

Review of the National Disability Advocacy Program

*Discussion Paper*

Reflection and Discussion of Funding of Disability Advocacy in Australia and how it can be made accessible to all people with a disability across the nation.

Leah Kateiva

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Rights Information and Advocacy Centre provides information and advocacy support to people with all types of disabilities, their families and carers.

Questions

* 1. ***How do people with disability, their families and carers benefit when agencies are funded to provide only one or two models of support?***

The advocacy provided following the Human Rights Framework is beneficial to all people who request advocacy no matter what model of support is used. Advocates can specialize in certain areas but the fundamental principles of advocacy remain the same and therefore it is very difficult to ascertain if there are benefits if only one or two models of support are funded. In our experience an advocate uses many models of support but only reports on the models they are funded to apply.

There is no one best model of advocacy, no ‘one size fits all’. The most appropriate model for any individual is likely to depend on their preferences, circumstances and situation and this may vary from time to time.

* 1. ***What are the drawbacks?***

Often due to Government funding being inadequate and only funding certain models of support determines if agencies will support the client or make them ineligible for support. Funding is an issue as evidence from previous enquiries have suggested. Advocacy agencies would benefit by having all models of support funded.

* 1. ***How do we value and support various models of advocacy while ensuring equitable access to individualized, fit for purpose advocacy, regardless of location?***

It is very difficult to split people into models of advocacy and if funded for only one or two models it can make it difficult to achieve the outcomes needed, particularly around systemic advocacy and lobbying for change. Technology has certainly increased the capacity to respond regardless of location but often face to face and individual advocacy is needed. Advocates often work outside the box to meet the needs of clients.

RIAC is also aware that many people with severe disabilities and impairments find it very difficult to access advocacy unless they have family or friends that can support them to do so. Most of the clients we provide advocacy for are in many instances able to self-advocate and find they still need support to have their voice heard. More funding is needed to outreach to people with severe impairments to support their rights.

The aim of all models of advocacy is to help individuals gain increased confidence and assertiveness so that, where possible, they will feel able to self-advocate when the need arises.

1. ***How do we improve access for:***

* People with a disability from Aboriginal and Torres Strait Islander communities and their families.

RIAC has an indigenous Advocacy worker which certainly helps to engage this community. It is very important that advocates develop trust with this community and by going to where they are and not ask them to attend at our office particularly the first meeting can help but also by attending their local events. It may mean working on weekends rather than during the week or out of hours in the evenings. We use a community availability strategic approach to working with this community.

* People with a disability from culturally and linguistically diverse communities and their families?

As with the Aboriginal community it is important that we have workers who are able to relate culturally and linguistically to this community. These workers can then network and form relationships with leaders of these communities. It is once again about building trust and being available to work a little outside of the box. Technology has helped with translations but so much more is needed. It is a collaborative approach needed by all communities and services providers to provide access to support and advocacy.

* People with a disability in rural and regional and remote locations.

Adequate funding (however that may look) for advocates to respond to people with a disability in these areas is required. A lack of resources to respond is often difficult in remote locations. Being part of and understanding the local communities is also very important as issues are often very different in these locations than in city locations.

* People who are socially isolated including those with communication difficulties and those in institutional care?

Agencies need to develop MOU’s with community houses within the LGA’s (and use their resources to reach socially isolated people) and residential supported accommodation (to be able to attend staff meetings and resident meetings on a regular basis.) This may be the same as the other communities where it is the availability strategic approach. We need to have greater flexibility with LGA Boundaries to improve access for people especially in rural and isolated areas. Local knowledge and networks should never be underestimated Most agencies have developed crucial networks and understandings with other providers in the community.

2.2 ***What are the strategies or models that have worked? What are the strategies that do not work?***

***Models that work:***

* Independent Advocacy
* Issue based advocacy that empowers
* Planned strategies and goals with the client
* Developing action plans with the client
* Developing self-advocacy skills
* Define the role of the Advocate to the client

***Models that do not work:***

* Non accredited advocates employed by a service provider.
* Case management
* Crisis intervention
  1. ***What Mechanisms could be used to ensure information on systemic issues get to the right people and organisations?***

A portal could be used to share information on systemic issues. Agencies could use the portal to record the issues. A peak body could then work on the systemic issues for the whole of Australia and provide feedback and support to the local agencies dealing with particular issues. As a peak agency they would be able to represent members to the right people and organisations.

