**Proposal for a National Disability Insurance scheme Quality and Safeguarding Framework Consultation Paper**

**Arts Access Australia Submission**

**Introduction**

Arts Access Australia (AAA) welcomes the opportunity to comment on the Proposal for a National Disability Insurance Scheme Quality and Safeguarding Framework Consultation Paper. Our comments are informed by the experiences of Australians with disability, as well as arts and cultural organisations who have or will become providers under the National Disability Insurance Scheme (NDIS).

**Summary of Recommendations**

**Building Capacity Through Access to Information**

* It is necessary to ensure that information is accessible, not only at the resource gathering stage, but also right through the engagement process in signing up for a service.
* Participants must be able to access information and sign up for a service independently should they so choose, without being forced to rely on community or carer support. While informal supports provided through family and friends are important, participants must not be forced to seek help where they do not want it.
* Participants must have the option to complete to application forms and other necessary documents in a range of accessible formats when they choose to sign up for a service under the NDIS.
* As well as information about service provision, participants should also have the ability to gauge a provider’s commitment to access.
* In addition to providing generalised directories of services on a local area basis, we recommend that the NDIA should work with specialist organisations such as AAA to engage more effectively with sector based programs.
* People with disability access information in a variety of ways and a one size fits all approach to this is not appropriate.
* AAA recommends the NDIA provide resources to its associates and providers, to ensure that they have the capacity to plan events which are accessible to all people with disability. We would be prepared to collaborate with the NDIA in developing this initiative if appropriate.
* AAA would be broadly supportive of the capacity for participants to share information about the ways in which they access supports under the NDIS, however, the lived experience of disability for each participant may be vastly different. As such, an adverse review by one participant should not detrimentally impact another participant’s option to access that same service, should it prove appropriate in meeting their needs and goals.

**Building Capacity by Strengthening Natural safeguards**

* AAA would encourage the NDIA to give serious consideration to the potential for arts and cultural access under the NDIS, and the ways in which this may be used as a method of enabling people with disability to build natural safeguards through local networks and the informal supports that these bring.

**Building Capacity Through Plan Development**

* It is essential that NDIS planners be conversant with the breadth of arts and cultural supports that participants may wish to access, both in professional and recreational contexts.

**Safeguards for Participants Managing their Own Plans**

* In the context of arts and cultural activities, AAA would recommend that participants continue to have the option of choosing supports from unregistered providers. In order to mitigate the risks of this strategy, AAA recommends that individuals be provided with resources enabling them to evaluate good practice in the sector and clearly articulate their goals in terms of arts and cultural access. AAA would be happy to work with the NDIA in the development of these tools.

**About Arts Access Australia**

Arts Access Australia (AAA) is the peak national representative body for arts and disability. We work to increase opportunities and access for people with disability as artists, artsworkers, participants and audiences. AAA is a disability-led organisation that provides three key services for its members:

* Representation and advocacy;
* Facilitation and development; and
* Information and advice.

We are unique in that we work with people with disability in all areas of the arts, across all art forms, all age groups and all types of impairments. Our members include the state peak arts and disability bodies, disability and mainstream arts organisations, disability service providers and individual artists and arts workers. A short film outlining the work that AAA does, and its mission as an organisation, can be found at the following link:

<http://www.artsaccessaustralia.org/news/588-arts-access-australia-showreel>

**Background**

AAA has been actively involved in high-level discussions throughout the ongoing development of the NDIS, and delivers key national initiatives with respect to the NDIS and it’s growing relationship with the arts and cultural sector. In particular, AAA lodged a submission to the Senate Standing Committee on Community Affairs, regarding the exposure draft of the NDIS legislation. AAA’s co-CEO, Emma Bennison, was also invited to present on the draft NDIS legislation to the Community Affairs Senate committee Hearing.

During 2014, AAA established a national working group, to focus specifically on the roll-out of the NDIS, and what this would mean in terms of arts and cultural access for people with disability. The AAA NDIS Working Group is comprised of a broad range of stakeholders, ranging from state based arts organisations and theatre companies, to individuals seeking to establish their own professional arts practice. Our recommendations in this submission are informed by the work of that policy group, the experiences of its members and their vision of how access to arts and culture can be improved.

We have addressed the relevant components of the paper as they relate to arts and cultural access below.

**Building Capacity through Access to Information**

The Proposal for an NDIS Quality and Safeguarding Framework Consultation Paper, (hereafter referred to as the Paper), notes that people with disability will find it difficult to exercise choice and control under the scheme without having access to high quality, credible and meaningful information. The Paper also notes that the support of family, carers and community will be essential for many people with disability to make informed choices as consumers. In relation to these issues, AAA would make the following points.

