



Disability Council NSW

***Nothing about us without us –***  
**Community Feedback Report on the**  
**NDS NSW Implementation Plan (2012**  
**– 2014)**

August 2014

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## EXECUTIVE SUMMARY

The task of monitoring the National Disability Strategy NSW Implementation Plan 2012-2014 (the Plan) is the responsibility of the Department of Family and Community Services (FACS) and also the Disability Council NSW (Council). In early 2014, Council commenced a series of consultations with representatives of consumer and peak groups in the disability sector. We sought feedback about how the Plan was developed, about how the actions in the Plan have affected the lives of people with disability, and what they would like to see in a future plan.

The main issues that emerged from the consultations are:

1. Consultation with people with disability is crucial to ensuring that policies and programs will meet their real needs. Consultation should be front and centre of every change that has the potential to affect the lives of people with disability. The consultation process itself should be designed in collaboration with people with disability, and ensure that people from culturally and linguistically diverse backgrounds, as well as Aboriginal and remote communities are included.
2. Inclusion must, as a first step, mean that all government documents are available in accessible formats so that all people, with or without disability, can participate in discussions. The State Disability Inclusion Plan, as required by the Disability Inclusion Legislation 2014, should lead the way by being accessible.
3. Any future plans need to be structured around goals that are concrete, measurable and achievable.
4. The perception of progress can be negated by the 'minor' details in people's lives that make negotiating public infrastructure difficult. These details need to receive as much attention as the large-scale projects.
5. Good policy development needs to be accompanied by effective and well-monitored implementation on the ground, complemented by disability awareness and cultural awareness training for people who deliver direct services to people with disability, or who otherwise have direct contact with them, such as at reception desks.
6. Employment is ultimately the key to raising the living standards and inclusion of people with disability. It provides a pathway out of poverty.

## LIST OF RECOMMENDATIONS

**Recommendation 1:** That FACS ensures that best practice in accessible communication is incorporated as part of the State Disability Inclusion Plan, and the guidelines for Disability Inclusion Action Plans.

**Recommendation 2:** That disability action planning guidelines include a protocol for consultation with the disability community and the disability non-government sector. The protocol should include appropriate timeframes for consultation with people with disability. A useful starting point is the Public Participation Spectrum of engagement with stakeholders and communities published by the International Association for Public Participation (IAP2).

**Recommendation 3:** That FACS develop diversity awareness training materials and make them available for all agencies to use as part of their induction and on-going staff training for staff.

**Recommendation 4:** That each agency adopts a policy and practice of “continuous engagement” with the disability community, such as the disability advisory bodies relied on by Transport for NSW and the Department of Justice.

**Recommendation 5:** That all government agencies publish, preferably on their websites, the accessibility features that enable people with disability to plan and use their services with certainty and dignity.

**Recommendation 6:** That the Minister for Disability Services champions accessible communication by always using an Auslan interpreter in any public appearance.

**Recommendation 7:** That the availability of accessible transport options for people with disability in Aboriginal, rural and remote communities be assessed and agreed minimum levels of service be put into place.

**Recommendation 8:** That the Department of Justice hold further consultations on appropriate, effective and respectful ways to identify suspects and offenders who may have a cognitive impairment.

**Recommendation 9:** That FACS reviews the way new parents with intellectual disability are assessed so that priority is given to enabling and supporting parenting with adequate supports before consideration is given to the possibility of removal. CRPD Article 23.4 states:

4. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. In no case

shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.

**Recommendation 10:** That the Public Service Commission considers setting targets for the employment of people with disability in the NSW public sector, and that these targets be incorporated into the KPIs of senior management positions.

**Recommendation 11:** That ADHC develop and implement a Cultural Competency Framework for Ability Links staff in lieu of funding designated NESB positions.

**Recommendation 12:** That State and Federal Governments work to ensure that a strong independent advocacy sector exists to uphold the rights of people with disability.

**Recommendation 13:** That EnableNSW be adequately funded to provide equipment and aids in a timely manner to people with disability.

