

# Review of the National Disability Advocacy Framework

Discussion Paper June 2015

**RIGHTS IN ACTION INCORPORATED**

*Independent Advocacy for people with disabilities*

July 2015

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Rights In Action Incorporated (RIA) are pleased to have an opportunity to provide feedback on the Review of the National Disability Advocacy Framework.

RIA is an independent advocacy agency for people with disabilities who reside in Cairns, Yarrabah, Atherton and Mareeba. Our primary focus is to uphold the human rights of vulnerable people with significant disability and people with severe and persistent mental illness, aiming to prevent and protect people from discrimination, abuse, neglect and exploitation.

We support the Government's commitment to use the Framework to promote greater consistency across advocacy programmes and ensure the rights of people with disability are upheld. In addition, we agree that there is a need to confirm how advocacy will be provided in the NDIS environment.

We acknowledge that early in 2015, the Council of Australian Governments Disability Reform Council (DRC) agreed that the National Disability Insurance Scheme (NDIS) would fund **decision support, safeguard supports and capacity building for participants**, including support to approach and interact with disability supports and access mainstream services.

The DRC also agreed that systemic advocacy and legal review and representation would be funded outside of the NDIS; and that a review of key policy directions and principles in the National Disability Advocacy Framework, in light of the NDIS, would be informed by targeted consultations.

RIA has participated in a number of consultations not limited to:

- A Working Framework for Advocacy Development in Queensland, March 1996
- Submission to the NDAP Review - Combined Advocacy Groups Queensland (CAGQ), August 1997
- The Advocacy Development Network Queensland, March 1999
- NDAP Review Final Report – Dept. of Families and Community Services, July 1999
- Combined Advocacy Group Queensland - presentation for government representatives, October 2003 (definition of advocacy and social principles)
- Strategic Framework: Advocacy for People with a Disability in Queensland Project, 2005
- CAGQ Response to Enhancing the NDAP Program, October 2006

- Evaluation of the NDAP program conducted by Social Options Australia, July 2006
- Consultation on the Possible Ramifications of the UN Convention on the Rights of Persons with Disabilities – National Interest Analysis, in consultation with AFDO, 2008
- National Disability Advocacy Program Quality Assurance Trial (also contributed to the resource Quality Toolkit for the NDAP), 2009
- Review of DSQ Funded Advocacy Services in Queensland, May 2008
- Feedback on the Changes to the NDAP Guidelines for 2012-2013
- National Disability Advocacy Program - Better Collaboration, Learning and Development Survey Report of Findings and Enhancing the Collection and actioning of systemic information conducted by E-QUAL Disability Consultants, September/November 2014

We have considered the questioned outlined in the Discussion Paper and provide the following feedback for your consideration.

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

RIA supports the National Disability Advocacy Framework guided by the United Nations Convention on the Rights of Persons with Disabilities (CDRP) and agrees that the objectives and principles are aligned with our agencies mission and vision of independent individual advocacy.

However, we believe there is a need to have a national and consistent definition of advocacy which includes a definition that captures people with mental illness and psychiatric disability and supports the definition of advocacy contained in the joint Commonwealth and Queensland Government *Strategic Reporting Framework for Advocacy*. Furthermore we believe that advocacy should be **strengthened**, with particular focus on people with disabilities with multiple barriers and complex needs.

RIA has concerns that the importance of independent advocacy in the NDIS environment will not be valued or include all models of advocacy under the current NDAP Framework. We are concerned that the most vulnerable people with disabilities will continue to “fall through the gaps” with limited opportunities to be represented when transitioning and accessing the National Disability Insurance Scheme.

We acknowledge that NDIS will fund **decision support, safeguard supports and capacity building for participants**, however we believe that this should be outside of their individualise NDIS funding arrangements.

We also believe that the decision to fund these supports and capacity building will have a significant impact on currently funded independent advocacy organisations, as the

need for advocacy is likely to increase the scope of our work and numbers of people seeking to access our service.

Additionally, we are concerned that the description of *What is disability advocacy?* as worded on the discussion paper inadequately and inaccurately describes the role of advocacy in the NDAP and waters down the significance of the formal work undertaken by Advocates and independent advocacy agencies.

**Recommendation 1:** That the Commonwealth, State and Territories continue to fund existing independent advocacy agencies that uphold the principles aligned with the Disability Services legislation, the United Nations Convention on the Rights of the Person with Disabilities and hold National Standards for Disability Services certification.

**Recommendation 2:** That NDIS establish appropriate mechanisms to provide funding and resources to support existing independent advocacy entities to support people eligible for assistance from the National Disability Insurance Scheme.

**Recommendation 3:** That NDIS has a role in informing people of their rights to access independent advocacy and that there is a system that records that this information has been provided.

**Recommendation 4:** That the Commonwealth, State and Territories provides funding to support the current independent individual advocacy agencies to support individuals and accompany them to their NDIS meetings, especially in instances where there is no nominated person such as carers, family or friend to undertake this role.

**Question 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?

RIA supports and adopts the disability advocacy principles under the NDAP Framework as guide for the provision of advocacy for people with disability and work towards achieving the reform and policy directions identified in the Framework.

