. A client's rights are being infringed if they are discriminated against because of their age.	Yes / No

Question 2

Explain the difference between empowering and disempowering a client.

Question 3

Identify two sources of reliable and relevant information about people's rights and responsibilities.



Question 4

Describe the meaning of the word 'collaboration'.

Question 5

Identify one technique that can be helpful when working with clients who are finding it difficult to identify their interests and needs.

1C

Provide clients with available options to meet their needs

Providing clients with options is an essential aspect of an empowering approach.

People are empowered when they have choices, control and influence over their lives. A disempowering approach would involve a worker deciding on the best option for a person.

Clients may need assistance to make decisions about what options work for them; in this case, you should collaborate with them, combining your expertise as a worker with their expertise on their own interests, needs and circumstances.

Once you have worked with a client to identify their interests, rights and needs – or identified where their rights are not being met – you will have a better idea of the options available for meeting their rights and needs.

Here are some examples of potential options for meeting a client's rights and needs.

There will most likely be a range of options for clients to ensure their rights and needs are met.

Options for meeting a client's rights and needs

Contact the manager of the organisation providing a service that is not meeting the client's rights and needs.

Lodge a complaint to the organisation providing a service that is not meeting the client's rights and needs.

Call a meeting with family or friends who are infringing on the person's rights.

Make a referral to an advocacy service.

Make a referral to a legal service or legal representative.

Make a referral to a support service to meet a client's needs relating to mental health, substance misuse, financial difficulties or other challenging issues.

Lodge a complaint with a statutory body (e.g. the Human Rights Commission, NDIS complaints).

Contact police (e.g. where people are experiencing or have experienced abuse).

It is up to you to provide the client with information about the available options for meeting their rights and needs. When presenting information, remember that you may need to tailor your communication. For example, some clients may find it easier to 'take in' information when it is provided in a hard copy format, and some clients with disabilities may benefit from information that is presented in a visual format.



Here are some other tips that may be useful when communicating options to clients.

Tips for communicating options to clients
Avoid jargon and technical terms.
Explain concepts and terms.
Check in with the person to make sure they understand you.
Present information in a clear order.
Be prepared to listen.
Give people time to contribute.

Identify preferred options

There are numerous reasons why a client may need assistance to identify their preferred option.

For example, they may feel overwhelmed by the decision-making process, or they may have cognitive difficulties which make it difficult for them to make decisions.

One technique you can use to assist clients with identifying their preferred option is to develop a shortlist of options that align most closely with their preferences, needs and circumstances. You could also go through the options together and discuss the advantages and disadvantages of each.

Alternatively, here is a more structured, step-by-step process you can use to assist a client with identifying their preferred option.

Clarify the desired outcome	Start by establishing what the person hopes to achieve; work together to articulate their desired outcome.
Identify what is realistic	Help the client to be realistic about their options; for example, some options may not be affordable for the client.
Allow time for reflection	Give the client time to evaluate the choices and discuss them with other significant people. Leave information with the person so they can read and consider it in their own time. Never rush a client into making a decision.
Clarify the consequences	Ensure the client clearly understands the consequences of the option/s they are considering.

When you are assisting clients with this process, keep in mind that they have the right to make choices according to their preferences, without being judged or pressured.



Example

Provide information to meet rights and needs and assist client to select preferred options

Josephine is from the Democratic Republic of the Congo. She is a trained childcare worker and has recently started looking for a rental property close to her place of employment in order to cut down on her commuting time.

Josephine has found the perfect apartment at a good price, within walking distance of her workplace. However, when she inspected the property, the agent told her that the owner did not want to rent the property to African people because of a bad experience with his last tenants, who were from Sudan.

Centrelink have called Josephine in for a review of her employment support payment. They have told her that she must accept any job she is offered, including work in remote areas. She has strong ties to her local African community, is an active member of her church and does not want to leave her local area.

Josephine approaches a tenants' association to tell them about her experience with the agent, which she believes to be discriminatory. Franklin, the worker at the tenants' association, confirms that the agent was being discriminatory because he stated that Josephine could not rent the flat because she was African.

Franklin lays out the options for Josephine in terms of taking action to rectify the situation. Josephine and Franklin narrow down two realistic options and, after going through the advantages and disadvantages of both, Josephine chooses the option that she believes will best achieve the outcome she is looking for.



Practice Task 3

Question 1

Describe what it means to 'tailor your communication' when providing clients with information about meeting their rights and needs.

Question 2

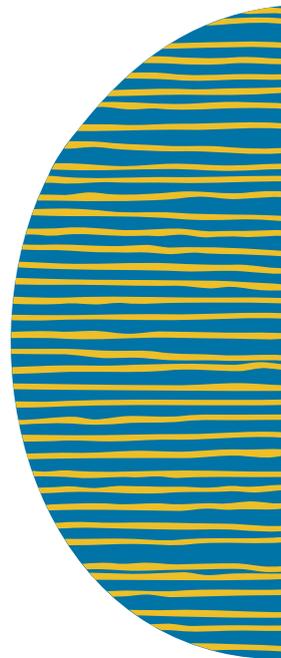
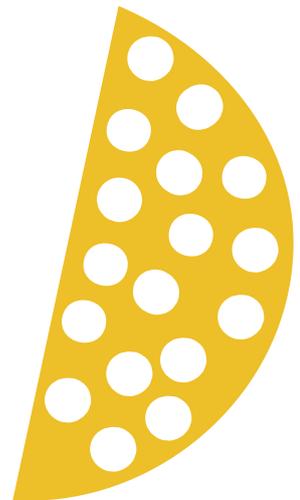
Number each step from 1 to 4 in the order you would follow to assist clients to identify their preferred option for meeting their rights and needs.

	Allow time for reflection
	Clarify the desired outcome
	Clarify the consequences
	Identify what is realistic



Summary

- Human rights acknowledge the value of every person, regardless of background, appearance, thoughts or beliefs.
- All people have basic human rights that need to be upheld.
- Numerous laws incorporate information about the rights and responsibilities of clients, workers and organisations in health and community services settings.
- Most health and community services organisations have policies and procedures relating to client and worker rights and responsibilities.
- When discussing rights and responsibilities with clients, ensure you communicate clearly in a way that can be understood.
- It is not always easy for people to identify their own interests, rights and needs, and clients may require assistance to identify their preferred options.
- It is through human rights that human needs are fulfilled.
- When providing information to clients about their personal rights and responsibilities, it is important that information is reliable, relevant, accurate and timely.
- Making decisions *with* clients – rather than making decisions *for* them – is a guiding principle for most health and community services organisations and a standard aspect of collaboration.





Learning Checkpoint 1

Facilitate the realisation of client interests, rights and needs

Part A

1. Identify two sources of information about the rights and responsibilities of clients and/or workers in the health and community services sectors.

2. Which of the following is a situation where a worker would need to check the reliability and relevance of information? Tick the correct response.
 - Information sourced from an Australian statutory body
 - Information sourced from a professional at an advocacy service
 - Information sourced online from an unfamiliar source
 - Information sourced from an Australian government agency
 - Information sourced from a not-for-profit advocacy organisation



3. Which of the following statements about human rights and goals are correct?
 Select yes or no for each one.

a. The Universal Declaration of Human Rights is used by countries such as Australia to develop their own laws.	Yes / No
b. Human rights are reflected in federal and state anti-discrimination legislation which is then incorporated into the policies of health and community services organisations.	Yes / No
c. Human rights instruments are policies that governments adopt to ensure citizens' basic human rights are respected.	Yes / No
d. Human rights and human needs are essentially the same thing.	Yes / No
e. Our basic human rights incorporate our need for things such as love, belonging and connectedness.	Yes / No
f. Collaboration is an approach that involves two parties working together to accomplish one party's goals.	Yes / No

4. List one right and one responsibility each of the following stakeholders has in realising a person's rights, interests and needs:

- The client
- The worker
- The organisation



Part B

Read the case study, then answer the questions that follow.

Case study

Frances is 74 years old and vision impaired. She lives at home and manages well with home care assistance provided by her local council, as well as support from friends and family.

Recently, her son, Marty, has been visiting Frances more often than usual. He has told her on numerous occasions that she should move into a care facility, as she would be happier there. Marty also asks Frances if she is going to sell her house soon.

When Frances tells Marty that she is not planning to sell the house any time soon, Marty usually shouts at her and calls her a series of derogatory names, then storms out.

Sylvia is a support worker who has been providing regular support to Frances for a few months. When she arrives at Frances's house, she finds her crying in the lounge room. When Sylvia asks what is wrong, Frances recounts her experience with Marty. 'I don't want to leave my home,' she cries. 'But Marty will try and push me into it. I know he will. What am I going to do?'

1. Identify which of Frances's rights are being infringed in this situation.



- 2.** Explain how Sylvia can assist Frances to identify her interests, rights, needs and choices in this situation.

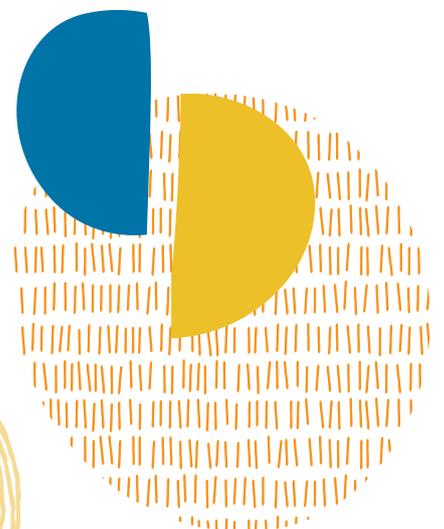
- 3.** Describe what Sylvia can do to ensure her approach is empowering and collaborative when assisting Frances to identify her interests, rights, needs and choices, and then her preferred option.

- 4.** Identify three things Sylvia can do to help ensure that Frances understands the options communicated to her.



Topic 2: Advocate in accordance with client preferences and requests to optimise client outcomes

- 2A Assess your client's ability to self-advocate
- 2B Implement strategies to address rights and needs
- 2C Effectively represent your client
- 2D Ensure information is kept in confidence



2A

Assess client's ability to self-advocate

In the course of your work, clients may ask you to help them advocate for their needs and rights.

Advocacy might involve talking with other service providers or clarifying a client's legal rights and responsibilities. As an advocate, you need to act in accordance with the client's preferences and requests.

Clients should be encouraged and, where required, assisted to self-advocate. Assisting someone to self-advocate empowers them. When a person knows their rights and how to ensure their needs are met, they will be able to advocate for themselves in the future.

Understand self-advocacy

Self-advocacy occurs when a person speaks up about their own needs and rights.

Prior to reviewing the concept of self-advocacy, it is important to understand the difference between advocacy, **negotiation** and **mediation**, as well as the different techniques used by workers to advocate, negotiate and mediate to facilitate client rights.

Negotiation

A process of reaching an agreement or arrangement by discussion.

Mediation

A negotiation process where an independent person assists the parties to identify and access options to resolve an issue or conflict.

	Description	Common technique
Advocacy	Advocacy is the process of promoting, protecting and supporting the rights of a person or group of people. Some people advocate for themselves (self-advocacy). When one person advocates for another, the advocate speaks, argues and stands up for that person's needs, rights and opinions in order to secure a benefit for that person.	<ul style="list-style-type: none">• Meetings with individuals, businesses or government departments• Written or electronic communications with individuals, businesses or government departments• Social media campaigns• Petitions• Lobbying



	Description	Common technique
Negotiation	<p>Negotiation is one of the most common methods people use to make decisions, manage conflict or achieve the outcomes they desire. The ability to negotiate is fundamental to an advocate's role.</p> <p>Advocates negotiate to reach the best outcome for the person they are representing. For example, an advocate may negotiate with:</p> <ul style="list-style-type: none"> • a utility company for a person's debt to be paid off over a period of time at a certain amount per fortnight • a service provider to change how often, by whom or when a service is delivered to a person. 	<ul style="list-style-type: none"> • Problem solving involves working together to find an equitable and reasonable solution • Compromising involves seeking a fair balance where both parties get an equal deal • Principled negotiation focuses primarily on conflict management and conflict resolution
Mediation	<p>During mediation, each party is given the opportunity to present their point of view. The mediator assists parties to explore options for resolution but does not impose a solution or provide tactical advice.</p> <p>Mediation is not an advocacy strategy; rather, it is a strategy used to resolve disputes. The person conducting the mediation is always impartial and does not take sides as an advocate would.</p>	<ul style="list-style-type: none"> • Reframing involves asking parties to explain their points of view so each understands how the other views the conflict • Option identification involves identifying the issues under contention and systemically listing all options to resolve the issue • Caucuses are meetings that mediators hold separately with each party to keep the mediation moving

Sources: <https://www.dana.org.au/how-to-advocate/>
<https://www.beyondintractability.org/userguide/thirdside/mediation-strategies-tactics>
<https://www.pon.harvard.edu/daily/dispute-resolution/principled-negotiation-resolve-disagreements>

What is self-advocacy?

Self-advocacy is more than just letting others know about a problem.

Self-advocacy skills vary from person to person. Some people are good at self-advocating; they can clearly articulate their preferences and make decisions about their needs.



A person who self-advocates will:

- speak up for themselves about what they believe in and the things that are important to them
- speak up for their rights and ask for what they want
- express their thoughts and opinions
- work towards solutions
- try to change the way things are done
- take responsibility for making choices and decisions about their life.

There are various reasons why other people may find it difficult to self-advocate. For example, they may lack the confidence to speak up for themselves or simply be accustomed to other people making decisions for them.

Clients should always be encouraged and, where required, assisted to self-advocate. However, there are situations where a person is unable to self-advocate; for example, a person who has advanced dementia will most likely have a limited capacity to advocate for their own rights and needs. In these situations, alternative arrangements should be in place. For example, a family member, friend or carer may have enduring power of attorney, which means they are responsible for making decisions in the person’s best interests.

Here are some examples of self-advocacy.

Grace	<ul style="list-style-type: none"> • Grace is 79 and has always managed her family’s finances. As she has become older, she has found it harder to keep up to date with bills and payments. A friend has offered to help, but she has told him that it is important to her that she keeps her financial affairs private. • Grace decides to hire an accountant to help with her finances. She knows this will cost her money, but she wants to retain her financial independence for as long as she can.
Raj	<ul style="list-style-type: none"> • Raj is 67 and living in residential aged care. The aged care home provides numerous activities for residents throughout the week. Raj thinks that most of the activities are more suitable for women than men. He would like to see some other activities set up for the male residents, who enjoy activities such as car shows, woodwork and bowling. • Raj talks to the activities coordinator at the home and shares his ideas for some new activities. He explains why some new activities specifically targeting men are important to him and makes some suggestions about how they could be implemented.