**Recommendation 14:** That NSW Health examine the appropriateness and depth of training in disability received by medical students, including training on communication with people with disability, with a focus on the rights of people with disability, and emphasising the social context within which their healthcare is provided.

**Recommendation 15:** That the disability action planning guidelines address the need for front-line staff, who deal with people with disability in mainstream settings such as hospitals and schools, to be given Disability and Cultural Diversity training, to ensure they have the skills to meet the needs of their customers.

**Recommendation 16:** That local health advisory boards include a diverse representation from the disability, CALD and Aboriginal communities.

**Recommendation 17:** That the success of the Housing and Support Initiative (HASI) be built upon by NSW Health in developing a more comprehensive support program that extends the concept to the whole community, not just those living in social housing.

**Recommendation 18:** That NSW Health assess the need for a comprehensive data base of mental health resources, and fund the maintenance of such resources to be made available publicly to professionals, families and community sector workers.



## INTRODUCTION

The Disability Council NSW (Council) is the official advisory body to the NSW Government on issues concerning people with disability. Council currently consists of 11 members with diverse backgrounds, impairments, experience and expertise.

The National Disability Strategy (NDS) was developed by the Council of Australian Governments (COAG) in response to Australia's ratification of the United Nations Convention on the Rights of Persons with Disabilities (CRPD). The NSW Government developed the NSW Implementation Plan 2012-2014 (the Plan) which outlines priorities and actions across government to promote inclusion for people with disability.

The Plan specifies that its implementation will be monitored by the Department of Family and Community Services (FACS) and the Disability Council NSW. FACS is responsible for the formal evaluation and monitoring of the actions in the Plan, as well as leading discussions with agencies and other stakeholders about the development of any future plan, which will be known as the NSW State Disability Inclusion Plan introduced by the recently passed Disability Inclusion Legislation 2014.

### *Disability Council monitoring*

In monitoring the effect of the Plan, Council's focus is on the lived experience of people with disability in NSW. The Plan's intended outcomes are improvements in the daily lives of people with disability and in their interactions with mainstream services provided by government agencies.

Council adopted a two pronged monitoring approach. Firstly, Council invited the Secretaries of NSW Government agencies or their nominees to attend a Council meeting and discuss their Department's progress with the actions in the Plan. Secondly, Council commenced consultations with disability consumer groups, peak bodies and individuals, asking how the Plan has affected the lives of people with disability, and what a future plan should include.

This document describes the results of the first round of consultations with people with disability and organisations which represent them. In this round we spoke with 14 individuals and groups and sought to draw out the voice of people with disability as expressed by themselves or through their representatives. We have documented the key themes expressed by people with disability when encouraged to tell their stories.

## Approach

Council sought interviews with people with disability or their representatives through the following organisations:

1. Aboriginal Disability Network
2. Association for Children with Disability
3. Australian Network on Disability
4. Deaf Society of NSW
5. Institute for Family Advocacy and Leadership Development
6. Intellectual Disability Rights Service
7. Dr John Gilroy (Indigenous Health, Faculty of Health Sciences, University of Sydney)
8. Mental Health Association (NSW)
9. New South Wales Council on Social Service (NCOSS)
10. Multicultural Disability Advocacy Association
11. Physical Disability Council of NSW
12. People with Disability Australia
13. Self-Advocacy, Sydney
14. Vision Australia

All except one of the discussions were face-to-face interviews. Prior to the interviews, participants were provided with a list of broad areas relating to the Plan about which their views would be sought, as follows:

1. The development of the current Plan
2. The implementation of the current Plan
3. Positive outcomes from the current Plan
4. Concerns about the Plan
5. Development of the next plan
6. Three top actions for the next plan
7. Stories from people with disability to illustrate the effects of the current plan
8. Any key research to inform the development of the next plan

All participants welcomed Council's approach and were very generous with their time. Council is grateful for the opportunity to hear their experiences and insights and hopes that this report reflects the range of views accurately and plainly.

