



Rights In Action Inc.

Independent advocacy for people with disabilities

Client Handbook

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What does Rights In Action do?

Rights In Action (RIA) provides strong independent advocacy for people with disabilities who are in vulnerable situations. We are completely on the side of the person with a disability. Rights In Action provides advocacy assistance for people who live in the geographical area of Babinda, Cairns, Yarrabah, Kuranda, Atherton, Mareeba, Malanda and Yungaburra.



What is Advocacy?

Advocacy is speaking, acting, writing, with or on behalf of a person, to promote, protect and defend her or his human rights. Advocates are on the side of the person with a disability and will promote the person's rights where necessary.

Why does Advocacy matter?



Independent advocacy helps to promote, protect and defend the rights and dignity of vulnerable people with disabilities. These human rights are recognised in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)

Refer to Australian Human Rights Commission:
<https://www.humanrights.gov.au/our-work/disability-rights>

What is the role of an Advocate?

- to help you to speak for yourself
- to speak for you or on your behalf
- to act in your best interests
- to help you identify what you want
- to get information to help you make an informed choices



- to keep you fully informed of their actions and outcomes achieved.
- to help you identify your own strengths, skills and natural supports
- to help you make a complaint if you are treated unfairly.

What is not the role of an Advocate?

- to act as a friend, mediator, counsellor or decision maker
- to provide crisis intervention (though we try to respond to urgent needs as quickly as possible)
- to provide professional advice, including legal, counselling or therapy (though we often help you by referring you to appropriate services)
- to give ongoing personal support (though people can return to us any time new issues arise or an old issue reoccurs)
- to substitute for inadequate or non-existent services (though we continue to press – wherever and however we can – for services, communities and governments to honour their obligations)
- to help with problems that require changes of law or policy (though we can refer these to systemic advocacy agencies)

What are your rights?

You have the right:

- to be represented by an advocate
- to be treated with respect and courtesy
- to have your comments valued
- to be consulted and informed of the advocacy efforts we provide on your behalf
- to bring a support person to any appointments or RIA meetings. You can ask a family member, guardian, power of attorney or a friend to support you or speak on your behalf
- to privacy and confidentiality. Your personal information will not be provided to anyone outside of RIA without your permission
- to view information about yourself, held by RIA (unless there is an exception which applies under the Privacy Act, such as where RIA has a legal duty not to disclose the information or where it may be harmful to you to do so)
- to ask for information to be provided in an accessible format that meets your needs
- to make a complaint if you are not happy with the support you receive
- complain or express your concerns about RIA's advocacy without fear of retribution or losing our support and assistance
- to have your complaints dealt with fairly and promptly



What are your responsibilities?

- to provide all relevant information relating to your advocacy issue(s).
- to treat staff and other people accessing RIA with respect and courtesy
- to keep yourself and others safe. RIA has a zero tolerance to abuse, violence or threatening behaviour
- to take responsibility for your choice and decisions made about your advocacy
- to work together with us to ensure your needs are met

What are the key advocacy issues?

- abuse, neglect, exploitation and violence
- access to non-National Disability Insurance Scheme (NDIS) services
- child protection
- community inclusion – social/family
- disability services
- education
- employment
- equipment/aids
- finances
- government payments
- health/mental health
- housing/homelessness
- legal/access to justice
- NDIS – internal review
- NDIS – access/planning
- NDIS – support implementing plan/accessing services/complaints
- physical access
- transport
- vulnerable/isolated people with disabilities
- other issues



What can you expect?

- independent advocacy
- assistance free of charge
- privacy and confidentiality
- information & referral to appropriate services to receive a quality service

Your NDIS Appeal

Assistance with Reviews of NDIS Decisions and Appeals to the AAT.

The Commonwealth Department of Social Services has funded Rights In Action to assist people living in Cairns, Atherton Tablelands, Yarrabah and the Douglas Shire with NDIS reviews and appeals.

