

Access and Equity in the Context of the National Disability Insurance Scheme

About FECCA

The Federation of Ethnic Communities' Councils of Australia (FECCA) is the peak, national body representing Australians from culturally and linguistically diverse backgrounds.

We work to promote fairness and responsiveness to our constituency in the delivery and design of government policies and programs.

At the heart of FECCA's work is promoting multiculturalism, embodied in equitable policies and non-discriminatory practices for all Australians, regardless of their cultural, linguistic, ethnic, racial or religious backgrounds. Towards this end, FECCA strives to ensure that the needs and aspirations of various cohorts of Australia's culturally and linguistically diverse population are heard by policy and decisions makers, as well as the broader public.

Introduction

The National Disability Insurance Scheme (NDIS/the Scheme) is one of the most important social reforms in relation to welfare of people with disability in the recent history. The Scheme provides people with disability an invaluable opportunity to be independent and pursue their potential through an individually tailored and self-directed funding program. The NDIS creates a uniform system of disability services across Australia and increases the social and economic participation of people with disability.

Section 3 of the *National Disability Insurance Scheme Act 2013* (the NDIS Act), stipulates that one of the objectives of the enactment is to give effect to Australia's obligations under the international instruments including, *Convention on the Rights of Persons with Disabilities* (CRPD), *International Covenant on Economic, Social and Cultural Rights* (ICESCR) and *International Convention on the Elimination of all forms of Racial Discrimination* (CERD). ICESCR clearly recognises the right to 'cultural life' which is embedded in the NDIS Act pursuant to section 3. Thus, it is suggested that there is a statutory obligation upon the NDIA to ensure that cultural rights of NDIS participants are recognised and accommodated within the Scheme.

NDIS is one of FECCA's core areas of work, in view of its significant importance. In undertaking this work, FECCA receives advice from a dedicated Disability Committee comprising committed disability advocates, many of whom are people from culturally and linguistically diverse (CALD) backgrounds living with disability themselves, and collaborates with key stakeholders, including the National Ethnic Disability Alliance (NEDA). In February 2015, FECCA organised a roundtable discussion in Melbourne (VIC), as well as a community consultation in Darwin (NT) in March 2015, with the participation of a number of relevant stakeholders, experts, officials from the National Disability Insurance Agency (NDIA/the Agency), CALD people with disability, their family members and carers, service providers and community organisations. This document is informed by the discussions at the two forums, and the feedback from FECCA's broader activities and consultations.

Uniform understanding of the Scheme and accessibility

Accessibility of programs and services is closely linked to the availability of information. It was highlighted through FECCA's consultations, even about two years after the implementation of initial trial sites, there are community members who do not know about the NDIS, let alone participate in it.

Not getting information and support about what we are entitled to is frustrating. [...] Information is not out there for people to access, the NDIA is not visible enough. (Darwin Community Consultation - Female participant with a disability)

The issues that some community members grapple with were more evident in some responses FECCA received at this consultation. Information provision through various websites and online forums was considered futile for those with disability in rural and regional areas where access to internet and computers is limited. For many individuals navigating through the NDIS website itself was a challenge.

I have a number of tertiary qualifications and quite literate in English, but I struggle to navigate through the NDIS website to find out information. What terrifies me is what a person who cannot understand English would do if all the information they need to access is on internet. I can't find answers to simple questions like when is it going to start? Or has it actually started? Are there plans written and working in the NT or are they [the NDIA] still waiting for more information? (Darwin Community Consultation - Female carer)

This consultation also revealed that approximately two years after the implementation of the NDIS trial sites, there are people who are still unaware of the NDIS.

There are a considerable number of people who don't know about the NDIS so these people will fall through the cracks of the system and often these are the people who should get the benefits [NDIS participation] the most. (Darwin Community Consultation – Male Service Provider)

Eligibility requirements and planning

The insufficient understanding about the NDIS as a whole was more evident in relation to NDIS eligibility requirements. Many consulted CALD people with disability did not understand the Scheme to inquire about the eligibility requirements. This lack of clear understanding about eligibility may deter people from approaching the relevant authorities to obtain information or access the NDIS. It is also critical for the service providers and the NDIA officials to provide comprehensive descriptions on NDIS eligibility and, in the event where a person is not eligible for the NDIS, those individuals must be informed of other avenues available to them.