Video: Self-advocacy

Watch this series of videos produced by the Disability Advocacy Network Australia (DANA) to better understand different types of advocacy, including self-advocacy: aspirelr.link/dana-self-advocacy



Assess ability to self-advocate

A person’s ability to self-advocate will depend on the issue at hand, as well as their personal circumstances.

Most people find it relatively easy to articulate their everyday preferences and needs, such as what food they like to eat, what clothes they want to wear, or what they like to watch on television. However, if you are working with people who need to make more significant life decisions – such as decisions relating to finances, the sale of property and assets, legal issues, accommodation and medical treatment – you may need to assess their ability to self-advocate.

As a worker in the health or community services sector, this is part of your duty of care; you need to protect clients from the foreseeable risks that may result from self-advocacy. At the same time, you also need to work in a way that respects the ‘dignity of risk’; this means respecting the decisions that clients make – as long as their decisions are not harmful to themselves or to others – and allowing people to learn from success and failure.

When you assess a person’s ability to self-advocate you should assess two things: their level of competence and their level of confidence. Some people may have a high level of confidence to self-advocate but not possess the capacity or competence to make the necessary decisions. Conversely, a person may have the capacity or competence to make decisions but lack the confidence to advocate on their own behalf.

To assess a person’s ability to self-advocate, numerous factors need to be considered.

What to consider when assessing competence to self-advocate
The person’s understanding of the situation
The person’s level of skill and knowledge regarding the situation
The person’s understanding of the consequences of their actions
The person’s level of skill and knowledge to represent themselves regarding the situation
The person’s capacity to make decisions/choices about the situation

There is no ideal method of assessing competence; rather, the best method will depend on the client’s circumstances and the issues at hand. Asking clients questions about the factors outlined above is one strategy you could use to assess their capacity to self-advocate.

For an example of a scenario where a client decides to self-advocate – and the role of the worker in this process – visit: aspirelr.link/health-nsw-self-advocacy



Your organisation may also have specific policies and procedures relating to this process. For example, there may be a policy relating to your role and responsibilities when it comes to assessing a client's ability to self-advocate.

Health professionals also need to be aware of laws relating to the assessment of a person's decision-making capacity when it comes to medical treatment.

Consultation

Another way to assess a client's ability to self-advocate is to consult with other people involved in their life and care.

These people may have additional information that will assist in determining a client's ability to self-advocate.

You could consult with the person's:

- family or friends
- general practitioner (GP)
- solicitor
- financial administrator or accountant.

When consulting with others about a client's ability to self-advocate, ensure this is done in a respectful and sensitive way. Remember you are working *with* the client not *for* them. The perspectives of others on a client's ability to self-advocate will not always align with the client's actual capacity.

Before you consult with others about a client's ability to self-advocate, you will need the client's **informed consent**.

Informed consent

A person's decision to agree to a healthcare treatment, having been informed about the intervention and any alternative options.

Informed consent is consent given by a person who:

- has adequate information to make a decision
- understands that information
- understands the consequences of their decision
- is able to make a decision freely without pressure from another person.

As a worker, it is up to you to ensure the person you are seeking informed consent from gives their consent according to these standards.

According to the *Privacy Act 1988* (Cth), you cannot disclose someone's personal information to a third party unless the person from whom that information was collected consents to that information being disclosed.



Example

Undertake an assessment to identify client's ability to advocate for themselves

George is 79 years old and lives in residential aged care. He has had a stroke and needs assistance with dressing, toileting, showering, grooming and getting in and out of bed. He uses a wheelchair for mobility. Due to his stroke, George's speech and swallow reflex are affected; sometimes it is hard for people to understand what he is saying.

Mentari is a senior personal assistant at the aged care home where George lives. One morning, George tells Mentari that he is unhappy about some aspects of his care.

Mentari asks George some questions to determine his ability to self-advocate. 'Can you explain to me what you're unhappy about George?' he begins by asking. George explains that:

- when attending to his showering, dressing and undressing, some staff do not talk to him but instead talk to each other in a language that he does not understand
- some staff pat him on the head as they pass by, a habit that he finds very disrespectful
- his electric razor has gone missing and the staff say they cannot find it but have not offered any alternative solution, such as replacing the razor.

Mentari determines that George has a very good understanding of the situation and what he is unhappy about.

'How would you feel about making a complaint, George?' Mentari asks.

George explains that he is not worried about making a complaint; however, although he knows what he wants to say, it is sometimes hard for him to get his message across because the other person might not understand him.

Mentari determines that George might need some support when making his complaint, especially as it relates to communication.



Practice Task 4

Question 1

Which of the following statements accurately describe the differences between advocacy, negotiation and mediation? Tick all that apply.

- Negotiation is a strategy used by advocates.
- Advocacy is a form of negotiation.
- A person conducting mediation is impartial, whereas a person who is negotiating is representing the interests of a specific person or group.
- Mediation is an advocacy strategy.
- Negotiators and mediators are impartial, whereas advocates represent the interests of a specific person or group.

Question 2

Match the technique on the left with its definition on the right.

Reframing	An approach to negotiation that involves parties working together to find an equitable and reasonable solution
Caucuses	An approach to mediation that involves asking parties to explain their points of view so each understands how the other views the conflict
Problem solving	An approach to mediation that involves mediators meeting separately with each party

Question 3

List two advocacy techniques used to facilitate a client's rights.



Question 4

List three factors that need to be considered when assessing a client's ability to self-advocate.

Question 5

What does a worker need to ensure when seeking a client's informed consent to share information with other people involved in their life and care?

2 B

Implement strategies to address rights and needs

Advocacy should be an empowering process.

If you decide upon strategies without consulting with a client, you disempower them because you remove their decision-making power and transfer it to yourself. Therefore, it is important to initiate and implement strategies in collaboration with the client. As an advocate, you also need negotiation skills.

You will most likely experience some barriers when working towards meeting a client's rights and needs. However, there will also be resources you and your client can draw on to assist in the process.

The first step when addressing a client's rights and needs is to ensure you are acting in accordance with their preferences and requests.

When you and your client are considering strategies for addressing their rights and needs, it is important to discuss what each strategy will involve. Remember you are working *with* the client, not *for* them.

For each potential strategy, discuss the following:

- Who could you (as the worker) speak to and/or who could the client speak to?
- What would you (as the worker) and/or what would the client say or ask of the person or people?
- What is required of the client?
- When could the strategy be implemented?

Once you and the client have agreed on a strategy (or strategies), you must obtain the client's written or verbal consent to proceed. Throughout the process of implementing the strategy, continue to work in collaboration with the client.

Develop an implementation plan

It may be worthwhile developing an implementation plan that sets out the details of the strategy you and your client have agreed upon.

This ensures everyone involved is clear about the strategy, what it involves and when it will be implemented.



Here is an example of an implementation plan: it outlines the client’s needs, the strategies that will be undertaken to meet their needs, the people involved and the time frame.

Client	Christina D’Angelo		
Issue identified	Christina has been denied access to her own finances. Her parents manage her finances but do so with no legal authority to act. Christina wants to manage her own finances.		
Review date	6 Sep 2023		
Need identified	Strategy	People involved	Time frame
Christina to manage her own finances	<ul style="list-style-type: none"> Open a bank account in Christina’s name 	<ul style="list-style-type: none"> Parents to take Christina to a local bank to open a savings account 	7 Jul 2023
	<ul style="list-style-type: none"> Develop a budget with Christina 	<ul style="list-style-type: none"> Margaret and Christina 	10 Jul 2023
	<ul style="list-style-type: none"> Centrelink to pay disability support pension into Christina’s account 	<ul style="list-style-type: none"> Margaret to make an appointment and accompany Christina to Centrelink 	17 Jul 2023
Christina to learn more about managing finances	<ul style="list-style-type: none"> Christina to complete a financial education program run by the local disability support service 	<ul style="list-style-type: none"> Margaret to give program details to Christina Christina to attend 	Program begins 22 Aug 2023 and goes for four weeks (one session a week)
Ongoing assistance required	<ul style="list-style-type: none"> Link to a citizen advocate or mentor Parents to play a support role 	<ul style="list-style-type: none"> Margaret to find out what is available and report back to Christina 	24 Jul 2023

Example

Implement strategies to address rights and needs in collaboration with client

Rosalba is a senior disability worker who supports people with disabilities living in supported accommodation. One of the clients she works with is Barb, who is 44 years old and has an intellectual disability.

Barb attends a day program to meet her social and learning needs. She has recently begun an 'Internet for beginners' course at the day program. However, she is finding it difficult to keep up as the information is communicated in complicated technical language or in written handouts.

Rosalba discusses the issue with Barb and discovers the following:

- Barb likes the class and enjoys going. She has made friends with another woman in the group who has visited Barb at her hostel.
- Barb finds the information overwhelming because she is not good at reading.
- Barb wants the teacher to stop using such technical terms and to slow down the pace of class.

Barb asks Rosalba to speak to the teacher on her behalf. After discussing various options, Barb agrees that she would like Rosalba to ask the teacher to use simpler language. Rosalba suggests she could ask the teacher if they could stay for 20 minutes after class to recap the information that has been discussed. Barb agrees with this approach and provides her consent for Rosalba to initiate the strategy they have decided upon.

Implement strategies to address rights and needs

Once a strategy has been agreed upon with the client and you have their consent to go ahead, it is time to implement it.

A key skill that will most likely be involved in implementing the strategy is negotiation.

Negotiation usually involves two parties who both want something, although not necessarily the same thing. For example, a service provider may have limited resources to allocate, but you would like to access those resources to meet the needs of the person. Negotiation may also be necessary when the rules of the organisation or service seem to disadvantage the person.

Through negotiation, the two parties may be able to reach an acceptable agreement; however, it may not always be possible to achieve everything the person wants. By using effective negotiation skills, you should progress towards meeting the person's preferred options.

The Conflict Resolution Network (CRN) suggests five basic principles of negotiation that can assist both parties to reach and agree on a win-win solution.



Five basic negotiation principles
1. Focus on the problem, not on the person
2. Focus on needs, not positions
3. Emphasise common ground
4. Be creative about options
5. Make clear agreements

Source: Conflict Resolution Network

The RADPAC model

The RADPAC model is another commonly used negotiation technique.

You can use the RADPAC model (Rapport, Analysis, Debate, Propose, Agreement, Close) to work through an actual or potential conflict when advocating for a client’s rights.

Rapport	Spend a few minutes getting to know each other and aim to create a positive impression.
Analysis	Take some time to understand each other’s interests and needs.
Debate	Discuss issues and the pros and cons of ideas for resolving the problem.
Propose	Each party puts forward their best idea for resolving the problem.
Agreement	The parties come to a conclusion and agree on the best option.
Close	Close the negotiation by encouraging continuing conversation and networking. You may need to confirm the agreement or arrangements in writing.

Be aware of barriers and resources

It is important to be aware of barriers and resources when working towards meeting the person’s rights and needs.

Barriers and resources can exist at various levels of service provision, as the following table outlines.



	Barrier	Resource
Client	<ul style="list-style-type: none">• Limited understanding of their rights• Fear/anxiety about pursuing their rights (e.g. fear of repercussions)• Lack of experience making decisions for themselves• Limited social supports (e.g. family, friends, social networks)	<ul style="list-style-type: none">• First-hand understanding and experience of the issue• Expert knowledge about their own interests and preferences• Understanding of their own strengths and abilities
Worker	<ul style="list-style-type: none">• Lack of training to effectively support clients to advocate for their needs and rights• Assumptions about clients' abilities to articulate their interests and needs	<ul style="list-style-type: none">• Professional networks and contacts• Knowledge of available services
Family	<ul style="list-style-type: none">• Underestimation of client capacity to articulate their own needs• Overprotectiveness (e.g. not wanting a family member to advocate for themselves in case the process is upsetting to them)• Disagreement on the strategy the client has chosen	<ul style="list-style-type: none">• Understanding of client's interests, likes, dislikes and preferences• Practical and emotional support for client
Organisational	<ul style="list-style-type: none">• Conflict between client needs and organisational requirements• Limited resources (e.g. limited staff, limited funding)	<ul style="list-style-type: none">• Understanding and experience of the service system• Practical supports (e.g. transport, information)
Systemic	<ul style="list-style-type: none">• Stereotypes (e.g. assuming that all people with autism have the same needs)• Lack of resources to support and promote self-advocacy	<ul style="list-style-type: none">• Volunteers (e.g. volunteer advocates)• Funding (e.g. the National Disability Insurance Scheme)



Practice Task 5

Question 1

Which of the following should be discussed with a client when considering strategies for addressing their rights and needs? Tick all that apply.

- Who you would speak to
- What you would say or request of the person (or people) you speak to
- The techniques you would use when negotiating with people
- When the strategy could be implemented
- Whether the client's consent is required prior to implementing the strategy

Question 2

Number each step from 1 to 6 in the order you would follow when using the RADPAC model as a negotiation technique.

	You and the other party nominate your preferred options
	You and the other party spend some time getting to know each other
	You and the other party consider the issues and the pros and cons of the various solutions
	You and the other party discuss interests and needs
	You and the other party agree to continue the conversation if needed
	You and the other party agree upon the preferred option

Question 3

Identify two potential organisational or systemic factors that might pose a barrier when advocating for a client.



Question 4

Identify two potential resources that clients, workers or a client's family might have that can be beneficial when advocating for a client.

2C Effectively represent your client

When advocating for clients, you will need to contact individuals and organisations to represent their interests.

The people and organisations you may need to contact could range from owners of commercial businesses through to teachers, banks and government departments. When working with these individuals and organisations, always work towards the best possible outcomes for the client.

In addition to contacting people and organisations to advocate on behalf of clients, you may also need to contact advocacy services for advice or support for your client. Advocacy services provide confidential and independent information and advice to people about their rights and entitlements.

In the table below you will find some examples of individuals and organisations you may need to contact when representing a client, as well as the circumstances under which you might be contacting them.

Remember to work in collaboration with the person you are representing – they should be aware of and consent to you contacting a person or organisation on their behalf.

Also ensure you follow legal, ethical and organisational requirements relating to privacy, confidentiality and disclosure.

There are a range of individuals and organisations you may need to contact on your client's behalf.