People who are denied access to the National Disability Insurance Scheme or are unhappy with their NDIS plan can request an internal review of that decision by the National Disability Insurance Agency.

If they still disagree with the outcome of the review, they can then apply to the Administrative Appeals Tribunal (AAT) to conduct an external merit review (Appeal). The Appeal is an independent review of the NDIA decision.

Rights in Action can help people to lodge their Application for Review of Decision with the NDIA and where necessary to lodge an application for Review with the AAT. The Rights In Action Appeals Support Person can:

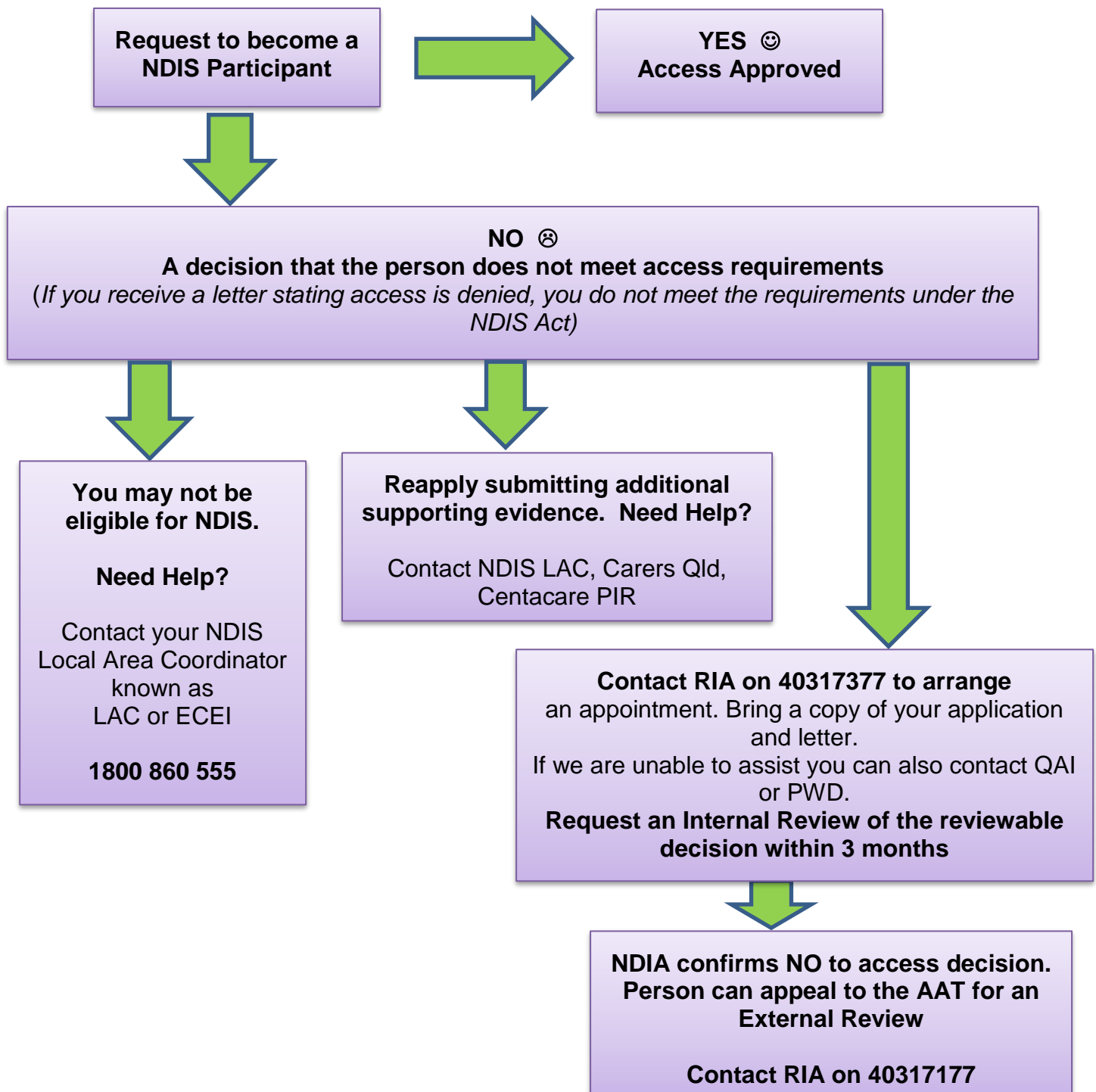
- assist in understanding the review process
- help prepare and lodge documents needed for the NDIS Internal Review and the AAT Appeal.
- assist to apply for legal assistance to pursue an application to the AAT
- attend AAT case conferences and hearings with the person and help them put their case at the AAT
- provide the person with a disability with the advice and skills so they can represent themselves at the AAT if that is their choice



