Advocacy Policy and Your Right to an Advocate | Bloom Healthcare

Canonical: https://bloom-healthcare.com.au/advocacy-policy/

Details:

You have the right to bring an advocate to any part of your dealings with Bloom Healthcare, and Bloom has to cooperate with them. An advocate is someone independent who listens to you, helps you understand your options, and speaks up on your behalf if you want them to. Disability advocacy funded through the National Disability Advocacy Program is free, and using one cannot be held against you. If you would like help arranging this, call 1300 771 465 .

There is also an Easy Read version of the advocacy policy if that is easier to read or to go through with someone.

The policy

Introduction

As a service provider, Bloom Healthcare is required to provide access to advocacy support to our clients. This policy has been developed to ensure that its employees and contractors uphold the rights of people with disabilities and provide them with the necessary support to exercise their rights.

This policy outlines Bloom Healthcare's commitment to advocacy and describes the steps to be taken by employees to ensure that people with disabilities have access to information, services, and support.

This policy aligns with legislative requirements as stated within the NDIS Act 2013. The Act acknowledges the important role of advocates (including independent advocates) and other representatives of persons with disability, and requires registered NDIS providers to cooperate with and facilitate arrangements for advocates (including independent advocates) and other representatives of persons with disability who are affected by complaints or incidents and who wish to be independently supported in that process by an advocate or other representative. This policy also incorporates obligations regarding the provision of advocacy support when delivering service as outlined within the NDIS Quality and Safeguards Commission.

The policy complies with relevant laws, regulations, and industry standards and was last updated in March 2023.

Scope

This policy applies to all employees and contractors of Bloom Healthcare who work with people with disabilities. It covers all activities, behaviours, and situations related to providing services to people with disabilities. This policy supersedes any conflicting policies or procedures in the company.

Purpose

The purpose of this policy is to ensure that people with disabilities have access to the necessary support and services to exercise their rights. This policy aims to achieve the following goals:

Uphold the rights of people with disabilities.

Provide advocacy and support to people with disabilities.

Empower people with disabilities to make informed decisions.

Promote the participation and inclusion of people with disabilities in their communities.

Ensure that employees and contractors of Bloom Healthcare are aware of their responsibilities in providing advocacy and support to people with disabilities.

Roles and Responsibilities

All employees and contractors of Bloom Healthcare are responsible for upholding the rights of people with disabilities and providing them with the necessary support and services. Specific responsibilities include:

Providing information and advice to people with disabilities

Advocating on behalf of people with disabilities

Ensuring that people with disabilities are aware of their rights and options

Supporting people with disabilities in making informed decisions

Promoting the participation and inclusion of people with disabilities in their communities

The published policy repeats these same responsibilities under its Procedures and Training headings.

Risk and Mitigation

If the policy on advocacy and support for people with disabilities is not followed by Bloom Healthcare, it could result in the following risks for people with disabilities receiving services from the company:

Limited access to services: people with disabilities may be denied access to services, resources, and support that they are entitled to.

Discrimination and prejudice: people with disabilities may experience discrimination and prejudice from employees and contractors, leading to exclusion and marginalisation.

Lack of empowerment: people with disabilities may not have the necessary information and support to make informed decisions, and their voices may not be heard in matters that affect them.

Inadequate support: people with disabilities may not receive the support they need to participate in their communities, leading to isolation and loneliness.

To mitigate these risks, Bloom Healthcare can take several steps, including:

Providing regular training and education to all employees and contractors to ensure they understand their responsibilities in providing advocacy and support to people with disabilities.

Establishing clear communication channels to ensure that people with disabilities know their rights and options and can access the necessary support.

Creating a culture of inclusion and diversity within the company to promote respect and acceptance for people with disabilities.

Developing and implementing policies and procedures that prioritise the needs and rights of people with disabilities.

Conducting regular evaluations of the policy's effectiveness and adjusting as necessary to ensure that it continues to meet the needs of people with disabilities.

Risks to Bloom Healthcare if the policy was not followed regarding the delivery of services to disabled individuals include legal and financial repercussions due to non-compliance with relevant laws and regulations; damage to the reputation of the company, leading to loss of trust and potential clients; increased incidents of harm or abuse to people with disabilities due to a lack of advocacy and support; and loss of skilled employees due to dissatisfaction with the company's values and practices.

Mitigation steps that Bloom Healthcare can take to address these risks include providing regular training and education to employees and contractors on the importance of upholding the policy and complying with relevant laws and regulations; establishing a reporting system for incidents of non-compliance or harm to people with disabilities, with clear protocols for investigation and resolution; implementing a culture of transparency and accountability, where employees feel comfortable reporting concerns or violations; regularly evaluating the effectiveness of the policy and adjusting as necessary; and communicating the company's commitment to disability advocacy and support to all stakeholders, including clients, employees, and contractors.

