

24 July 2015

In reply please quote reference:

Ref: A2660420

Department Social Services
PO Box 7576
CANBERRA ACT 2610

Dear Department Social Services

Re: submission to the National Disability Advocacy framework discussion paper

I am writing on behalf of the Darebin Disability Advisory Committee (DDAC). DDAC acts as an advisory body to Council on issues relating to access and inclusion for people with a disability in Darebin. DDAC is chaired by a Councillor and its membership is made up of community representatives with a disability, carers, local disability services providers, and relevant Council staff. 2015 marks DDAC's 21st anniversary as a passionate and proud group advocating for the rights of people with disability and their carers.

We would like to thank the Department of Social Services for the opportunity to feed into a key component of the NDIS. Access to all forms of advocacy is paramount to ensure people with disabilities can achieve independence, while feeling safe and having their rights and dignity protected.

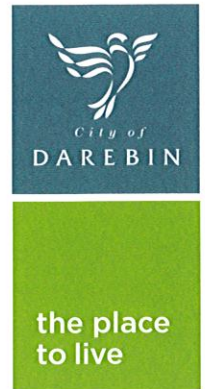
Our attached submission will be addressing the guiding questions set out in the discussion paper.

Again we thank you for the opportunity to be a part of this important discussion in supporting the community, service sector and people with a disability to become better advocates and exercise greater choice and control in a safe and dignified manner. We hope that feedback received from the sector helps contribute to a more robust Advocacy Framework. To clarify any points made throughout this submission, please contact Gillian Damonze, Coordinator Community Participation and Development on 8470 8339.

Yours sincerely



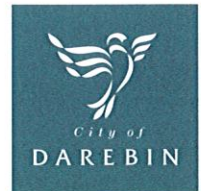
**On behalf of Darebin Disability Advisory Committee
Councillor Julie Williams
Darebin City Council**



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Review of the National Disability Advocacy Framework discussion paper

1. Do you believe the current Framework encompasses your vision of advocacy in the NDIS environment? If not, what changes are required?

The current Framework provides a broad overview of the support requirements of people with disability. However with the introduction of the NDIS and significant budgetary changes to the advocacy sector additional scrutiny is needed to strengthen areas that remain unclear within the National Disability Advocacy Framework.

Recent NDIS submissions focussing on developing the Information, Linkages and Capacity Building Framework and the Quality and Safeguarding Framework will provide a rich source of information that can help build on and contribute to the National Disability Advocacy Framework.

The recent ILC Framework paper identified *some NDIS participants will face particular challenges exercising their rights without support*. Many people with disability lack the skills and confidence to self-direct and self-advocate. While there are obvious advantages to supporting people with disability to become self-advocates, this still requires significant preparation and building on the capacity of the person with a disability to fully understand and embrace this concept. Raising awareness among people with a disability of their rights is an important first step in this process but one that requires time. Without a basic understanding, a person with disability is less likely to identify as having rights. They are less likely to be able to name exploitation and mistreatment of their rights, less likely to understand with rights come responsibilities and are less likely to contest abuse of their rights.

A National Disability Advocacy Framework should have at its core an emphasis on educating and empowering people with disability to know what their rights and responsibilities are and what options they have to realise their rights. Self-advocacy is a powerful concept to move towards; however not every person with a disability will have the capacity for this. Outlining the options for people with disabilities to access advocacy supports whether or not they are eligible shifts the balance of power back to the person with a disability.

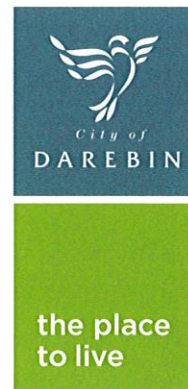
An Advocacy Framework should ideally be a reminder to the sector and all those who work within it of the human rights that underpin the needs of people with a disability wanting to access the NDIS. The Framework should provide clarity for all stakeholders – participants or service providers. However some of the aspects of the Advocacy Framework remain unclear and these points are articulated below:

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1. The Advocacy discussion paper identifies that *the NDIS will fund decision supports, safeguard supports and participant capacity building*.
 - Who and what funding will be available to support individuals with a disability ineligible for NDIS funding?
 - Eligibility or ineligibility can sometimes hinge exclusively on how information is interpreted. For participants who are deemed ineligible for NDIS funding, what steps can they take to contest this decision or where can they go for and independent or alternative reassessment.