*NDIS Planning Guide and Workbook*¹ is an important tool for people who are able to access the NDIS. The workbook is designed to assist individuals through the process of developing individual plans. Although the workbook provides basic information about the process of the NDIS and assists the potential participants to prepare for the meeting with NDIS planners, there is *no* reference to 'Local Area Coordinators' (LACs) in the workbook.

LACs are an integral part of NDIS structure and the planning process, especially with regard to working with CALD and Aboriginal and Torres Strait Islander communities. LACs are

¹ NDIS Planning Guide and workbook, Accessed at http://www.ndis.gov.au/sites/default/files/documents/planning_guide.pdf

required to work with people with disability and their families, *within their cultural context*, to use their natural community and family resources to maintain and build new networks, improve community connections, support improved participation and support sustainable natural supports.² The role of LACs also includes linking people with disability to support providers and developing relationships with a wide range of mainstream Indigenous and CALD community organisations to ensure people access appropriate community based services.

The workbook is also silent on obtaining or organising translating and interpreting services at the planning stage. There is no reference in the document as to how a CALD participant could inform the planners about the need to access a translator or an interpreter. It is important for CALD participants to have a clear understanding that they can access language services and that those services are provided free of charge.

Program design and portability of supports

One of the core objectives when designing the NDIS was to do away with the fragmented disability service delivery in order to create a system which provides flexibility and portability of entitlements between jurisdictions.³ In States and Territories where there are similar programs to the NDIS, there is an inclination towards the State government program. For example, in Western Australia, the State Government is operating *NDIS My Way* in Cockburn and Kwinana, and the Commonwealth Government - the NDIS model in Perth Hills. It was contended that the inclination is more towards the State Government program as it is more engaging and responsive to the needs of the stakeholders, especially CALD communities.

Under a national scheme, the support model chosen by the recipient would be flexible to accommodate changing circumstances within and between different jurisdictions. Thus, it is more advantageous for people to engage with the national model as opposed to a State or Territory based model.

Language barriers

In view of the structure of the NDIS, there is a risk that people who are more articulate and have a better understanding about rules and regulations will be able to obtain a better outcome from the Scheme, whereas those who are not familiar with the NDIS or understand the processes will not get the same benefit. This will create a system where a group of people will be further disadvantaged and their voices may not be heard in the decision making process.

Language barriers are a key reason for the minimal participation of CALD communities in the NDIS. Although a majority of people with disability speak English in Australia, there is a considerable number of people with disability who do not speak English at home. Amongst this group of people, the top four languages are Arabic, Greek, Cantonese and Vietnamese.⁴

The lack of, or inability to, access translated materials and resources inadvertently results in unawareness of disability entitlements and disability supports.

² Operational Guideline – Gateway- Local Area Coordinators,

http://www.ndis.gov.au/sites/default/files/documents/og_gateway_lac.pdf

³ Productivity Commission Inquiry Report, Disability Care and Support, Volume 2, 31 July 2011, page 576.

⁴ Languages spoken at home - Australia's top five, Yooralla Choose Equality, <http://www.yooralla.com.au/Resources/statistics-and-infographics/statistics-and-infographics/demographics/Languages-spoken-at-home-Australias-top-five>

Half of our school children's parents are not literate [in English] and they are often the sole carers. How does the Government expect them to understand these complex schemes about carers, service providers, planners and all when they can't understand the materials? Sometimes the translated materials use very technical language that even native speakers of that language can't understand. There are some people who are illiterate in their own language. How do they [the NDIA] get information across to these people? (Darwin Community Consultation – Female Service Provider)

It is important for the NDIA to identify the most common languages spoken in different localities to increase participation of CALD people with disabilities. It is also imperative to have the relevant translated materials in hard copies and readily accessible for CALD people. Overcoming many of these language barriers can be expedited through information provision as to the availability of interpreting and translating services and by recruiting more multilingual or bilingual workers based on the prevalent languages spoken in a given locality. The NDIA staff and the service providers representing the cultural diversity of Australian society, and understanding and appreciating the values of other cultures, in return would encourage engagement of people from CALD backgrounds. Moreover, the NDIA must adopt strategies to reach out to smaller communities through the existing networks.

Use of appropriate concepts and terminology

Another important concern with regard to the structure of the NDIS is the terminology used in the planning process and legislation. The term 'self' would have different connotations in different communities, where 'self' would also mean family or a particular family member. NDIS structure should be robust and flexible at the same time accommodate these cultural aspects of each individual. Concepts such as 'self', 'family', 'individual' vary according to the beliefs of each community, therefore, definitions of such terms in legislation and regulations should allow for some flexibility, to reflect the non-western ideologies. In view of these factors, there needs to be a shift in the NDIS focus from 'process' to 'people' as the Scheme is about fulfilling the needs of individuals.