Monitoring and Evaluation

Bloom Healthcare will monitor the effectiveness of this policy through the following performance metrics and KPIs:

Number of people with disabilities who receive advocacy and support services

Incident rates related to advocacy and support

Employee satisfaction with training and support

Data will be collected and reported on a quarterly basis by the advocacy team. The results will be communicated to stakeholders, including employees and contractors.

Review

This policy will be reviewed annually to assess its effectiveness and compliance with legal and regulatory requirements. Any necessary revisions or updates will be made in a timely manner and recorded on the Policy and Procedure Register.

National Disability Advocacy Program (NDAP)

The Department of Social Services funds the National Disability Advocacy Program (NDAP) to provide people with disability access to effective advocacy support. This support works to promote and protect the rights of people with disability by helping to remove barriers to their full and equal participation in the community. NDAP is for people with disability who are facing complex challenges. The program provides support in situations where people with disability feel unable to act, speak or write about a difficult situation on their own, or do not have the support required to resolve an issue.

To access the NDAP: dss.gov.au/disability-advocacy/national-disability-advocacy-program

What this means for you in practice

What an advocate is

An advocate is a person who listens to you, helps you make decisions about your life or your child's life, and speaks on your behalf so your rights are respected.

An independent advocate is not employed by your service provider and does not report to them. Their job is to represent what you want, not what is convenient for anyone else. That independence is the point. A support worker or a therapist can support you, but they work for the organisation you may be raising concerns about.

An advocate is not the same as a plan manager, a support coordinator or a nominee. Those are funded roles with specific jobs. An advocate stands with you.

When people use an advocate

Advocates are for the moments when the system is hard to deal with on your own. Common situations include:

Making a complaint about a service, or being part of an incident investigation

Being present when allegations of abuse, neglect, violence, exploitation or discrimination are being dealt with

Plan development, plan reviews and reassessments, where an advocate can represent your interests or your family's

Requesting a plan review, which an advocate can do on behalf of a child's family at any time

Being heard in meetings where you feel outnumbered or talked over

Understanding a decision that has been made about you, and working out what to do about it

Advocacy is free, and it is independent

You do not pay for NDAP advocacy, and it does not come out of your NDIS plan. The details and the list of funded advocacy organisations are on the Department of Social Services website.

For older people, the Older Persons Advocacy Network (OPAN) provides the same kind of independent support for aged care. OPAN helps older people make complaints and find information about aged care services.

If you are not sure which one applies to you, or you want help making the first call, ask Bloom on 1300 771 465 and staff will help you get connected. Bloom will not sit in on the conversation unless you want that.

Using an advocate cannot be held against you

This is the part people worry about most, so it is worth stating plainly.

The NDIS Act 2013 recognises the role of advocates, including independent advocates, and requires registered NDIS providers to cooperate with them and to help make arrangements for advocates supporting a person affected by a complaint or an incident.

Providers are also legally prohibited from threatening you, or from directly or indirectly trying to stop you from complaining. Doing so is against the law and can attract penalties. The NDIS Commission monitors how providers handle complaints and can take regulatory action where a provider does not meet its obligations under the NDIS Code of Conduct and the NDIS (Complaints Management and Resolution) Rules 2018.

In aged care, the protections are similar. An older person can escalate a concern to the Aged Care Quality and Safety Commission without fear of punishment, and the Aged Care Act 2024 protects people who report a breach of aged care law from negative consequences and protects their identity, with limited exceptions.

What Bloom has to do

Under the NDIS Code of Conduct, providers and workers must act with respect for your rights to freedom of expression, self-determination and decision-making; respect your privacy; deliver supports safely and competently; act with integrity, honesty and transparency; raise and act on quality and safety concerns promptly; take all reasonable steps to prevent and respond to violence, exploitation, neglect and abuse; take all reasonable steps to prevent and respond to sexual misconduct; and not charge NDIS participants more without reasonable justification. The Code applies to registered and

unregistered providers alike, and to their key personnel and workers.

Registered providers must also have a documented complaints management and resolution system with accessible platforms and languages, must involve you in resolving your complaint, and must keep you informed about decisions and actions taken.

Making a complaint about Bloom

Start with Bloom if you feel able to. Call 1300 771 465 or use the contact details on the site. You can bring an advocate, a family member, a carer or any trusted person with you. Providers are expected to acknowledge a complaint promptly and tell you the expected timeline, handle it with procedural fairness so that you get a reasonable opportunity to explain the problem and are not dismissed over minor details, involve you in resolving it, and act quickly and fairly. A good resolution generally covers four things: acknowledging your concern, answering your questions, taking action, and apologising where an apology is owed.

You do not have to start with Bloom. If you would rather not raise it with the provider, or you are not satisfied with the response, go straight to the NDIS Quality and Safeguards Commission . You can complain anonymously if you prefer. The Commission supports different communication needs and languages so the process is accessible.

