People with Disabilities WA

individual & systemic advocacy

Issues paper: Promoting Inclusion

Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability

People with Disabilities (WA) Inc. (PWdWA) would like to thank the Disability Royal Commission for the opportunity to provide comment about inclusion in Australia.

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 to the Disability Royal Commission on inclusion for people with a disability in Australia. PWdWA receives both state and federal funding to provide advocacy around issues experienced by the community concerning violence, abuse, neglect and exploitation. We also have specific funding from the Department of Social Services to provide Individual Advocacy to assist individuals to engage with the Disability Royal Commission and make submissions.

As the peak consumer voice for people with disability in Western Australia (WA), our submission is compiled on the experiences of people with disability, their families, and carers. Our responses are also informed through an online survey we ran, inviting comment from people with a disability on the topic of inclusion. We have provided case studies from our individual advocacy work and quotes from our online survey where appropriate to furnish our statements. Addressing issues that impact on the inclusion of people with a disability is an important aspect of PWdWA's advocacy work at both a systemic and individual level. Many of the issues we support people with such as service quality, access to supports, access to employment, etc., can lead to exclusion if not addressed.

Submission Format

Section 1 is a summary of the recommendations made in this submission.

In Section 2 we have structured our response under key themes around inclusion. Some of these themes are drawn directly from the questions posed in the issues paper. Others address multiple questions under a single theme.

The issue of inclusion is wide-ranging and for people with a disability it impacts on all areas of their life including social, cultural, political, and economic participation. It would be impossible to cover everything in this submission. Because of this we have focused on the issues which are most frequently seen through our Individual Advocacy and were reflected in the small group of people who responded to our survey. We hope that the range of submissions the Commission receives reflects the diverse and expansive experiences of people with a disability.

Section 1

Recommendation 1

Government to engage in co-design of universal access standards which must be applied to all public and private spaces.

Recommendation 2

Government updates existing standards and ensure future standards require best practice rather than deem to satisfy.

Recommendation 3

Government must invest in initiatives and programs which provide education, training, and support to create inclusive practice across a broad range of sectors including education, employment, community participation and leadership.

Recommendation 4

State and Federal Government mandates co-design for programs and services that will be used by people with a disability. This includes ensuring that people with lived experience are represented on technical working groups, and advisory groups.

Recommendation 5

Non-government and the private sector must adopt a co-design model for any program or service for people with a disability. Government can encourage this through incentives and procurement practices.

Recommendation 6

Government ensures that funding for Support Decision making is available to people with a disability who require it, either through the National Disability Insurance Scheme (NDIS) or other mechanisms.

Recommendation 7

NDIS Quality and Safeguards Commission provide training and guidance to support service providers to implement supported decision-making policies and practices.

Recommendation 8

State based substitute decision making schemes must be replaced with best practice Supported Decision Making models.

Recommendation 9

An independent body be established and appropriately resourced to oversee the implementation of the NDS Outcomes Framework.

Recommendation 10

Government introduces long-term funded contract for disability advocacy which reflects the level of demand for advocacy by the community.

Section 2

What does inclusion mean?

[Inclusion] means that everyone belongs and that everyone is comfortable and feels part of the community.

PWdWA Survey Respondent

Inclusion is the recognition of the inherent worth and dignity of all people. An inclusive community empowers people and promotes a sense of belonging. People feel valued, their differences are celebrated, and everyone has access to the same opportunities.

Is Australia an Inclusive society?

PWdWA celebrates the progress that Australia has made to date towards inclusion. We have seen the introduction of key pieces of legislation and policy to promote inclusion of people with a disability including the *Disability Discrimination Act 1992*, the Disability Standards for Accessible Public Transport, Education, and Access to Premises, the National Disability Strategy, and the introduction of the NDIS. Large institutional settings have been closed across the country. We have seen co-design being used more often by both government and non-government sectors. The rollout of Changing Places across WA was a large step towards inclusive public spaces for people. More recently we have also seen a decision to introduce minimum accessibility standards for all new housing builds. We have also seen the for-profit sector taking steps to create a more inclusive community. For example, Coles have introduced a quiet hour to make their service more accessible to people with sensory needs.