People/organisations you might contact to represent client	Circumstances related to contact
The manager of a service (e.g. aged care service, disability service provider)	<ul style="list-style-type: none"> The person is being denied a basic human right The person is not receiving adequate care
A manager or human resources representative at the person's workplace	<ul style="list-style-type: none"> The person is not receiving their entitlements (e.g. annual leave) The person is experiencing bullying or harassment in the workplace
A union representative	<ul style="list-style-type: none"> The person is not being paid correctly for the work they are undertaking The person is being discriminated against in the workplace
A commercial business	<ul style="list-style-type: none"> The person has been denied service The person has experienced discrimination when using the service



People/organisations you might contact to represent client	Circumstances related to contact
A government department	<ul style="list-style-type: none"> The person is not receiving the welfare payments they are entitled to The person has been penalised unfairly for not meeting requirements for a welfare payment
A school	<ul style="list-style-type: none"> The client cannot access the supports they need within the school The client is experiencing bullying or harassment in the school environment
A financial institution	<ul style="list-style-type: none"> The person needs to renegotiate the terms of a loan The person needs to apply for financial hardship
A real estate agent	<ul style="list-style-type: none"> The person cannot afford a proposed rental increase The person's rental property requires repairs
A local council	<ul style="list-style-type: none"> The person cannot access local council services (e.g. swimming pool, council gym) The person has experienced discrimination at a service provided by council

Contact advocacy and legal services

There may be times when advocacy and legal advice are required in order to support and uphold your client's rights and needs.

Here are some examples of national advocacy services you could contact on behalf of a client.

National advocacy services
<p>The National Aged Care Advocacy Program (NACAP)</p> <p>A free, independent, confidential service that supports older people who receive or are applying for government-subsidised aged care. NACAP provides advocacy services, helps older people understand and access the aged care system and informs them of their rights. It also provides education for Australian Government-subsidised aged care service providers about advocacy and consumer rights.</p>
<p>People with Disability Australia (PWDA)</p> <p>A national disability rights, advocacy and representative service that comprises and is led by people with disability.</p>



National advocacy services

Kin (formerly Ethnic Disability Advocacy Centre)

Kin is a certified independent disability advocacy service that advocates for people with 'layered disadvantages', such as people with disability or cultural and language barriers, to ensure they have equal opportunities to a better life.

Information about state- and territory-based advocacy services for people with disability is available at: aspirelr.link/dg-advocacy

The Older Persons Advocacy Network (OPAN) provides information about advocacy organisations for older people in each state and territory of Australia: aspirelr.link/opan

You may also need to contact a legal service on behalf of your client. Here are some examples of legal services that may be able to assist in the process of facilitating clients' rights and needs.

Legal services

National

The Australian Centre for Disability Law can provide free legal advice (in some circumstances) on disability discrimination to people based in NSW. They can also provide referrals to other legal services for people based outside NSW.

ACT

Canberra Community Law is a community legal centre that provides legal services to people on low incomes or who are experiencing other disadvantages in Canberra and surrounding regions.

NT

The Darwin Community Legal Service (DCLS) is a free, confidential service that provides free legal advice to financially disadvantaged people in the NT.

NSW

The Intellectual Disability Rights Service (IDRS) provides advocacy and legal services to people with cognitive impairment in NSW.

Effective representation and advocacy

To represent clients, strong leadership and management skills are required.

To be effective representatives for clients, workers need to develop the following skills and abilities.



Establish clear goals
Listen to what others have to say
Be inclusive
Show respect
Be honest and fair
Examine a range of options
Make informed decisions

The processes involved in representation may differ depending on who is being represented and to whom. It is essential to be aware of the processes required by government departments, members of parliament, peak bodies and industry groups. For example, there is a specific process involved in approaching a member of parliament to represent an individual, group or issue.

When representing a client, you are aiming for the best possible outcome for them. As such, there are numerous things you need to do as their representative.

When representing a client, it is important to:

- attempt to resolve the dispute informally in the first instance
- state the facts clearly
- accurately reflect the client’s point of view
- be calm and patient – do not behave in an aggressive, hostile or judgmental manner
- establish and nurture contacts with people who are helpful – if you have a cooperative and friendly relationship with a person in an organisation, it can be beneficial
- not promise or agree to anything on the client’s behalf unless that has been decided upon beforehand with the client.

Tips for effective representation and advocacy

Advocacy is more than just communication; it is also about understanding who to talk to and what processes to follow to bring about the change your client desires.

Here are some additional tips for effective representation and advocacy.



Do not be intimidated by authority figures – learn to question things that do not make sense.

Find out on what authority a decision has been made – there may be a regulation or policy you can review to assess whether a decision has been made fairly.

Find out who has the power to make the change you are requesting.

Find out if there is an appeal process for unfavourable decisions.

Record the name of the person you speak to, the dates you speak with them and the content of conversations – if questions arise later, this is proof that the conversation took place.

Use existing advocacy resources in your community – contact them when you need advice.

Make a deliberate effort to continuously improve your advocacy skills.

Example

Effectively represent client

Susan is a support worker in a large community services organisation that provides a range of supports to a regional community, including financial counselling, emergency relief, housing and advocacy services.

Susan knows many of the local families well, including the Da Silvas. After an economic downturn, Jack Da Silva lost his job and applied for welfare. He and his partner regularly use the food bank provided by the organisation and have also accessed some financial counselling.

Jack is experiencing some difficulties with his unemployment benefits and has asked Susan for help. The government agency that manages the payments has written to Jack and told him he owes them a large amount of money. Jack tells Susan that there is no way he owes that amount of money. He does not know what to do and is worried about being penalised by the agency for not complying with their demands for payment.

With Jack's consent, Susan contacts the government agency that manages his payments to try and resolve the dispute directly. She explains the situation to the worker at the agency who confirms that Jack owes a large amount of money and that it is up to him to provide evidence to show that he does not. Although the worker is abrupt and unfriendly, Susan remains calm and patient, remembering that she is acting on Jack's behalf and needs to work towards the best possible outcome for him.



The worker informs Susan that Jack can resolve the issue relatively easily by agreeing to pay the debt back in small increments. Susan tells the worker that she cannot agree to anything on Jack's behalf without speaking to him first.

Susan records the information about the discussion she had with the worker at the government agency, including the worker's name, the date and time of the conversation, and a summary of what the worker told her. She then informs Jack about the conversation and Jack doubles down; he is adamant that he does not owe anywhere near the amount of money the agency is claiming he does. Susan and Jack discuss potential next steps. With Jack's consent, Susan then contacts a community legal service to ask for advice on Jack's behalf.

Practice Task 6

Question 1

Identify three organisations you might need to contact when you are representing a client.

Question 2

Which of the following abilities help a worker to be an effective representative? Tick all that apply.

- Listen to what others have to say.
- Examine a range of options.
- Make informed decisions.
- Nurture contacts with people working in agencies and organisations.
- Talk over people who disagree.

2D

Ensure information is kept in confidence

To effectively advocate for a client, you will most likely need to share information about them with other people and organisations.

It is important to keep a client's personal information in confidence unless you have authorisation to share it. In most cases, authorisation will involve the client consenting to you sharing the information.

Legislation in Australia, outlined in the *Privacy Act 1988* (Cth), outlines the responsibilities of workers and organisations when it comes to the collection, use and storage of clients' personal information. Organisational policies and procedures, as well as professional charters and codes, help to ensure that workers follow legal and ethical requirements relating to privacy and confidentiality.

Privacy, confidentiality and disclosure

According to the Privacy Act, organisations are required to follow specific principles when collecting and using clients' personal information.

Confidentiality restricts an individual or organisation from using, storing and disclosing information about a person that is outside the scope (purpose) for which the information was collected. There are 13 **privacy** principles that apply to the collection, use and storage of people's personal information.

Confidentiality

The principle of keeping personal information private, unless the person consents to sharing the information with other parties.

Privacy

A fundamental human right designed to protect people from intrusion and to selectively express themselves.

Collection, use and storage of personal information	
1	Open and transparent management of personal information Ensures that organisations manage personal information in an open and transparent way.
2	Anonymity and pseudonymity Requires organisations to give individuals the option of not identifying themselves, or of using a pseudonym – some exceptions apply.
3	Collection of solicited personal information Outlines when an organisation can collect personal information that is solicited. It applies higher standards to the collection of 'sensitive' information.
4	Dealing with unsolicited personal information Outlines how organisations must deal with unsolicited personal information.



Collection, use and storage of personal information	
5	Notification of the collection of personal information Outlines when and in what circumstances an organisation that collects personal information must notify an individual of certain matters.
6	Use or disclosure of personal information Outlines the circumstances in which an organisation may use or disclose personal information that it holds.
7	Direct marketing An organisation may only use or disclose personal information for direct marketing purposes if certain conditions are met.
8	Cross-border disclosure of personal information Outlines the steps an organisation must take to protect personal information before it is disclosed overseas.
9	Adoption, use or disclosure of government-related identifiers Outlines the limited circumstances when an organisation may adopt a government-related identifier of an individual as its own identifier, or use or disclose a government-related identifier of an individual.
10	Quality of personal information An organisation must take reasonable steps to ensure the personal information it collects is accurate, up to date and complete.
11	Security of personal information An organisation must take reasonable steps to protect personal information it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure. An entity has obligations to destroy or de-identify personal information in certain circumstances.
12	Access to personal information Outlines an organisation's obligations when an individual requests access to personal information held about them by the organisation.
13	Correction of personal information Outlines an organisation's obligations in relation to correcting the personal information it holds about individuals.

Within the Privacy Act, there are three types of personal information:

- **Personal information** – this includes a person's name, address, contact details (such as phone number or email), date of birth and gender.
- **Sensitive information** – this is a special category of personal information and is subject to stricter legal requirements for collection, storage, use and disclosure. It includes information or an opinion about a person, such as their racial or ethnic origin, political opinions, religious or philosophical beliefs, sexual preferences or practices, or criminal record.



- **Health information** – this is sensitive information about a person’s physical and mental health, disability, health preferences, use of health services and genetics.

A higher level of protection is given to sensitive information (including health information).

Disclosing personal information

You must ensure that a client’s personal information is kept confidential unless you have authorisation to disclose it.

Organisations cannot disclose someone’s personal information to a third party unless the person from whom that information was collected consents to that information being disclosed. There are different ways of obtaining consent, including written and verbal methods.

A person with enduring power of attorney or a guardian may also be able to provide you with the authority to release a client’s personal information (e.g. in those circumstances where the client is unable to provide their informed consent). Examples of **disclosure** include accidentally emailing someone’s personal information to an unintended recipient and publishing someone’s personal information online.

There are some other circumstances where you may be required to share personal information. For example, you may be required to disclose a client’s personal information when:

- compelled by law (e.g. if the person has a reportable disease or the information is requested by a court of law)
- a person’s interests require disclosure and there is a serious risk that justifies breaching confidentiality (e.g. risk of suicide, self-harm or harm to others)
- there is a duty to the public (e.g. there is a public threat or concern).

Disclosure
The act of sharing or releasing private or personal information.

For more information about consent and personal information, visit:

aspirelr.link/oaic-personal-information

Storing personal information

Organisations must take reasonable steps to protect the personal and sensitive information they store.



Organisations must ensure that the personal and sensitive information they store is not:

- misused
- interfered with
- lost
- accessed by an unauthorised person
- modified
- disclosed.

Your organisation will have standard policies and procedures that reflect its legislative requirements surrounding privacy, confidentiality and disclosure of personal information.

In addition to following these policies and procedures, other strategies you can use to maintain clients' privacy and confidentiality are listed below.

Strategies for maintaining client confidentiality and privacy
• Keep hard-copy files in a locked filing cabinet.
• Do not share your work-based digital passwords with other people, including colleagues.
• Do not leave personal files open on a desk.
• Log off from your computer whenever you walk away from your desk.
• Ensure computer screens are out of view of visitors to your organisation, as well as members of the public.
• Conduct interviews, case conferences, secondary consultations and handovers in a space where other people cannot overhear the discussion.
• Never discuss client details with family, friends or others unless you have the client's consent.

Example

Ensure information is kept in confidence

Eimear is a behavioural support officer. She has just started working with Connie, a 26-year-old woman with an intellectual disability. Eimear is visiting Connie in her home, where she lives with her parents.

Eimear, Connie and her parents are talking about Connie's needs, preferences and aspirations. Eimear is taking notes as they talk. This will help her to accurately record the information that Connie and her parents are providing.



Eimear looks at Connie and her parents when they are talking and provides subtle verbal encouragements, such as 'okay' and 'I see'. She nods her head and leans forward slightly to show Connie and her parents that she is listening to what they are saying.

When she is in the office later that day, Eimear types up the handwritten notes she took. She focuses on facts and avoids using jargon.

Eimear ensures she follows her organisation's policy of always logging off her computer when she leaves her desk. People are coming in and out of the office all the time, and this ensures her clients' privacy is protected.

Practice Task 7

Question 1

Match each term on the left to its definition on the right.

Disclosure	A concept that relates to all information and practice that is personal or sensitive in nature to an individual
Privacy	A concept that relates to restricting an individual or organisation from using, storing and disclosing information about a person
Confidentiality	The act of sharing or releasing private or personal information with another person or making that information public

Question 2

Identify two situations in which a worker has legal authorisation to release confidential information about a client.



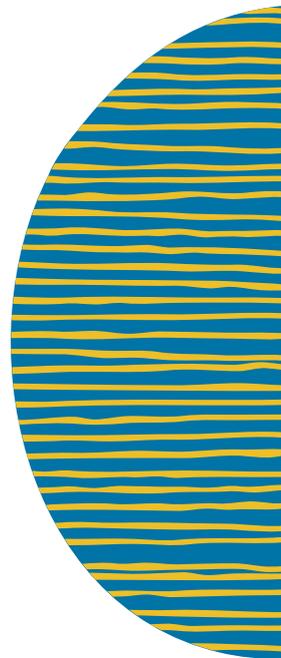
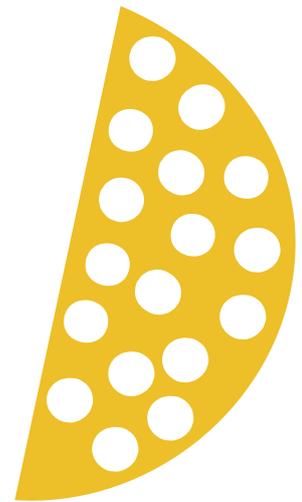
Question 3

List three ways a worker can keep information about a client confidential.