NDIS Access

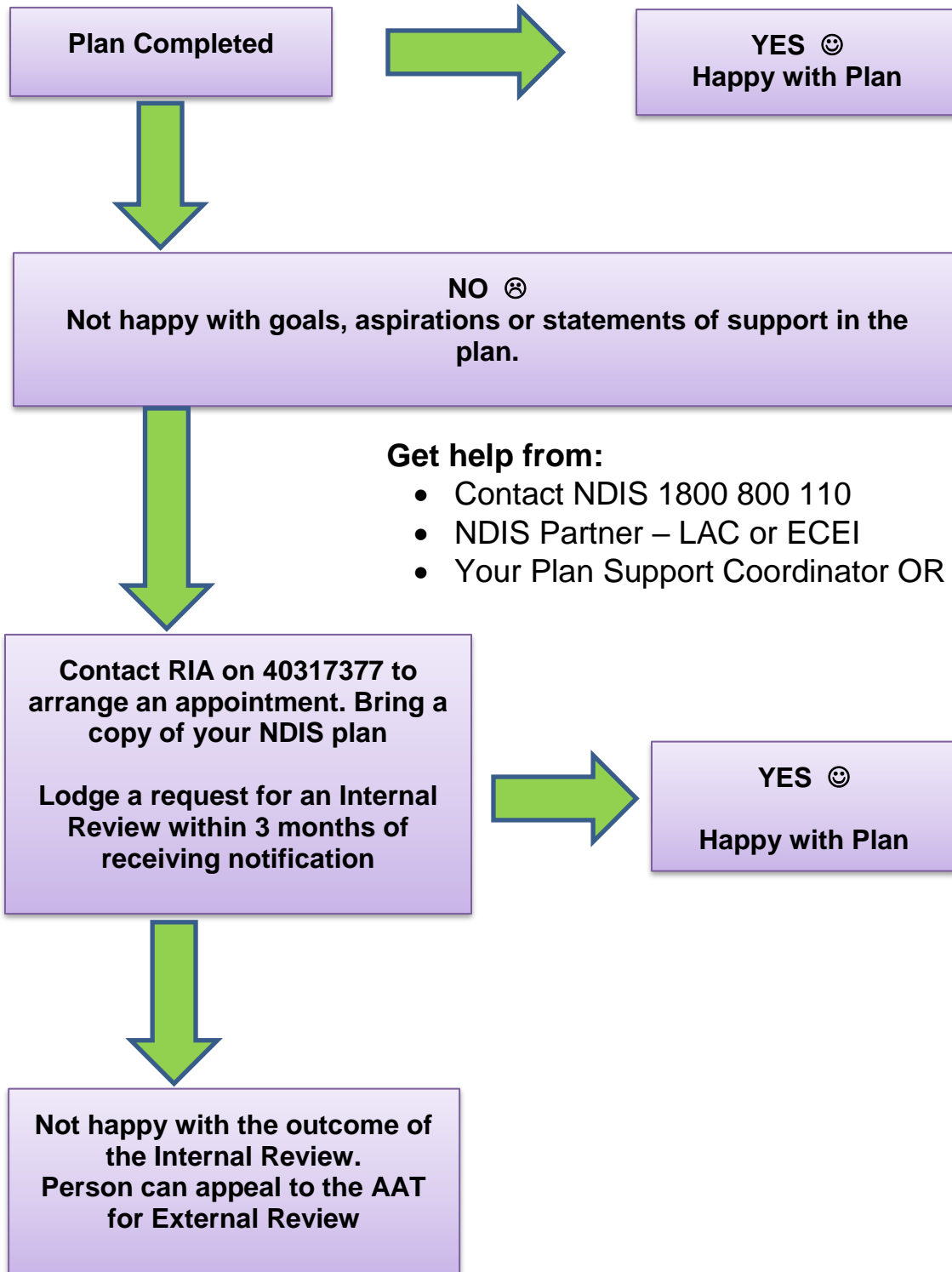
- Complete the NDIS Access checklist <http://www.ndis.gov.au/ndis-access-checklist> (check your eligibility)
- Contact NDIS on 1800 800 100 and ask for an Access Request Form
- They will send you an Access Request Form and a Request for Supporting Evidence Form
- You need to return these forms within 28 days or ask for an extension
- Need help: Contact NDIS Partners in the Community – Mission Australia LAC & ECEI Services on 1800 860 555

