Promoting Inclusion

A RESPONSE TO THE ISSUES PAPER FROM THE ROYAL COMMISSION INTO VIOLENCE, NEGLECT, ABUSE AND EXPLOITATION OF PEOPLE WITH DISABILITY

Promoting Inclusion

Introduction

AMPARO Advocacy Inc. welcomes the opportunity to provide input into the Royal Commission's exploration of what should be done to promote a more inclusive society.

AMPARO Advocacy is a small non-profit community-based organisation which is funded by the Queensland Department of Seniors, Disability Services and Aboriginal and Torres Strait Islanders Partnerships to provide independent individual and systemic advocacy on behalf of vulnerable people from Culturally and Linguistically Diverse (CALD) backgrounds with disability, between the ages of 0-65, living in Brisbane. Complementing our advocacy work, we also outreach and engage people from CALD backgrounds with disability to improve their access to the NDIS through the National Community Connectors Program (CALD); and build the capacity of people from CALD backgrounds with disability through an Individual and Organisational Capacity Building Project funded through the Information, Linkages and Capacity Building program. AMPARO is governed by a voluntary management committee, the majority of whom are people from CALD backgrounds with disability.

AMPARO works closely with vulnerable migrants and refugees with a disability and their families, to assist them to understand important information and to successfully access systems, services and supports that they otherwise would not receive. Through this work we become aware of the multiple layers of disadvantage which restrict their access to important information and services and limit their ability to fully participate and be included in family and community life. The systemic advocacy that is undertaken aims to influence positive sustainable changes to attitudes, policies and practices in government and community, so that people from CALD backgrounds with disability can have equitable access to information, services and supports.

In light of our expertise, this response will focus particularly on the barriers and challenges to inclusion for people from CALD backgrounds with disability, and what practical, sustainable steps can be taken to overcome these challenges and work towards inclusion. Our response is informed by our work with individuals through our advocacy, outreach and capacity building work; as well as through the findings of formal consultations, and research we have undertaken in partnership with the Queensland University of Technology.

What is inclusion?

AMPARO welcomes the Commission's recognition of the importance of human rights, life course approaches and intersectionality in understanding the issues affecting the inclusion of people with disability.

We also welcome the recognition that inclusion is multi-layered and that:

- Accessible services and systems are a precondition to inclusion,
- Inclusion requires eliminating barriers and the transformation of culture, policy and practice,
- Full and effective participation requires inclusion in decision-making bodies, and
- Inclusion extends beyond "being present" in the community, to occupying socially valued roles, experiencing meaningful choice and control, and being respected.

Barriers to inclusion for people from CALD backgrounds with disability

The issues which affect other people with disability also affect people from CALD backgrounds with disability. These include those barriers to inclusion identified in the Issues Paper, such as low expectations from others, a failure to respect a person's autonomy, and a lack of resources to support inclusion. However, for many people from CALD backgrounds with disability, exclusion is more deeply entrenched through the impacts of other barriers and forms of discrimination. For example, even where services exist to support inclusion of people with disability, people from CALD backgrounds are much less likely to know about these services or how to access them. People from CALD backgrounds may experience racial discrimination in addition to discrimination on the grounds of their disability, while policies targeting particular migration histories or visa categories can create exclusion from social and economic communities.

The barriers to inclusion for people from CALD backgrounds with disability are numerous, complex and intersecting. Our response will highlight a range of these barriers in the context of six key actions which should be taken to improve inclusion:

1. Make the NDIS accessible
2. Ensure access to mainstream services and resources
3. Communicate effectively with CALD communities
4. Develop cultural competence and disability awareness
5. Improve data collection
6. Prioritise secure, sustainable funding for independent advocacy.

Our response focuses on achieving equitable access to government and non-government services and basic resources, as these are a precondition for inclusion. **Many people from CALD backgrounds with disability are in extremely vulnerable situations in which their fundamental needs are not being met.** To move towards a more inclusive society, it is critical that governments take practical, sustainable steps to ensure access and equity for people from CALD backgrounds with disability, to access the basic resources and supports they need to participate in social and economic life.

