

## National Disability Advocacy Framework

### Submission to the Department of Social Services

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Deaf Society of New South Wales  
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#### Contact

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## BACKGROUND

The Deaf Society of NSW was established in 1913 and is a company limited by guarantee. We are a not-for-profit, bi-lingual, bi-cultural, community-centred organisation which exists to achieve equity for deaf people. Our services include employment services, Auslan interpreting, education and training, independent living skills, advocacy, community development and community services. Our vision is Equity for Deaf People. We work in partnership with the Deaf Community to enhance the quality of life of deaf people, strengthen the community and advocate for changes that will ensure fundamental rights and freedoms.

In this submission, we refer to the Deaf Community as both a disability group (because members of the community have their rights protected under the UNCRPD), and a CALD group (because the community has a unique language, Auslan, and a unique set of cultural practices and values which are quite different to the practices and values of the wider community). Hard of hearing people are those with a hearing loss who use a spoken language as their main means of face-to-face communication and who do not identify with the Deaf Community. Deafblind people have both hearing and vision loss, and may communicate in English or Auslan or both, using adapted visual, auditory, and/or tactile modes.

## EXECUTIVE SUMMARY

The Deaf Society supports the broad direction of the National Disability Advocacy Framework ('the Framework'). However, we also see scope for strengthening the Framework's approach to minority CALD groups such as the Deaf Community. The independence of advocacy services is especially relevant in this connection, as is the place of interactions between advocacy systems and the Information, Linkages and Capacity Building systems envisioned by the NDIA.

## VISION OF ADVOCACY

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

Our vision of advocacy under the NDIS is that deaf, deafblind and hard of hearing people would be able to access advocacy services which are culturally safe and linguistically appropriate. This would mean that some staff in advocacy services would need to have specialist skills; they would be fluent in Auslan and familiar with the history and culture of the Deaf Community, as well as being skilled advocates. Ideally a majority of them would have lived experience of deafness, i.e. be deaf, deafblind or hard of hearing themselves. The Framework makes only passing mention of recognising diversity. In our view, this needs to be strengthened so that cultural awareness and language fluency is built into the design of advocacy services.

## PRINCIPLES

*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?*

The principles of the framework are sound. However, the seventh principle could be strengthened. It currently reads:

Disability advocacy recognises and respects the diversity of people with disability

We would recommend the amendment of this principle to read:

Disability advocacy recognises, respects *and actively supports* the diversity of people with disability

The diversity of the Deaf Community is both linguistic and cultural. However, as part of a minority culture, many deaf people have assimilated the wider view that their own language and culture is of lesser value than that of the wider community. If all deaf people had a strong sense of the worth of their own culture, then it would be sufficient simply to recognise and respect that culture. However, as the language and culture are typically misunderstood and undervalued, successful advocacy requires a pro-active response to fostering this culture and valuing sign language.

## OUTCOMES

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

The outcomes are still relevant. We commend the inclusion of an outcome specifically upholding the rights and freedoms protected under the UN Convention on the Rights of People with Disabilities. We note that the right to access in sign language is protected under this Convention, and in light of the importance of such access under the Convention, we propose the addition of one further outcome specifically to protect the rights of deaf people and other CALD groups:

People with disability have access to linguistically appropriate and culturally safe advocacy services

## OUTPUTS

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

In our view the outputs of the Framework are relevant and appropriate.

## WHAT IS NEEDED

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

Although the Framework is broadly speaking appropriate, it does not identify what is needed to make advocacy work for deaf, deafblind and hard of hearing people. The lack of reference to linguistically appropriate and culturally safe services is especially problematic in light of the need for independence of advocacy services.

The Reform and Policy Directions section of the Framework states:

(b) Governments will ensure that disability advocacy is free from conflict of interest and independent from the broader service system that provides support to people with disability;

Although this is an excellent goal, the Framework appears oblivious to the practical problems of implementation, especially with minority CALD communities such as the Deaf Community.