Summary

- Self-advocacy skills vary from person to person: some are good at self-advocating, while others find it difficult due to a lack of confidence or practice.
- When assessing a person's ability to self-advocate consider their level of competence and their level of confidence.
- When consulting with others about a client's ability to self-advocate, ensure this is done in a respectful and sensitive way.
- When considering strategies for addressing a client's rights and needs, it is important to discuss what each strategy would involve with them – work *with* the client, not *for* them.
- Negotiation usually involves two parties who both want something, although not necessarily the same thing.
- When advocating for clients, you will need to contact individuals and organisations to represent the client's interests.
- You must keep a client's personal information in confidence unless you have authorisation to share it.





Learning Checkpoint 2

Advocate in accordance with client preferences and requests to optimise client outcomes

Part A

1. Identify the two things that need to be assessed when determining whether a person is able to self-advocate.

2. Explain how a worker can collaborate with their client when initiating, negotiating and implementing strategies for addressing the client's rights and needs.



3. List two steps workers can take to ensure clients' personal information that is stored electronically is kept private and confidential.

4. Which of the following are basic principles of negotiation, according to the Conflict Resolution Network (CRN)? Tick all that apply.

- Focus on needs, not positions.
- Emphasise common ground.
- Focus on the person, not on the problem.
- Use evidence-based options.
- Make clear agreements.

5. Match each term on the left to its definition on the right.

Mediation	The process of protecting, promoting and supporting the rights of a client
Advocacy	The process of reaching an agreement or arrangement via discussion
Negotiation	A neutral and independent process assisting two parties in dispute to reach a resolution

6. Which of the following statements are correct? Select yes or no for each one.

a. Lobbying is an advocacy technique.	Yes / No
b. Option identification is a negotiation technique.	Yes / No
c. Caucuses involve identifying the issues that are central to a conflict and systematically listening to options to resolve them.	Yes / No
d. Principled negotiation focuses primarily on managing and resolving conflict.	Yes / No



Part B

Read the case study, then answer the questions that follow.

Case study

Cecilia is a single parent who lives in a two-bedroom unit on the seventh floor of a tower block with her son Gabe, who is 10 years old. Gabe has a disability and some behavioural issues that Cecilia struggles to manage. When he is frustrated, Gabe sometimes shouts at Cecilia and throws and breaks things inside the unit. Cecilia has multiple sclerosis (MS), which makes it especially difficult for her to cope with Gabe when he ‘lashes out’.

Cecilia’s neighbours have complained about the noise that Gabe creates, and her landlord is threatening to evict them unless Cecilia can minimise the disturbance to her neighbours. Cecilia is on a low income and has limited housing options. Moving out of the unit will increase her stress levels and most likely exacerbate Gabe’s behaviours of concern. At the same time, she is worried that taking action to stick up for herself and her son will further antagonise her landlord and neighbours.

Tran is a senior personal care assistant who provides in-home support to Cecilia and Gabe. Tran is one of the only supports Cecilia has in her life – she is estranged from her family and has few friends. Cecilia asks Tran if he can help her address the problem she is having with her neighbours and landlord.

1. Identify two barriers that Cecilia is facing when it comes to addressing her rights and needs.



- 2. Identify two resources that could benefit Cecilia when it comes to addressing her rights and needs.**

Having discussed the situation with Cecilia, Tran decides that he needs to contact an advocacy service for advice. Before he does that, however, he needs Cecilia's informed consent to share her personal information.

- 3. Explain what Tran needs to do to ensure that Cecilia can provide her informed consent.**



4. Identify three individuals or organisations that Tran might contact when representing Cecilia.

5. Describe three things Tran could do when he is representing Cecilia to ensure the most positive outcome for her and her son.



Topic 3: Provide ongoing support to clients

- 3A Uphold people's rights and preferences without compromising safety
- 3B Identify risks and apply work practices to minimise harm
- 3C Work in accordance with legal, organisational and duty of care requirements



3A Uphold people's rights and preferences without compromising safety

Workers in health and community services can play a key role in supporting and encouraging clients to exercise their rights and preferences.

This is part of an empowerment approach because you are helping clients to develop the ability to advocate for themselves.

When supporting, encouraging and upholding people's rights and preferences you must also balance your **duty of care** and the **dignity of risk**.

When pursuing rights and preferences, it is important to ensure that clients are not compromising their own safety or the safety of others.

There are numerous steps you can take to support and encourage the people you work with to exercise their rights; here are some examples.

Duty of care

A moral or legal obligation to ensure the safety and wellbeing of other persons.

Dignity of risk

A person's right to dignity and choice, upheld in legislation and service standards, to ensure that duty of care or safety is not used as a reason to limit a person's freedom of personal choice.

To exercise one's rights, a person needs to believe that they have rights, understand their rights and be able to express their needs.

	Provide people with information about their rights and responsibilities.
	Help people develop self-esteem and confidence.
	Support people to make choices and decisions that reflect their preferences and needs.
	Support people to understand their responsibilities towards others.
	Support people to understand how their actions might affect others.

Balance rights, preferences and safety

In any situation where one person's actions might affect another person, we all have a responsibility to take reasonable care to avoid causing other people harm.



Workers have a duty of care towards the people they work with but must also respect the dignity of risk. Balancing duty of care with dignity of risk can be tricky. On the one hand, you need to take reasonable care to ensure the person you are working with is not going to be harmed – and that others will not be harmed – because of a decision they make. On the other hand, you must also respect the client's right to make choices and decisions about their own life – this is a crucial aspect of a person's basic human rights.

The key issue when considering the legal and ethical considerations of dignity of risk is to determine what is an acceptable level of risk for the benefit that the action offers. This should be discussed with the person and, where appropriate, the other people involved in their life and care. The three key questions to consider are:

- What are the potential risks associated with this decision?
- What are the potential benefits associated with this decision?
- How can the risks be reduced without reducing the benefits?

Of course, with many activities, it is not possible to eliminate risk altogether. Risk is part of our daily lives, and it is through trying something new and making mistakes that people learn. It is important to remember, however, that some people you work with in health and community services will be vulnerable. For example, your client might be living in a stressful situation, they could be homeless or they could be experiencing financial distress.

Where clients are vulnerable, you need to be especially attentive to your duty of care. For example, when a person you are working with is experiencing family violence, you must ensure that they are safe and have information about appropriate support services.

You also have a duty of care towards dependent children in a client's care, even if you are not working with or have never met their children. You must act in accordance with relevant child protection legislation, including mandatory reporting requirements.

Example

Support, encourage and uphold people's rights and preferences without compromising safety

Kiraz is a senior disability worker who works with people living in specialist disability accommodation. Anna is one of the young women Kiraz works with. She is 27 years old and lives in a share house with housemates Pete and Rocco.



Until recently, Anna lived with her parents. They did not want Anna to have a boyfriend because they did not think she was mature enough. Since moving out of her family home, Anna has started a relationship with Rob. Kiraz has noticed that since Anna started seeing Rob, her self-esteem and confidence have improved. She is socialising more with other young people and has become more independent.

Although Anna's relationship with Rob is working out well for the two of them, sometimes Rob drinks too much alcohol and does things that frustrate Anna's housemates. One night, Rob and Anna came home and Rob accidentally left the grill on. After Anna and Rob fell asleep, the fire alarm went off, waking Pete and Rocco.

Kiraz sits down with Anna and explains that Pete and Rocco have a right to enjoy the share house as much as Anna does. 'But you said yourself that I have a right to have a boyfriend,' Anna replies. Kiraz explains that Anna does have the right to have a relationship with Rob, but they need to work together to ensure that Rob's behaviour does not interfere with Pete's and Rocco's rights to a quiet and calm home environment.

Consult others to uphold clients' rights, interests and needs

To uphold clients' rights, interests and needs, you may need to consult with other people in your organisation.

When working in health and community services, there will be times when you need to consult with your supervisor, colleagues or other people in your organisation to represent and uphold your clients' rights, interests and needs.

For example, perhaps you work in a residential service and one of the clients you support is unable to go into the courtyard because your colleagues are worried that she might fall over and hurt herself. The client has clearly stated to you that she wants to go into the courtyard to get fresh air and socialise. You will need to consult with others in the service – such as your supervisor or colleagues – to uphold that client's right to use the facilities provided by the service and to participate in the cultural life of her community.

Organisations will have different policies and procedures around how workers should consult with their colleagues and supervisors about upholding clients' rights. However, the following step-by-step process is typical. Obtaining a client's consent prior to consulting with others is essential.



Steps when consulting with others about a client's rights	
1. Obtain consent	Make sure the person gives informed consent before you consult with other people in the organisation.
2. Check organisational policies and procedures	Check your organisation's policies and procedures; for example, there may be a policy about who you should approach first to discuss a client's rights, interests and needs.
3. Get the facts	Get the facts about the situation. What does the person need? What are their preferences? What is getting in the way of their needs and preferences being met? When is it happening? How often is it happening? Gather as much relevant information as possible.
4. Communicate effectively	Be prepared, professional and assertive. Ask questions in a respectful way if explanations and justifications do not make sense.
5. Report back to client	Report back to the person with all the relevant information and outcomes.

Support reasonable expectations

As well as upholding clients' rights and preferences, you must also ensure you are supporting reasonable expectations.

In other words, there may be situations where a client wants something that is unreasonable. For example, perhaps a client attending a group program as part of an outpatient mental health service prefers to only be in a group with other men. If the service has limited resources, gender-segregated group programs may not be feasible. If you support unreasonable expectations, you give clients unrealistic expectations about the type of service your organisation can provide.

Conflict between client needs and organisational requirements

There may be situations where there is a conflict between a client's needs and an organisation's requirements.

Here are some examples where a client's needs may conflict with the requirements of an organisation.

A client smokes cigarettes in her own home but an organisation is required to provide a safe (smoke-free) working environment for staff who undertake home-based care



A client does not answer the door when a worker comes to provide home-based support because he is in the middle of playing a video game, but the worker has a duty of care to ensure the client is safe

A client going into supported accommodation has an aggressive dog and the organisation allows residents to have pets but also has a duty of care towards other residents – the dog poses a potential risk to other residents

A client does not want to provide their emergency contact details but the organisation is required to have that information on file

Organisations have their own policies and procedures for managing these types of conflicts. However, in most circumstances, the worker and/or the organisation will work with the client to find a solution that meets the needs of both parties. For example, a client who smokes in the home might agree to smoke outside while the worker is in her home.

Practice Task 8

Question 1

Identify two things a worker can do to support and encourage clients to exercise their rights.

**Question 2**

Which of the following statements are correct? Select yes or no for each one.

a. Workers only have a duty of care towards a client's dependent children if they have met and interacted with those children.	Yes / No
b. A worker's duty of care should take precedence over a client's right to the dignity of risk.	Yes / No
c. Workers and the people they work with need to eliminate the risks associated with any decisions the client makes.	Yes / No
d. When consulting with your supervisor about a client's needs and interests, the first step is to get the client's consent to do so.	Yes / No
e. In general, organisations resolve conflicts between client needs and organisational requirements by working around the client's needs.	Yes / No

3 B

Identify risks and apply work practices to minimise harm

Identifying and referring risks is part of your work health and safety responsibilities.

As a worker, you need to be able to identify situations of risk, or potential risk, and know how to refer those risks in the appropriate way. In some cases, identifying and reporting risks is a legal requirement – such as when a worker suspects a child is being abused or neglected.

The risks that people could be exposed to in a health or community services setting can be physical, emotional or psychological. Anyone could be at risk in these settings, including clients, workers, volunteers, visitors and other members of the public.

It is important to understand the difference between a **hazard** and a **risk**.

A hazard can range from high risk (i.e. there is a high risk the hazard will cause harm) to low risk (i.e. there is a low risk the hazard will cause harm).

Risks to client safety and wellbeing will vary depending on the service setting (e.g. hospital, residential accommodation, client's home) and the characteristics of the people using the service (e.g. older people, young children, people with disability). Here are some examples.

Hazard

A source or a situation with the potential for causing harm, damaging humans, property and/or the environment.

Risk

The probability and consequences of injury, illness or damage resulting from exposure to a hazard.

Setting	Common risk
Aged care residential service	<ul style="list-style-type: none">• Fall-related injuries• Choking/suffocation*• Overexertion/strenuous movements• Social isolation and loneliness• Elder abuse
Mental health care service (inpatient)	<ul style="list-style-type: none">• Medication errors• Suicide and self-harm• Violence and aggression
Older people in hospital	<ul style="list-style-type: none">• Functional decline (e.g. frailty resulting from a long hospital stay)• Pressure injuries and skin tears• Fall-related injuries (after leaving hospital)



Setting	Common risk
Older people in their own home	<ul style="list-style-type: none"> • Fall-related injuries • Social isolation and loneliness • Fires • Fraud-related crime • Elder abuse
Young children (1–4 years) in the home	<ul style="list-style-type: none"> • Falls • Poisoning • Burns • Dog bites • Drowning/near-drowning
People with developmental disabilities living independently or semi-independently	<ul style="list-style-type: none"> • Falls • Fire • Drowning

*The risk of choking/suffocation is much more common among older people with dementia than older people without dementia.

Identify risks

According to Australia’s work health and safety laws, everyone in the workplace has work health and safety responsibilities. This includes identifying and reporting risks in the workplace relating to physical safety, digital security and mental health.

Here are some examples of potential risks in the workplace.

Identifying risks in the workplace involves recognising hazards that have the potential to cause harm.

Risks to people in the work environment	
	Obstructions on the floor
	Protruding objects, sharp or jagged edges
	An unknown person in an authorised area
	Chemical spills



Risks to people in the work environment	
	Unsafe electrical equipment
	Bullying and harassment
	Workplace violence and aggression

Video: Hazards and risks

Watch the following video about hazards and risks for in-home community support workers: aspirelr.link/yt-hazards-risks-in-home

Pay particular attention to the different types of risks that workers are potentially exposed to when supporting clients in their own homes.



Communicating with others about risk is part of every employee’s work health and safety responsibilities. If you identify a risk that has the potential to cause harm, you need to refer it to an appropriate person in your organisation, such as your supervisor. Your organisation may have additional policies and procedures to follow when you identify these types of risks.

If you witness a workplace accident involving a person, you may be required to fill out an accident report form. In some circumstances and settings, staff and/or organisations are required to report adverse events (i.e. events that have caused harm).

Apply work practices to minimise potential for harm

There will be various practices in your workplace for minimising the potential for harm to clients, workers and others in the work environment.

Here are some examples of ways to minimise the potential for harm in the workplace.