Many people do not have a clear understanding about the entitlements and concepts within the NDIS such as 'respite support'⁵. The carers of CALD people with disability are often the immediate family members and they are looking after the person with disability whilst they have other responsibilities and commitments. Thus, providing respite is an important element of the NDIS. However, there should be a considerable amount of flexibility with regard to respite, as it could mean different things to different individuals and different communities. For many cultures, respite would mean doing something together as a family. Therefore, the NDIS should not be completely self-driven or self-oriented but have the flexibility to accommodate cultural aspects of each individual.

It is vital to have a proper oversight and support mechanisms in place, and ensure that these services are available for people from all backgrounds. The oversight process should also be capable of recognising and understanding '*undue influence*' within a cultural framework. For instance, involvement of family members in certain instances would amount to overly influencing the decision of NDIS participant in some societies, which could be an accepted norm in certain cultures. Hence, there should be space to interpret these concepts in a more culturally appropriate manner.

⁵ Respite Support for Carers of Young People with Severe and Profound Disability Program and the NDIS http://www.ndis.gov.au/sites/default/files/documents/respite_support_for_carers.pdf

The concept of 'choice and control'

The NDIS provides people with disability an opportunity to be independent. Central to the concept of this Scheme is the 'dignity of risk' and 'choice and control' of the participants. The concept of 'choice and control' emanate from the concept of dignity of risk which places an emphasis on personal choice and self-determination.⁶ The Agency bears the responsibility to ensure that the participants have choices of services uniformly across Australia. This means that a person in a rural or regional area would have the same choices that a person in an urban area would have.

Choice and control is not limited to having a large number of individuals providing similar services, and includes having a number of qualified and experienced staff members delivering those services. On one hand, the communities are apprehensive about the NDIS opening floodgates to service providers from urban cities to enter the market and deliver services in a regional area without understanding the demographic, social issues and cultural sensitivities. On the other hand, there is a risk of there being minimal or no choice with regards to service providers.

Considering the minimal engagement of CALD participants in the NDIS and the understanding about the Scheme among CALD communities, it is manifest that these communities should be assisted from the initial planning stages to navigate the NDIS and explore all the options available to them. Due to the lack of culturally appropriate or culturally specific service providers, especially in rural and regional areas, there will be minimal or, in certain instances, no choice for CALD people with disability. Moreover, due to the need for carers with the requisite language skills and understanding of the cultural needs of CALD people with disability, in many cases the most appropriate carer will be a family member. These factors must be taken into account when developing a disability support worker registration and accreditation system.

Employment within the Scheme and safety of participants

With the national implementation of the NDIS in 2016, the workforce of the NDIA and the service providers are bound increase by a considerable margin. The choices, or lack thereof, with regard to qualified and experienced staff to provide services to people from CALD backgrounds living in remote parts of the country are main concerns of many community members.

How much choice do people have from [the] NT like communities to get qualified and experienced staff? Will there be people who are qualified to do the work? Will they stick around in [the] NT after the initial boom? Not every person works in disability [sector] for right reasons. How do people identify the right person to do the job for them? (Darwin Community Consultation - Female carer)

The National Quality and Safeguarding Framework of the NDIS is a commendable effort of the Commonwealth Government implemented through the Department of Social Services (DSS). The widespread consultation process provided an opportunity for a multitude of stakeholders to communicate feedback on a suggested national framework. One of the main areas of focus in this framework is deciding on the standard of background checks for people who are willing to work with these vulnerable groups of the society. It is imperative that the backgrounds of NDIS workforce are thoroughly examined, given the risks involved in

⁶ D. Cranfield, 'Dignity of Risk = Choice and Control', Australian Mosaic: Enabling Equality, Disability and Diversity in Australia, the Magazine of Federation of Ethnic Communities' Councils of Australia, issue 37, Winter 2014, p. 9

allowing people to work with those who are extremely susceptible to infliction of harm due to the nature of their vulnerabilities.