2. For NDIS eligible participants, will their advocacy supports be provided on a user pays basis?
 - Is a participant expected to anticipate and include advocacy supports and costs in their planning episode?
 - Will participants be able to exercise choice and control and select an advocacy service that is not funded under the National Disability Advocacy Program?

3. There are a myriad of policies that govern the disability sector and while these policies and standards go some way in promoting access and inclusion, it is the daily experiences of people with a disability that reveal how these policies and standards do not always hold up.
 - Therefore, monitoring the extent to which principles translate into actions could be a key principle and focus of the Advocacy Framework.
 - A key element to mainstream capacity building should involve incorporating measures of accountability and monitoring of mainstream services and the community in meeting NDIS objectives and legislated standards of practice.

Recommendations:

- Include an output about systemic advocacy focussed on monitoring and reviewing the private sector and sector bodies are meeting their legislated standards of practice.
- Articulate within the Framework, where people with disability, ineligible for NDIS funding, will be able to go if they need to access advocacy supports and how they will be supported – if required - to have access to these supports.

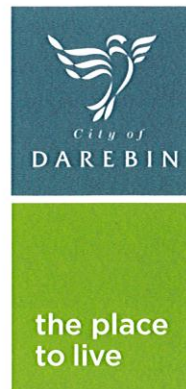
2. Are the principles of the Framework appropriate for guiding the delivery of advocacy for people with disability in a changing disability environment, including in the context of the NDIS? If not, what changes are required?

A key principle not articulated in the Framework is the acknowledgement that people with a disability have rights. There is a principle included in the Framework which focuses on: *disability advocacy as strengthening the capacity of people with disability to speak for themselves by actively supporting and encouraging self-advocacy.*

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However, many people with a disability are not aware and/or do not understand that they have rights as citizens and as service recipients and that they have responsibilities that accompany those rights. Therefore, people with a disability may not try to self-advocate or seek the support of others to advocate on their behalf.

A new principle could be included that focuses on NDIS recipients to voluntarily undertake a short workshop or access hard copy material for example that focuses on their rights, responsibilities and entitlements. This information could be provided in a variety of formats with input from people with disabilities about how this could work.

Another key principle missing from the Framework concerns the human rights of people with disability. A human rights based approach only strengthens a person's ability to have their rights recognised and can be a great self-advocacy tool.

Looking at the Framework in the context of the NDIS, some additional principles could be included in relation to the key values and outcome areas of the Quality and Safeguarding Framework, including:

- Ensuring staff are safe to work with participants
- Safeguards for participants who manage their own plans
- Reducing and eliminating restrictive practices
- Identifying and enhancing natural safeguards
- Monitoring and oversight mechanisms
- Independent complaints handling

Recommendation:

- Include *Human Rights* as a key principle guiding the delivery of advocacy for people with disability.
- Include principles linked to the Quality and Safeguarding Framework
- Include principles about raising awareness among people with disability about having rights as a citizen.

3. Are the outcomes of the Framework still relevant or should different ones be included? If so, what should be included?

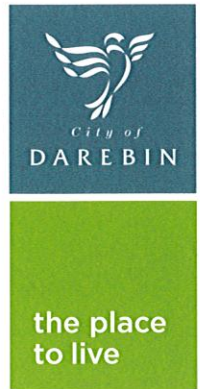
The Framework loosely refers to the diversity within the disability community under 'Principles'. However, it does not include 'diversity' as an outcome. *People with disabilities of various cultural backgrounds often have to deal with multiple issues on multiple fronts—their cultural background can act to complicate and compound issues associated with disability* (Shut Out report 2009). People with disabilities who identify as Aboriginal and Torres Strait Islander or people or people from culturally and linguistically diverse backgrounds will inevitably experience the NDIS differently and will most likely require extra and/or different supports to ensure they do not experience undue risk due to their background or experience of disability. Therefore

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the Framework should include a specific outcome relating to advocating for the rights of people with disability from diverse backgrounds. This could involve developing a cultural framework to ensure both the NDIS and service providers are culturally safe and responsive to the needs of people with a disability from diverse backgrounds.

Recommendations:

- Include an outcome relating to advocating for the needs of people with disability who identify as Aboriginal and Torres Strait Islander backgrounds or people from CALD backgrounds.
- Reference other National legislation and policies that support and protect the rights of people with a disability including the National Disability Strategy, *National Disability Insurance Bill 2013*, and *Disability Discrimination Act 1992*.
- Include an outcome that advocates for the reinstatement of the Disability Discrimination Commissioner role.
- Include an outcome that funds the delivery of advocacy and rights training to people with a disability. Ensure the content is delivered in a way that supports the diverse learning and support needs of people with disability as well as addressing the diverse advocacy needs of people with disability.