What happens next: the Commission will either support you to raise the concern with the provider yourself, or contact the provider on your behalf to discuss it.

Tell both the Commission and Bloom if you want an advocate or support person involved, and make sure that person understands the process and what you are concerned about.

If you receive aged care services

The Statement of Rights in the Aged Care Act sets out what you should expect from government-funded aged care. It includes the right to make your own decisions about your own life and have those decisions respected, to get information and support to help you decide, to communicate your wishes, needs and preferences, to feel safe and respected, to have your culture and identity respected, and to stay connected with your community.

If something is not right, raise it with your provider first if you can. Every aged care provider must have a complaints system and must listen and respond quickly and fairly. No issue is too small, whether it is the meals, not getting a say in daily activities, or a concern about someone providing your care.

If you are not satisfied, or you would rather not go to the provider, you can complain to the Aged Care Quality and Safety Commission online, by phone or by letter. Concerns about a breach of aged care law can also be reported to the Department of Health, Disability and Ageing, to a police officer, or to an independent aged care advocate, in person, by phone or in writing, and anonymously if you choose.

MyAgedCare.gov.au carries information about your rights and how to complain, and OPAN can help you do it.

If you disagree with an NDIS decision

A complaint about a provider and a review of an NDIA decision are two different processes.

If you disagree with a decision the NDIA has made about your access, plan or funding, you can ask for an internal review . You have 28 days from receiving the decision to request one. An internal review means the NDIA reconsiders the decision, and it is your chance to put forward extra information or evidence.

If you are still unhappy after the internal review, you can apply to have the decision reviewed externally by an independent tribunal. Time limits apply there too, so do not sit on it. Check the current process

and the tribunal's name on the NDIS website, and get an advocate involved early if you can.

Evidence matters at both stages. Therapy reports that describe how your disability affects daily function, and what supports address that, are the material a reviewer works from.

Common questions about advocacy and your rights

Do I have to use an advocate?

No. It is your choice. You can bring one, bring a family member or friend instead, or handle things yourself. You can also change your mind at any point.

Does an advocate cost me anything?

Advocacy through the National Disability Advocacy Program is funded by the Department of Social Services and is free to you. It does not come out of your NDIS plan. OPAN advocacy for aged care is also free.

Can Bloom stop me from bringing an advocate?

No. The NDIS Act requires registered providers to cooperate with advocates and to help make arrangements for them where a person is affected by a complaint or an incident.

Will complaining affect my services?

It is against the law for a provider to threaten you or to try to stop you complaining, directly or indirectly, and penalties apply. In aged care, you can go to the Aged Care Quality and Safety Commission without fear of punishment, and people who report a breach of aged care law are protected and have their identity protected, with limited exceptions.

Can I complain anonymously?

Yes. The NDIS Commission accepts anonymous complaints. Reports about aged care can also be made anonymously. Anonymity can limit how much the regulator can follow up with you, so weigh that up.

Should I complain to Bloom first or go straight to the Commission?

Either is allowed. Going to the provider first is often faster for practical problems. Go straight to the regulator if you do not feel safe raising it, if it involves harm or abuse, or if you have already tried and got nowhere.

Can an advocate help with my NDIS plan, not just complaints?

Yes. Advocates can be involved in plan development and review to represent your interests, and can request a plan review on behalf of a child's family at any time.

How do I find an advocate near me?

Start with the National Disability Advocacy Program page on the Department of Social Services website, which lists funded advocacy organisations. For aged care, contact the Older Persons Advocacy Network. Bloom can help you make the first call on 1300 771 465 .

What is the difference between an advocate and a nominee?

A nominee is formally appointed and can act or make decisions in your place in defined circumstances. An advocate has no such authority. They support you to make and voice your own decisions, and they only say what you have asked them to say.

I am not an NDIS participant. Can I still get advocacy?

The National Disability Advocacy Program is for people with disability facing complex challenges and is not limited to NDIS participants. Aged care advocacy through OPAN is for older people using or seeking aged care services. Contact the relevant organisation and describe your situation.

Who oversees all of this?

The NDIS Quality and Safeguards Commission regulates NDIS providers and workers. The Aged Care Quality and Safety Commission regulates aged care. The NDIA makes decisions about NDIS access and plans, and has its own internal and external review process.

How do I raise something with Bloom right now?

Call 1300 771 465 . Say at the start if you want an advocate or support person involved, or if you need the information in Easy Read or another language.

Contacting Bloom Healthcare

Registration no: 4-JR6F5KX Provider no: 4050148863

Phone: 1300 771 465

Email: hello@bloom-healthcare.com.au

Hours: Monday to Thursday 7:30am–6pm, Friday 7:30am–5pm, Saturday by appointment

Related pages: Your Rights , Supported Decision Making , Incident Management , Feedback .

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