People with disability are inherently more vulnerable to be subjected to duress and undue influence. This risk is even higher when it comes to people from CALD backgrounds as these people may not be able to understand or exercise their rights and advocate for themselves. Cultural competency training and education is the most suitable way to sensitise and educate the workforce about the importance of cultural appropriateness of service delivery. Such training should focus on, inter alia, respecting and understanding cultural values of different cohorts in the society, using culturally appropriate language, behaviour and attire, awareness about the importance of religious observances, etc.

A comprehensive 'background check' is invaluable, however, this alone is not infallible in protecting vulnerable people, especially those from CALD backgrounds. For example, a man was found guilty of abusing a minor with disabilities.⁷ The victim reported the offence four years after the abuse after she learnt about physical and sexual abuse at school. Furthermore, it was revealed during the trial that the offender had obtained 'Working with Children Check' and a probity check through *CrimTrac* national database, and had no criminal history. This example clearly demonstrates the sensitivities involved in working with vulnerable groups of the society and the need to educate NDIS participants about the risks of working with external stakeholders. Considering these, it is imperative for the consumers of the NDIS to have a clear understanding about their rights, rules and regulations that apply to those employed to provide services and also about complaint mechanisms.

Education and training of NDIS participants on capacity building, self-advocacy and other advocacy tools play a key role as mechanisms of self-preservation. These individuals and/or their family members must have a clear understanding about what amounts to an invasion of privacy, abuse and neglect, in order to ensure that the participants receive the outcomes expected from the NDIS whilst providing the requisite safeguards. The safeguard mechanism must also focus on conducting random site visits to ensure that the people who are employed to provide services under the NDIS are abiding by the standards of care set out by the NDIA.

It is important to ensure that the NDIA workforce understands the concepts and degrees of disability, and is reflective of the Australian cultural diversity as far as possible. All necessary steps and precautions should be taken to ensure that those who are employed in the process have been properly trained and understand different types and degrees of disabilities as well as cultural sensitivities. The NDIA's main responsibilities also include ensuring that services are rendered by people who are qualified to do such work.

Given the shortage of culture specific service providers, more opportunities will open up for humanitarian entrants. These individuals may not in certain instances be able to satisfy the criteria such as providing details of police checks from their country of origin due to factors beyond their control. For instance, those who fled the country to escape persecution, armed conflicts, etc. may not have access to documentation to prove their identity or be able to obtain police checks from the country of origin if they were fleeing a conflict or persecution. Thus, the NDIA may consider a mechanism whereby such individuals are provided with an opportunity to work within the NDIS.

⁷ Sydney Taxi Driver Osman Chamseddine found guilty of assaulting deaf schoolgirl, 28 May 2015, Accessed at: <http://www.abc.net.au/news/2015-05-28/osman-chamseddine-taxi-driver-guilty-indecent-assault-charge/6487470>

Service provider obligations

Australia's Multicultural Access and Equity Policy framework extends to 'outsourced services' whereby government agencies are required to include multicultural access and equity policy obligations in agreements between the agency and third parties where relevant.⁸ The NDIS creates more employment opportunities for service providers who are independent of the NDIA. This obligation offers an opportunity for the NDIA to incorporate provisions into service provider agreements to ensure that they are responsible for providing cultural sensitivity training and education to those employed to work under the NDIS.

It is advisable to have both internal and external oversight mechanisms and review processes for service providers to ensure that the employers are delivering the services in an appropriately professional manner. Apart from the NDIA, the service providers should also bear the responsibility of informing the participants about their rights to change the employers of a service provider, lodge complaints against them, etc. It is imperative that the service providers work in collaboration with LACs and other community organisations to ensure that the CALD participants have access to a choice of culturally appropriate staff to deliver the services.

Complaint mechanisms

It cannot be assumed that all participants in the NDIS are aware of their right to complain, or how to access complaints mechanisms. Many CALD people migrated to Australia from countries where making complaints is not a cultural norm. Details about complaints mechanisms should be provided to the participants at the initial stage of planning and ensured that they understand the process clearly. This is particularly important for CALD people as the laws and procedures in their country of origin are different to laws in Australia.

CALD Australians may encounter difficulties in accessing complaint mechanisms over the phone due to limited English language skills. Thus, they should have a clear understanding about the Translating and Interpreting Service (TIS National). Having accessible complaint mechanisms in place is an important element of meaningful engagement with the community. The departments and agencies are required to consult with the community regarding their complaint mechanisms and to respond effectively to the feedback received.