## GENERAL COMMENTS ON THE CURRENT PLAN

Most of the participants expressed appreciation that the NSW Government has embarked on a key initiative to make communities more inclusive, accessible and person-centered, acknowledging the actions taken under the Plan, both practically and at the policy level.

A number of participants, however, criticised the lack of accessibility of the Plan as a document, its rather weak structure, and the limited consultation in its development, resulting in a negative impression for some people with disability or their representatives. Attention to some of the “minor” details that impact on people’s lives would help to make people more receptive and appreciative of the larger, longer-term structural changes that are underway. For example, the experience of a person with vision impairment who is on a train with no way of knowing when to get off will negate any positive impressions of large scale infrastructure programs for making train stations more accessible. A person with vision impairment just needs someone to inform them what station this is. “One small thing can ruin a whole journey” (participant from Vision Australia).

### *Accessibility*

During our consultations we were told about people with disability who had not and could not access the Plan. The electronic version of the Plan is available as a PDF document while the more accessible approach is to ensure a text format is also available. In addition, the Plan is not available in Auslan (the preferred language of the Deaf community), in Easy English, braille or in any community languages.

Priority 1.4 in the Plan refers to improving the accessibility of Government information. The production of the Plan should have reflected this commitment. Access to all Government information and announcements should be available in a range of accessible formats. The websites of the City of Sydney and the NSW Electoral Commission are examples of good practice in this area.

A consistent adoption of accessible communication by Government agencies not only serves a practical purpose, but also sends a strong message that the diverse information needs of the community are addressed as the norm.

**Recommendation 1: That FACS ensures that best practice in accessible communication is incorporated as part of the State Disability Inclusion Plan, and the guidelines for Disability Inclusion Action Plans.**

## *Consultation Timeframes*

Comments about the short time available for input into the development of the Plan were common. Participants felt that those driving the process had little knowledge of the timeframes needed for disability organisations to inform and consult with members. Organisations such as the Disability Network Forum have valuable grass-roots connections with people in the disability community, but need time to go back to that constituency and ascertain their views.

Many people with disability do not own or use computers, so they may rely on newsletters or other communications from disability organisations as a means of becoming aware of any consultation processes. The time required for this to occur needs to be recognised when planning consultations to obtain the views of people with disability.

Many people with disability have to plan their outings, such as attendance at consultation forums, for days, if not weeks, in advance, to sort out potential accessibility issues or arrange for support in order to understand issues, read documents and think things through. Consultations seeking the views of people with disability need to recognise this time factor.

**Recommendation 2: That disability action planning guidelines include a protocol for consultation with the disability community and the disability non-government sector. The protocol should include appropriate timeframes for consultation with people with disability. A useful starting point is the Public Participation Spectrum of engagement with stakeholders and communities published by the International Association for Public Participation (IAP2).**

## *Policy must be put into practice*

A general theme that came through during the consultations was that policy development means nothing if the policies are not put into practice. Policies need to be implemented throughout each agency, along with the cultural change that sees pro-active implementation of the policy at ground level. An important starting point of this cultural change is the development and maintenance of staff diversity awareness.

**Recommendation 3: That FACS develop diversity awareness training materials and make them available for all agencies to use as part of their induction and on-going staff training for staff.**

### *More regular reporting*

More open reporting on progress under each action in the Plan was strongly recommended, whether in a publicly available report or tabling in Parliament, as required under the Disability Inclusion Legislation 2014. More regular reporting would give agencies opportunities to identify and remedy gaps or lack of progress.

In addition to regular reporting, agencies need to establish effective consultative mechanisms as a continuous improvement strategy. Some agencies have already adopted ongoing consultation models. For example, Transport for NSW has an Accessible Transport Advisory Committee which meets regularly and has broad representation from the disability community. The Department of Justice has a similar disability advisory council which also includes senior executive level representation and support from within the agency. It is notable that positive feedback was reported with such models during the interviews.