Complete checklists relating to health and safety (e.g. slips, trips and falls checklist).

Use mechanical aids to move and lift people.



Engage in debriefing sessions with colleagues and/or your supervisor.

Use conflict resolution procedures.

Document 'near misses', incidents and adverse events involving clients, staff and other people in the work environment.

Report bullying and harassment (e.g. bullying targeting a colleague).

Follow emergency procedures (e.g. evacuation procedures).

Provide feedback to your supervisor on potential risks in the workplace.

It is important to understand and apply the practices used in your workplace to minimise the potential for harm to clients, workers and others. You may also need to participate in training to learn how to apply new work practices designed to minimise the potential for harm.

Indicators of risk for child abuse and neglect

As part of your legal and ethical responsibilities, it is important to be aware of the signs that indicate a child is at risk of being abused or neglected.

Some indicators of risk for child abuse and neglect are listed in the following table. Note that this is not a complete list of indicators of child abuse; links for further resources are also provided.

It is important to also note that these are indicators only. Not every child who has one of these indicators is being abused or neglected, and not every child who is being abused or neglected will have one of these signs.

Type of child abuse	Indicator of child abuse
Sexual abuse	<ul style="list-style-type: none"> • Describing sexual acts • Inappropriate behaviour for age and/or persistent sexual behaviour • Self-destructive behaviour • Persistent running away from home • Going to bed fully clothed



Type of child abuse	Indicator of child abuse
Physical abuse	<ul style="list-style-type: none"> • Facial, head and neck bruising • Lacerations and welts from excessive discipline or physical restraint • Explanation offered by the child is not consistent with the injury • Other bruising and marks that show the shape of the object that caused it (e.g. hand-print, buckle) • Burns and scalds
Emotional abuse	<ul style="list-style-type: none"> • Feelings of worthlessness about life and themselves • Lack of trust in people • Lack of interpersonal skills necessary for adequate functioning • Extreme attention seeking or risk-taking behaviour • Behavioural disorders (e.g. aggression, bullying)
Neglect	<ul style="list-style-type: none"> • Poor standards of hygiene leading to social isolation • Scavenging or stealing food • Focusing on basic survival • Extreme longing for adult affection • Untreated physical problems
Exposure to family violence	<ul style="list-style-type: none"> • Frequent crying • Signs of irritability and anxiety • Underweight for age • Very demanding or very passive • Wary of new people and startles easily

Source: <https://education.nsw.gov.au/student-wellbeing/child-protection/child-protection-policy-guidelines/resources>

Adult disclosure

Many survivors of child abuse do not disclose their experiences until they are adults.

If you are in a situation where an adult you are working with discloses that they were abused as a child, your role is to support and refer them to appropriate specialist services if they decide they want that support. The client may or may not want to access specialist support and you need to respect their decision either way.

It is important to offer empathy and be non-judgmental when an adult discloses that they were abused as a child. It is not a good idea to ask the person too many questions as it can be re-traumatising.

Your organisation may have specific policies and procedures to follow in situations

where an adult discloses that they were abused as a child. These policies may also specify actions to take if there is cause to believe that the perpetrator of past abuse is still in contact with children and may pose a threat to these children. Mandatory reporting laws in your state or territory may also specify whether this suspicion and disclosure is reportable.

You may also face a situation in your work where an adult discloses that they (or someone they know) are abusing or neglecting a child. You have a duty of care to that child, as well as an ethical responsibility to report the abuse to the relevant child protection authority. Depending on the laws in your state or territory, you may also have a legal responsibility to report the abuse to the relevant child protection authority.

Example

Identify situations of risk or potential risk and refer appropriately

Derek lives in a hostel for homeless men. Carlo has recently started working at the hostel and is trying to get to know some of the residents.

Derek and Carlo share a love of death metal music and after watching some music videos one night, Derek tells Carlo about some difficult experiences he had during his childhood. Eventually, Derek discloses that his uncle sexually abused him when he was a child.

Carlo is careful to be empathetic and non-judgmental in response to Derek's disclosure. He listens to Derek as he talks some more about his experiences but does not ask him too many questions as he knows it can be traumatising for someone who has experienced childhood abuse.

Carlo explains that he can refer Derek to a specialist service for adults who are dealing with the type of challenges that Derek is experiencing. Derek replies that he is not sure that he is ready. Carlo tells Derek that he can make a referral whenever Derek is ready but that it is entirely up to him whether he decides to pursue that option. 'In the meantime, I'm happy to support you however I can,' Carlo says.



Practice Task 9

Question 1

List three common risks to older people in their own homes, in aged care services or in hospitals.

Question 2

Which one of the following steps should a worker take if they identify a risk in the workplace? Tick the correct response.

- Put in place strategies to minimise the risk.
- Refer it to an appropriate person in the organisation.
- Fill out an accident report form.
- Follow the organisational policy for reporting adverse events.
- Ask a colleague whether it is low or high risk.

Question 3

Which of the following statements are correct? Select yes or no for each one.

a. Work practices to minimise potential for harm include reporting bullying and harassment of one’s colleagues.	Yes / No
b. Going to bed fully clothed can be an indicator of child sexual abuse.	Yes / No
c. A child who has an extreme longing for adult affection is probably experiencing neglect.	Yes / No
d. If an adult discloses to a worker that they were abused as a child by a person who is now deceased, the worker may need to report this to the relevant child protection authority in their state or territory.	Yes / No
e. If an adult discloses to a worker that they are abusing or neglecting a child, the worker may be legally required to report this to the relevant child protection authority in their state or territory.	Yes / No

3C

Work in accordance with legal, organisational and duty of care requirements

Legal and organisational requirements in health and community services settings help to ensure that work is undertaken in a safe and ethical way.

Legal requirements for workers can be based on Commonwealth or state- and territory-based laws. Organisational policies and procedures are used to ensure that daily tasks carried out by workers are done in accordance with legal requirements.

Workers also have a duty of care towards the clients they work with, as well as their colleagues and other people in and around the workplace, such as visitors and members of the public.

Here are some legal requirements that are relevant to health and community services settings.

Mandatory reporting laws

Mandatory reporting laws are the legislative requirements for professionals to report suspected cases of child abuse and neglect.

Every Australian state and territory has mandatory reporting laws, although each has slightly different requirements. These differences relate to:

- the types of abuse and neglect that need to be reported
- who is required to report
- what 'state of mind' the reporter needs to have to report the abuse or neglect (e.g. a belief on reasonable grounds, a reasonable suspicion).

Many people who work in the health and community services sectors are subject to mandatory reporting requirements, and in some states and territories, every person who works in these sectors is subject to those requirements.

Privacy Act 1988 (Cth)

- The Privacy Act outlines the legal requirements of agencies and organisations for handling personal information. In addition to the Commonwealth laws regarding privacy, most Australian states and territories have their own privacy legislation.
- The Privacy Act requires workers to follow specific procedures when collecting, using, disclosing and storing information.

You need to conduct all activities in accordance with legal requirements.



Informed consent legislation

- There are some situations where informed consent is a legal requirement. For example, workers must obtain informed consent from a client before they share personal or sensitive information about them with other people, agencies or organisations. Informed consent is also a legal requirement when it comes to certain activities in health settings.
- Some states and territories have additional specific procedures regarding seeking consent for matters unrelated to privacy and health. For example, Tasmania has a 'capacity for consent' procedure that requires disability service providers to seek consent from a person with disability before initiating planned activities.

Discrimination

You must conduct all your work activities in accordance with the various Commonwealth and state- and territory-based laws regarding discrimination.

Here are some examples of attributes 'protected' by federal discrimination laws and the laws that relate to them.

Attributes protected by federal discrimination laws		Specific law
	<ul style="list-style-type: none"> • Age 	<i>Age Discrimination Act 2004 (Cth)</i>
	<ul style="list-style-type: none"> • Disability 	<i>Disability Discrimination Act 1992 (Cth)</i>
	<ul style="list-style-type: none"> • Race • Descent • National or ethnic origin 	<i>Racial Discrimination Act 1975 (Cth)</i>
 	<ul style="list-style-type: none"> • Sex • Intersex status • Gender identity • Sexual orientation 	<i>Sex Discrimination Act 1984 (Cth)</i>

Discrimination can be direct or indirect. Both types of discrimination are described opposite.



Type	Description	Actions that constitute discrimination
Direct discrimination	When a person is treated unfavourably because of a specific attribute, such as their age, race, gender or disability	<ul style="list-style-type: none"> • A person is turned down when they apply for a job because the employer says they are 'too old' to manage the work • A landlord refuses to rent an apartment to a person because they are Asian • A person who is hearing impaired is told they cannot enrol in a training course because the training provider cannot cater to people with disability
Indirect discrimination	When there is an unreasonable rule or policy that is the same for everyone, but has an unfair effect on people who share a specific attribute, such as their age, race, gender or disability	<ul style="list-style-type: none"> • A workplace has a policy that workers must not wear hats at work, which is unfair to people who wear head coverings such as hijabs and turbans • An organisation has a height requirement for employees, which is unfair to women because they are generally not as tall as men • The only way to enter a public building is by a set of stairs, which means that people who use wheelchairs cannot enter the building

Source: <https://humanrights.gov.au/quick-guide/12049>

Because both direct and indirect discrimination is discriminatory, even if an action is not intended to treat one group unfavourably, it can still be considered discriminatory. For example, even if an organisation introduces a height requirement without meaning to discriminate against women, that action can still be considered discriminatory because the policy is unfair to women.

For more information about Commonwealth and state- and territory-based discrimination laws, visit: aspirelr.link/human-rights-aus-discrimination-laws

Techniques for addressing discrimination

The laws regarding discrimination in Australia outline the rights of people with what are sometimes referred to as protected attributes.

Age, for example, is a protected attribute that is covered by the *Age Discrimination Act 2004* (Cth).

Protected attributes
The characteristics that are protected by discrimination legislation.



There may be situations in your work where you need to support, encourage and uphold the rights of people, including clients or colleagues, who have protected attributes and are being discriminated against. In these cases, it is useful to know some of the techniques for addressing discrimination.

First, you can support the person by demonstrating empathy – here are some key steps in this process.

1. Acknowledge and validate the person’s feelings

‘You’re angry, and you have every right to be. What he said was completely unacceptable.’

2. Ask questions to learn more, rather than trying to disprove or contradict what the person is telling you

‘If you’re okay about it, can you tell me a bit more about what happened?’

3. Let the person know they are not alone

‘I’m here to support you with this.’

4. Show the person you are willing to help and identify next steps or a plan of action

‘We can work out a plan of action together, if you’d like to.’

The next step could be for the person to make a complaint. If the person decides on this plan of action, here are some ways you can encourage and support them in that process.

Encourage and/or support a client or colleague who is experiencing discrimination to make an internal complaint according to your organisation’s policies and procedures.

If a client’s discrimination complaint is not resolved, encourage and/or support the client to:

- seek advice from an advocacy organisation (e.g. the National Aged Care Advocacy Program)
- report it to a relevant authority in your state or territory (e.g. the Victorian Equal Opportunity and Human Rights Commission).

If a colleague’s discrimination complaint is not resolved, encourage and/or support your colleague to contact the Fair Work Ombudsman.

More information for employees who are seeking to solve problems in the workplace is available at: aspirelr.link/fairwork-fixing-problem

Reactions that are not useful when supporting someone who has experienced discrimination include the following.

Trying to minimise the impact of the discrimination

‘You’re tough. You can get through this.’

**Expressing disbelief**

'Do you really think it's about your sexuality?'

Highlighting innocent intentions

'I'm sure that's not what he meant.'

Rushing to problem solving

'This is what we are going to do...'

Defending the status quo

'You know she's a bit out of touch, you can't blame her if she doesn't understand all this political correctness stuff.'

Duty of care requirements

According to the requirements of duty of care, staff must take reasonable care to avoid someone being injured in the workplace or as a result of their actions.

Everyone in the health and community services sectors has the responsibility of duty of care for themselves, clients, colleagues, volunteers, visitors and other people in the workplace or those affected by their actions.

Duty of care refers to both acts and omission. In other words, it refers to the actions we *do* take (acts) and the actions we *do not* take (omission).

In a working context, duty of care only applies to those areas that are relevant to the circumstances of the care. For example, a doctor has a duty of care regarding the medical treatment they provide but does not have a duty of care regarding a patient's finances.

The laws around duty of care vary depending on your work role and the type of service you provide, as well as the state/territory where you are working. Your workplace will have a specific duty of care policy that you must use to guide your actions.

Organisational requirements

In addition to legal and duty of care requirements, your organisation will also have policies and procedures that outline what is required of you as a worker.

Organisational policies and procedures are informed by laws and regulations. They are used in an organisation to ensure individual workers, as well as the organisation itself, are adhering to legislative requirements and organisational values, and carrying out work in an ethical way.



Here are some examples of common organisational policies and procedures and the associated requirements of workers.

Common workplace policies and procedures	Description and examples of requirements
Work health and safety	Policies, procedures and processes that outline workers' responsibilities around health and safety in the workplace For example, workers may be required to report and record 'near misses' in the workplace
Diversity and inclusion	Policies, processes and procedures that outline how an organisation promotes diversity and inclusion For example, workers may need to avoid the use of words and phrases that are considered discriminatory
Performance management	Policies, processes and procedures that outline how feedback is given, how work is evaluated, the consequences of poor performance and the rewards for exceptional performance For example, workers may need to participate in a performance management process on an annual basis
Communication	How to communicate with others both inside and outside the organisation For example, workers may be required to communicate respectfully with clients and colleagues and follow specific protocols when using social media

Example

Conduct all activities in accordance with legal, organisational and duty of care requirements

Freda is a support worker in a community-based aged care service. She is taking a group of five people to the local shopping centre to buy groceries and have morning tea afterwards. They travel in the organisation's carrier van. Freda makes sure each person has their seatbelt securely fastened before driving off. She parks in the disabled parking bay at the shopping centre as two of her clients have limited mobility and use walking frames.



In the supermarket, she asks the group to stay together so she can assist them with locating and carrying the items they want to buy and with sharing a trolley for their purchases. She notices that one of the supermarket aisles has a sign saying 'Caution: Wet Floor' and points this out, suggesting they all avoid this aisle. She also notices that one person has left her handbag open on top of some items in the trolley while it is unattended. She retrieves the handbag and reminds her client to carry it with her and to close it.

