***Background***

I am pleased to present this submission on behalf of Community Safeguards Coalition (CSC), Queensland. CSC is a coalition of people with disabilities, families/allies, advocacy agencies and individuals from non-government disability services who agree to the mission and purpose of CSC. As our name suggests, CSC has been advocating for many years to safeguard the rights of people with disability.

CSC is not a funded or incorporated body and does not have paid staff: the Chairperson role is voluntary. CSC engages in systems advocacy and does not undertake individual advocacy.

Its Mission is:

*To promote people with disabilities having the equal right, together with appropriate support and resources, to the same range of lifestyles as other people by safeguarding against legislation, policies and practices that limit or deny their fundamental rights*.

***Preamble***

CSC believes that all people with disabilities have the right to live in a home and community of their choice and be part of the social network of that community. CSC believes that having a place to call home and having access to the appropriate social support is a fundamental human right. This has been acknowledged in the *Convention on the Rights of Persons with Disabilities (2006) (CRPD)* and other instruments including the Productivity Commission’s recommendations in the Report to government, the National Disability Insurance Scheme (NDIS) and the *Queensland Disability Services Act (2006)* and the Amendment *Your Life Your Choice.* This is also reinforced by David Bowen, CEO National Disability Insurance Agency, when he states “…people with disability and their families should have the opportunity to choose where and with whom they live on an equal basis with others in the community and they should not have to stay in a particular living arrangement if they choose not to.”

It is clear from the principles of the CRPD that many systems in our society have violated these rights. For example, the concept of specialist housing, group homes or large residential facilities deprives people with disability of the right to live where they wish and with whom they wish and be included in their communities. CSC agrees with the Draft Quality and Safeguarding Framework that has been put forward that it is important to safeguard people with disability, ensuring that there are mechanisms in place to minimise harm and risk and that people with disability receive quality services. However, it is equally important that people’s rights are also considered and it is important not to lose sight of the concept of the ‘dignity of risk’.

***Safeguards***

This submission would like to address the issue of ‘quality and safeguards’ from a perspective of rights and values: exactly what are the most important things to safeguard in a person’s life.

WHAT DO WE WANT TO SAFEGUARD?

**Safeguard against congregated and segregated care arrangements**

* Ensure people with disability have control over their lives, make their own decisions and lead a life as close as possible to everyone else in society. Society’s response to disability has been to institutionalise, isolate and at times, sedate: this must change. However, attitudes will never change if people are continually placed in congregated settings where there is no or little interaction with the wider community – often only with staff.
* The *CRPD* provides a clear vision for the future – a future that ensures that people with disabilities have a right to live and participate in their community with the support they need and to ensure that any assistance provided to them should be based on their own choices and aspirations. Specifically, Article 19 states that services for people with disabilities should *support living and inclusion in the community* and aim to *prevent isolation or segregation from the community.*

**Safeguard security of tenure**

* The National Disability Strategy 2010-2020 Policy Area Three, Policy Direction Three, states: *Improve access to housing options that are affordable and provide security of tenure. A secure and affordable place to live is the basis of economic and social participation in the community. For many people with disability there are additional dimensions around the capacity to visit friends and family and to choose where and with whom they wish to live.*

This policy direction will be fulfilled if people:

* Are exposed to positive role models in their community
* Are in an environment which ensures that they are not totally dependent on staff, but instead, have people around them who empower them to make their own decisions and become more self-reliant
* Have more involvement with community life and more connection to their families
* Are supported in ways that enable the person to connect, engage and contribute to their communities of interest where their passions are active which in turn will provide the person with valued social roles
* Live in a place that they can call ‘home’ in the true sense of the word that other citizens call ‘home’
* Live in their community of choice and choose who they wish to live
* Have friends and family around them
* Are included in all decision making which affects their lives
* Can select and employ their own support workers who share their vision and have high expectations about what is possible in their life
* Have opportunities for learning and growing
* Have opportunities for meaningful employment

**Safeguard community inclusion**

* The National Disability Strategy 2010-2020 - which has been ratified by the Queensland government - Policy Area Four addresses *Personal and community support – inclusion and participation in the community, person-centred care and support provided by specialist disability services and mainstream services; informal care and support.*  The outcome of this policy area is identified as: *People with disability, their families and carers have access to a range of supports to assist them to live independently and actively engage in their communities*. Community inclusion has many ripple effects. People become well known within their local community which promotes a measure of safety. Community inclusion can also lead to better social and economic results which cannot be attained in congregated or segregated environments.

**Safeguard choice and control**

* It is a basic human right that people should have personal autonomy and natural authority in their own lives and so the value of self-direction is now well recognised. Havingchoice, control and flexibility in the support that people receive, opens up opportunities for them to take a normal pathway in life rather than the ‘special’ pathway that can lead to congregated, segregated and isolated lives. It is common sense that people with disability (or those closest to them who know them best) should be able to make the decisions about how they live their lives.
* Taking on responsibility to self-direct/self-manage puts the power into the hands of individuals and their family. It also greatly diminishes bureaucracy. There is much greater flexibility and control and people experience more consistent and reliable support. Having staff directly responsible to them, rather than to an external body, leads to much greater ease of communication and the tailoring of support. Interestingly the people who provide the support also express their increased satisfaction in working directly for people with disabilities and their families.

**Safeguard advocacy**

* There will be people with a disability who do not have family or friends to support them and speak up for them: individual advocacy then becomes vital otherwise people can be left behind and forgotten and miss out on the benefits of the NDIS. Also, systems advocacy needs to be in place to present a united voice for people with a disability.

**Conclusion**

If the above safeguards are in place, the quality of life for people with a disability will be ensured. Other issues, such as staff qualifications, complaints, restricted practices will become a secondary matter.