Firstly, we are pleased to see that consideration has been given to the provision of information in accessible formats. It is, however, important to ensure that there is also appropriate follow-through in this level of accessibility, when participants choose to sign up for a service. As such, any forms or other paperwork that the participant might be required to complete must also be provided in an accessible format. The provision of accessible and meaningful information will be severely undermined, if participants cannot respond to that information independently in a way that is also accessible. While carer and community support may be important elements in assisting participants to access services, it is also essential that participants are not forced into a situation of being reliant on these supports to access information and that they have the capacity to engage with the NDIS independently should they so choose. For example, a process whereby the initial information about the provider was accessible, but where a person with a print disability was required to rely on family or carer support in order to complete forms to access the service, would not be acceptable. The Paper makes reference to the potential for participants to purchase services and access information about their plan directly through an online portal. AAA would be broadly supportive of this, provided that it is designed with accessibility for all people with disability in mind.

The Paper also gives consideration to the necessary features of an information system, and the factors that might assist participants in choosing a provider. AAA believes that as well as information about available service provision, participants should also be afforded the ability to gauge the providers level of commitment to access, before signing up for a service. This might include information such as:

* Details about physical access to the provider’s place of business, should this be required in order to utilise the service;
* Information about whether users of the service can receive ongoing communications from the provider in accessible formats such as electronic text, Braille and large print;
* Whether or not the provider has in-house access to Auslan interpretation, captioning, hearing loops and so on; and
* Whether or not the provider’s staff are trained in disability awareness.

As noted in the paper, it will be necessary that people have access to relevant information about the supports available in their local area. We would suggest that in addition to establishing directories of generalised services, the NDIA work with organisations such as AAA to engage more effectively with sector-based programs. For example, the supports that participants may wish to access in the arts and cultural sector are many and varied. They are not limited to recreational supports and may extend to programs that facilitate employment or professional development outcomes for the participants involved. AAA has member organisations in each state and territory and has the expertise and specialised knowledge to establish links between participants and providers ranging from community arts involvement, to professional level arts and cultural activity. We provide listings of workshops and other opportunities via our website, social media, and also through our E-News, which has approximately 11,000 subscribers. We would request that NDIS planners be encouraged to subscribe to this service, as a means of assisting them to be conversant with the breadth of opportunities across the arts and cultural sector that participants may be eligible to access.

The paper also asks what approaches to delivering information such as web based information, peer review sites and consumer expos, might best meet participant information needs? AAA believes it is essential to be mindful that people with disability may access information in a variety of ways. Accordingly, it is equally important that the NDIS does not attempt to take a one size fits all approach to service delivery and information distribution. Web based information may be ideal for some participants, while others may prefer to attend events such as expos, where they can engage directly with potential providers. AAA would suggest that all of the events proposed in the Paper are viable solutions to the delivery of information. It is vital, however, that whether information is delivered in an online environment or as a physical event, access must be built into the planning process for these initiatives from the ground up. AAA would suggest that the NDIA provide resources to its associates and providers, to ensure that they have the capacity to plan events which are accessible to all people with disability, irrespective of their impairment. AAA has a wealth of information relevant to making events accessible, all of which can be accessed via our website. Our suite of Planning Access factsheets can be found at the below link;

<http://www.artsaccessaustralia.org/resources/advice-sheets/468-planning-access-an-introduction>

AAA would be more than happy to discuss the potential for these resources to be adapted for NDIS providers, should the NDIA feel that this is appropriate.

Finally in relation to this topic, the Paper considers whether participants should be able to share information through consumer ratings of providers and online forums, and the associated risks and benefits of this facility. AAA would be broadly supportive of the capacity for participants to share information about the ways in which they access supports under the NDIS. The sharing of such information could ultimately be a vehicle to assist in identifying those processes which are working well under the scheme, and those which are not. If NDIS planners are also able to use this information when recommending supports, it will be necessary for them to be apprised of the fact that the lived experience of disability for each participant may be vastly different. It will therefore be important to ensure that adverse review of a particular support for one participant, does not unfairly prejudice another participant’s capacity to access that same support, should it be appropriate to their needs and goals.

**Building Capacity by Strengthening Natural Safeguards**

The Paper notes that people with disability often rely on families and carers as a natural safeguard in making decisions about their lives. Accordingly, the Paper states that there should be a focus on building support networks through access to mainstream and community supports. AAA suggests that access to arts and cultural activities under the NDIS will be a key mechanism in reducing isolation for many people with disability and enabling them to forge friendships and connections in their local communities. There are numerous examples of the way in which access to activities such as choral singing, drama and dance can be beneficial both in assisting people with disability to build connections, but also in creating disability aware communities. With this in mind, AAA would urge the NDIA to give serious consideration to the potential for arts and cultural access under the NDIS, and the ways in which this may be used as a real and beneficial method of enabling people with disability to build natural safeguards through local networks and the informal supports that these bring.