We concur that NDIS will aim to provide a whole-of-life approach to the support needed to pursue the goals and aspirations of individuals with a permanent disability enabling them to participate in daily life however it is unclear however the NDIS will actively seek out vulnerable people to prevent and protect them from abuse, neglect and exploitation and ensure their legal and human rights are upheld.

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

RIA has policy and procedures that complement the provision of advocacy as described under the Framework. We support their relevance in all aspects of our work practices.

Evidence to support the Outcomes is evaluated by external Certification bodies through annual quality assurance audits under the National Standards for Disability Services.

We believe the seven Outcomes summarises the need to ensure independent advocacy agencies are focused on the CRDP and develop a priority intake process that strives to assist the most vulnerable people with disabilities as we acknowledge that we may never have capacity to meet the ever increasing demand/need for advocacy of all people with disabilities.

**Recommendation 5: That the Commonwealth, State and Territories have the capacity to consult with existing independent advocacy agencies and be reassured that these entities are not duplicating existing community services, providing case management or direct service provision.**

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

RIA supports the five Output points of the Framework with the following minor amendments:

- ~~Individual~~ **Independent disability** advocacy that is tailored to meet the individual needs of people with disability including a focus on the needs of people with disability experiencing multiple disadvantage.
- **Independent** disability advocacy is informed by an evidence base and is provided in an accountable and transparent manner.
- **Independent** disability advocacy is planned and delivered in a *professional* and coordinated manner that supports communication between disability advocacy entities, disability services, mainstream services and governments
- **Independent** disability advocacy that promotes community education and awareness of disability issues and *human rights*
- Systemic advocacy that **affirms the need to address change in legislation, policy and practice that ensures and promotes the human rights and full inclusion for all persons with a disability.**

**Recommendation 6: That the words *Independent disability* advocacy replaces Individual advocacy to be relevant to all Models of advocacy under the NDAP.**

**Recommendation 7: That the five points related to systemic advocacy be changed as outlined above.**

**Recommendation 8: That the NDIS not limit their systemic advocacy to support the inclusion of people with disability in community and mainstream activities.**

**Question 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 that was agreed by Disability Ministers in May 2008 aimed to improve disability advocacy under the National Disability Agreement.

This Framework laid the foundations of developing and improving a nationally consistent approach in all models of advocacy, and to articulate the importance and the essential need and role of *independent* disability advocacy across Australia.

We acknowledge that in the current economic climate, and in the progressive transition and implementation of the National Disability Insurance Scheme (NDIS), there may be a need for some change in the structure of advocacy agencies to be diverse in the models (type) and delivery of advocacy for people with disability. This has been evidenced by the growing number of people accessing NDIS trial sites, and an underestimated demand for assistance.

RIA also believes that there has been a shift in the scope of community expectations of advocacy agencies which may force us to reflect on incorporating various models of advocacy within the one organisation. We understand that similar proposals have occurred for some Queensland community legal services that were formerly funded for specific forms of service eg: family law, industrial law, consumer law, disability discrimination, and now block funded to provide a cross section of legal services.

In the future it may be worth considering that advocacy agencies funded to provide one model of advocacy, consider changing the nature of their work to encapsulate multiple models of advocacy within each agency, eg: individual, self – advocacy, legal, citizen advocacy and systemic. At present there is an unfortunate lack of advocacy types and an uneven distribution of agencies in each state. By providing a broader scope and access to various types of advocacy models and addressing geographic gaps across Australia may help to ensure that people with disability who require short term advocacy support or self-advocacy do not restrict agencies from a core focus on more vulnerable people with complex needs.

**Question 6: Do you have any other comments, thoughts or ideas about the Framework?**

The current National Disability Advocacy Program supported by the Framework should **continue to develop, improve, expand and strengthen its role in preventing and protecting vulnerable people with disabilities in Australia** with a close correlation to upholding the rights of people with disability and articles in the UN CDRP and the National Disability Strategy 2010- 2020.

The Commonwealth, State and Territories should form an agreement to expand the capacity of independent advocacy agencies to address the needs of people with disability in all aspects of their lives to promote a fully inclusive society.

The National Disability Insurance Scheme is an outstanding and positive initiative that has the potential to change the lives of many individuals, families and carers. Service providers acknowledge the challenges of a reformed delivery of programs and supports and the shift in individuals with disabilities having greater choice and control. As do independent advocacy agencies, who will strive to ensure that the choices and control is a true paradigm shift rather than rhetoric.

RIA believes the work of independent advocacy entities play a significant role to ensure that all people with disability are genuinely provided an opportunity to live fully inclusive lives, free from discrimination, abuse, neglect and exploitation.

With reference to the previous consultations mentioned at the beginning of our submission, RIA is of the opinion that there is a large volume of reports that demonstrate the significance of independent advocacy for people with disability.

Rights In Action is prepared to work with Commonwealth agencies including the NDIS program, to ensure that independent advocacy is strengthened and has a nationally consist and accountable program that supports people with disability in Australia.