NDIS FLOW CHART



NDIS First Plan

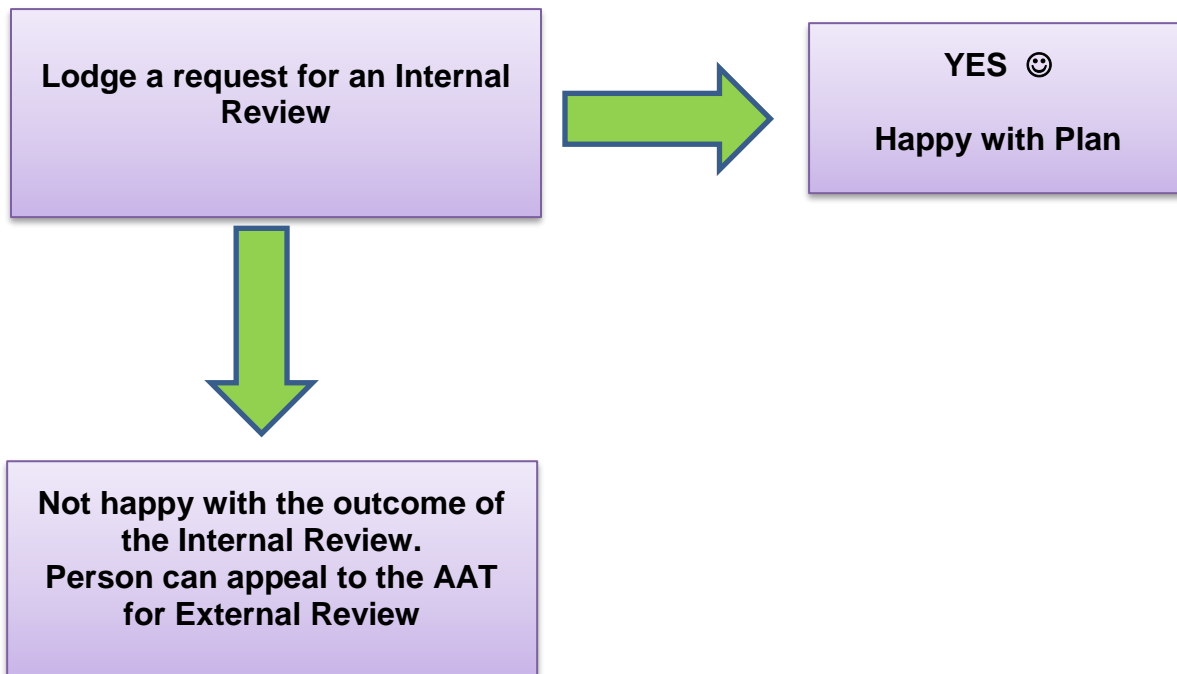
- Understanding your plan – <https://ndis.gov.au/participants/understanding-your-plan-and-supports.html>
- You can get help from the NDIS LAC
- You can get help from your Support Coordinator if listed in your plan



Review of NDIS plan

Can be requested at any time there is a change of circumstances

NDIA to make a decision within 14 days. If no contact it is assumed their decision is NOT to review the plan.