4. Are the outputs of the Framework still relevant or should different outputs be included?

The *Shut Out Report 2009*, undertaken by the National People with Disabilities and Carer Council, was compiled from over 750 submissions received from people with a disability, carers and a range of organisations. Social inclusion and meaningful participation was identified as a key area where barriers are experienced, due to social exclusion and discrimination. *'People with disabilities and their families, friends and carers reported daily instances of being segregated, excluded, marginalised and ignored'* (*Shut Out report*). There are still significant attitudinal barriers that result in the continued exclusion and discrimination of people with a disability sometimes in every aspect of their life. Submissions in the Shut Out Report identified discrimination as being *'both systemic and systematic, entrenched in the everyday practices of government, businesses, community groups and individuals'*.

Despite a stronger presence in the community, the extent to which people with disabilities are valued as active members of their community is varied. As the support provided to people with a disability continues to become more self-directed and flexible, mainstream society needs to become more welcoming and inclusive.

Some output examples for mainstream and private sector services could include:

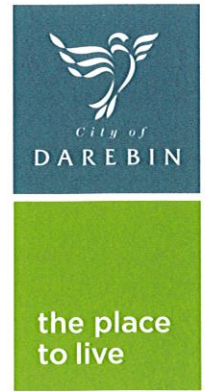
- Key Performance Measures for Government funded bodies responsible for the provision of housing, transport, infrastructure and education
- Good practice awards that are based on nominations of the experiences of people with a disability

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- Assess the employment rates of people with disability in the open workforce compared to employees without a disability
- Assess the socio-economic and health and well being status of people with a disability compared to people without a disability.

Recommendations:

- Include an output item about systemic advocacy that addresses the key areas of discrimination experienced by people with disability in their everyday lives e.g. access to education, employment and health services.
- Stronger emphasis on the value of and need for ongoing systemic advocacy.

5. Does the Framework identify what is needed in the current and future disability environment? If not, what changes are required?

Some of the most entrenched and intractable issues for people with disability are experienced in the private sector. For example, people with disability trying to gain employment, access health care and the education system, access to affordable and appropriate housing, public transport and the built environment. The private sector will continue to operate separately from the NDIS and will continue to be the only access point for numerous services for people with disability. Therefore, the private sector should have a greater role in improving the social inclusion of people with a disability and should accordingly be included in the Advocacy Framework.

Recommendation:

- Include references to the private sector as a provider of services to people with disability and their need to be accessible and inclusive of people with disability.

6. Do you have any other comments, thoughts or ideas about the Framework?

As a collective, DDAC was unaware there was an Advocacy Framework in place. As an advisory committee, we strive to be aware of relevant policies, programs and strategies and across issues affecting people with disability. There are significant changes approaching not just the sector but also the community as a whole. People with disability, regardless of funding, should have access to appropriate and timely advocacy support. Therefore, more work is needed to promote the Advocacy Framework as a resource to people with disability and a quality and safeguarding mechanism.

Recommendation:

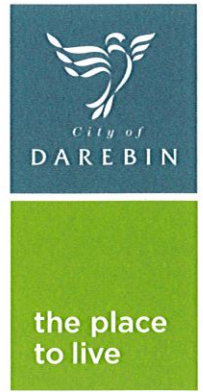
- Better promotion and awareness raising of the Advocacy Framework among the disability community.
- Link the Advocacy Framework to the NDIS Quality and Safeguarding Framework for NDIS participants.

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- Encourage service providers to reference the Advocacy Framework in their customer service and complaints policy.

Other comments

We would like to express concern about the limited mechanism to provide feedback regarding the Advocacy Framework. If the intention of the Advocacy Paper was to gauge feedback from professional organisations as well as people with disability and their families, it was dispiriting to see the only option for responding to the paper was via online submission.

Any organisation with a mandate to support, promote and raise the profile of disability in the community, especially at a national level can expect scrutiny with regard to how well it is able to 'walk the talk'. Providing such limited options with regard to how people with a disability can input into the Advocacy Framework demonstrates an important missed opportunity by the DSS to demonstrate to the wider community how it intends to communicate with people with a disability and how it expects mainstream service providers to communicate through leading by example.

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