

# Review of the National Disability Advocacy Framework

Submission

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Association for  
Children with a  
Disability

Support Educate Influence Achieve

## **Introduction**

Established in 1980, the Association for Children with a Disability (ACD) is a non-profit community based organisation representing children with a disability and their families living in Victoria. Our current membership includes over 2,000 families.

## **Statement of Purpose**

- To empower parents of children with a disability to be as self-sufficient as possible in advocating on behalf of their child and family.
- To promote and advance the rights of children with a disability and their families.
- To advocate on behalf of children with a disability and their families to ensure the best possible support and services are available.
- To work collaboratively with other organisations to improve the service system for children with a disability and their families.

## **General Comments**

ACD is pleased to have the opportunity to contribute to the review of the National Disability Advocacy Framework.

As an organisation with a core focus on the rights of children with a disability and their families, committed to providing effective information and advocacy to families, we are of the position that disability advocacy will need to remain as an essential element in the new NDIS environment.

The NDIS will in no manner reduce the need for advocacy, which will play a key function in ensuring a sustainable NDIS which can enable improved outcomes for children with disabilities and their families.

## Response to questions

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

The National Disability Advocacy Framework, in its current form, is a very broad and overarching document, with which it is hard to identify critical flaws. Its vision of advocacy is sufficiently wide so as to cover the vast majority of needs for advocacy, both in the current environment and in the future NDIS. But consequently, this breadth makes it difficult to ensure measurement and reporting of outcomes in regards to its effectiveness as a framework.

From the perspective of an organisation working with children and families, we are of the opinion that the Principles, Outcomes and Outputs all need to explicitly recognise the *rights of children* with a disability and reinforce the role of the family in supporting and advocating for their child. This could be reinforced in the Principles by including the UN Convention on the Rights of the Child. Advocacy provision for children with a disability and their families and carers requires an emphasis that may be implied but needs to be explicit throughout the framework.

Furthermore, ACD recommends that steps be undertaken to enshrine the National Disability Advocacy Framework in legislation, based on the principles of human rights, to ensure that the principles, outcomes and outputs become enforceable. This would best be undertaken through the inclusion of the right to the assistance of a disability advocate to be included in the *National Disability Insurance Scheme Act 2013*. Without this step to ensure that the framework is adhered to and given the priority it deserves it will, despite its best intentions, remain a limited document.

### **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?**

Echoing our statements in the previous section, ACD recommends strengthening the principles by including children and their families e.g. Disability advocacy promotes the interests and wellbeing of Children and adults with a disability (and their families) and promotes their full and valued inclusion as contributing and participating members of the community.

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

Many of the outcomes, when reinforced with the recognition of the rights of children with a disability and their families, will strengthen the NDAF by providing a focus on the fact that outcomes for adults (eg. People with a disability achieve economic participation and social inclusion) have to start with the expectation that children

with a disability will receive the type of quality education that prepares them for economic and social participation.

Education is the area that ACD receives over 40% of its calls from parents seeking support. Effective education provision by educators with the commitment to and understanding of the complex needs of children with children with a disability, and inclusion in all aspects of academic, social and emotional education provision is critical to the success in planning educational pathways beyond schools, and indeed in economic and social participation.

In addition to the current outcomes, we would recommend that an outcome be added in regards to children with a disability, their families and carers being assisted to improve their resilience and ability to advocate for themselves. ACD's experience demonstrates that families want to advocate for their children but many require information, skills and knowledge to ensure their children's rights in education, health, social and other life areas are met. This critical advocacy education or capacity building role needs to be acknowledged and resourced, and be available on an ongoing basis.

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

Support and capacity:

Effectively advocating for a person's rights requires as a first principle that the person themselves is aware of that right and provided with all necessary supports to be able to advocate on behalf of that right. Accordingly, ACD recommends that the Framework supports children and youth to be supported to have an understanding of their rights, discrimination and how to advocate for themselves, and that accessible, independent advocacy support is available.

NDIS transition:

The importance of the advocacy function in the NDIS amplifies the need to clarify the funding responsibilities of the NDIA and governments as it relates to the funding of advocacy and Information, Linkage and Capacity (ILC) services, so as to reduce the risk of gaps being created in markets and communities when funds are transferred to the NDIS and governments withdraw from direct service provision. As such, ACD recommends that a revised framework clarifies these boundaries between the NDIA and government responsibilities for advocacy functions, and clearly identify those advocacy functions which must be funded and delivered independent of the NDIS.

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

ACD strongly encourages the Department in its review of the NDAF to ensure that it is doing so in light of the Ombudsmans report on the abuse of people with disabilities. In particular, his recommendation that there is a funding boost for

advocacy for increased support to report abuse, lodge complaints and empowerment, as follows:

*Recommendation 2 The findings of this investigation support an increase in the funding for advocacy, which should be informed by a comprehensive assessment of the need. This is particularly critical in the transition to the NDIS. I recommend the government:*

*a. undertake a comprehensive assessment of the advocacy needs of people with disability*

*b. transfer sufficient funding provision from DHHS, and responsibility for administering advocacy services, to the Office of the Public Advocate,*

*including: (i). ensuring access to advocates to assist people with allegations of abuse, and to support them through the process*

*(ii). providing oversight for advocacy services to ensure consistency and best practice.*

ACD supports in-principle the increasing of independence in regards to the administration of advocacy services that this recommendation reports, and the need to separate it from the NDIS to ensure that it is not reliant on NDIS funding. However, the exact nature of the arrangements would need to be explored in more detail to examine the best method of administration and to determine whether the Office of the Public Advocate is the best placed for that role.

**ACD appreciates the opportunity to contribute to the NDAF and commends the Government for undertake a thorough consultation process with those organisations involved with disability advocacy. We look forward to the outcomes of the review and remain open to providing further input and assistance, and utilising the experience of our members, to assist the Government in the development of disability advocacy into the future under the NDIS.**

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