EXTERNAL REVIEW CHECK

- Reviewable decision under s99 NDIS Act.
- Not happy with the Internal Review decision
- Application lodged with the AAT within 28 days of the decision OR
- S29(7) requested an extension of time (even if passed the 28 days)

Right to information

You have a right to access your information and personal file in accordance with *The Right to Information Act 2009* and *Information Privacy Act 2009*, unless there is an exception which applies under the Act, where RIA has a legal duty not to disclose the information, or where it may be harmful to the client to do so. A person seeking advocacy will be made aware of the right to access their personal file through this Handbook and verbally by RIA staff.

You can ask us to amend their personal information if they believe it is inaccurate, incomplete or misleading. If we agree to amend their personal information, we will add a note to the records identifying the information was amended and how it was considered to be inaccurate, incomplete or misleading. To ensure that the organisations records remain complete, original records will not be destroyed.

A request to access personal records will be referred to the Manager. The Manager will ensure that assistance is provided to you to access their information as soon as possible. An RIA Advocate will be made available to explain any terminology.

How is your personal information protected?

RIA respects the privacy of all people and is committed to safeguarding the personal information that is provided to us. The **Privacy Act 1988** (Commonwealth) and the **Information Privacy Act 2009** (Queensland) recognise the importance of protecting the personal information of individuals and govern how we collect, store, use and disclose personal information. RIA is required to maintain client files and electronic records for a minimum period of 5 years after the funding activity period expires.

Information collected may include:

- contact details (name, address, email etc.)
- personal details including: date of birth, gender, income
- information on personal issues and experiences, relationships,
- family background, supports clients may have in the community and areas of interest
- photographs, signatures, tax file numbers and
- health information and/or medical history

How the information is collected:

- request for advocacy form
- membership applications
- telephone or face to face interview



Purpose use of the information collected:

- to provide independent individual advocacy
- to provide referral to appropriate services
- to meet the requirements of government funding bodies
- to monitor and evaluate outcomes of our advocacy assistance
- to produce performance reports to funding bodies
- to comply with legal obligations

A complete copy of our Privacy and Confidentiality Policy is available on our website www.rightsinaction.org and a hard copy can be provided on request.



How can you give feedback to us?

We encourage you to “Have Your Say” because your feedback is important to us. It helps us to continue to improve our service.

You can complete a “We need your feedback” brochure or a Compliments and Complaints brochure at any time.

RIA is committed to providing high quality advocacy assistance and service excellence by being approachable, responsive, accessible, informal, timely, fair, impartial, consistent, professional and efficient. We would like to know if you have any concerns with the advocacy assistance received.

How do you make a complaint?

- You have the right to be heard and to make a complaint. We will listen to all concerns and complaints and quickly work towards a satisfactory outcome.
- RIA's advocacy efforts will not stop if you complain. If you do not feel comfortable with informing the RIA Advocate who is assisting you, please talk to the Manager.
- If you feel your rights are not being respected or if you have a complaint about the assistance you are receiving, there's a Complaints Policy and Procedure in place for you to follow.



What are the steps for making a complaint?