Addressing the barriers

Make the NDIS accessible

The National Disability Insurance Scheme (NDIS) is the key government initiative providing "reasonable and necessary supports" for people with disability to live ordinary lives and participate in their communities. It is therefore essential that the NDIS is accessible to all people with disability living in Australia.

However, this is far from the reality.

According to the latest NDIS Quarterly Report[1]:

- Nationally, **9.3%** of participants are from CALD backgrounds, while research has found that this should be closer to 29%[2].

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[1] National Disability Insurance Agency (2020), *NDIS Quarterly Report to disability ministers,* 31 December 2020, p. 97

[2] Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (2020), *Culturally and linguistically diverse engagement principles*, June 2020, p. 8

- In Queensland, **5.5%** of participants are from CALD backgrounds[3], however ABS data suggests this should be closer to **15%**[4].

In its Community Connector Framework launched in June 2020, the NDIA acknowledges that "people from diverse population groups, including… culturally and linguistically diverse people… often have more difficulty engaging with the NDIS participant pathway" and that "many individuals and communities have additional barriers to accessing the NDIS".[5]

These figures reflect AMPARO's experience in working with people from CALD backgrounds with disability through our outreach and advocacy. The access barriers to the NDIS experienced by people from CALD backgrounds with disability include:

- **Language barriers**: Despite the NDIS recognising the need for provide access to certified interpreters, <u>LACs and registered service providers often fail to provide them when needed</u>. Participants using unregistered providers are extremely unlikely to access interpreting. Furthermore, <u>there are significant challenges to requesting a specific interpreter</u>, despite the importance of this due to issues of confidentiality, trust and stigma. Currently NDIS participants can have their plans translated if they request this, however many are not aware of this and without an advocate they and their families are not receiving their plans in a form that they can utilise. The NDIS does not arrange for other important documents, such as positive behavioural support plans or OT reports, to be translated.

- **Lack of culturally competent service providers and skilled workforce**: There are very few disability service providers or Support Coordinators who have experience, knowledge and capacity to provide culturally appropriate support to people from CALD backgrounds. Many newer CALD specific providers have little or no experience, skills or qualifications to support good practice in delivering supports to people with disability.

- **Lack of culturally responsive information and support during pre-planning, planning, and implementation**: Most people from a CALD background with disability have had no access to disability services prior to the NDIS, and require support to understand their rights, the opportunities available, and how to navigate the service system. The new National Community Connector Program is achieving significant outcomes in this area; however, it has only been funded as a short-term program until 30 June 2021.

- **Systemic discrimination against asylum seekers and people from refugee backgrounds on temporary or no visas**: AMPARO highlighted these issues in our previous submission to the Royal Commission (September 2020).

Practical and sustainable steps which could be immediately taken by the Australian Government to improve access to the NDIS for CALD people with disability include:

1. Review the now outdated NDIA CALD Strategy, including adequately prioritising and resourcing the actions in the Strategy; and provide regular, public reports on progress.

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[3] National Disability Insurance Agency (2020), *NDIS Quarterly Report to disability ministers*, p. 248
[4] ABS (2016), cited in AMPARO Advocacy Inc. (2020), *Submission to the Inquiry into the NDIS Market in Queensland*, 13 August 2020, p. 2
[5] National Disability Insurance Agency (2020), *Community Connector Framework*, June 2020, p.2-3

2. Review the Memorandum of Understanding with TIS National to facilitate access to specific interpreters as required and provide access to unregistered NDIS providers.
3. Promote widely the right of participants to access interpreters when liaising with LACs, service providers and the NDIS.
4. Promote widely the right of participants to have their NDIS plans translated into their preferred language; and extend this to translation of other important documents such as positive behaviour support plans and allied health reports.
5. Extend the National Community Connector Program at least until participation targets for CALD community participation in the NDIS are achieved.
6. Invest in workforce development to improve the cultural competence of disability service providers, and the disability awareness of new service providers.
7. Ensure access to all levels and types of specialised disability supports for refugees and asylum seekers on temporary visas.