Engagement of CALD communities

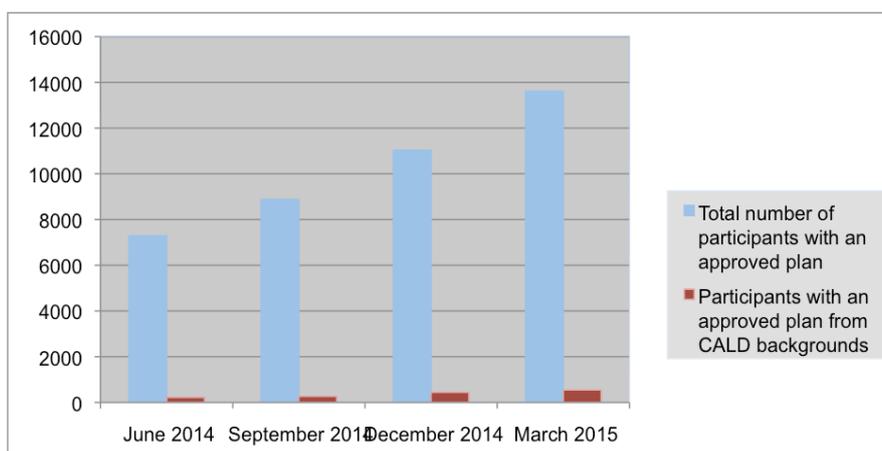
FECCA has reiterated the need for the NDIA to engage with individuals from CALD backgrounds considering that there is a number of CALD people who are not aware of the NDIS, are not clear about the eligibility requirements of the Scheme or as to what is encompassed in a participant's NDIS plan. Many organisations including NEDA and First Peoples Disability Network Australia (FPDN) have been lobbying for increased participation and engagement of vulnerable communities in the NDIS trial sites prior to the national roll out in July 2016⁹.

⁸ *Multicultural Access and Equity Policy Toolkit for Australian Government Agencies*, p 70.

⁹ National Ethnic Disability Alliance Submission to the National Disability Insurance Scheme Secretariat – NDIS Draft Rules 2013, accessed at: <http://www.neda.org.au/index.php/latest/171-ndis-2013-draft-rules>, First Peoples Disability Network, Ten-Point Plan for the Implementation of the NDIS in Aboriginal Communities, accessed at: <http://fpdn.org.au/10-point-plan-ndis>

As per Australian Bureau of Statistics (ABS), as of June 2013 the population born overseas is over 25 percent¹⁰. Considering the large proportion of CALD people in Australia, CALD people with disability are considerably under-represented in the NDIS. This lack of engagement of CALD people in the NDIS was highlighted in the *NDIA Annual Report 2013-14*, where the Agency resolved that improving interaction with CALD communities and Indigenous communities was a priority in 2014-15.¹¹ On 18 August 2014, the NDIA media release entitled *NDIS on track and on budget* stipulates that the NDIA is committed to continual improvement and current work includes developing strategies and models of support for indigenous communities, *CALD communities* [emphasis added], rural and regional communities and mental health¹². However, according to the *National Disability Insurance Agency Quarterly Report to COAG Disability Reform Council, 31 March 2015*,¹³ the CALD engagement was only 4% in the current trial sites, which is an increase of only 1% since 30 September 2014.¹⁴

NDIS CALD participation with an approved plan¹⁵



The lack of proper and meaningful engagement of CALD people in the trial sites renders the understanding of issues and difficulties faced by CALD people more difficult. This could potentially result in minimal engagement of people from CALD backgrounds in July 2016 when the NDIS rolls out nationally, as well as cause financial and resource management

¹⁰ Overseas born population in Australia as of 30th June 2013 was 27.7%. A majority (5.3%) was born in the United Kingdom followed by New Zealand (2.3%). Data accessed at : <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/3412.0Chapter12011-12%20and%202012-13>

¹¹ National Disability Insurance Agency 2013-2014 Annual Report, page 23

¹² 'NDIS on track and on budget', NDIA Media Release, Accessed at: <http://www.ndis.gov.au/document/891>

¹³ National Disability Insurance Agency, Quarterly Report to COAG Disability Reform Council, 31 March 2015, accessed at <http://www.ndis.gov.au/sites/default/files/files/Q3Report2015.pdf>

¹⁴ National Disability Insurance Agency, Quarterly Report to COAG Disability Reform Council, 30 June 2014, accessed at: http://www.ndis.gov.au/sites/default/files/documents/report_to_disability_reform_council_june_2014.pdf

¹⁵ Data Source: *National Disability Insurance Agency Quarterly Report to COAG Disability Reform Council*, 30 June 2014 to 31 March 2015.

difficulties in the long run. Several sites have implemented the NDIS ahead of schedule,¹⁶ and there are proposals to implement the NDIS in several new trial sites in Queensland and the Northern Territory¹⁷. There are risks with regard to early implementation of the NDIS in absence of clarity around the gravity or the complexities of issues that could potentially emerge from the current trial sites, especially with regard to CALD communities.