Despite the progress that has been made, people with a disability continue to experience barriers to inclusion in all aspects of their life course. Reflecting on the findings of the Shut-Out Report in 2009[1], the same issues raised then are still

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[1] Commonwealth of Australia. (2009). Shut-Out: The Experiences of People with Disabilities and their Families in Australia. Canberra ACT. Retrieved from: https://www.dss.gov.au/sites/default/files/documents/05_2012/nds_report.pdf

apparent now. People with a disability continue to be placed in segregated settings such as 'group homes' and Australia Disability Enterprises (ADEs). Unemployment and underemployment are still significant issues. For those who cannot work, the system in place to support them has increased barriers to economic inclusion. Universal design as a requirement for building standards is still not in place for older buildings which impacts on access to services. The unmet need for access to digital connection and technology is becoming more apparent in the wake of Covid-19, especially where services are moving online to deal with restrictions. Demand for advocacy continues to rise, and funding available is not sufficient to keep up with the needs of people with a disability. A collective and concerted effort needs to be made across government, for-profit, not-for profit, and community if we are to break down barriers and realise a vision of an inclusive society.

Most respondents to our survey believe that Australia has made some progress towards inclusion. However, all respondents thought Australia could be doing better.

Q2 Do you think Australia is an inclusive society?
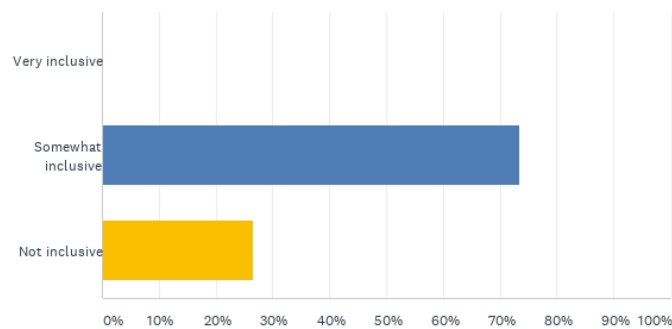
Respondents discussed many issues still faced by people with a disability including physical access, attitudinal barriers and a lack of accessible supports and services. They also highlighted that inclusion extends beyond just disability and intersects with racism, sexism, and other forms of discrimination.

Barriers to inclusion

To be included in society a person must be present in society. Being in inclusive settings from an early age is critical to likelihood of a person experiencing indicators of inclusion over the rest of their life course. We are still seeing people with a disability placed in segregated settings. This includes special education schools and education support units, group homes and Australian Disability Enterprises (ADEs). Exclusion is still occurring when barriers prevent people from entering and interacting with public and private spaces. Additionally, attitudes, behaviours, and values also lead to the exclusion of people with a disability.

<u>Segregation</u>

> *[I have been] segregated from others so unable to participate usually due to poor access.*
>
> *PWdWA Survey Participant*

Full and effective participation of a person with disability in society is dependent on the ending of segregation. At its core segregation is a breach human rights and constitutes a discriminatory practice. Segregation also increases the risk that a person will experience violence, abuse, neglect, and exploitation. The benefits of investing in inclusive settings are clear in both the short and long term, creating far better outcomes for not only people with a disability, but the community in general. For example, children with a disability who learn in inclusive education settings have better academic outcomes, are less likely to have behavioural problems and more likely to be involved in school groups and become employed and live independently.[2] It also has a positive impact on students without disability in that they are more tolerant of difference, less prejudiced, and more caring.[3]

A less obvious example of segregation can be seen in some community consultation processes. People with a disability are consulted separately to other

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[2] Heir, T., Grindal, T., Freeman, B., Lamoreau, R., Borquaye, Y., & Burke, S. (August 2019). A Summary of Evidence on Inclusive Education. Cambridge, USA. Retrieved from: https://alana.org.br/wp-content/uploads/2016/12/A_Summary_of_the_evidence_on_inclusive_education.pdf

[3] Ibid

consumers, which prevents them from being included in overall conversations about whatever the issue might be. This segregation approach prevents a richer, deeper conversation from occurring, and assumes people have an identity defined by a single tick box category. Often it will create further issues. An example of this may be a piece of cultural artwork on a sidewalk which is difficult to navigate for someone with a vision impairment.