While waiting in line at the checkout, someone drops a bottle of tomato sauce, which breaks. Freda and the person apologise and ask the assistant to call someone to mop up the sauce. After they have taken their shopping back to the van and loaded it into the area behind the passenger seats, they go to a coffee shop for morning tea. Freda has checked health records before the outing and noticed that one person she supports has a nut allergy. When the client chooses a cake that has a nut topping, Freda reminds him of his allergy and suggests an alternative nut-free cake. After the outing, Freda returns the people in her care to the service and waits with them until family members collect them to take them home.

Practice Task 10

Question 1

Which of the following statements are correct? Select yes or no for each one.

a. Commonwealth legislation outlines the mandatory reporting responsibilities of workers in the health and community services sectors.	Yes / No
b. An action is discriminatory only if it is intentionally designed to treat a specific group unfavourably.	Yes / No
c. In Australia, personal information collected about individuals by organisations is regulated by state- and territory-based legislation.	Yes / No
d. Duty of care applies to actions that a worker does not take.	Yes / No



Question 2

Describe one common organisational policy and the associated requirements of this policy for workers.

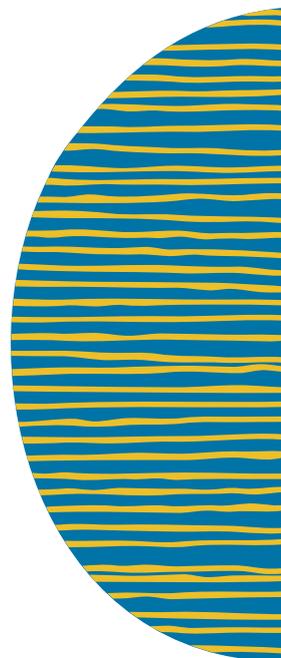
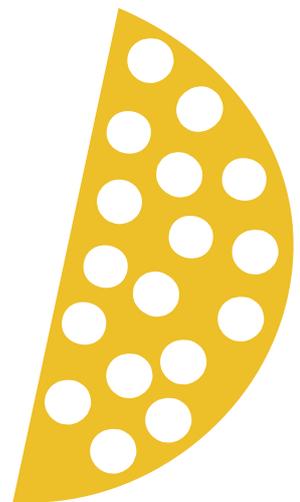
Question 3

What technique can a worker use to address discrimination that a client has experienced in the workplace?



Summary

- To exercise one's rights, a person needs to believe that they have rights, understand their rights and be able to express their needs.
- According to the requirements of duty of care, staff must take reasonable care to avoid someone being injured in the workplace or as a result of their actions.
- Workers have a duty of care towards the people they work with, but they must also respect the dignity of risk.
- The key issue when considering the legal and ethical considerations of dignity of risk is to determine what is an acceptable level of risk for the benefit that an action offers.
- Organisations will have different policies and procedures around how workers should consult with their colleagues and supervisors about upholding clients' rights.
- Risks to clients' safety and wellbeing will vary depending on the service setting and the characteristics of the people using the service.
- Identifying risks in the workplace involves recognising hazards that have the potential to cause harm.
- As part of your legal and ethical responsibilities, it is important to be aware of the signs that indicate a child is at risk of being abused or neglected.
- You must conduct all your work activities in accordance with the various Commonwealth and state- and territory-based laws, including those regarding discrimination, as well as your organisation's policies and procedures.





Learning Checkpoint 3

Provide ongoing support to clients

Part A

1. Number each step from 1 to 5 in the order a worker would typically follow to consult with their supervisor about the needs and rights of a client.

	Get the facts
	Obtain the client’s consent
	Report back to the client on the outcome of the consultation
	Check organisational policies and procedures
	Communicate effectively with supervisor

2. Which of the following statements are correct? Select yes or no for each one.

a. Being very demanding is an indicator of child abuse.	Yes / No
b. Untreated physical problems of a child are an indicator of physical abuse.	Yes / No
c. Workers should encourage adults who disclose experiences of childhood abuse to seek specialist support.	Yes / No
d. Self-harm is a common risk to clients in inpatient mental health care services.	Yes / No
e. Violence and aggression is a common risk for clients in aged care services.	Yes / No
f. Communicating with others about workplace risks is part of every employee’s work health and safety responsibilities.	Yes / No
g. Regardless of where in Australia a worker is based, they have a legal obligation to report child abuse and neglect.	Yes / No



3. List three work practices workers in health and community services can apply to minimise potential risks to clients, workers and others in the workplace.

4. Explain why child protection is relevant to all workers in health and community services, even when a child may not be their primary client.

5. Which of the following actions would constitute discrimination according to Commonwealth discrimination laws? Tick all that apply.

- A woman is fired from her job because she consistently arrives late for work.
- A woman who wears a hijab is told she cannot apply for a job as a swimming instructor because staff cannot wear head coverings when they are in the pool.
- A man who is bisexual is turned down for a job because he does not have the correct qualifications.
- A man with red hair has a manager who calls him 'Prince Harry'.
- An amputee is denied entry to a restaurant because she may 'scare' customers' children.



- 6.** Pippa is 19 years old and has an intellectual disability. She asks her support worker if he will go with her to the local skate bowl so she can try out the skateboard she got for her birthday.

When the support worker reminds Pippa that skating in the bowl can be dangerous, Pippa says she already knows that but still wants to try.

Identify two factors the support worker needs to consider in this situation regarding his duty of care towards Pippa as well as the dignity of risk.

- 7.** Provide one example of a conflict between a client's needs and organisational requirements and how this could be resolved.



Part B

Read the case study, then answer the questions that follow.

Case study

Danuta lives in an aged care home. She has some problems with mobility because of Parkinson's disease but is otherwise an alert and active member of the community. Danuta was married to a man for 40 years and, after he died, she came out as a lesbian.

Danuta is a committed member of the movie club at the aged care home and recently suggested that the movie club show some gay-friendly films. Some of the other members told Danuta that they did not approve of homosexuality, and the club subsequently decided not to take up her suggestion. Since then, the other members of the club have been ignoring Danuta and she no longer feels welcome at movie club events.

When Danuta recounted her experience to a nurse who works at the home, the nurse told Danuta that some of the residents are very religious, so it is understandable that they would not want to see 'gay movies'. Furthermore, the nurse told Danuta that it might be best for her to stop openly talking about the fact that she is a lesbian as it may alienate her from the other residents.

Michael is a senior personal care assistant at the home. He has noticed that Danuta is much more withdrawn than usual. When he asks her if everything is okay, Danuta tells Michael about her experiences in the movie club and her subsequent discussion with the nurse.

'I suppose they're right,' Danuta says quietly. 'I should just keep quiet about being gay. I certainly don't want to offend anyone.'

1. Describe two techniques Michael could employ to demonstrate empathy for Danuta after she describes her experiences of discrimination.



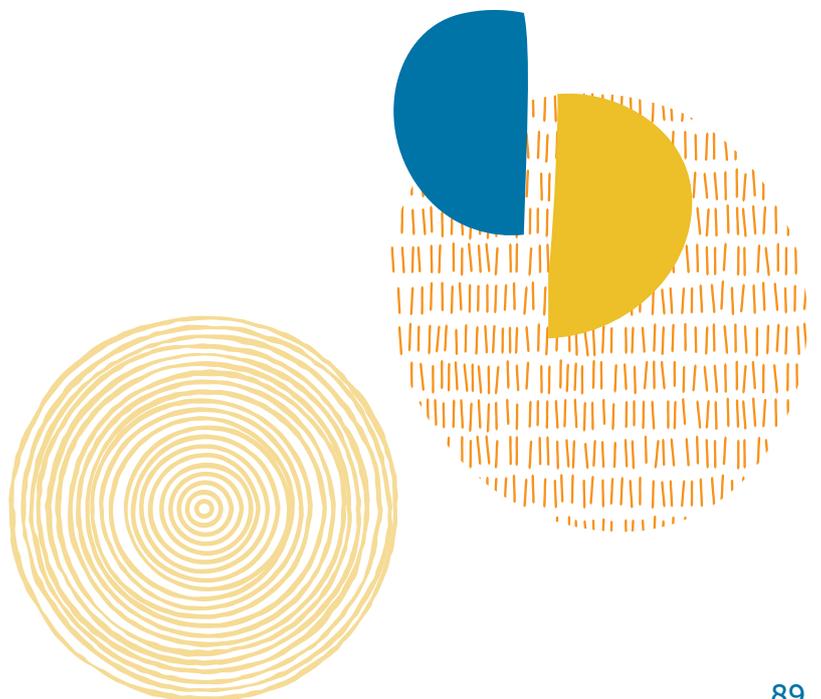
- 2.** Describe three steps Michael can take to encourage Danuta to exercise her rights and preferences, especially as they relate to her sexuality.

- 3.** Identify two legal or organisational requirements Michael may need to follow when he is encouraging and supporting Danuta to exercise her rights and preferences.



Topic 4: Support clients making a complaint

- 4A Discuss organisational and legal complaint mechanisms
- 4B Assist clients who lodge complaints and provide ongoing support



4A

Discuss organisational and legal complaint mechanisms

Reciprocal

When a person gives something in return for something else.

In any complaints process, each party involved has reciprocal rights and responsibilities.

A person receiving a service has a right to expect support that is appropriate to their needs and provided at an acceptable standard. They also have a responsibility to give the service provider information about their needs.

The service provider has a right to ask for feedback about the services they provide and a responsibility to provide services at an acceptable standard that also meets client needs.

Complaint mechanisms can be internal (based on organisational policies and procedures) or external (based on legal procedures).

Complaint mechanisms

Complaint mechanism

A formal process that gives people the opportunity to make a complaint and have it managed in a structured manner.

A **complaint mechanism** should be underpinned by the principles of fairness, transparency and accessibility. Furthermore, there should be no detriment to the party who is making the complaint and each party should be held accountable for their actions.

In many services and settings, the right to make a complaint is part of an organisation's legislative requirements and therefore embedded in their policies and procedures. For example, in Victoria the *Disability Act 2006* (Vic.) requires disability service providers to have a system for effectively managing complaints made by people with a disability and their representatives.

For the purposes of this unit, there are two relevant complaint mechanisms:

- Organisational complaint mechanisms (i.e. internal procedures managed within the organisation)
- Legal complaint mechanisms (i.e. external procedures managed within the legal system)



Type of complaint mechanism	Description of complaint mechanism
Organisational complaint mechanisms	<p>Organisational complaint mechanisms are usually the first 'port of call' for a service user who wants to make a complaint.</p> <p>The process for making a complaint is typically outlined in an organisation's policies. A complaints policy usually includes information about:</p> <ul style="list-style-type: none"> • how to make a complaint and to whom complaints can be made • how the complaint will be managed • what happens if the complainant is dissatisfied with the outcome • key performance indicators, such as response times • external bodies that can assist or undertake a review if the complainant remains dissatisfied (e.g. an Ombudsman). <p>The procedure for making a complaint should be clear, straightforward and easy to follow.</p>
Legal complaint mechanisms	<p>When a complaint cannot be resolved through an organisation's complaint mechanism, legal complaint mechanisms are an option.</p> <p>The complaint mechanism that a person needs to use will depend on who the complaint relates to and where they are based.</p> <p>For example:</p> <ul style="list-style-type: none"> • The Australian Human Rights Commission investigates complaints about discrimination and human rights breaches for anyone living in Australia. • The NDIS Quality and Safeguards Commission (NDIS Commission) is an independent Commonwealth agency that can take complaints from people about NDIS services or supports. • The Aged Care Quality and Safety Commission manages complaints about Australian Government-funded aged care, including residential aged care services, home care packages and a range of other types of services. • State- and territory-based health complaints commissions manage complaints about health services. • State- and territory-based equal opportunity commissions deal with complaints about discrimination under state and territory laws. • Complaints about the actions of Australian Government agencies and some private sector organisations overseen by the Australian Government can be made to the Commonwealth Ombudsman.



Type of complaint mechanism	Description of complaint mechanism
Legal complaint mechanisms <i>(cont.)</i>	<ul style="list-style-type: none"> The Office of the Australian Information Commissioner deals with freedom of information, privacy and information policy issues. The Privacy Commissioner handles complaints from people who think their personal information has been mishandled by an Australian Government agency or a private sector organisation. <p>People can also pursue legal action in civil courts; however, this option is usually expensive and time consuming. Legal complaint mechanisms can be complex. If you are not confident about advising a person about their options, seek advocacy support or legal advice.</p>

It is important to discuss organisational and legal complaint mechanisms with clients if they want to make a complaint. You might explain, for example, the process for making an internal complaint (e.g. how to complain, who to complain to, what steps will be followed) and the circumstances in which legal complaint mechanisms may be required.

When discussing complaint mechanisms with clients, remember to use the strategies for effective communication, such as making sure the purpose of the communication is clear and communicating the most essential information.

Your organisation may also provide hard-copy information to clients about the internal complaint mechanism. If so, it may be worthwhile to share this document with the client.

Video: Making a complaint

Watch the following video on how to support a person with disability to make and pursue a complaint: aspirelr.link/yt-making-a-complaint

Pay particular attention to the different experiences people with disability have when trying to make a complaint, and the importance of organisations having a good complaint handling system.



Client rights and responsibilities when making a complaint

The best source of information about client rights and responsibilities will depend on who the complaint is being made to.



For example, if the client is using an organisational complaint mechanism, their rights and responsibilities should be outlined in the organisation's policies and procedures.

Here are some examples of client rights and responsibilities when making a complaint using organisational complaint mechanisms.

Client rights	Clients have the right to: <ul style="list-style-type: none"> • make a complaint about a service • make an anonymous complaint about a service • know how to make a complaint about a service • be provided with assistance when making a complaint about a service.
Client responsibilities	Clients have a responsibility: <ul style="list-style-type: none"> • to provide the service with information relating to the complaint • for the decisions they make.

For more information on making complaints about NDIS-funded services, visit: aspirelr.link/adsc-making-complaint

Example

Discuss organisational and legal complaint mechanisms and ensure awareness of rights and responsibilities

Elias is a support worker in an organisation that provides day services and supported accommodation for young people with acquired brain injuries.

Blake, a 24-year-old man who Elias works with regularly, recently signed up for a new mobile phone plan. Blake approaches Elias to tell him that he is having trouble meeting the monthly payments for his new phone. Blake explains that the person who convinced him to sign up pressured him and did not properly explain what it would cost. Blake says he wants to make a complaint about the company.

Elias explains to Blake that there are usually two options available: complaining directly to the phone company or making a complaint through another organisation that exists to protect people when they have been treated poorly.

