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NDIS Quality and Safeguards
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Submission on the Quality and Safeguarding Framework of the National Disability Insurance Scheme (NDIS)

Introduction

The Federation of Ethnic Communities' Councils of Australia (FECCA) is the national peak body representing Australians from culturally and linguistically diverse backgrounds. We provide advocacy, develop policy and promote issues on behalf of our constituency to government and the broader community.

FECCA continues to build partnerships and work with organisations that advocate for people with disabilities from culturally and linguistically diverse (CALD) backgrounds, including the National Ethnic Disability Alliance (NEDA). FECCA appreciates the government's initiative to set uniform quality and safeguarding measures in relation to National Disability Insurance Scheme (NDIS).

FECCA endorses the submission prepared by NEDA and supports all of the recommendations therein. This submission highlights a number of issues of particular concern to our constituency.

Accessibility of information in relation to NDIS

Information provision is not merely providing details in online forums such as the NDIA website. The information must reach communities through active engagement of prospective and existing NDIS participants.

At the community consultation conducted by FECCA in Darwin (31 March 2015) with regard to accessibility of NDIS by CALD communities, many contended that the dissemination of information to CALD communities should be done through channels such as community organisations, medical practitioners and service providers who work closely with CALD communities rather than various online platforms. Distribution of information via online channels is ineffective for many communities, including CALD people with limited literacy in English or their own language. Lack of computer and internet proficiency is also a barrier for many CALD Australians to accessing online materials. A reliance on information dissemination online will further disadvantage this group. A substantial number of participants at FECCA's access and equity consultations (conducted in Shepparton, Sydney, Logan and Darwin in March 2015) preferred to obtain information through face to face contact rather than online or over the

telephone. NDIA should also focus on providing these services in a culturally appropriate manner.

The NDIA should take all necessary precautionary measures to ensure that the community organisations, community leaders and service providers have a clear and precise understanding about the NDIS as 'word of mouth' can at times be misleading and could potentially misinform the participants, especially those from a CALD background. FECCA strongly recommends that NDIA invest in advertising campaigns through ethnic radio and ethnic newspapers to target CALD people with disabilities. There were some suggestions by the community members at FECCA's consultation in Darwin that using 'video loops' in General Practitioners' waiting areas was an effective method of providing information to the hard-to-reach communities on NDIS.

As mentioned above, there are numerous barriers to accessing information available in electronic forms. For many individuals navigating through the NDIS website itself was a challenge.

"I have a number of tertiary qualifications and quite literate in English, but I struggle to navigate through the NDIS website to find out information. What terrifies me is what a person who cannot understand English would do if all the information they need to access is on internet. I can't find answers to simple questions like when is it going to start? Or has it actually started? Are there plans written and working in the NT or are they [the NDIA] still waiting for more information?"¹

CALD individuals with limited language skills in English will be at a disadvantage as they cannot obtain the best outcome that a person who is literate and understand his/her rights would be able to obtain under NDIS. All the materials pertaining to NDIS should therefore be available in simple English and also translated into other languages. These translated materials should be readily available for the public to access. The service providers, community organisations and community leaders should be made aware of the availability of translated materials and have access to hard and soft copies of these materials.

It is also important for NDIS materials to include information about how to access the Translating and Interpreting Service (TIS). NDIA should consider TIS essential to assisting CALD Australians to engage fully with the NDIS, and see it is as important and relevant to the NDIA that the TIS system works for their CALD consumers. NDIA staff must have an understanding of, and guidelines for, how to communicate with clients via TIS and any other language services that might be used.

¹ FECCA Access and Equity Consultation, Darwin, Northern Territory, 31 March 2015, Female - Carer.

Information about TIS must be easy to find and understand. It is also important for CALD people to be informed that these services are available to them without any cost. The misconceptions about TIS and other charges involved in this processes could deter people from utilising the service to improve their engagement with NDIA.

Choice and Control under NDIS

NDIS is one of the most important social reforms in recent history and among many positive features, it provides people with disabilities an opportunity to be independent. Central to the concept of this scheme is the 'choice and control' of the participants. Participants should be assisted from the planning stages to navigate the NDIS and explore all the options available to them. Due to the lack of culturally appropriate or culturally specific service providers, there will be minimal or in certain instances no choice for CALD people with disabilities. Moreover, due to the need for carers with the requisite language skills and understanding of the cultural needs of CALD people with disabilities, in many cases the most appropriate carer will be a family member. This should be taken into account when developing a disability support worker registration and accreditation system.

Plan management

As highlighted in this submission, one of the main impediments to CALD people in managing a plan will be language barriers. Self-management of a plan will involve adhering to a number of often complicated laws and regulations in relation to taxation, employment, insurance, etc. These requirements need to be explained to CALD consumers at the very outset, and CALD consumers should be provided with ongoing assistance.

Complaints mechanisms

NDIA cannot assume that all participants in the NDIS are aware of their right to complain, or how to access complaints mechanisms. Many CALD Australians are from countries where making complaints is not a cultural norm. Details about complaints mechanisms should be provided to the participants in the NDIS at the initial stage of planning and ensure that they understand the process clearly. This is particularly important for CALD people as the laws and procedures in their country of origin are different to those in Australia.

CALD Australians may encounter difficulties in accessing complaint mechanisms over the phone due to limited English language skills. The issues discussed in this submission in relation to TIS are also relevant to the accessibility and effectiveness of the NDIS.

Employment under NDIS

FECCA supports all measures adopted by the NDIA to ensure that there are effective and impermeable safety regulations in place to protect NDIS

participants through a national framework of background checks. However, we are concerned about those from refugee backgrounds not being able to enter the workforce under NDIS if the prospective provider or employee cannot obtain a police clearance from his/her country of origin due to reasons that are beyond their control.

Recommendations

- Conduct information sessions, workshops and other education programs to inform CALD communities about the NDIS, rights of the parties, laws and regulations under NDIS, applicability of laws and regulations in cross-cutting areas such as taxation, insurance and employment.
- Utilise ethnic radio and print media to disseminate information about the NDIS to CALD communities.
- Inform CALD people about complaint procedures at the planning stages, whilst emphasising that NDIS participants have a right to lodge complaints about the services they receive under the NDIS.
- Include easily identifiable information about accessing TIS in all NDIS materials.
- Establish guidelines for NDIA employees for communicating with CALD consumers using TIS.
- Ensure that the accreditation system for providers under NDIS recognises the needs of CALD communities including that they may have to find providers from their own communities to access appropriate services.
- Establish a robust vetting process for all support workers where the criminal history and capability/capacity to work with vulnerable groups of people are thoroughly assessed. When undertaking the process, consideration should be given to humanitarian entrants who may not be in a position to obtain police check from previous countries of residence. Determination of their suitability in coordination with migration authorities may be considered in this regard.