

## **Policy**

### **Purpose**

This policy ensures compliance with our legislative and contractual obligations and quality standards and reflects our commitment to consumers rights and entitlements under the United Nations Convention on the Rights of People with Disability.

### **Scope**

This policy applies to all ADAI permanent, casual, contract, and service staff, volunteers, visitors, and other persons whilst on the organisation's premises or other sites where work is being performed. The term 'consumers' includes clients, people with disability, and extends to families and carers.

### **Principles**

The following principles ensure that ADAI promotes consumer rights and entitlements and manages equity of access in a consistent and professional manner.

- ADAI will adopt, apply and promote non-discriminatory eligibility requirements in respect of age, gender, race, culture, religion or disability and be guided by principles and standards contained in the State and Commonwealth Disability Services Acts.
- ADAI does not limit the definition of people with disability to those with a diagnosis.
- People with disability and/or their families/caregiver are entitled to apply for advocacy support from ADAI in accordance with the Department of Social Service National Disability Advocacy Program.
- Consumers of ADAI services must live in South Australia.
- Consumer information will be provided in plain English and strategies will be adopted to ensure information is available to consumers who are difficult to reach.
- Applications for support will be assessed using established criteria to ensure support is allocated in order of priority, and where support cannot be provided by ADAI, appropriate referrals will be made.
- Consumers will be:
  - treated with dignity, fairness, and respect, be listened to and involved in the development of their advocacy plan and decisions that affect them.
  - given access to information about their plan, have the right to refuse services and have their rights upheld in accordance with the UN Convention on the

Rights of People with Disability, the *Privacy Act 1988* and the *Freedom of Information Act 1982*.

- made aware of their rights and entitlements and if they are not satisfied, they will be supported to lodge a complaint. ADAI aims to resolve complaints as promptly and as close to the source of the problem as possible.
- Consumer exit procedures will be followed in consultation with consumers, wherever possible, and exit forms will inform ADAI's continuous quality improvement.

## Responsibilities

### Board

- Develop strategic priorities that reflect ADAI's commitment to consumers.
- Develop and monitor policies to uphold consumer rights and entitlements.
- Ensure resources are available to meet the legislative requirements and national standards.

### Chief Executive

- Implement and monitor policies and procedures.
- Ensure compliance with consumer policies and procedures.
- Allocate resources to meet policy requirements.

### Staff

- Understand their obligations under this policy.
- Comply with consumer policies and procedures.
- Undertake their role diligently to uphold consumer rights and entitlements.
- Cooperate with management to complete all requested training.

## Storage and Record Keeping

This document is stored on the ADAI Corporate Drive.

## Related Policies & Procedures

- Code of Ethical Conduct
- Harm Prevention Policy
- Advocacy Policy
- Community Education Policy
- Privacy and Confidentiality Policy

## Related Standards and Legislations

- United [Nations Convention on the Rights of People with Disability](#)
- Disability [Discrimination Act 1992](#)
- Disability [Services Act 1986 \(C'wealth\)](#)
- Disability [Services Act 1993 \(SA\)](#)
- Freedom [of Information Act 1982](#)
- Privacy [Act 1988](#)
- National Standards for Disability Services
- National [Disability Advocacy Program](#)

## Review

<b>Frequency</b>	Biennial	<b>Administrator</b>	CEO
<b>Next review date</b>	April 2026	<b>Custodian</b>	Board

## Version Control

<b>Version number</b>	1.0	<b>Policy No.</b>	9
<b>Nature of Revision</b>	<p>Amalgamated policies into new <b>Consumer Policy</b> superseding:</p> <ul style="list-style-type: none"> <li>• Client Access (incorporating entrance &amp; eligibility) [160418]</li> <li>• Client's Rights &amp; Responsibility [160418]</li> <li>• Client Grievance &amp; Complaint Policy [160418]</li> </ul> <p>Client Exit Policy [160418]</p>	<b>Author</b>	CEO
<b>Approval date</b>	April 2024	<b>Approved by</b>	Board

## Procedure

These ADAI Consumer Procedures cover consumer rights and responsibilities, equity of access to services, eligibility and intake procedures, priority of access and referrals, refusal or services, consumer exit and complaint procedures.

### Consumer Rights

ADAI acknowledges the rights of consumers who use our services. All ADAI consumers have the right to:

- fair and equal access to services provided by ADAI.
- services that comply with national standards of professionalism and accountability.
- be treated with respect, dignity, and courtesy.
- be communicated in plain English and/or have access to an interpreter if required.
- be kept informed, involved in decisions regarding their plan, be listened to and have their opinions valued
- privacy and confidentiality, within the limits imposed by the law and duty of care.
- request copies of their records in accordance with the *Privacy Act 1988* and the *Freedom of Information Act 1982*
- refuse any, or all, service or support that is offered.

### Consumer Responsibilities

ADAI consumers are expected to:

- treat advocates with respect, dignity, and courtesy.
- disclose accurate and relevant information in a timely manner.
- speak up if they feel their views are not being addressed or if they require further information or resources.
- attend scheduled appointments, or let the service know as soon as practical if they are unable to attend.
- respect the right to privacy and confidentiality of other consumers and staff.
- not be under the influence of alcohol and/or illicit drugs while they are interacting with ADAI services, and/or behave in a way that makes delivery of services difficult or dangerous.
- honour agreements made with ADAI about advocacy support and service provision.

### Equity of Access

ADAI will implement strategies to target information about services to potential consumers who are difficult to reach, including minority groups, such as:

- Single parents
- Aboriginal and Torres Strait Islander people

- People who are culturally and linguistically diverse (CALD)
- People from low socio-economic backgrounds
- People who live in rural and remote areas

Where possible, ADAI will compare consumer data with demographic data for the catchment area to assess whether the needs of minority groups are being met.