PWdWA refers to the joint position paper '*Segregation of people with disability is discrimination and must end*'[4] submitted to the Commission in September 2020. We endorse the actions to end segregation recommended in the position paper.

Physical access

> *When the environment is not accessible [it] causes stress to me and my family*
>
> *I feel included when there is universal access built into the environment. Not because it was an amazing thing to do, just because that's what you do.*
>
> *PWdWA Survey Participants*

Having accessible spaces in the community is fundamental to ensuring that people with a disability can live independently and participate fully in all aspects of their lives as guaranteed under the United National Convention on the Rights of Person with Disabilities. The introduction of the *Disability (Access to Premises – Building) Standards 2010* (Premises Standards) and the *Disability Standards for Accessible Public Transport 2002* (Transport Standards) has been a great step forward in promoting access and inclusion. However, despite these steps forward, access to community, housing and transport continues to be an issue for many of the people PWdWA supports. Physical access was also a common thread in responses from our survey participants, such as lack of protection from the weather for accessible parking and entry point to buildings. We touch on some of the areas where physical access continues to be a barrier below.

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[4] Retrieved from: https://dpoa.org.au/wp-content/uploads/2020/11/Segregation-of-People-with-Disability_Position-Paper.pdf

Building fit out and fixtures

Many people with a disability will have issues navigating within a building due to poorly designed fit out and the placement and type of furniture and fixtures. For example, the height of reception desks and drinking fountains or furniture blocking accessways and reducing turning circle space.

Respondents to our survey highlighted how fit-out, and the way a space is used, can act as much of a barrier as poor design.

> *Decades ago laws were made to make buildings and venues fully accessible to all but that [sic] still does not happen. Many shops fill their aisles with extra stock making it impossible for me to negotiate with my mobility device.*
>
> *Wheelchair or walker areas in theatres in inconvenient, out-of-the-way areas with blocked views and distorted sounds*
>
> *PWdWA Survey Participants*

Seemingly basic things such as flooring patterns can have a significant impact on how a person experiences a space. For example, a person with dementia may see a strong tonal contrast on flooring between different rooms as a step or hole, which can lead to falls. Aside from physically preventing a person from accessing a space, these issues do not create a welcoming environment, and even if a person is not excluded physically, they may not feel welcome in the space.

The recent consultation for the Premises Standards included some consultation on how to address these issues but indicated that it fell outside the scope of the Premises Standards and the National Construction Code. While complaints can be made under the *Disability Discrimination Act 1992* it is questionable how effective this is to create widespread change and prevent the issue from occurring in the first place.

Public footpaths, parks, and recreation areas

Access to outdoor community and recreation areas are not covered by the current Disability Standards legislation. Lack of wide, flat public footpaths and footpaths that do not have flush entry/exit points to crosswalks, as well as inaccessible public facilities are just some of the issues that people with a disability encounter when trying to navigate public spaces in WA. 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. We also know that, for example, there are accessible paths around beaches but rarely is there a permanent public structure to allow access to the water.

Several respondents to our survey highlighted that they have experienced exclusion due to these issues.

> *[Australia is] not inclusive because of community access – no or uneven paths, stairs not ramps, no railings on stairs, not enough disabled toilets.*
>
> *Sometimes there is no accessible toilet which as I get older can be very distressing.*
>
> *PWdWA Survey Participant*

Digital access, information, and communication

Just as physical access is important, so too is being able to access information when and where you need it and being able to communicate in a way you can understand. This includes making sure information is available in alternative formats such as Easy English, Auslan, Alt Text etc… Having access to information in a format they can understand ensures people understand their rights, know what supports are available to them, helps them make informed decisions and means they can interact with the community. In fact, for many people with a disability online spaces are an important place for them to experience community, such as

online peer support groups. When people don't have access to information in a format they can understand and are not supported to communicate in their preferred way it acts as a barrier to inclusion.