Ensure access to mainstream services and resources

As argued by the Committee on the Rights of Persons with Disabilities and recognised in the Issues Paper, access to basic services and resources such as transport, information and the built environment, "are a precondition for the inclusion of people with disability".[6] Yet in our experience, many people from CALD backgrounds with disability face extensive barriers to accessing the built environment, health care and housing.

⇨ **Physical access** to non-government services and businesses continues to be an issue experienced by many people with disability. People from CALD backgrounds with disability with whom we consulted for input into Queensland's State Disability Plan 2017-2020, told us that they had difficulty completing university work placements due to inaccessible office buildings or requirements to use the organisation's motor vehicle. Others spoke about difficulties accessing public transport, often due to a lack of communication about accessibility options such as portable ramps when using trains, or the Taxi Subsidy Scheme. This reflects the findings of *Towards an all abilities Queensland* that 23.9% of Queenslanders with disability avoided using public transport due to their disability.[7] Furthermore, the lack of footpaths in Brisbane City Council continues to present a significant access barrier to many people with disability. While physical access to the built environment has improved over the last few decades**, many people with disability continue to experience exclusion from employment, education and cultural opportunities due to the physical inaccessibility of public spaces**.

⇨ **Access to safe, suitable and secure housing is fundamental to living in the community**. As noted by Nigel Webb, Chairperson of the Queenslanders with Disability Network (QDN), *"People are able to be well supported, receive better healthcare, achieve employment goals and contribute to their community as a result of having good housing and security of tenure."[8]* However, locating accessible and affordable housing for many people from CALD

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[6] Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (2020), *Issues Paper: Promoting Inclusion*, December 2020

[7] Cited in AMPARO Advocacy Inc. (2017), *AMPARO Advocacy's Response to Towards an all abilities Queensland Consultation Paper*, February 2017, p. 9

[8] National Shelter and Griffith University (2016), *A place to call home: A housing issues paper for people with disability*, Queenslanders with a Disability Network (QDN,) August 2016, p. 10

backgrounds with disability is extremely difficult. AMPARO often works with refugees with disability and their families who are living in private rental accommodation which is unsafe and unsuitable to their needs. Many other people with disability live in unsuitable hostel accommodation. People from CALD backgrounds with disability often have limited understanding of public housing processes and tenancy rights, further entrenching their disadvantage.

⇨ People from CALD backgrounds with disability also experience **significant barriers to accessing basic and specialist health care**. Communication barriers are common, such as inadequate time allowed for interpreters, complex forms, and requests to confirm appointments being sent in English only. These issues are often exacerbated by a lack of awareness by medical professionals of cultural needs or experience in trauma-informed practice. Many people from CALD backgrounds with disability experience difficulty understanding and navigating complex health systems, while some people with disability may not recognise that what they feel is abnormal or know that medical intervention is available. These issues combine to result in many situations where medical professionals do not understand the complexity of a person's medical history or needs; and do not adequately explain the condition, consequences and treatment options to the person. Chronic health issues may be left untreated and quality of life diminished, all of which can further exclude people from CALD backgrounds with disability from participating in their community, obtaining and maintaining employment, and pursuing interests.

These three issues are reflected in the *Queensland Multicultural Policy: Our story, our future*, which states that Queensland's CALD communities "will be supported to participate in all aspects of life", including through ensuring that:

- "hospitals and health services are responsive to the unique needs of each person",
- "everyone has safe, secure and affordable housing options", and
- "improved access to transport" will "help people participate".[9]

Practical and sustainable steps which can be taken to address these issues include:

1. Implement the Queensland Multicultural Policy through coordinated action across government services.
2. Educate settlement services staff about accessibility options for public transport and the Taxi Subsidy Scheme.
3. Continue to invest in improving the accessibility of public spaces.
4. Address the key areas for action identified in *A place to call home: A housing issues paper for people with disability.*
5. Develop the cultural competence of health care staff, including building skills in working effectively with interpreters and responding to the health needs of people from CALD backgrounds with disability.

