

## Review into the National Disability Advocacy Framework

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Disability Advocacy and Information Service (DAIS) is an independent community organisation providing a voice and empowerment to people with all types of disability and all ages, living in North East Victoria and Southern parts of New South Wales. DAIS advocates, informs, trains and resources individuals and organisations in human rights to enhance community participation by a diverse range of people in support services and the wider community.



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DAIS receives funds from the Commonwealth Department of Social Services, New South Wales Department of Family and Community Services' Agency for Ageing, Disability and Home Care, and Victorian Department of Health and Human Services' Office for Disability. This has provided DAIS with good insight to see how the National Disability Advocacy Framework (the Framework) is interpreted across jurisdictions and funding bodies.

Advocacy was one of the few funding programs which had joint responsibility when first under the Commonwealth/State Disability Agreements when it was signed back in the 1980s. Now that a number of states have indicated that they will not directly be funding disability services after the introduction of the NDIS, it is important that the safeguards for independent advocacy continue to be part of the framework after the potential outcome that all advocacy funding will be coming from the Commonwealth or through the NDIA.

The current framework is a very broad attempt to define advocacy which leaves it open for interpretation. The advantage for organisations, of having a broad framework is that it is flexible in the way services are able to be delivered, responding to the needs of the local community, client group or membership. The disadvantage is that it is difficult to provide consistent advocacy services across Australia when there are very different perspectives of what advocacy is. If there is to be a consistent advocacy program across Australia the framework needs to be seen as a strategic document, with other documents including Code of Practice or Advocacy Practice Manual, which will bring consistency across service providers.

The discussion paper did not articulate where Advocacy will fit as part of the funding model of the NDIS. It would be appropriate though to decide this fundamental question before setting a new framework as this may determine the context for the framework. Since the launch of the NDIS it has been unclear how funded advocacy services for people with disability fits in with the NDIS or if it even fits at all. A main principle of the advocacy is that it is offered **free of charge** and **free of conflict of interest**. It is a right that people with disability have their **independent** voice heard. There is a case to argue that advocacy should continue to be funded outside the NDIS to enable it to do the traditional work which is to protect the Rights of people with disabilities to access the community including mainstream services.

**Independent advocacy needs increased funding to undertake its traditional work, plus extra funding to enable advocates to do the additional role of supporting people to develop a plan through the NDIS.**

Disability advocacy has a clear role to play, working alongside the NDIA planners to support a person with a disability to develop their support plan under the NDIS, particularly for people with limited capacity to make decisions. It is imperative that people with disability are supported by a trusted person to enable them to be involved as much as possible in the decision making and choice that affect their lives.

For many people with disability the NDIS will, for the first time, provide them with real choice around the type of accommodation they will live in and who will provide their support service. It is important that the key worker employed by the accommodation or day service is not involved in supporting a person in developing the plan as the key worker will push the services provided by their organisation. There will be times when having an independent advocate involved in the planning process will provide the NDIA with checks and balances to ensure that the person with disability is at the centre of the decision making process. **The trusted person needs to be independent of their service network, family influence and the NDIA which is also the funder trying to minimise costs. If advocacy agencies are going to provide support to people to apply and plan for the NDIS, agencies would need to be funded for the activities either as payment per client or as a bulk payment.**

The framework recognises that the work undertaken by disability advocacy agencies is more than just dealing with the NDIS or ensuring that people receive a good quality service from a traditional disability service provider. Advocacy was funded in response to the Disability Discrimination Act (DDA) to support people with disability to safeguard their rights and overcome barriers to enable them to live as part of the community. Most of the work of advocates is to support people to gain access to mainstream services including advocating to ensure that children with disability receive the support they need to access main stream schools; or to negotiate with electricity companies after a person with disability signs a utility contract when they do not have capacity to understand the contract when presented with it by a door-to-door representative who sees it as an easy sale.

To avoid any hint of conflict of interest **the framework needs to make it clear which organisations can be designated to provide independent advocacy and the extent to which they can become a service provider under the NDIS.** It may be appropriate for an advocacy agency to register to support a person's life and transition planning and decision making, but not be a provider of group based community and recreational activity like organising social activities to increase a person's access into the community. This is not to say it is not appropriate for people with disability to meet together in a social setting but it is not the role of advocacy to organise it.

The framework needs to emphasise that advocacy agencies need to be independent of other services. It is not appropriate for an organisation that provides other services to also offer advocacy as an additional service as this could be a conflict of interest, particularly if the person with the disability has a conflict with the same organisation. Since the introduction of unit cost servicing some organisations are offering advocacy as a fee-for-service in the same way as they offer case management services. This is against the principles of advocacy.

If the framework is going to define what advocacy is, it also needs to define what advocacy is not. The discussion paper defines disability advocacy, among other items as "helping people with disability to find employment and training". Advocacy may have a role to promote full participation in the community, including on employment, and highlight cases of discrimination which may

prevent an individual from accessing employment, however it is not the advocate's role to actively go out and seek employment or training for an individual person with a disability, in the same way as advocates should not provide case management services.

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

The framework is consistent with the aims of NDIS which is to provide a person centred approach where programs are designed to respond to individual needs of people with disability the opportunity to participate in decisions and choice that impact their lives to ensure their rights are promoted and protected.

**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?**

The principles seem to be consistent with the outcomes of the NDIS. However it lacks details and is open to interpretation.

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

The principles are still relevant under the NDIS.

The outcomes are very broad motherhood statements. Except for item (e) that explicitly mentions advocacy being independent, the outcomes could be applied to any disability service provider. The outcomes need to be more specifically aligned to advocacy and the outcomes for clients. More details are needed to bring more consistency into the sector.

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

The outputs are very broad statements and lack the ability to be measured. It would be hard to get a consistent approach to advocacy unless the outputs are strengthened. If the outputs were strengthened and more clearly defined, they could be more easily measured and reported against. At present there is no consistency between the three funding bodies who DAIS reports to.

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

The National Disability Advocacy Framework is the strategic document that oversees the development of disability advocacy into the future. Like the rest of the disability sector Advocacy is at the cusp of the biggest reform in the history of the sector. It is time to move away from the ad-hoc and fragmented disability advocacy sector and develop a robust disability advocacy sector that will protect the rights and responsibility of people with disability across Australia.

We need a system where every person with disability has equal access to high quality professional advocacy regardless of where they live or their ability.