The role of communities and engagement strategies

Communities play a vital role in the NDIS in terms of educating the community members, and assisting the community members to navigate the system. This is especially important in rural and regional areas of Australia. Community participants at the Darwin consultation contended that '*word of mouth*' was their main source of information. They further stated that channels such as the General Practitioners in the area, diagnostic groups and other community organisations were more effective in delivering information about the NDIS. Direct interactions such as phone conversations or meeting the relevant officials face to face were preferred modes of communication. The government institutions are required to review strategies for engaging communities, and it is imperative that these authorities take into account the challenges faced by the CALD community in accessing these services, especially those living in remote and regional parts of Australia.

In view of limited engagement of CALD communities in the NDIS during the initial stages, it is difficult to draw inferences as to what areas need more funding and/or allocation of resources. It is clear that the NDIS cannot be a generic system where the NDIA can adopt a *one hat fits all* policy. The staff of the NDIA should have a clearer understanding about the diversity of communities they work in and the cultural and religious requirements of those community members. Considering these disadvantages faced by the CALD communities in engaging with the NDIS, it is manifest that several forms of engagement strategies need to be employed concurrently to involve the hard to reach communities. It may be of assistance for the NDIA to identify and address future issues by conducting a cultural audit prior to engagement activities to identify opportunities to build cultural competency among staff members.

Each community will have different ways of communicating with its members. It is therefore important to engage CALD communities by using the most appropriate and effective communication mechanisms. Engaging communities through the existing community networks such as prayer groups, advertising in ethnic media (newspapers, radio, etc.) are some of the communication mechanisms that could be adopted to convey information about the NDIS. Pragmatic strategies must be adopted to engage with CALD communities, these strategies could include using informal terminology in translated materials and use of CALD role models or success stories of the NDIS supporting people from CALD backgrounds.

Identifying role models among ethnic communities could also be a useful method in overcoming another significant barrier for CALD people with disability—social stigma, fears and attitudes towards disability. In particular, people who have been subjected to persecution or faced mental or physical trauma before arriving in Australia would be reluctant to come forward and engage with the NDIS. People would better understand the system if a person they can relate to, or identify with, spoke about their experiences and how the NDIS assisted them to achieve their goals in life.

¹⁶ <http://www.bluemountaingazette.com.au/story/3104314/ministers-sign-agreement-for-early-ndis-rollout-in-blue-mountains/>

¹⁷ The federal government has agreed to discuss the possibility of the pilots following a Council of Australia Governments meeting in Canberra on Friday (17/04/2015). Accessed at: <http://www.news.com.au/national/breaking-news/qld-nt-may-get-ndis-trial-sites/story-e6frku9-1227308118639>

Coordination and collaboration among government and other service providers are critical for the success of the NDIS. Since the NDIS will be built on, and draw assistance from, the existing disability support schemes of the States and Territories, the previous and current service providers will be invaluable in delivering services to CALD communities. Engaging with previous service providers will also ensure that no person who is eligible for the NDIS is left behind with the national roll out.

It is also important for the NDIA to engage communities through current networks, such as multicultural and settlement sector organisations, to reach out to new and emerging communities as people are more comfortable in engaging with organisations that are familiar. The organisations working with the communities at the grass root level have a thorough understanding of diversity and needs of CALD communities. Therefore, it is imperative for the NDIA to devise a plan to engage these organisations. However, in engaging with community organisations, the NDIA should also ensure that all practical endeavours are made to engage the communities that are not prevalent in certain parts of Australia.

One example of good practice comes from the Northern Territory, where Early Childhood Australia NT conducts various workshops to educate community members, especially parents. Moreover, there are programs specifically targeting children from CALD backgrounds, children with disabilities, etc. Through attending these programs carers, especially parents are able to obtain information about the current developments in relation to development of children. These existing networks provide an opportunity for community members to learn about the developments.