**Recommendation 4: That each agency adopts a policy and practice of “continuous engagement” with the disability community, such as the disability advisory bodies relied on by Transport for NSW and the Department of Justice.**

## COMMENTS ON SELECTED ACTIONS UNDER THE PLAN

### 1. *Inclusive and Accessible Communities*

#### Access to community

*Action 1(m) (iv): developing partnerships with Local Government so that people with disability are better able to access and participate within the local community.*

Overall, positive comments were made about the Sydney City Council's Wayfinding Program. However, a number of comments expressed the frustration people with vision impairment feel in negotiating Sydney's streets. Difficulties included steep kerbs, obstructed footpaths, lack of drop-off zones, and lift destination control systems (control panels external to lifts which might be difficult to locate by people with vision impairment for example).

The Accessible Communities Program<sup>1</sup> providing funding to Local Councils is regarded as a good model of supporting Councils to work in a collaborative fashion with the disability community to achieve an outcome.

#### Access to public buildings and government services

Concerns were raised about accessibility and safety for employees with disability in government offices and meeting venues, particularly in relation to safe egress during emergency evacuation situations.

The lack of hearing loops in meeting rooms and consultation forums has been a frequent source of complaint.

Offices relying on queuing systems and touch screens are often difficult to manage for people with vision impairment.

People with disability need to be able to check out whether all parts of a journey are accessible, and therefore rely on easily available and reliable Information for planning a journey.

**Recommendation 5: That all government agencies publish, preferably on their websites, the accessibility features that enable people with disability to plan and use their services with certainty and dignity.**

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<sup>1</sup> <http://www.dss.gov.au/our-responsibilities/disability-and-carers/program-services/for-service-providers/accessible-communities>

## Access to information

The use of Auslan interpreters during bushfire emergencies was applauded, but it was noticed that the camera did not always keep them in frame. Immediate action needs to be taken to ensure that Auslan interpreters are used and present 'in shot' when emergency announcements are made. As noted above, this is only the first step to an inclusive, comprehensive accessible information protocol across all areas of government.

**Recommendation 6: That the Minister for Disability Services champions accessible communication by always using an Auslan interpreter in any public appearance.**

## Libraries

The inclusion of local government councils in the disability planning processes, as prescribed in the Disability Inclusion Legislation 2014, was applauded as essential for increasing the accessibility of local communities for people with disability.

Specific mention was made of access to information in local libraries, which present a number of problems for people with vision impairment. Some people with disability believed that actions to make libraries accessible should be a core local government responsibility. It was also suggested that libraries should provide daily newspapers in accessible formats for vision impaired readers, perhaps by means of system-wide IT solutions.

## Housing

*Action 1(d): Continue to improve the provision of accessible and adaptable social housing to people with disability.*

Some participants expressed considerable disquiet about the current and future supply of accessible, affordable housing for people with disability. Issues raised included long waiting times, the importance of the rental subsidy, inaccessible forms, discrimination faced by prospective tenants with disability, and rising demand for accessible housing which participants felt would increase with the roll-out of the National Disability Insurance Scheme (NDIS). Consideration needs to be given to the extent that these issues can be addressed by the NSW Government as part of the future disability planning process.

*When the cost of housing forces you to move to a distant area, you lose all your informal support networks, and an NDIS package is then higher to make up for this.*

Council understands that the National Disability Insurance Agency is investigating the issue of housing for people with disability, and that both the NSW and Federal Governments are conducting enquiries in the area of social housing. For this reason, no recommendations are made at this stage.

## Transport

One individual with vision impairment was pleased with the support given her by station staff in getting on trains. Others commended train accessibility features such as hearing loops at ticket offices and on trains, providing lifts in stations, rumble strips and assistance given to passengers who use wheelchairs or with vision impairment. Other participants were pleased with the level of consultation and active community involvement in transport matters, such as through the Accessible Transport Advisory Committee.

*Action 1(e): ...making transport more accessible.*

The slowness of the roll-out of lifts in train stations was an issue for some participants.

The cost of taxis creates a barrier for people with disability who cannot use other forms of public transport. “A \$30 subsidy does not get you very far these days.” A long-awaited review of the Taxi Subsidy Scheme was a prominent issue in the consultations.