Social Media is very powerful in getting information to people and also for bringing about change.

Developing relationships with local Members and local government.

* 1. ***How can we help disability advocacy organisations work with a wide range of other organisations with similar aims, such as:***
* Disabled people’s organisation
* The Australian Human Right Commission
* Ombudsman Organisations
* Aged care advocacy organisations
* State disability advocacy organisations
* Peak bodies.

Provide research funding for systemic advocacy based issues.

Provide funding for joint training and seminars to build the capacity of the advocacy sector.

There are many networks and regular sharing of information between agencies. Many already work together on projects and steering committees. Local networks provide a way for agencies to work together such as the Barwon Disability Advocacy Network. This network provides opportunity to discuss systemic issues as well as individual issues for people with a disability. Together they are a strong voice and have the opportunity to work directly with the NDIS. Resourcing such networks is essential to enable the continuation of shared aims.

Build a collaborative network of Advocacy Agencies and Complaint Commissions throughout Australia to build capacity.

It has also been very useful to be able to take part in and represent people with disabilities on other committees. An example of this is being part of the electricity Commission’s steering group who consult 3 times a year. This enables us to represent people with disabilities

**4. *The Interface with the NDIS and addressing conflict of interest.***

***4.1 What steps or organizational structures should be put in place ensure conflicts of interest do not arise or are minimized?***

* RIAC recognises that this is a rational way of increasing the advocacy available to people who need it most. However, as with independent advocacy, it is important that advocates work in a clear, accountable and transparent way.
* Agencies should be clear that they are a non-independent advocacy organisation and use the *Principles and Standards for Independent Advocacy* to monitor and evaluate themselves.
* It is important that the people providing the advocacy for the organisation are as independent as possible from the other services provided by the organisation.
* Independent advocacy is as free as it can be from conflicts of interest
* Independent advocacy cannot be controlled by a service provider. Independent Advocacy looks out for and minimises conflicts of interest.
* It is the responsibility of the advocacy providers, funders and the people who use the advocacy to identify the potential conflicts of interest, identify ways of managing the conflicts of interest and to take action to enhance the independence of the advocacy organisation as much as possible.

***4.2 How do we avoid gaps between supports provided by the NDIS and advocacy funded by the NDAP.***

It will be very difficult for advocates to be ‘independent and a service provider’ without some conflict of interest. If agencies do become service providers they must separate the roles and have very separate job descriptions to those of advocates and the management team should also be separate. The culture of the two services will be very different and could impact on the independent advocacy stream of the agency,

The two streams of work should be separately accredited.

The impact of this could possibly be disastrous as has been demonstrated in the Barwon trial site recently when a service provider was compelled by the NDIA to hand over confidential information about a client against the wishes of the client.

***4.3 What policies and strategies do we need to protect the rights of people with a disability?***

Policies and strategies should be informed by the following:

* Victoria Charter of Human Rights Act
* Australian Human Rights Commission Act 2006
* Principles and Standards for Independent Advocacy

***5. Understanding and improving access to justice.***

***5.1 What forms of legal review and representation do people with disability need most?***

* Representation at the AAT appeals process for the NDIA
* Representation at a Centrelink review process
* Representation at VCAT hearings
* Counsel for all criminal court proceedings
* Representation for Child Protection hearings

***5.2 What barriers prevent people with disability accessing justice?***

* The Productivity Commission Inquiry Report into *Access to Justice Arrangements* which estimated that additional funding of $200 million a year needs to be invested in legal assistance services to maintain existing services and to address services gaps impacting access to justice for disadvantaged Australians.37 This funding shortfall is likely to impact those most vulnerable seeking access to justice, such as people with disability.
* Understanding the system and how they can get support.
* People with complex communication and multiple disabilities and mental health issue need legal support to defend themselves against charges that they have an inability to understand.

***5.3 What models of legal advocacy are most effective?***

* Legal advocacy is very effective in contributing to systemic change. Through successful cases and negotiations and through legislative reform. Legal advocacy may set a precedent for change in the community.
* Assisting people with disabilities in court proceedings, guardianship and administration orders, Centrelink appeals etc.