Digital Access

The COVID-19 pandemic has also highlighted the unmet need for digital access. Many people with a disability, especially those in rural or regional areas, do not have access to computers or reliable internet. This means they lack access to basic information, online communities and peer support, and online services. Many decisions about how services are being delivered assume a basic level of online access. For example, the transition of Centrelink services to online. Many people PWdWA support struggle to manage with the online services, including digital claims and online portals. They either find the system too difficult to navigate or they do not have access to a computer or internet.

Case Study

Greg needed to apply to the Administrative Appeals Tribunal (AAT) for a review of his NDIS plan. Greg was vision impaired and relied on software on his computer to read out information on the screen. The AAT request that people apply using an online form, complete a downloadable form, or write a letter to them. Greg's computer couldn't read the forms. An advocate was able to inform Greg that the AAT could make allowances and take his application by phone. Greg didn't realise this was possible as the AAT did not include this information online.

The Australian government has introduced requirements for federal and state websites to meet Web Content Accessibility Guidelines (WCAG) 2.0 Level AA. However, this does not guarantee a website will be accessible for a broad range of user with a disability. It does not require that information be provided in an Easy English format, or that information will be easy to navigate. There are also no minimum requirements for services funded by government, or online goods and

services. For example, a 2017 study looking at the accessibility of Australian e-commerce websites found that none of the top 30 e-commerce websites met minimum accessibility standards[5]. Given the increasing reliance on digital technologies to deliver goods and services these gaps must be addressed to ensure people with a disability are included in 'digital progress' and can access digital spaces.

Attitudes, behaviours, and values

Most of the respondents to our survey highlighted attitudes and values as a significant barrier to inclusion.

Ever heard the saying "The fish rots from the head!"   Too many people on positions of power choose to turn a blind eye and that creates a culture of not bothering. It teaches people not to bother...

Condescending attitudes that do not make you feel welcome.

I believe it is more to do with people's attitudes than the physical environment for someone with my condition.

[M]ost of the time, it is based on ignorance, poor judgement or misinformation. nothing that a bit of training couldn't change.

PWdWA Survey Participants

Attitudes, behaviours, and values can be as much a barrier as physical access. For example, research found that while financial resources did impact on inclusion in education settings, the attitude of educational professionals was just as important.[6] Teachers with positive attitudes towards inclusion were more likely to adapt their teaching style for the benefit of all students.

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[5] Sohaib, Osama & Kang, Kyeong. (2017). E-Commerce Web Accessibility for People with Disabilities. Lecture Notes in Information Systems and Organisation, 87-100.
[6] Above 2

How people and services think about (or don't think about) disability has a significant impact on the level of inclusion or exclusion experienced by a person with a disability. Disability access and inclusion is still often an afterthought, rather than being an inherent part of everyday life. Exclusion may not be deliberate, but it has a significant impact on a person's human rights. Ableism is not treated with the same levity by community as sexism and racism despite being the most prominent discrimination complaints area at the Human Rights Commission.[7] In many cases people are silent, make excuses, or call out the person with a disability for 'overreacting' to 'mistake'.[8]

> *Some people seem are resentful that disabled people get too many privileges like acrod parking and "normal" people use disabled toilets.*
> *PWdWA Survey Participant*

Until we progress to a community that sees access and inclusion for all as part of our everyday way of life and calls out ableism is the same way we do racism, sexism, and other forms of discrimination, people with a disability will continue to experience exclusion.

Accessing supports and services

> *Non-disabled people think that they know what is best and often do not listen to the opinions of disabled people.*
> *PWdWA Survey Participant*

One of the issues we have raised in previous submissions to the Commission is the overly paternalistic attitudes experienced by people with a disability. This includes approaches which deny dignity of risk and reduce choice and control. Often support services, families, and even community spaces are risk averse when it comes to people with a disability. This results in people with a disability being excluded from places, activities, and situations which others believe pose an unacceptable risk.