*Action 1(e) (ii): enhancing customer service and information for all public and private transport customers.*

Comments were made that accessibility must be built into major infrastructure projects from the start, and not added on late in the design process. Accessibility must be a core part of design, rather than an add-on (as was seen to be the case with the recent introduction of the Opal ticketing system).

*Action 1(e) (iii): improving accessible transport for rural communities.*

It was observed “there have been no discernible improvements in accessibility of transport in rural and remote areas of the state”. This particularly affects the Aboriginal community.

**Recommendation 7: That the availability of accessible transport options for people with disability in Aboriginal, rural and remote communities be assessed, and that agreed minimum levels of service be put into place.**

## 2. Rights Protection, Justice and Legislation

### Aboriginal people with disability

*Actions 2(a): ...support people with disability who are engaged with the criminal justice system or at risk of entering the system...*

Despite the high rates of incarceration of Aboriginal people, none of the actions in the Plan are targeted specifically at this population. Concerns expressed by representatives from the Aboriginal community include:

- the need for disability and cultural awareness training for magistrates, parole officers and discharge officers;
- the high number of Aboriginal people with disability being incarcerated;
- drug dependency as a consequence of incarceration;
- the need to link prisoners with disability into services post-incarceration; and
- the negative effects of cuts to legal aid.

### People with disability as victims of crime

*Action 2(m): Implement education measures designed to raise awareness of the vulnerable witness legislation and options for alternative provisions for people with cognitive impairment.*

Despite this action in the Plan, participants expressed concerns that many prosecutions were not pursued by police and prosecutors when the victim was a person with disability. Participants suggested this was due to negative perceptions of intellectual disability causing misgivings about the accuracy or reliability of people with disability as witnesses.

Particular attention should be paid to women and girls with disability who experience a much higher rate of abuse and violence.

### People with intellectual disability and the court system

*Action 2(m): Police need to ensure options for recognising and dealing with a person with disability are utilised from (the) beginning...*

The fair treatment of people with intellectual disability coming before the courts is currently dependent on volunteers who assist them. Issues participants raised in this area include:

- cuts to Legal Aid putting pressure on lawyers and volunteers;

- pressure to plead guilty (often not appropriately);
- no time to apply for diversionary programs available for people with intellectual disability);
- lack of diversionary options, especially if those available are not accessible (for example, the offender without disability attends weekend detention while the offender with disability goes to gaol for the same offence because weekend detention is not accessible); and
- lack of formal guidelines for dealing with people with intellectual disability in police stations and courts, despite Action 2(i) in the Plan which is to “Develop and implement guidelines for officers of the NSW Police Force when working with suspects and offenders who may have cognitive impairments”.

Participants emphasised that police need to be ‘front and centre’ in the correct treatment of people with disability. Identification of disability needs to be addressed through more than a ‘check-list’ approach (for example, reading a sentence to a suspect and expecting them to self-identify in public as having an intellectual disability).

**Recommendation 8: That the Department of Justice hold further consultations on appropriate, effective and respectful ways to identify suspects and offenders who may have a cognitive impairment.**

#### People with disability under guardianship

*Action 2(c): ...maintain high levels of protection for people with disability requiring these services.*

Participants’ comments suggest that the conceptual framework behind the current guardianship legislation in NSW might need to be reviewed in line with the latest thinking about the equal recognition of people with disability before the law, and their ability to exercise legal capacity.

Any review of the guardianship legislation must include the views of people with disability and their representatives. This is an area where people with disability may be deprived of their rights for their own protection. Such actions go to the thrust of the CRPD and need to be carefully and comprehensively justified.

There will be more clarity on these issues when the Australian Law Reform Commission report on disability and equality before the law is released, and when *Action 2(b) “Develop policy arising from the NSW Law Reform Commission’s review of criminal law and procedure applying to people with cognitive and mental health impairments”* is implemented.

