

### WHAT IS AGED CARE ADVOCACY?

Aged Care advocacy is a process of speaking up for, or representing a person:

- It is partisan – it involves taking the side of the consumer
- It involves the rights or entitlements of the consumer
- It happens where someone other than the consumer has the power to make a decision
- It seeks to redress a consumer's feelings of powerlessness – it involves empowering the consumer
- It usually happens in the context of a conflict
- It relies mainly on reasoned argument
- It requires the advocate to have a clear mandate
- It requires the advocate to minimise conflict of interest
- It requires clear thinking, determination and resources

An aged care advocate will work with you by:

- Step 1 Hearing your story
- Step 2 Clarifying the issues
- Step 3 Identifying your rights
- Step 4 Identifying desired outcomes
- Step 5 Providing information
- Step 6 Brainstorming possible strategies for action
- Step 7 Identifying potential consequences of actions
- Step 8 Negotiating an action plan

## WHAT AGED CARE ADVOCACY IS NOT

Aged care advocacy as conducted by The Aged-care Rights Service (TARS) is not:

### **Complaints investigation**

According to:

*The Australian Standard - Complaints Handling (AS 4269 1995)*

The central objective of a complaints handling process is to investigate and resolve complaints made by individual complainants. Both the complainant and the service provider have the right to have the investigation conducted in a professional, objective and unbiased manner.

### **Mediation**

Mediation is a process of dispute resolution in which a neutral third party facilitates discussion between disputants to seek a mutually acceptable solution.

- Participation is voluntary
- Mediator is neutral - does not take sides
- Mediator does not impose a decision on the parties
- Decision in mediation is not legally binding itself – the parties may go on to make an agreement on terms of settlement which can then become legally binding.

### **Conciliation**

The third party's role distinguishes mediation from conciliation. Conciliators are often expected to contribute their own views and opinions during the conciliation process. It is essential that the role of the conciliator is spelt out - to achieve a fair resolution of a complaint. The conciliator's role is not simply to encourage a settlement, but rather to participate in the process and ensure that the settlement reached is just. Government Departments such as the Anti-Discrimination Board often conciliate rather than mediate disputes.

Disclaimer: This document is a guide only and cannot take account of individual circumstances. TARS recommends that you seek appropriate professional advice relevant to your particular situation. THIS IS NOT LEGAL ADVICE.

*Source: National Aged Care Advocacy Program (NACAP) Guidelines*

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