

A new Institute of Veterans' Advocates

Overview

The Australian Government is committed to ensuring high quality support is available for Australian veterans and families when they need it. Veterans' advocacy plays a critical role in ensuring veterans and families receive informed, accurate and timely advice in relation to:

- lodging claims for compensation or other assistance with the Department of Veterans' Affairs (DVA)
- seeking review of DVA's decisions through relevant tribunals or other processes, and
- supporting their engagement with DVA and other service providers to ensure their welfare and general wellbeing needs are met.

These claims-related and welfare advocacy services are provided by a range of individuals from ex-service organisations (ESO) and commercial providers. While DVA currently provides training programs to ESOs, veterans' advocacy services are not regulated, and professional oversight of advocates' work standards and/or conduct is limited. These factors have an impact on the quality of advocacy services provided to veterans and families and have the potential to lead to poor outcomes.

These issues have recently been considered by the Ex-Service Organisations Round Table (ESORT) Advocacy Working Group, which has proposed an ***Institute of Veterans' Advocates*** (the Institute) be established as a national professional association for veterans' advocates. This paper outlines the proposal being put forward by the ESORT Working Group for consultation, prior to further consideration by Government.

Consideration by Government on this matter will consider the views of the ESORT working group, the outcomes of this consultation, as well as any views or recommendations put forward by the Royal Commission into Defence and Veteran Suicide in its final report due to be delivered to Government on 9 September.

The ESORT working group proposes the Institute would, in keeping with other similar professional organisations, provide leadership and support to veterans' advocates, set competency and training standards for the sector, and accredit and register advocates. The Institute would similarly establish a code of conduct for advocates and provide members with access to the training and tools they need to deliver high quality advocacy services.

The Institute of Veterans' Advocates

In providing its advice, the ESORT working group considers that the creation of the Institute is intended to enhance the quality of services provided by, and availability of, trained veterans' advocates around Australia, and to ensure there are proper mechanisms in place to address concerns raised by the veteran community regarding the conduct of individual advocates.

Veterans and families using services from an approved advocate who is an Institute member can be assured of the advocate's credentials and standing and therefore have confidence in the services provided. Accessing the advice and support provided by an approved advocate would, in concert with other initiatives currently being undertaken by DVA, assist in ensuring veterans and families can access the services and support in a timely fashion.

The Institute is intended to enhance the standing and impact of veterans' advocacy services by:

- lifting the overall standard and availability of advocacy services
- providing members with access to a range of benefits and tools, including improved and nationally consistent training and professional development
- establishing a nationally consistent complaints handling process (including referring complaints to other professional bodies where members are subject to another equivalent discipline process e.g. law societies)
- professionalising veteran advocacy services, and enhancing the standing and recognition of advocates and advocacy services in the community, and
- creating a centre of excellence for veterans' advocacy.

Governance

The ESORT Working Group recommends the Institute to be established as a stand-alone entity (established as a Commonwealth company limited by guarantee or similar) and governed by an independent Board of Directors.

The Institute's Board would comprise:

- the Chair
- an ESO representative
- an advocate representative
- an Australian Defence Force/serving member representative
- a families representative, and
- one DVA ex-officio member and one Department of Defence ex-officio member (to ensure ongoing connection and alignment of effort).

One of the Board members (but not an ex-officio member) would be the Deputy Chair.

Initial appointments would be for a period of 3-4 years, and subsequent board appointments would be on staggered two-year rotations. Any future ESO peak body would be a key stakeholder of the Institute, including potentially holding a nominated Board position.

Membership

The Institute would have two streams of members: claims (including appeals); and welfare.

Corporate and individual memberships would be open to organisations and advocates whose services:

- are provided to veterans and families free of charge (whether advocates themselves are paid or volunteers), and
- are provided on a fee-for-service basis.

Membership eligibility would be founded on completion of relevant Advocate Training and Development Program (ATDP) courses, or recognition by the Institute of equivalent professional qualifications for welfare advocates. Recognition of Prior Learning would be available for advocates who are currently registered with the ATDP.

