



The Association for Children with Disability (Tas.) Inc.

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Submission to the review of the National Disability Advocacy Framework

31/07/2015

Thank you for the opportunity to provide this submission on behalf of the Association for Children with Disability (TAS) Inc. (ACD) staff, Board of Management and Parent and Carer membership.

ACD is a not for profit, state-wide specialist disability family support service. ACD Advocacy and Information is funded by the Tasmanian State Government. Since our inception in 1997, ACD has been providing professional advocacy, information, support and community and workforce education across the Tasmanian community.

ACD works alongside families with children and young people with disability (newborn-18yrs) and provides the following forms of Professional Advocacy.

- Children's Advocacy
- Self-Advocacy
- Family Advocacy
- Group Advocacy
- Parent Advocacy
- Systemic Advocacy

Q1. Do you believe the current Framework encompasses your vision of advocacy in the NDIS environment? If not, what changes are required?

ACD believes that the Framework is basically sound and that the NDIS now presents as an opportunity to further develop the Framework and the future direction of Advocacy provision with consideration to a new disability funding model and system.

ACD raises the following points for consideration to this question:

The Framework could use the language of *Mainstream* in addition to *Disability Specific*. ACD Individual Advocacy is often practiced across mainstream environments, i.e. Childcare, Long day Care, Outside School Hours Care, Vacation Care and Education. Advocacy provision should be available, and easily accessible to those who are yet to enter the NDIS system. Advocacy in this way can inform, link and empower families with children with disability. Those seeking Advocacy should

therefore not be reliant on funding to be made available within NDIS plans, which would create dependency on a system rather than building capacity.

Children with disability should be captured in the Framework under Individual Advocacy. Children with disability and especially those in care (Child Protection) are the most vulnerable members of society; often without natural safeguards and power to make or sanction decisions that directly impact on their lives, or to complain, be heard or have recourse when a decision is made that is not in their best interests.

It is hoped that the NDIS will have a positive impact on the Out of Home Care system and influence structures that currently perpetuate a powerless position for children, i.e. there is no standard protocol in facilities, mainstream or specialist, that provides a right of complaint or feedback direct to a child. The Child's Participation is a core principle of the United Nations Convention on the Rights of the Child (Article 12 – Respect for the views of the Child).

The framework lends itself easily to Advocacy for adults with disability but should more clearly reflect the Advocates unique role in promoting child rights and the specific skills and expertise required to ensure that children with disability are heard.

More detail is required in support of family and parent Individual Advocacy to better recognise the value of the role of Parents/Carers/guardians as responsible adults and champions of their Children's rights. Family Advocacy, Child Advocacy and Parent Advocacy is often accessed in support of legally responsible adults when they cannot, do not; can, but require additional information, or need assistance to fulfil this vital role (Article 5 UNCROC – Parental Guidance) in the *best interests* of the child (Article 3 UNCROC – Best interests of the child).

In valuing evidence based practice, the Framework should recognise Individual Family Advocacy provision as part of an Early Intervention approach. Advocacy models of practice should not only respond to issues but be preventative, informative, enabling and empowering.

Q2. 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?

ACD recognises that the Framework has a focus on the person with disability, but believes that the vital Advocacy role in support of parents and carers needs to be reflected. We have included the following words in addition to current Principle statements for consideration:

- Disability Advocacy strengthens the capacity of people with disability **and parents and carers of children with disability** to speak for themselves by actively supporting and encouraging self-advocacy.
- Disability Advocacy promotes leadership and capacity building by people with disability **and parents and carers**.

Q3. Are the outcomes of the Framework still relevant or should different outcomes be included? If so, what should be included?

ACD believes that the outcomes are still relevant and that there should be consideration to:

- Ensuring that the outcomes more closely align with the Principles
- Parents and carers of children with disability (Article 5 UNCROC – Parental Guidance) are provided with Advocacy support that, enables, empowers, informs and assists in self- advocacy and decision making.
- Aligning outcomes with *best interests*, especially for children (Article 3 UNCROC – Best interests of the Child)
- Participation should be valued in relation to social inclusion rather than economic status, i.e. *people with disability achieve social inclusion and participation*.
There is no universally accepted definition of social inclusion, we therefore believe it is important to define. UNESCO uses the following definition:

An Inclusive society is defined as a society for all, in which every individual has an active role to play. Such a society is based on fundamental values of equity, equality, social justice, and human rights and freedoms, as well as on the principles of tolerance and embracing diversity.^[7]

Q4. Are the outputs of the Framework still relevant or should different outputs be included?

ACD would like to suggest possible additional outputs that more closely align to other areas in the Framework that ensure that Disability Advocacy:

- Is ethical in practice
- Is in *the best interests* of the child with disability
- Is focused on the rights of the person
- Is aligned to outcomes that are measurable
- Is guided by best practice and relevant legislation, standards and convention.
- Can be preventative
- Informs and empowers

Further to this please consider; *Systemic advocacy that has a community development focus in direct response to identified (through Individual Advocacy) stakeholder and community need.*

Q5. Does the Framework identify what is needed in the current and future disability environment? If not, what changes are required?

We would like to see the Framework document set a clear direction for Advocacy, recognising the importance of the Advocacy role being available outside the NDIS and alongside families with children with disability in mainstream environments.

We see it as paramount that Advocacy is independent from direct service delivery as this will maintain the legitimacy and expertise of Advocacy into the future and ensure the focus remains on the rights of the child with disability and their families without interference from system, service and political trends.

We see that the Australian Government could ensure the financial autonomy of Advocacy as well as its independent oversight by NDAP program funds being administered and coordinated through an Independent Human Rights body.

We see that Advocacy should remain a block funded support service, ensuring that stakeholders are able to directly access Advocacy as and when required. This will ensure that a person requiring assistance is not further disadvantaged and their right to privacy and confidentiality is assured.

Caroline Pegg

A handwritten signature in black ink, appearing to read 'C. Pegg', written in a cursive style.

Chief Executive Officer

The Association for Children with Disability (TAS) Inc.

On behalf of the ACD staff, Board of Management and Parent and Carer membership

Please don't hesitate to contact me if you require further information regarding this submission.