**Building Capacity Through Plan Development**

The Paper notes that the planning process under the NDIS will help participants to build the skills necessary to make choices about the supports they need. In order for the assistance of NDIS planners to be of value in this context, it is essential that those planners be well informed about the breadth of supports that participants may wish to access. In relation to cultural access under the NDIS, the anecdotal evidence that AAA has gathered from current trial sites indicates that arts programs are presently being regarded primarily as recreational supports. This is of grave concern to AAA because it does not accurately reflect the scope of professional level opportunities that many people with disability achieve through the arts and cultural sector. If planners are to play a key role in assisting people with disability to decide on appropriate supports, AAA feels it is necessary that those planners be familiar with the broad aray of programs and opportunities available in the cultural sector, so that they do not unduly limit the supports and outcomes that are available to participants in this space. Some recent examples of professional level arts development that people with disability have successfully engaged with are detailed below and include:

Leadership Through a Different Lens

In 2014, Arts Access Australia Co-CEO Emma Bennison travelled to the UK to find out why there are more leaders with disability in the UK, and what we can learn from this in Australia. As part of her trip, Emma filmed many interviews with the people she met and will be traveling across Australia to share the film and her experiences with many communities throughout 2015. You can view a trailer, and find out where you will be able to see the full film here:

<http://www.artsaccessaustralia.org/news/587-leadership-through-a-different-lens>

Discrimination: the Good, the Bad, the Ugly!

Experiences of discrimination can challenge us. They can be isolating, liberating, frustrating or empowering. How we respond to discrimination can have a profound impact, both on ourselves and the people around us. In 2014, we asked people to share with us their creative responses to, “Discrimination: The Good the Bad, the Ugly!”, and they did! The submissions that we received (videos, paintings, photographs, performances and personal stories) have been assembled into a film, which was shown as a feature session during the Arts Activated 2014 Conference. The artworks depicted in the film are a powerful reminder that the experience of discrimination means something different to each of us. You can view the full exhibition here:

<http://www.artsaccessaustralia.org/news/596-discrimination-the-good-the-bad-the-ugly>

Emma J Hawkins in I Am Not a Unicorn

Come and get lost down the rabbit hole with Emma J Hawkins, where Alice is probably drunk playing cards with Goldilocks and the Three Bears. Come meet some of the locals, John the train driver (an average bloke), the grand dame and the rare horned beast. This piece discusses the concepts of being normal, abnormal, different and special and whether we want to be any of those things. Appearing as part of the Melbourne International Comedy Festival 2015, Emma J Hawkins in I am Not a Unicorn has been made possible through funding from the Australia Council for the Arts. The performance has captivated audiences and a review from the Herald Sun can be found here:

<http://www.heraldsun.com.au/entertainment/comedy-festival/emma-j-hawkins-in-i-am-not-a-unicorn/story-fni0fdju-1227300273793>

**Safeguards for Participants who Manage their Own Plans**

The Paper notes that in order for participants to exercise choice and control over their individual plans, there needs to be a good deal of flexibility in terms of who can provide supports. Following on from this, the paper asks whether participants who manage their own plans should be able to choose unregistered providers of supports. AAA recognises the value and significance in participants having a level of assurance that they will be provided with quality supports under the NDIS. In the context of access to arts and cultural activities under the scheme, AAA believes that participants should continue to have the currently available option of choosing supports from an unregistered provider.

Many arts programs are made available through small and locally based community organisations. Significantly, many of these organisations may be mainstream entities that are inclusive of artists with disability, without necessarily being set up specifically as disability groups. As discussed above, access to these programs can make a valuable contribution in terms of providing opportunities for social participation and civic engagement. If any community arts organisation that engages a participant with disability is required to register as an NDIS provider, this has the potential to limit opportunities for participants and to increase social isolation, rather than reducing it.

If the NDIS were to adopt a system requiring services to be obtained through only registered providers, AAA would propose that this should only apply to specific types of supports that would give rise to an increased risk of harm to the participant. In the case of community and recreational activities that pose a relatively low level of risk, such as access to local arts groups, AAA would suggest that the current arrangements for choice in providers remain in place. This system would offer additional safeguards for supports where they are required, but would avoid the situation where people with disability may be discouraged from engaging with community organisations that are not registered providers.

AAA recognises that it is important to ensure appropriate support without unduly limiting the options that are available to individuals. In order to mitigate this risk in the context of supports across the arts and cultural sector, AAA would be happy to work with the NDIA to create resources that would assist individuals to evaluate good practice in the services they choose. This might include information for individuals about what they can expect from a service, and what their rights and review processes will be in the event that said service does not meet the goals of their plan. Similarly, it will also be important to ensure that individuals have appropriate resources and advocacy tools to enable them to articulate their goals around artistic practice, as part of the NDIS planning process. AAA would be willing to collaborate with its networks to assist the NDIA in developing these tools if appropriate.

**Conclusion**

The arts and cultural sector offers a wealth of opportunities for effective and worthwhile engagement with the NDIS. The arts offers unique opportunities for social and economic participation and it is AAA’s hope that due consideration can be given to the cultural sector during the development of an appropriate quality and safeguarding framework. We appreciate the opportunity to consult on what will undoubtedly be an important issue as the roll-out of the scheme progresses. Please feel free to contact AAA Co-CEO Emma Bennison, should you wish to discuss any aspect of this submission further.

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