Claims advocates would be expected to complete relevant ATDP courses which canvass DVA processes and systems, trauma-informed service delivery, and the unique nature of military service regardless of their professional qualifications.

Currently fee-for-service advocates are not permitted to access this training.

Welfare advocates who seek membership based on qualifications other than the relevant ATDP course would be expected to undertake ATDP modules in relation to the unique nature of military service and relevant DVA processes and service offers.

The cost of ATDP training courses would encompass membership of the Institute and access to the Institute's professional indemnity scheme. Members who are subject to insurance arrangements through their paid employment (e.g. lawyers), would have an option to access arrangements set by the Institute, but could elect not to if their professional indemnity was already sufficient.

A separate Institute membership fee would not be charged.

Four membership categories would be available:

- Associate (i.e. trainees, support officers)
- Member (i.e. ATDP level 2-3 advocates, or those with equivalent experience or professional qualification)
- Fellow (i.e. ATDP level 4 advocates, or those with equivalent experience or professional qualification), and
- Corporate.

Ethical and service and standards

The Institute would establish a Code of Ethics for Veterans' Advocates (Code of Ethics), as well as service standards, to which members would be expected to adhere. The Code and standards would define the behaviour and service delivery expectations for all members including in relation to acting with integrity and respect, and the requirement to keep appropriate records and ensure advocates are responsive and accessible.

Fee-for-service advocates may also be required to adhere to additional standards, such as ensuring their relevant fee-schedules are clear and easily accessible to veterans and families.

All members would also be required to satisfy minimum training requirements and undertake continuing professional development.

The Institute would monitor members' compliance with these standards and requirements and would also administer a complaints and feedback process for issues raised about the performance or conduct of an Institute member where they are not subject to another equivalent professional discipline process.

Membership and access to the associated benefits would be able to be revoked or suspended by the Board in instances where, after due process, it is satisfied the member has been in breach of their membership requirements.

Members who are already subject to professional oversight and ethical standards through their paid employment (e.g. lawyers) would be exempt from similar standards set by the Institute.

Member benefits

It is intended Institute members would have access to a range of tools and benefits (some of which may necessitate regulatory and/or legislative change and consideration by Government) including:

- training and professional development activities, including courses in military advocacy, the unique nature of military service, and veterans' entitlements provided by DVA
- data and feedback on the quality of claims submitted to enable members and member organisations to inform continuous improvement
- enhanced *MyService* functionality including being able to lodge claims on behalf of their clients, and access to a dashboard showing the status of claims for all their clients

- streamlined claims lodgement and processing
 - access to DVA helplines and expertise
 - authority to order medical tests paid for by DVA prior to a claim being lodged
- access to professional indemnity insurance (replacing the current Veterans Indemnity and Training Association – VITA), and
- public endorsement, promotion and referral to “DVA approved advocates”.

Functions

The Institute would be responsible for:

- establishing and administering competency standards, a Code of Ethics and minimum training requirements for veterans’ advocates
- accrediting and registering veterans’ advocacy service providers
- monitoring service delivery by approved advocates including addressing complaints about the performance or behaviour of Institute members (including referring complaints to other professional bodies e.g. law societies)
- contributing to advocate training including continuing professional development, and providing advice on the design and delivery of ATDP programs, and
- facilitating professional indemnity insurance for Institute members.

In fulfilling these responsibilities, the institute would:

- manage advocates’ accreditation, registration and membership processes, including maintaining a publicly accessible register of approved advocates (replacing the current ATDP advocate register)
- undertake education, communication, promotion and other activities to build awareness in the veteran community of the services provided by approved veterans’ advocates
- monitor members’ compliance with the Institute’s Code of Ethics, training and professional development requirements, competency standards and other conditions of membership, including managing complaints and discipline processes (including referring matters to other professional bodies e.g. law societies), and
- undertake quality assurance and continuous improvement activities to assist advocates to provide quality services and advice.

It is anticipated the staff supporting the Institute in delivering these functions would be provided by DVA under a memorandum of understanding with the Institute.

Submissions are open until **COB Friday, 4 October**. You can provide your submission at - https://dva.qualtrics.com/jfe/form/SV_bxa1Baq5G9rqMwC