## People with disability voting

*Action 2(k) (i): Continuing the implementation of the computer and telephone based iVote systems; (ii): improving information and access to voting sites.*

The introduction of iVote received praise from participants, but was also seen to be imperfect as it builds exclusion and difference. Many people with disability would also like to be part of the community – attending the public voting place, having discussions with candidates and other voters and taking part in the sausage sizzle or fundraising afterwards. Although iVote is a necessary access aid for some people with disability, it is not a substitute for an accessible, inclusive built environment. Participants stressed that both parts of Action 2(k) need to be progressed.

## People with disability and family law

Participants reported that new parents who have an intellectual disability experience high rates of child removal under child protection legislation. There appears to be a presumption of incompetence rather than an assessment of the supports that would allow them to successfully parent their own children.

The distress of parents in this situation is compounded by the long period (up to a year) needed to challenge such decisions, compared to the six month timeframe for finalising adoptions. The unfairness is exacerbated by the lack of legal assistance for such matters.

**Recommendation 9: That FACS reviews the way new parents with intellectual disability are assessed so that priority is given to enabling and supporting parenting with adequate supports before consideration is given to the possibility of removal. CRPD Article 23.4 states:**

4. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.

## 3. *Economic Security*

*Priority (3.1): Increase participation of people with disability in employment (including open employment) or further education.*

Several participants emphasised that paid work is seen as the only way that people with disability can lift themselves out of the welfare-based poverty trap. The NSW Government's EmployABILITY strategy 2010-2013 acknowledged the decline in the

number of people with disability employed in the NSW public sector and sought to address this decline. Participants said they were yet to see the results of this Strategy. They attributed part of the decline to the loss of entry-level jobs and expressed the view that technology will continue to erode the non-skilled end of employment opportunities, making it more difficult for people with certain impairments to gain employment.

Participants gave mixed messages about the take-up of the *Stepping Into* intern program for people with disability, citing a generally poor response from government agencies, whilst acknowledging the commitment of the Department of Justice, Ageing Disability and Home Care (ADHC), RailCorp and the Department of Education and Communities (DEC). Participants were pleased that senior ADHC staff are currently discussing a FACS-wide adoption of the program.

*“People need to earn money!  
They need a job! If you have  
disability, you really need to  
work. This is the key to not  
being poor.”*

Participants believed that open employment needs to be valued more highly than sheltered employment, emphasising that workshops should not be used as employment providers, being far inferior in terms of wages, superannuation, and other conditions. As one participant stated: “Open employment and sheltered employment program outcomes are not of equal value.”

Participants suggested that including targets for the employment of people with disability in the Key Performance Indicators for senior management would be an effective way to achieving outcomes. This was also recommended by Graeme Innes, the former Disability Discrimination Commissioner (Sydney Morning Herald 27/12/13)

**Recommendation 10: That the Public Service Commission considers setting targets for the employment of people with disability in the NSW public sector, and that these targets be incorporated into the KPIs of senior management positions.**

#### 4. *Personal and Community Support*

Participants recognised the significant steps made by the NSW Government since 2007 with *Stronger Together* and now *Ready Together*, and also the *Living Life My Way* initiative. Participants also referred positively to the role of the *My Choice Matters* and the *Supported Decision Making Pilot* in preparing people with disability to take advantage of the changing landscape as the NDIS is rolled out.

Participants mentioned the positive growth in the number and types of services available to the Aboriginal community. *Services Our Way*, an ADHC initiative, was highlighted as a program that was responsive to the particular needs of Aboriginal people, as was *Stronger Together*. There have been some good carer support programs, particularly those that are flexible in the way they deliver support, matching the different needs of Aboriginal communities.

## NDIS

Participants provided much feedback about issues to do with the introduction of the NDIS by the Federal Government. While these have only partial relevance to the Plan, some comments were made about the training of Ability Linkers. There are Aboriginal-specific Linker positions, but none dedicated to non-English speaking background communities. There is a need, therefore, for generalist Ability Linkers to be given cultural awareness training to equip them to deal with the particular issues of people with disability from these communities.