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[7] Australian Human Rights Commission (2020). *2019-2020 Complaints Statistics.* Retrieved from: https://humanrights.gov.au/sites/default/files/2020-10/AHRC_AR_2019-20_Complaint_Stats_FINAL.pdf
[8] Ellen Fraser-Barbour talks about the backlash she received for making a discrimination complaint against a small business in her article *We need to talk about Ableism*. Retrieved from: https://www.abc.net.au/everyday/we-need-to-talk-about-ableism/12525078

Supports being provided through the NDIS do not always provide meaningful community participation opportunities. For example, too often we hear of people being taken out for a coffee, or only being able to attend scheduled events with a group of NDIS recipients. These types of activities are easier for a provider to plan and schedule for but often do not help build individual capacity, nor bring a person closer towards community inclusion. At best they place the person in the community where there is the potential opportunity of engagement, at worst they create a reliance on support services for any kind of social interaction, leading to further isolation and segregation. In some cases, providers will respond that the person with a disability doesn't know what they want or prefers to spend time with others with a disability. We would argue that many of these people have never been given the opportunity to have choice and control and have not been supported to explore their options and make informed decision.

Additionally, many people are unable to get the supports they need to access community which creates a significant barrier to inclusion. While the NDIS has improved the lives of many people with a disability, a significant number of people continue to have issues accessing funding to meet their basic needs. PWdWA have been contacted by approx. 150 people in the last 6 months alone about issues accessing appropriate funding through the NDIS. The reality for some people is they must choose between core supports and community participation.

Case Study

Lydia had funding in her plan for community participation. She was keen to have the opportunity to get out and about and do things like go to the cinema. Lydia's service provider needed additional staff to safely assist with hoisting and continence pads. This requirement was not reflected in the funding Lydia received from the National Disability Insurance Agency (NDIA) for her core supports despite being recommended by two different Occupational Therapists. To ensure that Lydia could receive safe care she used her community participation funds to supplement her core supports. This meant she had no funding to help her access the community. When her plan was reviewed there had been recommendations for Lydia to access therapy to assist with her capacity building. While the NDIA increased funding so that core supports could be safely delivered, they did not provide any funding for therapy. Lydia was again forced to choose between essential supports and community access. At the time she contacted PWdWA Lydia said she had not left her home in at least 12

Employment

Several of our survey respondents highlighted barriers to inclusion in employment. They noted that some progress has been made in regard to affirmative measures, but that these do not always cater for a wide array of disability types.

Disability affirmative measures and employment adjustments seem designed for physical and sensory disabilities, with no thought to the overall structure or policy, or selection criteria which exclude people with certain disabilities.

Businesses must be inclusive in their hiring policies and continually reviewing the physical access of premises.

PWdWA Survey Participant

It has been the experience of PWdWA that many small and medium sized businesses in WA are open to hiring a person with a disability but unconscious bias, erroneous assumptions, and lack of knowledge about supports available are all acting as barriers. Additionally, these same issues can impact on a person's experience within a workplace and their ability to progress to leadership positions.

Research also suggests that people with a disability do not have the same opportunities for professional development and training in the workplace. Having people with a disability in positions of leadership is critical to creating an inclusive culture within individual businesses and organisations, as well as the community in general.

[I was] compelled to retire early, not promoted because of other people's perceptions of my capacity.

PWdWA Survey Participant

Inclusion and violence, abuse, neglect, and exploitation

An inclusive society values a person with a disability. Respondents to our survey highlighted attitudes which see people with a disability as 'other', 'less' and a 'burden' as leading to violence, abuse, neglect and exploitation.

When people are not included they become less important.

I think the attitudes which lead to exclusion are found to a greater extent in people that perpetrate the above behaviours [violence, abuse, neglect and exploitation].

PWdWA Survey Participant

An inclusive society would reject ableist attitudes which foster environments which allow violence, abuse, neglect, and exploitation to occur. People with a disability would be visible, would have a voice, and could feel confident that if violence, abuse, neglect, and exploitation were occurring, that help was easy to access, and it would be responded to quickly and appropriately.

What Makes an Inclusive Society?

We asked respondents to our Survey to tell us how life would look and feel if Australia was truly inclusive for people with a disability.

Easier
Welcomed
Transparency
Contribute
Happier
Fulfilling

Overall, they identified that life would be easier, they would feel happier, and they would be able to contribute in meaningful and fulfilling ways.