Complaints can be a positive way of changing and improving the organisation. Should you be unhappy with the way RIA staff, the Board of Management or volunteers that have interacted with you, our advocacy assistance, or our policies and procedures, you can make a complaint by following these steps:

1. First, approach the person concerned and try to talk it over and solve the problem with them.
2. If the matter remains unresolved, you should contact the Manager. This contact may be made in writing, by telephone or in person. You can bring a friend or family member to support you in this discussion. Written statements will be obtained and disclosed to everybody involved with the complaint.
3. The Manager will acknowledge your complaint and will attempt to resolve the issue:
 - by recording the details;
 - by speaking with you and any other people involved
4. If the concern is still not resolved and requires further investigation, either you or the Manager may refer the issue to the President of the RIA Board.
5. The President will then take the complaint to a sub-committee (consisting of representatives from the Board). The sub-committee will then address the complaint and take actions as required according to relevant policy and legislative procedures.

The parties to the complaint will be provided with full details of any complaints made and responses supplied. All information and documentation is held confidentially and securely.

6. If you are not happy with the way RIA has addressed your complaint, you can contact the Complaints Resolution and Referral Service (CRRS) on 1800 880 052. CRRS is a service that helps people with disabilities sort out complaints about advocacy services funded by the Department of Social Services. If the complaint is not solved, CRRS will tell the Department of Social Services.

Further information can be found at: www.jobaccess.gov.au/complaints and <http://www.dss.gov.au/contact/feedback-compliments-complaints-and-enquiries>

Easy Read: Complaints Policy

Complaints can be a positive way of changing and improving our service.



Tell someone if there is a problem.

You have the right to make a complaint if you are not happy



You can make a complaint in person by phone or in writing



You can talk to an Advocate, the Manager or the President of the RIA Board



We will try to fix the problem



If you are still 😞 unhappy, you can contact the Complaints Resolution and Referral Service on

1800 800 052

Complaints Flowchart



1. You have a problem.



You can talk to the person about your problem.



2. You can ask to speak to the Manager who will record your complaint and investigate the problem.

You can also ask the RIA President to resolve your complaint.

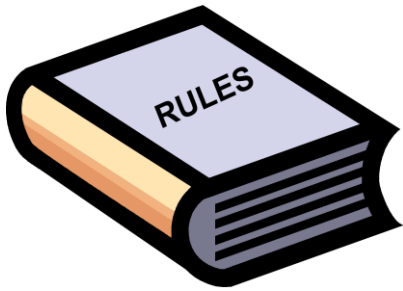


3. You can refer your complaint to CRRS if the problem is not fixed.

Phone: 1800 880 052

Easy Read: Privacy and Confidentiality Policy

Privacy



Everyone has the right to privacy. It is the law that we protect your privacy.



We keep your personal information safe

Personal Information is:

- Your name
- Where you live
- Your phone or email address
- Your birth date or how old you are
- Where you were born or your culture



You can say **NO** if you do not want us to have some of your information



Confidentiality



Everyone has the right to confidentiality



It is the law that we protect your confidentiality



You can choose who we can share your personal information



You can say **NO if you do not want us to share your information**

Personal File / Records

You can see your personal information. It is called your personal file.



You can tell someone if there is a problem. This is called a complaint.



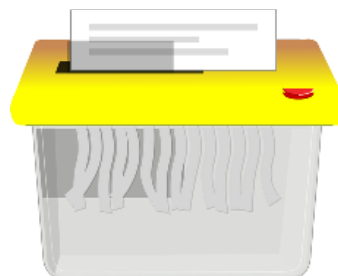
You can talk to your Advocate or the Manager



Everyone has the rights to make a complaint if something is wrong



Your file and personal information is kept safe for 5 years. Then your information is destroyed.



How can you become a member of RIA?

RIA is committed to encouraging membership from anyone interested in Advocacy. People with disabilities and their allies will be encouraged to join as members and their participation is highly valued. An RIA membership form is provided with the Information Kit.

What is in the RIA Information Kit?

- RIA brochure;
- We need your feedback;
- Privacy & Confidentiality brochure;
- Compliments and Complaints;
- RIA Membership Form and pre-paid envelope.

You may request this handbook in other formats including large print, audio CD and Braille or translated in other languages. Please ask your Advocate for any other information you may require. We are happy to assist!

Rights In Action Office

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