



Submission

Public consultations for the NDS and NDIS Outcomes Frameworks

Australian Government Department of Social Services

People with Disabilities (WA) Inc. (PWdWA) would like to thank the Department of Social Services (DSS) for the opportunity to provide comment on the Draft Outcomes Framework (the Outcomes Framework) that aims to improve outcomes for people with disability under the National Disability Strategy (NDS) and the NDIS.

PWdWA is the peak disability consumer organisation representing the rights, needs and equity of all Western Australians with disabilities via individual and systemic advocacy.

PWdWA is run BY and FOR people with disabilities and, as such, strives to be the voice for all people with disabilities in Western Australia.

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People with disabilities WA (PWdWA)

Since 1981 PWdWA has been the peak disability consumer organisation representing the rights, needs, and equity of all Western Australians with a physical, intellectual, neurological, psychosocial, or sensory disability via individual and systemic advocacy. We provide access to information, and independent individual and systemic advocacy with a focus on those who are most vulnerable.

PWdWA is run by and for people with disabilities and aims to empower the voices of all people with disabilities in Western Australia.

Introduction

PWdWA welcomes the opportunity to provide comment on the Outcomes Framework. PWdWA receives both state and federal funding to provide advocacy around issues experienced by the community including the delivery of the National Disability Insurance Scheme (NDIS).

Accountability is critical to driving action for the National Disability Strategy. We know from looking at other standards, such as the Disability Standards for Education, that a lack of measurable outcomes and accountability creates a piece of work that is ineffective at driving change. The Outcomes Framework is a great step towards achieving the accountability needed to make effective change and we look forward to providing feedback on indicators and measurement tools as well as Target Action Plans that will be developed as a result of the finalised Outcomes Framework.

This submission provides a number of recommendations that PWdWA strongly urges DSS to consider. These recommendations have been developed as a result of issues brought to our attention through our individual advocacy work and systemic work as well as collaboration with other disability advocacy organisations.

Submission Format

Section 1 of this submission offers recommendations around the Outcomes Framework's six domains proposed Outcomes, Sub-Outcomes and Example

Indicators. We have also made recommendations as to some of the measure we would expect to see.

Section 2 of the submission offers recommendations on how the Outcomes Framework can be best implemented to enable Government and Stakeholders to track the effectiveness of the Strategy.

Section 1: Feedback on the Outcomes Framework

Domain: Inclusive and accessible communities

Outcome

We recommend the outcome be amended to specifically include civic participation as one of the stated life areas.

Sub-Outcomes

- Amend Sub-Outcome *I can access open spaces, parks and other community infrastructure* to specifically include playgrounds

PWdWA have received complaints from community members about new parks and playgrounds which they believe do not allow for inclusive play spaces for people with a disability. We know that accessible play space features are not always integrated into parks and playgrounds and that they can lead to exclusion rather than inclusion.

- Amend Sub-Outcome *I can move around my home* to *I have a home that is safe, comfortable and meets my needs*

There is more to accessible and inclusive housing than just being able to move from room to room. For a home to meet a person's needs they must feel safe and comfortable and they must be able to undertake whatever daily tasks and activities they wish to in the way they wish to. For example, if a person using a wheelchair likes to cook it is not enough that they can move around their kitchen, it must be designed and fitted out so that they can use the kitchen. This might include having lower benchtops or placing appliances at lower levels.

- Amend Sub-Outcome *I have access to communication and information networks* to substitute the word networks with 'in a format I understand'

We feel it is important to highlight that information and communication must be available in a format that the person understands. We feel that the Outcomes Framework does not have to limit itself to specifying networks as this would be covered more broadly by just stating communication and information.

- Include a new Sub-Outcome *I can access community bathroom facilities when and where I need them*

Part of being able to freely go out and about in the community is having access to bathroom facilities when and where they are needed. Facilities should be designed to cater for everyone. Changing Places are a great example of accessible bathroom facilities and should be rolled out in more places across the country.

- Include a new Sub-Outcome *I can access tourism and recreation facilities and accommodation*

A 2013 research report commissioned by the Department of Resources, Energy and Tourism found that only 4% of accommodation is comprised of accessible rooms¹ but an estimated 14% of the population require accessible accommodation for the purpose of tourism and recreation.² Based on project work, the experience of staff with a disability travelling for work and general feedback from the community there is still a lack of accessible tourist and leisure facilities and accommodation. The problem is magnified in rural and regional WA.