Elias goes online to check Blake's rights and responsibilities as a consumer. He then shares this information with Blake in a way that Blake will understand.



Practice Task 11

Question 1

Which of the following principles underpin formal complaint mechanisms? Tick all that apply.

- Fairness
- Boldness
- Transparency
- Patience
- Accessibility

Question 2

List three examples of client rights or responsibilities that workers need to communicate to clients when the client wants to pursue formal complaints processes.

4B

Assist clients who lodge complaints and provide ongoing support

Clients who make a complaint will need ongoing support throughout the process.

Lodging a complaint about a service can be stressful. The person lodging the complaint may have a range of needs throughout the process, including the need for information – including about the progress and status of their complaint – as well as the need for emotional and practical support.

As a worker, you can play a key role in assisting clients to make a complaint, monitor the complaints process and ensure the client has the support and information they need.

To assist a client to lodge a complaint, first help the person to identify what their complaint is and what they want to do about it. Being able to distinguish between what is and what is not a complaint may be useful.

The Commonwealth Ombudsman defines a complaint as a ‘statement of dissatisfaction where a response is sought, reasonable to expect or legally required’. Common complaints about services include accessibility, quality and treatment by staff.

The Commonwealth Ombudsman states that the following are *not* complaints.

A request for a service that does not yet exist

An overall opinion where a response or resolution is not expected or required

Requests for information

Requests for updates

Providing the client with information about organisational and legal complaint mechanisms can help them decide on a plan of action.

You could also support the client to submit the complaint, which might involve helping them to:

- collect relevant information and supporting evidence
- put the complaint in writing using a hard-copy or online form
- lodge the complaint in person, over the telephone or by mail.



Remember to use a collaborative, empowerment-based approach and seek informed consent when necessary. Also follow your organisational policies and procedures, and seek advocacy and/or legal advice if you are not confident about advising a client.

The first stage in most organisations' complaints processes is to attempt to resolve the matter directly with the parties involved. For example, if the person has a complaint about a worker, the first step would be to support the person to talk to the worker about their complaint. Many complaints can be resolved at an early stage if they are addressed in a timely and appropriate manner.

However, making a complaint directly to a worker is not always feasible; the client may not have the confidence to do this or they may feel intimidated by the potential for confrontation. Clients may find it especially difficult to make a direct complaint to a worker who helps them with daily personal care tasks. In these cases, you need to collaborate with the client to find an option that works for them.

Example

Provide support and information for clients who lodge complaints

Aleyna is a support worker in a community-based health service. One of the services the organisation provides is a playgroup for disadvantaged parents and their young children. Aleyna has developed good rapport with many of the parents and children who attend the playgroup, including Shelby and her son, Brent.

Shelby arrives at the playgroup one morning, clearly flustered. She snaps at another parent as she walks in and is reluctant to participate in the activities. After the playgroup has finished, Aleyna approaches Shelby to ask her if everything is okay.

Shelby explains that earlier that morning she went to see a maternal and child health nurse for Brent's regular check-up. Shelby tells Aleyna that the nurse kept her waiting for 40 minutes, did not apologise for the hold-up and then criticised Shelby because Brent's nappy had not been changed. Shelby tells Aleyna that the nurse then said, 'I don't know why you people can't just pull yourselves together and look after your children properly'.



Shelby tells Aleyna that she wants to make a complaint about the nurse but does not know how. Aleyna tells Shelby that she can assist her: 'Let's go into the office and talk further'.

Aleyna is not certain how to make a complaint about a maternal and child health nurse so she looks up the information online. She and Shelby then read through the information together.

Aleyna and Shelby then discuss the next steps. One option is to contact the nurse or her manager directly. Aleyna explains that even if the complaint is not resolved by the maternal and child health service, she can also use another complaint mechanism, namely the state-based Health Complaints Commissioner.

Shelby decides to start by phoning the manager of the service to lodge a complaint. 'I think it might be useful if we worked together,' Aleyna says. 'Just to clarify what you want to say beforehand. What do you think?' Shelby agrees.

After Aleyna and Shelby collaborate to clarify what Shelby wants to say to the manager, Aleyna asks Shelby if she would like her to sit in on the call, for moral support. 'I don't think so,' Shelby replies. 'I'm going to go home first and have a coffee. Then I'll make the call when Brent has his nap.' Aleyna tells Shelby that sounds like a good idea and gives Shelby her work phone number in case she needs to debrief after the call.

Provide ongoing support

How you go about providing clients with ongoing support during the complaints process will depend on your role and the setting where you work.

The process you use to provide ongoing support to clients will also be informed by your organisational policies and procedures and any other guidelines, such as codes of conduct specific to your profession.

In general, however, there are some common techniques and principles underpinning effective support in health and community services settings. You will find some examples of these on the following page.



Use active listening

Make a conscious effort to hear what the other person is saying.

Active listening involves five key strategies:

- Paying attention
- Showing you are listening
- Providing feedback
- Responding appropriately
- Deferring judgment

Show empathy

Do your best to understand clients' concerns and attempt to see things from their perspective.

Treat people as individuals

Find out what matters to clients and respect their individuality. Avoid making assumptions.

Recognise that individuals are more than the sum of the problems they are experiencing – they also have past experiences, strengths and hopes for the future.

Respect diversity

Respect cultural diversity, as well as diversity related to age, sexuality, gender identity, spiritual beliefs and abilities.

Respect diverse viewpoints, beliefs, values and preferences.

Maintain professional boundaries

Keep to the specifications of your job role and organisational policies and procedures.

Maintain adequate personal boundaries in your professional relations with people you support.

For more information about active listening, go to: aspirelr.link/mind-tools-active-listening

Provide ongoing information and monitor the process

An effective complaint handling process should be responsive.

A person making a formal complaint should be kept informed throughout the process by the organisation or body that is handling the complaint. You may need to support the client to interpret information about the process – for example, the body handling the complaint might use language or expressions that the client does not understand.

In an ideal world, the client would be kept informed about the progress of their complaint; however, this does not always happen. Therefore, you may need to follow up with the organisation or body handling the complaint to find out about the progress of the complaint. In these cases, you need to have the client's informed consent and share whatever information you obtain about the progress of the complaint with them.



Remember to record information about officials you speak with, when you speak to them and the content of those conversations. This information may be needed later if the client decides to pursue the complaint elsewhere.

It is good practice to also 'check in' with the client on a regular basis in regard to how they are feeling about the complaints process. If their thoughts and feelings change during the process, you may need to support them to make decisions that align with those new thoughts and feelings.

For example, the client may feel like withdrawing the complaint or think that they might get more traction if they lodge their complaint elsewhere. The support you provide to the client in this circumstance might be to identify the risks of those decisions and explore the consequences.

Practice Task 12

Question 1

List three actions a worker should take when assisting a client to lodge a complaint.

Question 2

Identify three common techniques workers can use to effectively support a client going through the complaints process.



Question 3

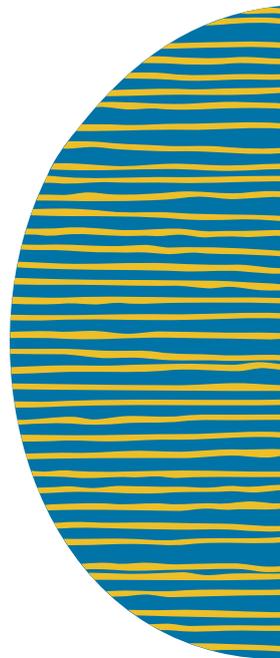
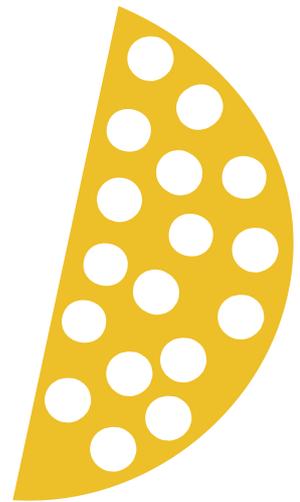
Which of the following statements are correct? Select yes or no for each one.

a. Workers need a client’s informed consent when they follow up with the organisation or body managing the client’s complaint.	Yes / No
b. The main reason why a worker would record information about who and when they speak to an official involved in a complaints process is so they can share that information with the client.	Yes / No
c. During the complaints process, information needs to be provided to clients on an ongoing basis.	Yes / No



Summary

- A complaint mechanism is a formal process that gives people the opportunity to make a complaint and have it managed in a structured way.
- It is important to discuss organisational and legal complaint mechanisms with clients if they want to make a complaint.
- Providing a client with information about organisational and legal complaint mechanisms can help them decide on a plan of action.
- A person making a formal complaint should be kept informed throughout the process by the organisation or body that is handling the complaint.
- You may need to follow up with the organisation or body handling the complaint to find out about the progress of the complaint.
- It is good practice to 'check in' with the client on a regular basis in regard to how they are feeling about the complaints process.





Learning Checkpoint 4

Support clients making a complaint

Part A

1. Which one of the following explains a client’s rights and responsibilities when making an internal complaint about an organisation? Tick the correct response.

- The Australian Human Rights Commission
- The Office of the Australian Information Commissioner
- The human resources branch of the organisation
- The organisation’s policies and procedures
- The organisation’s annual report

2. Identify three pieces of information in an organisation’s complaints policy that you would need to communicate to clients.

3. Match each body on the left with the type of complaint that the body is responsible for managing on the right.

Commonwealth Ombudsman
Office of the Australian Information Commissioner
Privacy Commissioner
Australian Human Rights Commission

A complaint about discrimination based on race
A complaint about Centrelink
A complaint about a commercial business that disclosed a client’s personal information
A complain about a government agency that disclosed a client’s personal information



4. Why is it important for workers to demonstrate empathy when providing ongoing support and information to a client?

5. List two rights and two responsibilities clients need to be informed about in relation to making complaints.

Part B

Read the case study, then answer the questions that follow.

Case study

Adele works as a project officer at an organisation that provides a wide range of services and supports to migrants and refugees. Xola is a 21-year-old man who regularly attends the service with his mother and younger brother.

Adele knows Xola because she helped to facilitate a leadership group that Xola was involved in and recently spoke with him about volunteering as a peer mentor. When Xola sees Adele in the hallway he asks if he can speak with her.



Xola explains that his mother, Siman, recently applied for a job at a cleaning company. The person who interviewed Siman told her that she is reluctant to employ African people because in the past she has found that they are unreliable. However, she agreed to employ Siman on a temporary basis at a lower rate of pay than her other employees. Siman accepted the offer. After working for a week, she was told she would not be getting any further shifts with the company. No explanation was given.

Xola encouraged his mother to make a complaint about how she was treated; however, she is not confident advocating for herself and Xola is not sure how to make a complaint or who to make the complaint to.

Adele asks Xola to bring his mother to her office so they can discuss the issue together.

1. Adele needs to discuss complaint mechanisms with Xola and Siman. Briefly describe what this discussion might cover.

2. Explain what support Adele can provide to Siman to make the complaint.



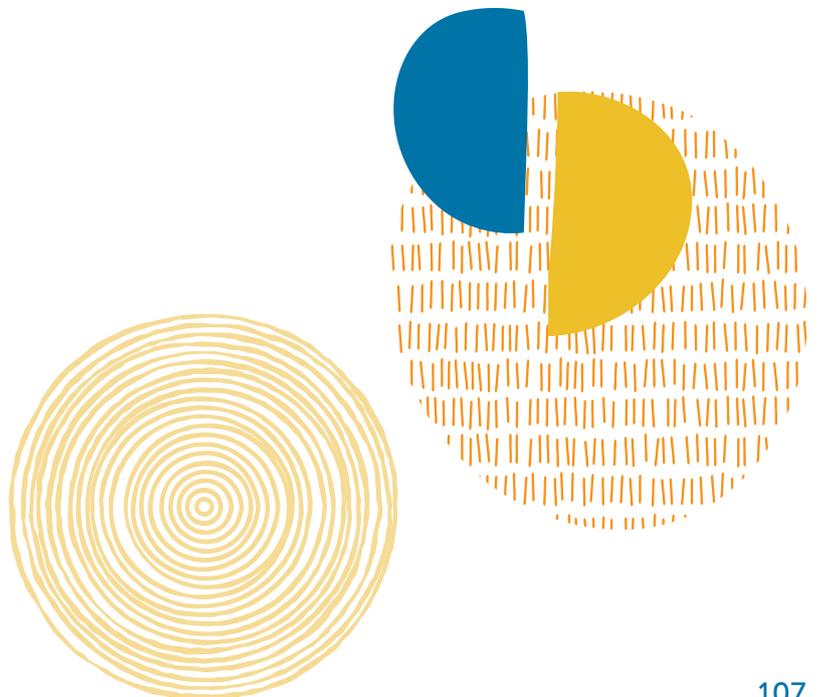
3. Describe what type of ongoing support and information Adele could provide to Siman.

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Topic 5: Review progress

- 5A Discuss progress and outcomes, collaborate on further action and ensure follow up
- 5B Obtain feedback and action opportunities for improvement



5A

Discuss progress and outcomes, collaborate on further action and ensure follow up

It is important for workers to discuss the progress and outcomes of the strategies that have been implemented with clients.

While advocating for a client, you will have used strategies to ensure the best possible outcome for them. Regularly discussing progress with the client will help to ensure they are satisfied with the strategy and provide you with opportunities to adapt or review the strategy.

Discussing strategy outcomes will also help you improve and enhance your advocacy skills and identify any further actions that are required.

A continuous, collaborative process

Monitoring and evaluating strategies is a continuous process that clients need to be actively involved in.

The continuous process of monitoring and evaluating strategies involves five key stages:

1. Identify issues or needs
2. Plan strategy
3. Implement strategy
4. Monitor progress
5. Apply corrective action

The active involvement of clients in monitoring and evaluating strategies not only reflects the principles of empowerment and collaboration but is also useful in a practical sense: you cannot know whether the strategy is working – or whether it has been effective – if you do not consult with the person that the strategy was designed for – that is, the client.

Here is a list of questions and prompts you could use when discussing the progress and outcomes of a strategy with a client.