<u>Easy to access and navigate</u>

In an inclusive society people with a disability wouldn't have to wonder how they were going to get somewhere and whether it would be accessible when they got there. As mentioned above we have made progress in this area through the introduction of legislation and standards. However not all public and private spaces are covered by specific legislation and standards. Experience shows that the *Disability Discrimination Act 1992* on its own is not enough to ensure accessibility of physical or digital spaces.

Representation

> *I strongly believe that it starts with having disability represented in the media, advertising, entertainment, employment, politics, education, health, government agencies, neighbourhoods and sporting clubs and groups. When people with disability are part of the very fabric of our community we become more of an integral part of 'us' rather than 'them' / 'other'*
>
> *Pwd need to be visible... At all levels*
>
> *PWdWA Survey Participant*

Many people might be surprised to hear that 1 in 5 Australians has a disability. This is because disability is significantly underrepresented in mainstream society. Government, non-government, and private institutions all have a role in ensuring people with a disability are represented in society. Representation is more than just being physically present. It is about active participation in society. This means children with a disability having the right supports and environment to succeed in a mainstream school. It means recruitment practices and workplaces which are accessible and see the value in investing in people with a disability. It means community groups that look at ways to bring people in, rather than place them alongside. When we start to see people with a disability being represented in society, we can start to change the stereotypes of disability and break down barriers.

Valued

Survey respondents said that being valued, respected, and understood made them feel included.

> *I feel included when I feel understood and valued*
>
> *I felt included at a small gathering of a political party branch where people spoke to me, volunteered me for positions, showed confidence in me and made me feel welcome. It was as if my presence was a benefit and not a burden, and I felt very buoyed up on returning home.*
>
> *Not treated as different or lesser or an inconvenience and acknowledged for what we can contribute to society so that our knowledge accumulated over many years is not wasted or thought of no account.*
>
> *PWdWA Survey Participants*

When people are valued, they have more opportunities. This could be opportunities for training and promotion in the workplace. It could be the opportunity to step up in a leadership position in a community group. It opens opportunities to be involved in leading solutions. Being valued and respected can mean the difference between integration and inclusion.

For some of the respondents this specifically meant they weren't singled out because of their disability. Stella Young famously made the phrase 'Inspiration Porn' go viral after her 2014 Ted Talk[9]. She talks about being viewed as 'Inspiration' for just living your everyday life, and how problematic it is. It does not promote inclusion, instead being disempowering and patronising.

> *I feel included when no one makes a fuss when I am participating in my everyday ordinary - because that's just what I do as a human being who also has a disability.*
>
> *PWdWA Survey Participant*

In this respect, the representation we discuss above, especially in the media, must come from a place where we are valuing and respecting people with a disability.

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[9] Transcript of the Ted Talk can be retrieved from:
https://www.ted.com/talks/stella_young_i_m_not_your_inspiration_thank_you_very_much/transcript?language=en

Access to supports

Some people with a disability need supports to enable them to live their lives, whether it be self-care, or access to the community. Without access to these supports we risk people being isolated and segregated. The Government has a responsibility to ensure people with disabilities have access to those supports and that legislation, policy and practice does not create undue barriers.

The person with a disability, their rights, and choice and control need to be at the core of service provision. This will require service providers to be flexible and innovative and to have the right attitude, one which see potential rather than limiting it.

How can we Promote Inclusion?

Universal Design

Government, non-government and private sectors need to take a universal design approach to not only physical spaces, but also in the digital landscapes. This approach must be grounded in best practice, rather than a deem to satisfy minimum requirements.

Recommendation 1

Government to engage in co-design of universal access standards which must be applied to all public and private spaces.

Recommendation 2

Government updates existing standards and ensure future standards require best practice rather than deem to satisfy.

<u>Education</u>

Most of the respondents to our survey identified the need for education to promote inclusion.