Example Indicators and Measures

PWdWA recommends the following Indicators and Measures be included under this domain:

- The built and natural environments are accessible
 - Number and location of accessible adult change facilities as defined by the Disability (access to Premises – Buildings) Standards 2010
- Positive representation of people with disabilities in the media

¹ Department of Resources, Energy and Tourism. (2013) *An Assessment of Accessible Accommodation in Australia: Supply and Demand*. Retrieved from https://www.tra.gov.au/ArticleDocuments/185/PwC_DRET_Accessible_Accommodation_Final_Report_-_03102013.pdf.aspx

² Carolyn Childs. (2018) *Understanding the opportunity for Australia in Accessible Tourism*. Retrieved from: https://www.travability.travel/reference/Accessible-Tourism-Report-FINAL_Jan-2018.pdf

- This could include the inclusion of people with a disability in advertising, news and entertainment media
- Participation in tourism activities
 - Percentage of people with a disability engaging in tourism activities
 - Percentage of tourism accommodation and activities that are accessible
- Accessibility of communication and information systems
 - Availability of alternative formats such as Auslan, captioning, Easy English and languages other than English

Domain: Economic Security

Sub-Outcomes

- Amend Sub-Outcome *I have employment opportunities* to *I have meaningful employment opportunities*

We know that many people with disabilities are underemployed, have lower levels of job satisfaction or may work in sheltered/segregated workshops where they do not have meaningful work and are not part of the wider community. It is not enough that people with disability are just employed, we need to work towards the outcome of meaningful employment.

- Sub-Outcomes relating to 'adequate income' and 'suitable living arrangements' need to be further defined.

Both the terms adequate and suitable are very subjective. For example, the government considers Newstart an adequate income to live off while seeking employment but many people with a disability who cannot access the Disability Support Pension would strongly disagree.

- Amend Sub-Outcome *I can access affordable and secure housing that meets my needs* to *I can access affordable and secure housing that allows choice and control*.

To support choice and control in housing for people with disability, there needs to be housing options that not only cater for the required living arrangements and needs of

people with disability, but are also in desired locations that allow choice. There needs to be consideration to the balance between developers/builders providing housing options in locations and types that are financially viable to develop compared to housing options in types and locations that are more desired and required by people with disability.

- Include a new Sub-Outcome *I have access to the supports I need to successfully seek and maintain employment*

While there is a specific domain related to Personal and Community support, we feel it is important to specifically acknowledge the supports required around employment. We have included the word 'successfully' in this outcome because the current Disability Employment Support system is not doing a good job at securing ongoing meaningful employment for people with a disability.

Example Indicators and Measures

PWdWA recommends the following Indicators and Measures be included under this domain:

- Job satisfaction
 - People with a disability should experience the same level of job satisfaction as the general population
- Remuneration for expertise
 - Are people with a disability being paid for their time where they are providing their expertise e.g. reference groups, co-design, consultations

We have included remuneration for expertise as a proposed measure as we know many people with a disability are involved in reference and stakeholder groups, co-design, and/or provide meaningful contributions to the development of legislation, policy and practice. It is rare that people with a disability are paid for these contributions which devalues their time and expertise.

Domain: Health and wellbeing

Sub-Outcomes

- Amend Sub-Outcome *I can interact with health professionals who understand my needs* to be 'I can interact with *trained* health professionals who understand *and respond to* my needs'

We would like to see health professionals receive adequate training to improve competence and knowledge to support people with a disability who are accessing health services. We believe the outcome should highlight the need for health professionals to *respond* to the needs of a person with a disability.

- Include a new Sub-Outcome *I can access health services and supports that align with my values and preferences*

This would include peoples spiritual and cultural values as well as their preferences for medical treatment. We know that for many people with a disability, especially those with a cognitive or intellectual disability, it is wrongly assumed they cannot make a decision about their own health and wellbeing. We would like to see an increase in supported decision making to help people make their own decisions about their care and treatment.

Example Indicators and Measures

PWdWA recommends the following Indicators and Measures be included under this domain:

- Training on disability for health professionals
- Able to make own decisions about health and wellbeing
- Health service user experience
 - Complaints trends and feedback

Domain: Rights, protection, justice and legislation

Sub-Outcomes

- Include a new Sub-Outcome *I have access to advocacy when I need it*

People With Disabilities (WA) Inc. individual & systemic advocacy

Advocacy is an important tool in the promotion and protection of the rights of people with a disability across all the domains in the Outcome Framework. With the rollout of the NDIS, greater awareness of abuse, neglect, violence and exploitation and the numerous barriers faced by people with a disability it is crucial that advocacy is accessible in a timely manner. Nationally there are large waiting lists to access disability advocacy. People with a disability can wait months for the support of an advocate. Issues where previously an organisation may have had capacity to walk alongside a person and focus on building self-advocacy skills, they only have the capacity to provide information and advice. Advocacy organisations must be adequately funded to provide support to anyone with a disability who needs it. On a broader community level outcome, we believe that advocacy organisations should be adequately funded to engage in Systemic Advocacy. Disability advocates should be considered a key stakeholder in the National Disability Strategy and PWdWA believes they have a role to play in education and promotion activities and should be appropriately resourced.

- Include a new Sub-Outcome *I am supported to make my own decisions*

We know that the community often presume that a person with a disability does not have the capacity to make decisions and there is limited investment into supported decision making, especially in the legal field. We would like to see a transition from substituted decision making to supported decision making in line with the United Nations Convention on the Rights of Persons with Disabilities.

- Include a new Sub-Outcome *I have access to legal advice and support that I can understand when I need it*

PWdWA is often contacted by people with a disability who have difficulty obtaining legal advice or face challenges interacting with the legal system. Many of those individuals have limited financial resources to pay for private legal support and have been supported to obtain it pro-bono. Often the people we support have complex, intersecting issues impacting on their legal situation. It is critical that they not only receive legal advice and support but are able to understand it and make informed decisions.