Review progress and outcomes	Use prompts to encourage discussion
<ul style="list-style-type: none"> • What progress has been made? 	<ul style="list-style-type: none"> • Summarise events during the advocacy process
<ul style="list-style-type: none"> • What outcome(s) are/were we looking for? 	<ul style="list-style-type: none"> • Summarise the client's original goals
<ul style="list-style-type: none"> • How is/was this achieved? • What works/worked and what does/did not work? 	<ul style="list-style-type: none"> • Summarise the strategies used during the advocacy process
<ul style="list-style-type: none"> • What barriers are we facing/did we face during the advocacy process? 	<ul style="list-style-type: none"> • Summarise obstacles
<ul style="list-style-type: none"> • What else needs to be done? 	<ul style="list-style-type: none"> • Identify actions and responsibilities

Example

Discuss progress and outcomes with the client and collaborate on further action as necessary

Murray is the health and community care coordinator at a First Nations health service. He has been working with 71-year-old Bill, who requires regular dialysis at the local hospital. Bill is unhappy with his treatment by staff at the hospital and asks Murray to speak on his behalf.

Bill says that he wants to go elsewhere because the doctors and nurses at the hospital speak to him in a disrespectful way and he cannot understand what they are saying about his treatment.

After Murray discusses the issue with the hospital manager, she agrees that hospital staff would benefit from cultural competence training. The dialysis unit manager also agrees to provide a personal apology to Bill.

A week later, Murray checks with Bill to make sure he received the apology. After Bill's next dialysis treatment, Murray also asks how things went – whether Bill had observed any change in the behaviour of the doctors and nurses, and whether he was feeling more comfortable with the service he was receiving from the hospital.



Take further action

There are a range of reasons why further action may be necessary after you and a client have implemented a strategy to achieve a specific outcome.

For example, the client may be dissatisfied with the way a complaint was resolved. Or you and the client may decide that there are broader problems affecting other people or groups that need to be resolved.

As with any actions taken during the process of advocacy, you need the client's informed consent before you take further action that relates specifically to them. A collaborative approach helps to empower the client and ensures that further actions reflect and draw on their lived experience of the problems or issues you are wanting to resolve.

Follow up and referrals

Follow up with the client after advocacy support is completed to help ensure that everything that was agreed upon has been implemented and that no new problems have arisen.

After advocacy support has been completed, you may need to provide the client with information about additional community resources, or links or referrals to other services. Remember to work with the client to identify what resources and supports they would prefer.

Here are some examples of community resources and referrals that may be useful for a client at this stage in the advocacy process.

Community resources
Free or low-cost legal supports such as Legal Aid
Generic helplines such as Lifeline and specialist helplines such as MensLine, 1800RESPECT and Kids Helpline
Social and peer support groups such as community playgroups
Home care services for older people living in their own home
Welfare organisations such as the Salvation Army and the Benevolent Society
Activist groups (for clients who want to get involved in systemic advocacy)



Referral options
Housing and homelessness services
Health services
Specialist domestic and family violence services
Alcohol and other drugs services
Aged care assessment services
Counselling services

If you do make a referral to another service, you need to:

- ensure that the service reflects the client's preferences
- obtain the client's informed consent to share their information with the service
- follow all relevant steps to protect the client's privacy and confidentiality, as per privacy laws and organisational policies and procedures.

The worker you made the referral to may keep in touch with you for a while, if the client provides their consent for this to occur, to encourage a sense of continuity and tie up any 'loose ends'.

When making referrals to other services it is important to ask:

- Is this the best possible service for this person?
- Will this service be able to meet this person's needs?
- Are there specific policies and procedures that must be followed?

There are a range of different models of referral, each of which has advantages and disadvantages.

Model	Characteristics	Possible advantages and disadvantages
Passive referral	The client is given contact information for appropriate service(s) and is left to make contact at a time that best suits them	<ul style="list-style-type: none"> • Gives responsibility to the client. • The referral may not be taken up
Facilitated referral	The client is helped to access the other service; for example, the referring organisation makes an appointment with the other service on the client's behalf or asks the other service to make contact with the client	<ul style="list-style-type: none"> • The other service is made aware of the client • The client may need to wait for the other service to get back to them



Model	Characteristics	Possible advantages and disadvantages
Warm referral	A three-way conversation in the presence of the client (whether face to face, by telephone or via videoconference) in which the referring organisation introduces the client and explains what has already been done to assist them and why they are being referred	<ul style="list-style-type: none"> • Issues may be clarified immediately, and the client does not need to repeat their story • Relies on someone at the other service being available at the time

The following website contains information for workers on how to make referrals for clients experiencing family violence: aspirelr.link/sae-family-violence

Much of this advice can also be applied to clients in need of other community supports.

Practice Task 13

Question 1

Number each step from 1 to 5 in the order you would follow to monitor and evaluate strategies.

	Monitor progress
	Apply corrective action
	Identify issues or needs
	Implement strategy
	Plan strategy

Question 2

Having reviewed the progress and outcomes of a strategy, explain why collaboration with the client is important if they decide to take further action.



Question 3

Explain why it is important for workers to follow up with clients after advocacy support has been completed.

Question 4

Identify two community resources and two referral options that may be useful to clients when advocacy support has been completed.

5 B

Obtain feedback and action opportunities for improvement

Continuous improvement involves workers and organisations continuously looking for ways to better meet clients' needs.

Feedback is essential for you to improve your practice. You can learn from the feedback you receive from clients, as well as from your colleagues, supervisor and other people you work with.

How you obtain feedback on your work performance will depend on what is feasible and appropriate in your workplace.

A range of opportunities are typically available to workers in health and community services to improve their own work. These include both formal and informal opportunities.

Informal opportunities to obtain feedback might involve a casual conversation with a colleague about their observations of your work. Formal opportunities might involve regular performance management meetings with your supervisor.

Any method you use to obtain feedback on your work should align with your organisation's policies and procedures. For example, although health and community services organisations generally encourage workers to seek ongoing feedback from clients, they may have specific policies regarding when and how workers undertake those discussions.

It can be difficult to ask for and receive feedback on your performance. Asking for feedback might make you vulnerable, and receiving negative feedback can be upsetting. It is important to ensure that the feedback process is useful and worthwhile for both the person seeking feedback and the person providing it. Here are some tips to help you manage this process.

Be specific about what you want feedback on.

Prepare a set of questions to ask the person you want feedback from and, where feasible and appropriate, give them the opportunity to read the questions before you meet with them.

Ask open-ended questions when seeking feedback. They cannot be answered with a simple 'yes' or 'no' and often begin with the word 'why' or 'how'. Answers to open-ended questions will provide you with a more in-depth and nuanced understanding of your performance.

Be aware of how you are feeling when you listen to the feedback and manage your emotional responses appropriately.

Ask for specific examples if you need help understanding the feedback; for example, 'What would have been a better way for me to work with that client?' or 'What do you think I should do differently next time?'

Thank the person for giving you feedback, even if you do not agree with it.



Video: Receiving feedback

Watch the following TEDx Talks video on receiving feedback:
aspirelr.link/yt-tedx-receiving-feedback

Pay attention to the insight and advice given about feedback and how it can lead to positive change.



Identify and action opportunities

Opportunities to improve your own work include formal and informal professional development.

Some professional development opportunities are available internally (within an organisation). Options might include mentoring and coaching, and on-site professional development.

External professional development opportunities may include formal external training, conferences, seminars and professional networking.

Here are some tips to identify opportunities and take action to improve your own work:

- Speak with your colleagues and networks about professional development activities they have found useful.
- Speak with your supervisor about opportunities for both formal and informal professional development.
- ‘Build a case’ for your own professional development by providing your supervisor with information about:
 - how a specific activity would benefit:
 - your work and/or
 - your colleagues’ work and/or
 - the work of the organisation
 - the practical details of a specific professional development activity, such as the cost and location.
- Follow advocacy organisations on social media to keep up to date with professional development opportunities they provide and promote.
- Attend workshops, seminars and conferences relating to advocacy and:
 - follow up with presenters and ask them for suggestions about professional development



- speak with the people at information booths and ask about professional development
- sign up for newsletters and bulletins from organisations that provide information about professional development opportunities relating to advocacy.

Example

Obtain feedback and action opportunities for improvement

Lan is a support worker for an organisation that provides community-based services for adults with disability. She sometimes provides advocacy support for her clients and would like to learn more about how to improve her work in this area, especially when it comes to working with clients who are non-verbal.

Lan speaks with her supervisor, Della, about the professional development opportunities she is aware of. She also asks her colleagues about the professional development activities they have undertaken that have helped them to work more effectively with non-verbal clients.

Lan takes a proposal to Della outlining why she would like to enrol in a professional development activity that will help her to learn more about aided augmentative and alternative communication techniques. Lan outlines to Della the benefits of her undertaking an upcoming three-day workshop on this topic.

Practice Task 14

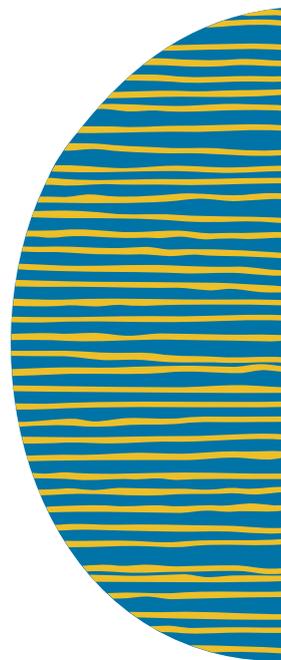
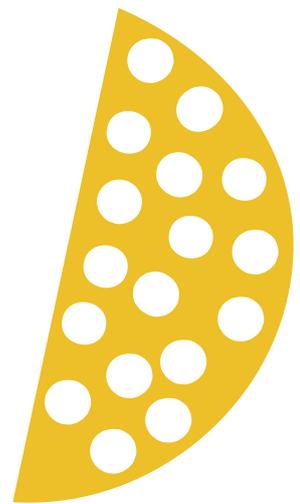
Question 1

Identify one method that a worker could use to obtain feedback on their work.



Summary

- Monitoring and evaluating strategies is a continuous process that clients need to be actively involved in.
- Further action may be necessary after you and a client have implemented a strategy to achieve a specific outcome; you need the client's informed consent before you take further action that relates specifically to them.
- Follow up with the client after advocacy support is completed to help ensure that everything that was agreed upon has been implemented and that no new problems have arisen.
- After advocacy support has been completed, you may need to provide the client with information about additional community resources, or links or referrals to other services.
- Feedback is essential for you to improve your practice. You can learn from the feedback you receive from clients, as well as from your colleagues, supervisor and other people you work with.
- It is important to ensure that the feedback process is useful and worthwhile for both the person seeking feedback and the person providing it.





Learning Checkpoint 5

Review progress

Part A

1. Explain why workers should use open-ended questions to obtain feedback on their work performance.

A worker has asked her colleague for feedback on the advocacy support she recently provided to a client. The colleague tells the worker that although the outcome of the advocacy was positive, the worker could have done much more to support the client through the process.

2. Identify two things the worker could do to ensure this interaction is a useful and positive experience for both her and her colleague.

A worker has identified a two-day professional development activity that he thinks will help him improve his ability to advocate for his clients. However, he needs to convince his supervisor that the activity will be worthwhile.



3. Identify two practical steps the worker could take to 'build a case' for his supervisor.

Part B

Read the case study, then answer the questions that follow.

Case study

Tran is a senior personal assistant who has been supporting a client, Cecilia, to advocate for her needs and rights as a tenant. Cecilia's neighbours were complaining about the noise created by her 10-year-old son, Gabe.

With Tran's help, Cecilia's landlord organised to move Cecilia and Gabe to a ground-floor unit in the same block. This gave Gabe access to a garden, which helps him to work off his pent-up energy, and minimises the disruption to those neighbours who were complaining about Gabe's behaviour.

Tran is having a casual discussion with Cecilia about the outcome of the advocacy to identify what did and did not work.

1. Identify two questions that Tran could ask Cecilia to encourage her to discuss the outcome of the advocacy process.



2. The dispute with Cecilia's neighbours and landlord is now resolved. Outline other circumstances which might require Tran and Cecilia to collaborate on further action.

3. Tran has successfully advocated for Cecilia and achieved a specific outcome. List two additional steps he can now take to support Cecilia from this point on.

4. A few weeks after their discussion, Cecilia tells Tran that she is struggling with feelings of intense anxiety and managing her feelings by drinking more alcohol than usual.

Identify two community resources and two referral options that Tran could provide to Cecilia to help her with this problem.



Glossary

Collaboration

An approach that involves people working together to accomplish common goals.

Complaint mechanism

A formal process that gives people the opportunity to make a complaint and have it managed in a structured manner.

Confidentiality

The principle of keeping personal information private, unless the person consents to sharing the information with other parties.

Dignity of risk

A person's right to dignity and choice, upheld in legislation and service standards, to ensure that duty of care or safety is not used as a reason to limit a person's freedom of personal choice.

Disclosure

The act of sharing or releasing private or personal information.

Duty of care

A moral or legal obligation to ensure the safety and wellbeing of other persons.

Empowerment

The process of gaining strength and confidence to voice one's own opinion.

Hazard

A source or a situation with the potential for causing harm, damaging humans, property and/or the environment.

Human needs

Requirements of persons to achieve a level of basic functioning, such as physical needs (shelter and food/water), emotional needs (love and affection) and social needs (a sense of belonging).

Human rights

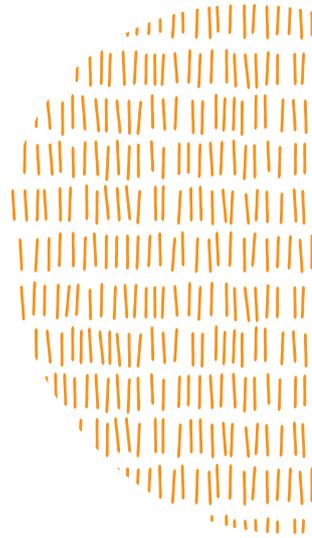
Fundamental rights and freedoms that apply to all people, setting norms for standards of human behaviour.

Human rights instrument

A treaty or text that is used as a source of human rights law and the protection of human rights in general.

Informed consent

A person's decision to agree to a healthcare treatment, having been informed about the intervention and any alternative options.





Legislation

The written law produced by the government.

Mediation

A negotiation process where an independent person assists the parties to identify and access options to resolve an issue or conflict.

Negotiation

A process of reaching an agreement or arrangement by discussion.

Policy

A course of action proposed by an organisation as a basis for making decisions.

Privacy

A fundamental human right designed to protect people from intrusion and to selectively express themselves.

Procedure

An established or official way of doing something.

Protected attributes

The characteristics that are protected by discrimination legislation.

Reciprocal

When a person gives something in return for something else.

Risk

The probability and consequences of injury, illness or damage resulting from exposure to a hazard.