> *Education I think is the biggest key.*
>
> *Individuals would benefit from better education about the need for inclusiveness for all*
>
> *Grow a brain. Be considerate. Get educated.*
>
> *Education! I believe a lack of Inclusion begins from Fear of a person who looks and acts a little differently from oneself.*
>
> *PWdWA Survey Participants*

PWdWA knows first-hand the difference education can make to inclusion for people with a disability. Over the last 3 years PWdWA has been rolling out the Diversity Field Officer (DFO) project, which uses tools and methods developed by the Australian Federation of Disability Organisations (AFDO) and Deakin University. The project works one to one to assist to build 'disability confidence' and facilitate the development of more inclusive policies and practices within each business, with practical steps identified to put developing disability confidence into action. Both AFDO and PWdWA have found the approach taken by the project, focusing on the business and their individual needs, has had substantially positive outcomes not only for the business, but for people with a disability in the community. For example, the original AFDO pilot in Geelong saw a two-fold increase in the number of businesses employing a person with a disability at the completion of the project. Some of the outcomes of the PWdWA projects include changes to premises, policies and recruitment practices and a marked increase in business confidence to successfully recruit and support a person with a disability.

Recommendation 3

Government must invest in initiatives and programs which provide education, training, and support to create inclusive practice across a broad range of

sectors including education, employment, community participation and leadership.

Co-design – nothing about us without us

Too often government, organisations and community fail to meaningfully include people with a disability in decision making processes. The result is decision which directly or indirectly lead to exclusion for people with a disability. Legislation, policy and program development and changes that will impact on people with a disability must be co-designed BY people with a disability. This is critical to people with a disability having a voice and being included in decision making processes that affect them. Co-design is a process the ensures real input from consumers and is the gold standard for engagement.

> *The design of things, from buildings to recruitment processes need to be challenged from a disability perspective. Organisations need to include people with a disability (of various types) to make their policies, practices, culture and environment more inclusive.*
> *PWdWA Survey Participant*

There has been a shift in the WA State, and Federal Governments towards a co-design approach. The WA State Disability Plan was co-designed, and the NDIA and NDIS Quality and Safeguards Commission Legislation include the principle of co-design. The Information, Linkages and Capacity Building Grants require people with a disability to be involved in the design and delivery of grant activities. However, as the latest proposed changes to the NDIS demonstrate, co-design still isn't always happening.

Recommendation 4

State and Federal Government mandates co-design for programs and services that will be used by people with a disability. This includes ensuring that people with lived experience are represented on technical working groups, and advisory groups.

Recommendation 5

Non-government and the private sector must adopt a co-design model for any program or service for people with a disability. Government can encourage this through incentives and procurement practices.

<u>Supported Decision Making</u>

A service which is truly promoting inclusion will be highly skilled in supported decision making. Policy may recognise a person's right to 'choice and control' but many people will need support to help them exercise those rights. Supported decision making ensures that people with a disability have the same opportunity as anyone else to make decisions that impact on their lives. This includes not only disability supports but also healthcare, justice, and education etc…

Recommendation 6

Government ensures that funding for Support Decision making is available to people with a disability who require it, either through the NDIS or other mechanisms.

Recommendation 7

NDIS Quality and Safeguards Commission provide training and guidance to support service providers to implement supported decision-making policies and practices.

Recommendation 8

State based substitute decision making schemes must be replaced with best practice Supported Decision Making models.

<u>Leadership and Accountability</u>

Accountability is critical to driving action. Even with the best legislation and policy, inclusion will not occur if it is not being implemented consistently and if people are not aware of it. We often find that higher level strategies, standards and overarching

policies are not well known not only by the disability community, but also the general community. Additionally, implementation is dependent on adequate Government leadership driving initiatives.[10]

We note that the new National Disability Strategy (NDS) proposes guiding principles. It is not clear whether there will be any specific requirement to apply the guiding principles for Government, or as part of Government tendering processes. Our experiencing has been that guiding principles, without incentive to apply them, end up as just words on paper.

An example of where policy is not promoting inclusion is the Disability Standards for Education 2005 (DSE). The DSE is one of the main mechanisms for promoting inclusion across Australia in the education setting. One major issue with the DSE is the lack of awareness and implementation of the standards within the community and educational institutions. It is a clear example of a framework that is failing to achieve it's intended goal of inclusion.

The NDS aims to implement an Outcomes Framework that can be used to monitor and report on outcomes for people with a disability. All the outcome areas are relevant to measuring how inclusive society is. Given the scope of work to be undertaken to implement the NDS Outcome 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.