Strong feedback was also received from participants about the need for independent advocacy, which is relevant to everyone with disability, but especially relevant to disadvantaged populations such as women with disability, people who are isolated, Aboriginal people or those from culturally and linguistically diverse communities. Participants were concerned that both the State and Federal Governments are silent on the future of independent advocacy while funding for the sector ends 30 June 2015. Urgent actions are needed from governments to safeguard the rights of people with disability beyond 2015.

**Recommendation 11: That ADHC develop and implement a Cultural Competency Framework for Ability Links staff in lieu of funding designated NESB positions.**

**Recommendation 12: That State and Federal Governments work to ensure that a strong independent advocacy sector exists to uphold the rights of people with disability.**

## Physical aids and equipment

*Action 4(e): develop options for person centred approaches for the delivery of sustainable and effective assistive technology services.*

Participants raised the following issues in relation to EnableNSW:

- the need for person-centeredness to apply in the provision of aids and equipment;
- the sense that EnableNSW is driven increasingly by cost-reduction and is entrenching itself as the only provider of aids and equipment; and

- the negative economic, physical and mental health outcomes of long waiting times for equipment.

**Recommendation 13: That EnableNSW be adequately funded to provide equipment and aids in a timely manner to people with disability.**

## 5. Learning and Skills Development

Participants were pleased with the transition planning for students with disability leaving school and the opportunity for family input into the selection of teacher's aides. Some participants reported that they are very pleased overall with the response of the Department of Education and Communities to the Plan, and special mention was made of the adoption of the *Disability Standards for Education 2005* under the *Disability Discrimination Act 1992*.

Positive comments were also made about some TAFE initiatives, but disappointment expressed at the contraction of the TAFE system.

The *Mentor Matters Program* run by Physical Disability Council of NSW was well

*A 15-year-old aboriginal girl, living in care, was placed in a school 35 km from home after the local high school refused her enrolment.*

regarded. The program matches high school students with physical disability with young adults with physical disability who are tertiary educated and working in open or self employment.

A general comment was made that we need to be wary of doing something for the wider population, hoping to include people with disability. It is *better* to do things for people with disability, and let the benefits flow on to

other groups. The *Every Student Every School* (ESES) policy is intended to address issues faced by students with disability. It remains to be seen how well this policy works, especially for students from culturally and linguistically diverse backgrounds, and Aboriginal and remote communities.

Participants expressed concerns that some issues might not be addressed under ESES, such as the interpreter needs of parents who sign attending "teacher interview" sessions.

A wide range of other issues were raised, including:

- placement of young person in a high school 35 km from home after her local high school refused her enrolment;

- underdeveloped criteria for provision of Auslan interpreters for students and parents who sign;
- implications for disability support of the funding cuts to TAFE;
- uncertainty over support for students with disability in private registered training organisations delivering vocational training programs;
- concerns including nepotism, lack of skills and gender appropriateness in the selection of teachers' aides; and
- limited skills of Specialist Learning and Support Teachers to deal with the needs of students with vision and hearing impairment.

Council makes no recommendation at this stage given that the effectiveness of the ESES policy initiative remains to be seen.

## 6. *Health and Wellbeing*

In health, perhaps more than any other area, people tend to remember a bad experience, magnified by the normal anxiety associated with ill-health and hospitalisation. The paucity of positive feedback from participants on health matters needs to be seen in this light.

Positive comments were however received about many improvements in the way people with disability are treated in hospital, but this is tempered by other stories heard (see below).

The Ministry of Health has 27 commitments under the current Plan. In their visit to Council, representatives from the Ministry recognised the difficulty of ensuring that good policies are implemented at ground level in hospitals and elsewhere, and displayed a welcome willingness to seek feedback from Council and the community sector.

Feedback from the participants included comments along similar lines – that despite good policy development on discharge plans, looking after people with disability in hospital and coordination between hospitals and group homes, there are still many people with disability for whom a period of stay in hospital is fraught with difficulty.