## **Eligibility and Intake**

ADAI will ensure that eligibility requirements are stated in plain English and are available online and electronically for consumers to access.

Consumers who require an advocate may contact ADAI and discuss their issues with the advocate located in their area. If the consumer is referred from another service, an ADAI advocate will contact the consumer directly to assess eligibility.

Consumers who are eligible may choose to become a client of ADAI. New consumers will be provided with an initial appointment time (either in person, by telephone or other means) and an information package including:

- General information: the Advocacy for Disability Brochure,
- Intake forms: Application for membership and contact details.
- Consumer Policy: staff will highlight the consumer rights and responsibilities and complaint handling procedures.
- Consent Forms: an evaluation form, authority to act and consent to obtain/release information form.

The initial appointment will prioritise the signing of all consent forms and aim to gain information about consumer needs, problems and identify potential solutions/options. The advocate will involve the consumer in the development of their advocacy plan and provide a copy of the agreed plan to the consumer.

## **Priority of Access**

When ADAI's capacity to provide support is limited, applications for support will be assisted for priority. When assessing applications for support ADAI will use the following criteria to determine the priority of cases:

- The actual or potential seriousness of the problem the consumer is facing. Highest priority will be given to requests where there is an urgent and serious risk of harm, including physical or psychological harm or exposure to a harmful situation.
- The lack of alternative consumer assistance to resolve the problem. High priority will be given to consumers where the severity of their disability impedes their ability to deal with the issue/problem they are facing and the availability of other supports.
- Probability of a successful outcome. Priority will be given to consumers where the probability of a successful outcome is high and within ADAI's scope of services. ADAI will consider any capacity constraints, ethical issues, including any potential conflicts of interest. Where capacity limitations exist ADAI will seek to refer consumers to appropriate alternative services.

## **Referrals**

If ADAI is unable to provide support for an applicant, referral to another appropriate support service will be made. ADAI will develop and maintain up-to-date information and networks with a comprehensive range of agencies and services in each region to ensure appropriate referrals can be made, recognising that in country areas the potential for referral for face to face services may be limited.

## **Refusal of services**

Consumers have the right to refuse services at any time. ADAI reserves the right to terminate, withdraw or refuse services when:

- an applicant is not eligible for services.
- there is a conflict of interest.
- a consumer does not accept or act upon any of the action plan/strategies offered by the advocate but continues to contact the advocate on the same issue.
- a legal claim has commenced.
- the client has failed to uphold their consumer responsibilities.

Where appropriate, ADAI will provide any necessary support to assist a consumer after services have been refused and could include a referral to an alternative service.

## **Consumer Exit**

When consumers exit the service, their case is closed by ADAI. A case may be closed for any of the following reasons:

- when issue(s) are concluded to the consumer's satisfaction.
- the consumer decides not to pursue the issue any further.
- consumer moves to another State or Country.
- the consumer moves to another family (i.e. in the case of foster care).
- a case has been inactive for 6 months.
- upon the death of the consumer.

When ADAI determines a case is to be closed, consumers will be invited to complete an evaluation and feedback form. When it is not possible for a consumer to be consulted prior to exit, ADAI will notify the consumer in writing explaining the reason/s for their decision. A copy of this letter will be placed on the client's case file. Consumer files can be re-opened if they remain eligible.

## **Consumer Complaints**

A consumer may raise a grievance or complaint relating to issues with their association with ADAI. In resolving complaints ADAI will uphold the following principles:

- Complaints must be fully described by the person with the grievance or their authorised representative.
- Complaints can be received verbally, electronically or in writing.
- The person(s) should be given the full details of the allegation(s) against them.
- The person(s) against whom the grievance/complaint is made should have the opportunity and be given a reasonable time to put their side of the story before resolution is attempted.
- Proceedings should be conducted honestly, fairly and without bias.
- Proceedings should not be unduly delayed.

In resolving complaints, ADAI will adopt the following four level process:

1. The consumer attempts to resolve the complaint as close to the source as possible. This level is quite informal and should not exceed one week. If the matter is not resolved:
2. The consumer notifies ADAI Management (in writing or otherwise) as to the substance of the grievance and states the remedy sought. Confidential discussion should be held between consumer and ADAI Management and any other relevant party. This level will usually be informal, but either party may request written statements and agreements and should not exceed one week. If the matter is not resolved:
3. ADAI Management should refer the matter to the Chief Executive and/or Chair of the Board. A grievance taken to this level must be in writing and accompanied by any additional relevant information. The Chief Executive and/or Chair of the Board will review the matter and provide a written response to the consumer and will, where necessary, communicate with any other parties involved or deemed relevant. This level is formal and should not exceed one week following the next scheduled meeting. If the matter is not resolved:
4. The consumer may appeal the decision of the grievance investigation by making a formal written appeal to the Chief Executive within 14 days. The consumer will be advised of their rights to pursue the matter with external authorities if they so wish.

## **External Authorities**

**Complaints Resolution & Referral Service** Free call: 1800 880 052

TTY: 1800 555 677 (national relay service) or Translating & Interpreting Service: 13 14 50

**Equal Opportunity Commission SA** Call: 8207 1977 or email: [eoc@sa.gov.au](mailto:eoc@sa.gov.au)

TTY: 133 677 (national relay service) or Free call for country callers: 1800 188 163

**Ombudsman SA** Call: (08) 8226 8699 or free call for country callers: 1800 182 150

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