We recommend that the Commission look at the example indicators proposed in the Draft Outcomes Framework as we believe most of them will provide an indicator

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[10] A review of Norway's Government Action Plan for Universal Design and Accessibility 2009-2014 found that there were few organic drivers for accessibility in society. Success of the Action Plan was found to be "dependent on the leadership and initiatives of the Government and local authorities". Lund, Einar & Bringa, Olav Rand. (2016). *From Vision to Practical Policy: The Universal Design Journey in Norway.* Universal Design 2016: Learning from the Past, Designing for the Future pp 43-52. Retrieved from: http://universaldesignaustralia.net.au/wp-content/uploads/2016/09/Norway-update-by-Bringa-and-Lund.pdf

of progress (or lack thereof) towards inclusion. **Example indicators below are in addition to those noted in the Draft Framework.**

Inclusive and Accessible Communities

Example indicators and measures could include:

- 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
  - 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

Education

Example indicators and measures could include:

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

There are currently no formal reporting requirements on compliance with the DSE. To measure and monitor the impact of the standards on inclusion in education, mandatory reporting requirements should be introduced. Primary and secondary schools already collect and report some information about disability through the Nationally Consistent Collection of Data. Additional reporting requirements could be built into this mechanism to capture data that provides insight into inclusive practice. Currently data reported only includes students with a defined disability, where there is evidence of a reasonable adjustment being made. It does not include data on all students who identify as having a disability. Information on complaints that have been received by an education institute from a person with a disability, or their family, and the outcome of complaints would provide much insight into the experience of students with a disability.

Data is also available on complaints received through the Human Rights Commission and state-based discrimination complaints mechanisms such as the Equal Opportunity Commission in WA.

Employment

Example indicators and measures:

- 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

Employment statistics for people with a disability are available through the Australian Bureau of Statistics. Many government agencies such as the NDIA also report against employment targets for disability. Similarly, government agencies such as Job Access have data on the supports provided to employees and employers to support people with a disability within the workplace. This could include the number and types of workplace modifications accessed.

We would also like to see data about Disability Employment Services (DES) made public. The goal of a DES is to support people with a disability to find and maintain open employment. In our experience the program is not achieving it's intended outcome and is acting as a barrier to people accessing the Disability Support Pension. Data that could be gained from this sector includes at minimum the number of people with a disability successfully placed into open employment.

Similarly, data would be available through the NDIA on how many people accessing support to find and keep a job are supported to enter into open employment and the barriers that they face.

Choice and Control

Examples indicators and measures could include:

- Access to advocacy

    o Number of people waitlisted

    o Average time to receive an advocate

- Self-determination and decision making

    o Reduction in the number of substitute decision-making arrangements

    o Increase in decision making support/arrangements

- Elimination of restrictive practices

- Complaints trends and feedback

Recommendation 9

An independent body be established and appropriately resourced to oversee the implementation of the NDS Outcomes Framework.

Access to Advocacy

Advocacy plays an important role in addressing issues which impact on the inclusion of people with a disability. In the 2019-20 financial year PWdWA supported over 1000 people with advocacy issues across many different areas which is a 35% increase from the previous year. The increasing level of demand being experienced by the advocacy sector had required us to focus on providing

detailed information and advice to people experiencing non-urgent issues so that we have capacity to provide more extensive one-to-one advocacy to those persons with a disability who are vulnerable and have urgent issues requiring support. This has meant that many people who would have previously had access to advocacy support have either been placed onto waitlists or have had to self-advocate without an advocate being available to walk alongside them and build their capacity. This means that advocacy services in WA are essentially acting as crisis support services and have limited ability to provide the personal capacity building support they have previously provided.

PWdWA are encouraged to see the WA State Government acknowledging the need for additional disability advocacy funding and inclusion it in its budget. However, funding is still short term (12 months), with no guarantee of ongoing funding over the long term. We have also not seen an increase in the federal funding for advocacy services in the last 3 years despite the NDIS being overwhelmingly the most pressing issue.

Recommendation 10

Government introduces long-term funded contract for disability advocacy which reflect the level of demand for advocacy by the community.