The Deaf Society is a good case study in this respect. It is both a service provider and an advocacy organisation. The vast majority of our advocacy work is directed towards other organisations. However, sometimes cases of conflict of interest can arise, and we believe that deaf, deafblind and hard of hearing people should have access to more than one good advocacy service so that their rights are protected in

such situations. However, there are no other services which are culturally safe or linguistically appropriate for deaf and deafblind people who use Auslan or deafblind communication. We are often preferred by the client, even for advocating within our own organisation (e.g. one service department to another), because we can communicate with the client and are a trusted source of information.

We have introduced policy controls to ensure that deaf people can access independent advocacy in such cases. These include referral to other advocacy services, but in our experience we need to spend a significant amount of time educating the advocacy service provider even on very basic access measures like the use of interpreters, and the funding for interpreter provision is often problematic.

The Framework as it stands is essentially silent about the need for specialist communication skills and the needs of CALD groups in the advocacy field in order to ensure that minority groups can access independent advocacy. We would suggest the addition of a Policy Direction specifically addressing the needs of CALD groups including the Deaf Community.

## OTHER COMMENTS

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

There are two areas of practical importance in the implementation of the Framework on which we would like to provide comments:

1. The likely de-funding of specialist advocacy services in NSW as funding is rolled over to the NDIS
2. Trends observed in the NDIS ILC Framework

### **1. De-funding of specialist advocacy services**

The Deaf Society currently receives funding to provide advocacy and information services in NSW. This funding covers the costs of advocacy required for deaf, deafblind and hard of hearing people to access health, mental health, legal, educational and other services on an equal basis with others.

We are concerned that the possible cessation of this funding in July 2016 will leave deaf, deafblind and hard of hearing people without any culturally safe or linguistically appropriate advocacy services in NSW. The recent de-funding of Deaf Australia at the national level has already significantly lowered the capacity for systemic advocacy on issues affecting deaf people. We are now facing a situation in which there may also cease to be culturally appropriate individual advocacy. This could shut deaf, deafblind and hard of hearing people out of advocacy services in NSW altogether.

We would recommend the inclusion of a Policy Direction in the Framework aimed at preserving access to specialist services for specific disability groups such as deaf, deafblind and hard of hearing people.

### **2. Trends observed in the NDIS ILC Framework**

The National Disability Advocacy Framework will have significant interactions with the Information, Linkages and Capacity Building (ILC) system. The fine distinction between 'decision support' and 'advocacy' is likely to mean that some individual advocacy will also be done using staff time funded under ILC arrangements.

The ILC Framework does include mentions of the need for "information about specific disabilities and the impacts of diagnosis". However, there was also a strong trend towards generalist services and away from specialist services which can communicate specialised information to their specific client bases.

This is highly problematic. A generalist approach (one in which one provider is expected to be *au fait* with all disabilities, and equally able to create appropriate environments for people with each and every type of disability) is doomed not only to practical failure in achieving outcomes but also to cost blowouts. The suggestion that the provision of "stream one" pathways to support can "potentially be incorporated into

the Local Area Coordination role” is particularly concerning. Generalist roles such as the LAC are unlikely to have the language skills to make their services accessible to deaf people, and expecting them to do so will magnify the costs of the scheme by requiring the use of Auslan interpreters at every appointment.

Both Frameworks need to be designed in such a way as to ensure that deaf, deafblind and hard of hearing people have access to specialist services which are culturally safe and linguistically appropriate, including at the points where provision may overlap between these systems. Both need to recognise the need for specialist services for CALD groups. The model of indigenous LAC roles is one which we see as beneficial and replicable for other CALD groups such as the Deaf Community. This has the potential to be much more cost effective as well as more culturally appropriate.

## **SUMMARY OF RECOMMENDATIONS**

We make the following recommendations:

1. The amendment of Principle 10 (g) to read “Disability advocacy recognises, respects *and actively supports* the diversity of people with disability”
2. The addition of another outcome: “People with disability have access to linguistically appropriate and culturally safe advocacy services”
3. The addition of a Policy Direction specifically addressing the needs of CALD groups including the Deaf Community
4. The inclusion of a Policy Direction in the Framework aimed at preserving access to specialist services for specific disability groups such as deaf, deafblind and hard of hearing people.