Communicate effectively with CALD communities

Full participation in social and political life requires effective communication and access to information. However, **for many people from CALD backgrounds with disability, a lack of accessible**

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[9] Department of Local Government, Racing and Multicultural Affairs (2018), *Queensland Multicultural Policy: Our story, our future* (version 2), December 2018, p. 6-7

information about government and non-government services remains a significant barrier to inclusion.

The Queensland Language Services Policy states that Queensland Government agencies *will "take a client focus to the delivery of services including clients' specific language needs"*, *"make interpreters available"* and *"plan for language services"*.[10] However, AMPARO's research with the Queensland University of Technology (QUT) and consultation with people from CALD backgrounds with disability, found that in many cases, people were not offered access to interpreters, insufficient time was allowed for interpreting during appointments, or workers required training in how to work effectively with interpreters.

Prior to engagement with services, a more fundamental barrier to inclusion can be a lack of community awareness about the rights and opportunities for people with disability, and the services available in Australia. **Many of the people with whom AMPARO works are simply not aware of their rights.** While the Queensland Language Services Policy states that Queensland government agencies will consult with CALD communities to "adopt a planned approach to… disseminating information… in forms accessible to Queenslanders who experience language barriers"[11], often this results merely in brochures being translated into the top five or ten languages. As a participant in AMPARO's consultation for the Queensland Disability Plan 2017-2020 shared: *"I need someone to explain in my own language about what I can access, we are not used to 'brochures', this doesn't work."*

In our experience, what is required to effectively share information and raise community awareness is sustained outreach and engagement with CALD communities, families and individuals, through building trust and rapport, and meeting face to face. Unfortunately, many outreach and engagement programs are only funded for short periods, such as the National Community Connectors Program, which has only been funded for eleven months. After these programs conclude, much of the networks and trust which have been established are lost and need to be rebuilt when new programs begin.

Furthermore, government and non-government agencies should consider which CALD communities are more likely to face communication barriers, and target translated materials and outreach in response. Often, it is New and Emerging Communities who are most in need of targeted information, yet these smaller populations are often missed in preparing translated materials.

Practical and sustainable steps which can be taken to address these issues include:

1. Implement the Queensland Language Services Policy and Guidelines, through active promotion and monitoring of the policy with all government agencies.
2. Provide sustainable funding for community outreach and engagement.
3. Prioritise New and Emerging Communities when preparing translated information and planning community outreach.

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[10] Department of Communities, Child Safety and Disability Services (2016), *Queensland Language Services Policy*, November 2016, p. 5.
[11] *Queensland Language Services Policy*, p. 5.

Develop cultural competence and disability awareness across sectors

In the *Queensland Multicultural Policy: Our story, our future*, the Queensland Government commits to building "a culturally capable and diverse workforce".[12] In AMPARO's experience working with people from CALD backgrounds with disability and their families, there is much more work to do to build cultural competence in both the government and non-government workforce. **Often, staff lack the skills or knowledge to identify cultural or language factors which could be impacting upon communication or progress towards positive outcomes.** This can result in frustration for both staff and community members, and ultimately in exclusion from essential services and the broader community. For example, even when interpreters are engaged, there is often a lack of awareness of the need to ensure that the interpreter speaks the correct dialect, or a lack of sensitivity to an individual's request for a particular interpreter due to issues of confidentiality or stigma within the community. These issues could be resolved through training in working with interpreters, and through adopting a person-centred approach which is respects individual needs.