- Include a new Sub-Outcome *I feel safe and confident in making a complaint.*

If something is going wrong, or a person feels that their rights are not being upheld it is important that they are able to make a complaint. Just as important is that they feel they have been heard and that whoever the complaint has been directed at has responded appropriately. Many people reach out for the support of an advocate because they do not feel safe or confident in making a complaint. Additionally, we have seen a number of examples where the response to complaints has been inadequate, bordering on neglectful. As such we believe it is important that feeling safe to make a complaint, and confident that it will be dealt with appropriately, is specifically addressed in the outcomes.

Example Indicators and Measures

PWdWA recommends the following Indicators and Measures be included under this domain:

- Access to advocacy
 - Number of people waitlisted
 - Average time to receive an advocate
- Self-determination and decision making
 - Reduction in the number of substitute decision making arrangements
 - Increase in decision making support/arrangements
- Elimination of restrictive practices
- Complaints trends and feedback

We have included the elimination of restrictive practices as one of the example indicators because we know that it is a risk factor in experiencing violence, fear, exploitation, abuse and neglect. We also know that restrictive practices are commonly misused in a number of settings including mental health, education and justice as well as the disability sector. We would expect to see a reduction of the use of authorised and unauthorised restrictive practices and prosecution of the misuse of restrictive practices where they amount to abuse.

Domain: Learning and skills

Sub-Outcomes

People With Disabilities (WA) Inc.
individual & systemic advocacy

- Amend Sub-Outcome *I have a teacher who understands my needs* to substitute 'a teacher' with 'teachers'

The use of the singular 'teacher' is limiting. We would hope that all teachers are able to understand the needs of a student with a disability.

- Amend Sub-Outcome *I can get to education facilities easily* to state 'get to and around'

This amendment would broaden the Sub-Outcome to cover both transport to and navigation of education facilities.

- Include a new Sub-Outcome *I can access a personal education plan*

One of the common issues identified for students with a disability in primary and secondary education in WA is access to reasonable adjustments which are often implemented through a personalised education plan. Parents face difficulties not only accessing reasonable adjustments for their children but when plans are in place they are not necessarily funded appropriately. We believe being able to access a fully funded personalised education plan is important for students to be able to achieve their full potential.

- Include a new Sub-Outcome *I can participate in educational and extra-curricular activities at my education institution*

For education to be inclusive it must be highlighted that people with a disability should be able to participate in both curricular-based and extra-curricular activities. This Sub-Outcome goes beyond the physical environment of the educational facility and speaks to the way education is provided, the attitude and values of educators and peers and whether education is truly inclusive.

Example Indicators and Measures

PWdWA recommends the following Indicators and Measures be included under this domain:

- Participation in formal and informal education *and extra-curricular activities*
 - Measure the exclusion, suspension, and expulsion rates in primary and secondary schools

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- Look at the participation of people with a disability in extra-curricular activities such as sundowners, excursions, social events etc
- Access to funded personal education plans
 - Number of plans and percentage of those which are funded
- Access to reasonable adjustments
- Student experience
 - Complaints trends and feedback

Domain: Personal and community support

Sub-Outcomes

- Amend Sub-Outcome *The services and supports I access are welcome, inclusive and safe* to also include 'affordable'

We know that many people with a disability have difficulties meeting their day-to-day expenses and it is important that this Sub-Outcome identifies that supports and service should also be affordable. This includes people not needing to 'top-up' government funding to meet their needs.

- Include a new Sub-Outcome *My supports, both informal and formal, work together effectively*

PWdWA's experience has been that with the roll out of NDIS many people are falling through the gaps when formal services such as health, justice and the NDIA are not working together effectively. Additionally, we have supported many people where formal and informal supports are not working well together which impacts on the person with a disability's quality of support and wellbeing. We believe that to achieve the outcome of services being effective they need to work together to provide a holistic approach to supports.

Example Indicators and Measures

PWdWA recommends the following Indicators and Measures be included under this domain:

- Access to services and supports
 - Wait times to access services

- Travel distances required to receive services
- Service user experience
 - Complaints trends and feedback

Our experience has been that there is extended waitlists for quality disability support services in certain areas of the market including NDIS Support Coordinators and Plan Managers. Additionally, for those living in regional areas they are often required to travel large distances to receive supports and services which can also result in substantial costs e.g. petrol, accommodation, meals.

Section 2: Implementing the Outcomes Framework

Given the scope of work to be undertaken in order to implement the framework, we highly recommend that an independent body be established and appropriately resourced to oversee these tasks. We would expect this body to be responsible for collecting and analysing existing points of data collection as well as undertaking research to fill gaps in knowledge. They should play a role in education and training around monitoring and compliance and provide guidance on best practice. They should also be mandated to co-design wherever practicable – for example when creating education materials and best practice advice.

We would want yearly progress reports including publication of any data collected over the year, actions undertaken, or outcomes achieved and summaries of trends and issues that have been raised throughout the year.

Additionally, we strongly recommend that people with a disability have multiple accessible avenues to provide input to and feedback.