

22 June 2012

National Standards for Disability Services – consultation project
Synergistiq
97 Drummond Street
CARLTON VIC 3053

Dear Project Manager

Re: Response to the draft revised National Disability Standards (the draft Standards)

I am writing on behalf of the Disability Council NSW (the Council), the official advisory body to NSW Government on matters relating to disability. The Council appreciates the opportunity to provide input to this vital instrument in safeguarding the rights of people with disability who access disability services.

A significant revision of the Standards has been long called for and the Council is pleased to note that the revision is a vast improvement on the ones currently in place. The core strengths of the draft Standards are their strong connection to human rights and practical focus on outcomes for people who access services. The Council is keen to see that these important attributes are not compromised as a result of the consultation process. The draft Standards are also much easier to understand and less cumbersome which will greatly enhance implementation and monitoring.

The Council notes the following areas that are in need of further development.

Human rights principles

The Council understands that the human rights principles used in the draft Standards were drawn from the *UN Convention on the Rights of Persons with Disabilities* (CRPD). It is appropriate to use CRPD to inform the development of a domestic regulatory instrument for disability. There are however, other international conventions to which Australia is a signatory that should also be reflected in these principles. People with disability are often only identified by their disability rather than the many other identities, such as gender or race, which may also be a source of discrimination or abuse. The Council recommends that the human rights principles recognise the right of people with disability to express diverse personal and cultural identities and be protected by the relevant international conventions

such as the international *Convention on the Elimination of All Forms of Racial Discrimination*.

A flaw of the current Standards is that they are adult focused and do not adequately protect the rights of children with disability who come in contact with funded disability services. Some children with disability are placed in adult services such as respite centres or group homes due to a lack of age appropriate support options. Under the *Convention on the Rights of the Child* (CRC) children with disability are children first and their needs as children are paramount. This includes the right to be supported in their family or a family like environment. The Council believes that this revision of Standards is a critical opportunity to strengthen the protection of children with disability in disability services. The Council recommends that the human rights principles adopt a stronger reflection of the CRC, particularly in relation to children's right to maintaining connection with their family and to preserve their linguistic and cultural identities.

Standard 1 - Rights

It is encouraging to see a standard strongly focused on rights. However, the outcome statement seems to take a minimalist approach by dealing only with safety and privacy. In a rights focused service environment people should have every aspect of their personhood respected with acknowledgement that they are in equal partnership with providers. The Council recommends that the scope of this standard be expanded to better reflect the full range of human rights principles.

People with disability have the right to live life as they choose. This standard can better support this by requiring services to demonstrate their respect of individuals' cultural, linguistic and religious identities.

The Council recommends the addition of 'languages' in the fourth dot point under 'indicator of practice' so that it reads "...appropriate formats and languages." This will address the needs of individuals with literacy issues or those who speak English as a second language.

Standard 2 - Participation

Under *Outcome for people* the word community should be in plural ("my chosen communities"). Traditionally disability services are delivered in congregated settings where people with disability have very limited opportunities to be exposed to multiple communities. This is about to change with national and state disability reforms, such as the National Disability Insurance Scheme, moving towards individualised funding options. People with disability, their families and carers will be able to enjoy a full range of human experiences and belong to multiple communities or networks. The standard should recognise people's right to participate in the communities of their choice.

Currently people with disability are excluded from many aspects of society. To support the meaningful participation of people with disability in society, services have a shared responsibility to actively facilitate social inclusion. An additional indicator of practice is recommended which requires services to work in partnership with communities to facilitate active participation of people with disability in the broader society. In general, the Council would seek to encourage that people with disability are not placed into alternative or disability specialist services in instances

where it is a reasonable expectation that mainstream community services should be able to meet their needs in the same way as for other Australians.

Standard 3 - Individual Outcomes

This standard can be further strengthened to ensure that people have control over their decisions, which would be consistent with the National Disability Strategy. The addition of a fourth indicator of practice is recommended which requires services to promote a strength based approach and actively support people to be in control of their decisions.

To produce positive individual outcomes for people it is critical that services are able to develop their capacity to self-reflect and critically analyse the impact of their own values and practices on their service delivery. A fifth indicator is recommended to encourage organisations to actively reflect on their work practice to identify how personal and professional values, beliefs, theories and worldviews can influence how they work with diversity.

The addition of *Indigenous identity* is recommended to the third indicator of practice in recognition of the unique cultural heritage of the first people of Australia.

As mentioned above the draft Standards need to include the rights of children. For example, when referring to individual outcomes it is necessary to ensure services are age appropriate and are adequately equipped to meet the needs of children.

Standard 6 - Service management

Australia is one of the most diverse countries in the world. Services should be expected to demonstrate that they respond effectively to diversity. Indicators should be strengthened to ensure the development of cultural competence in the workforce and organisational management.

Finally the Council sees that implementation of the revised Standards is critical to their effectiveness. A full appreciation of the revised Standards requires a cultural shift in the services sector as well as people with disability, their families and carers. It is recommended that a range of tools, such as a good practice manual for providers or information resources for individuals, is developed to facilitate an effective transition to a rights focused and person centred disability sector.

Please feel free to contact me on 0411 193 753 should you have any questions.

Yours faithfully



Cain Beckett, FAICD
Chair, Disability Council NSW