Similarly, there is a need for greater disability awareness amongst workers in the multicultural sector. Many people who are new to Australia are likely to be engaged with settlement services, however in AMPARO's experience, **these services often lack knowledge about the rights of people with disability and the supports that are available**. For many people from CALD backgrounds, settlement and multicultural services are a gateway to the broader service system. Without direct support from workers in these agencies to connect with disability supports, many people with disability will remain unaware of their rights and disengaged from the service system.

Practical and sustainable steps which can be taken to address these issues include:

1. Invest in workforce development to improve the cultural competence of government and non-government service providers, and the disability awareness of settlement and multicultural service providers.
2. Facilitate networking and information sharing between the disability and multicultural sectors.

Improve data collection

The *Queensland Multicultural Policy* acknowledges that clear and consistent data about customers' diversity is "integral to effective service delivery" and enables agencies to identify and address barriers to participation.[13] However, **it is difficult to access consistent and accurate data about people from CALD backgrounds with disability**. Definitions of "CALD" and "disability" vary between government agencies, while people from CALD backgrounds with disability may be less likely to self-identify in surveys such as the Census. AMPARO welcomes the Queensland Government's commitment to have systems in place to collect (as a minimum) country of birth, preferred language and interpreter required for people accessing its agencies.[14] It is important that governments across Australia work together to promote accurate and consistent data collection.

Practical and sustainable steps which can be taken to address these issues include:

1. Government agencies work together to promote accurate and consistent data collection about culture and language diversity and disability.

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[12] *Queensland Multicultural Policy,* p. 6.
[13] *Queensland Multicultural Policy,* p. 7.
[14] *Queensland Multicultural Policy,* p. 8.

Prioritise secure, sustainable funding for independent advocacy

As demonstrated throughout this submission, people from CALD backgrounds with disability face significant barriers to inclusion. While the NDIS has an important role to play in facilitating inclusion through the provision of reasonable and necessary supports, it will not resolve all these barriers. **People from CALD backgrounds with disability will continue to experience exclusion in a range of areas including housing, the health system, transport, information and the built environment.** Furthermore, many people with disability are not eligible for the supports under the NDIS, or face significant barriers to accessing and navigating the NDIS.

The <u>importance of independent advocacy in securing the rights of people with disability</u> across all areas of life has been recognised by all sides of Government for many decades.

- The *National Disability Strategy 2010-2020* commits to and promotes the importance of independent advocacy "*ensuring that people with disability have their rights promoted, upheld and protected*".[15]
- *The Convention of the Rights of Persons with Disabilities* acknowledges in Article 4 that "*advocacy organisations have an important role to play in the implementation of the CRPD*".[16]
- The General Principles guiding the NDIS also articulate a commitment to "*support the role of advocacy in representing the interests of people with disability.*"[17]
- In its 2011 report, the Productivity Commission stated that "*Advocacy plays an important role in the disability system*" and recommended that both individual and systemic advocacy should be funded outside the NDIS to ensure their independence.[18]

Despite this recognition of the importance of independent advocacy, <u>there remains no ongoing funding commitment to disability advocacy in Queensland</u>. Current funding arrangements cease on 30 June 2021, creating instability within the sector and inevitably diverting the focus of advocacy organisations away from their core work with individuals, to fighting for their own survival. Effective independent advocacy with people from CALD backgrounds with disability requires skill and expertise, and builds upon relationships of trust which have been built with CALD communities, families and individuals. **It is long term work which requires a sustained funding commitment**.

Practical and sustainable steps which can be taken to address these issues include:

1. Ensure ongoing funding for independent advocacy, including specialist funding for advocacy with people from CALD backgrounds with disability.

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[15] Commonwealth Government (2012), *The National Disability Strategy 2010-2020, Report to the Council of Australian Governments.*

[16] Cited in AMPARO Advocacy Inc. (2015), *Submission to the Review of the National Disability Advocacy Framework*, July 2015.

[17] *National Disability Insurance Scheme Act 2013*, Part 2 Section 4, Guiding principles

[18] Australian Government (2011), *Disability Care and Support, Productivity Commission Inquiry Report Vol.1*, p. 26.