Issues for people with disability in hospital include:

- staff not addressing the person with disability;
- the discharge planning process and the content of discharge plans;
- implementation of policies eg Discharge to Group Home Policy;

- poor co-ordination of care when multiple health issues present, especially in relation to Aboriginal patients;
- physical access issues in health facilities eg Redfern Aboriginal Health Centre was described as “not accessible”;
- NSW State-wide Infant Screening – Hearing Program (SWISH program) not offering wider options for dealing with deaf-diagnosed children. There seems to be a focus on implants rather than other options, and
- Some participants feel their life is less valued in the health system, eg: lack of access to transplant programs or therapies for rehabilitation.

Issues participants felt should be addressed in the next Plan include:

- clarification of the boundary between NDIS and NSW Health responsibilities;
- more measures addressing the needs of people with psychiatric disability (under-represented in the current Plan);
- overcoming the silo effects with respect to disability, mental health, drug and alcohol abuse, challenging behaviours and domestic violence;
- loss of skills to deal with post polio syndrome; and
- training of doctors in disability issues. Participants felt that many doctors have little appreciation of the needs of people with disability, especially those with complex physical problems, and lack skills in communicating with them.

**Recommendation 14: That NSW Health examine the appropriateness and depth of training in disability received by medical students, including training on communication with people with disability, with a focus on the rights of people with disability, and emphasising the social context within which their healthcare is provided.**

#### Patients with vision impairment

Hospital stays create high anxiety levels of anxiety for most people. That anxiety is greater for people with vision impairment, but with good training of hospital staff and natural goodwill, this can be turned around at very little cost, and leave people feeling “well-looked-after” rather than confused and fearful.

Issues raised by participants in relation to people with vision impairment staying in hospital included:

- staff delivering and removing meals without telling the patient;
- staff entering the patient’s room without speaking in explanation;

- difficulties with lodging a complaint; and
- lack of disability and cultural awareness training for staff, including those who received their training overseas.

**Recommendation 15: That the disability action planning guidelines address the need for front-line staff, who deal with people with disability in mainstream settings such as hospitals and schools, to be given Disability and Cultural Diversity training, to ensure they have the skills to meet the needs of their customers.**

**Recommendation 16: That local health advisory boards include a diverse representation from the disability, CALD and Aboriginal communities.**

### Mental Health Issues

The Department of Education and Communities project “Youth Week Kit” for students with mental health problems was warmly welcomed. The Housing and Support Initiative program for people living with mental illness in public housing is good, but is limited to residents of social housing.

**Recommendation 17: That the success of the Housing and Support Initiative (HASI) be built upon by NSW Health in developing a more comprehensive support program that extends the concept to the whole community, not just those living in social housing.**

Participants also reported that:

- there has been little or no new funding for mental health initiatives in the last two years;
- the Mental Health Line telephone service is answered by nurses on the ward, who may have other urgent jobs to do;
- Police only get two hours training on dealing with mental health issues, but are often in the front line dealing with people not wanting to go to hospital. Participants emphasised that many confrontations can be avoided with better training eg using the ‘Recovery’ model rather than a ‘Clinical’ model – seeing the person with a mental health problem as needing assistance to recover and live a good life, rather than having ‘symptoms’ that need treatment and control. (We note the commencement of training in this area in June 2014).
- The Mental Health Association (MHA) has developed a state-wide database of mental health resources and services, but cannot go public due to the lack of maintenance funding. There are other, smaller databases, but they have limited access. There is a need for a comprehensive, open-access database

of mental health resources, accessible by anyone at anytime, as emergencies don't just happen 9 to 5.

**Recommendation 18: That NSW Health assess the need for a comprehensive data base of mental health resources, and fund the maintenance of such resources to be made available publicly to professionals, families and community sector workers.**



## NEXT STEPS

The NSW Government has made a strong commitment, through the Disability Inclusion Legislation 2014, to ensuring the inclusion of people with disability in the broader community. This report is the first in an ongoing consultation process during which Council talks with and listens to people with disability and their allies and documents their feedback about how this commitment has been translated to reality. Council is heartened by the responsiveness of all the organisations and their willingness to contribute to this important reform. Council will continue its engagement with the disability community to ensure that the NSW Government hears about how its reforms are affecting people with disability in their everyday lives.