Lack of specific data

An important aspect of stakeholder engagement under the Multicultural Access and Equity Policy is the maintenance of current information about the client base in order to support strategic planning. It has been brought to the notice of the Government by various stakeholders that there is a clear insufficiency of data as to the number of people from CALD backgrounds living with disability. Most researches use a limited range of diversity indicators, the most common being country of birth. Using country of birth as the indicator of cultural and linguistic diversity is significantly inadequate to the task of identifying cultural and linguistic diversity.¹⁸

The languages spoken along with other information as to whether the individuals identify themselves as belonging to a particular ethnic group would provide a clearer picture of the cultural diversity and identify specific needs. This aspect of engagement strategies is also vital to responsiveness under the NDIS as knowing the diversity of the clients that interact with the agencies is considered to be a first step in being responsive.

¹⁸ D. Wadiwel and B. Cooper, Disability and Multiculturalism, Data and the 'Healthy Migrant', *'For those who've Come across the Seas, Australian Multicultural Theory'*, Edited by A. Jokubowicz and C. Ho. 2013, p. 98.

Conclusion

At the heart of the NDIS is the person-centred approach, which has been lacking in the previous disability service delivery models. At the very outset of designing the Scheme, the intention behind the policy was to create a person-centred approach whereby the capacity of people with disabilities to take control of their lives was increased or maximised.¹⁹ “The NDIS has an individualised approach and is *not* about making people fit into fixed support options. Instead the participants are informed consumers making individual choices that can be tailored to their preferences and cultural needs”.²⁰ The positive implications of the Scheme not only affect the individuals but also the family members, carers as well as the communities they live in. Thus, it is imperative for the NDIA to ensure that all Australians, regardless of their cultural or linguistic backgrounds, uniformly enjoy the benefits of the NDIS.

Drawing on the issues raised above, FECCA suggests the following broad actions as appropriate pathways for ensuring the equity of access and equity of experience with regards to the NDIS for people from CALD backgrounds, with a view to maximising their ability to participate fully in social, economic and cultural life:

- Targeted measures should be adopted to increase the participation of people from CALD backgrounds in the current and proposed trial sites to better understand the gravity and complexities of issues that could arise in the NDIS prior to the national roll out in 2016.
- The NDIA should work in collaboration with CALD community leaders and community organisations in order to identify the needs of the community and to ensure that there are sufficient culturally appropriate choices with regards to service delivery.
- Personalised engagement strategies should be adopted to suit the diverse communities. These could include conducting workshops, information sessions and other education programs to deliver information about the NDIS to CALD communities. It is also important for the NDIA to ensure that these programs cater for translating and interpreting needs of the communities and that they have a clearer understanding about the Scheme as a whole, as well as availability of other avenues of support where relevant.
- Education strategies should include those aimed at alleviating stigma around disability and mental illnesses, including through educating CALD communities about the misconceptions with regard to disability in order to change their attitudes.
- Budgetary measures must have special provisions to produce and distribute translated materials and for interpreting services. Prospective participants must be made aware that these services are provided free of charge and should also be made aware of as to how these can be accessed.
- *NDIS Planning Guide and Workbook* should be updated to reflect the involvement of LACs in the planning process. The resource should also emphasise the importance of engaging with LACs during and post NDIS planning process. It is also important that the document reflects how translating and interpreting services can be organised.

¹⁹ See further: Productivity Commission Inquiry Report, Disability Care and Support, 31 July 2011, page 345.

²⁰ B. Bonyhady, Chairman of National Disability Insurance Agency, ‘NDIS – Fairness for all people with Disability’, Australian Mosaic, Enabling Equality; Disability and Diversity in Australia, Magazine of Federation of Ethnic Communities’ Councils of Australia, Winter 2014, Issue 37, p. 14.

- Community education programs about the NDIS should highlight the benefits of engaging with a national disability service model for the participants such as portability of services and access to a wider range of service providers.
- The NDIA should pay special consideration when employing staff to ensure that there are more multilingual and bilingual employees in the workforce. Cultural sensitivity training should be mandatory for all service providers and those who are employed under the NDIS.
- Measures should be adopted to ensure that NDIS participants are competent in self-advocacy and it is also important that information about these services is available in different languages. Safeguard mechanisms should be difficult to infiltrate to protect the marginalised groups in the society.
- Service providers should be obligated, through agreements with the Government, to provide services equitably to all participants, and participants from CALD backgrounds should have access to the same or similar choices that non-CALD participants would have under the NDIS.
- People from CALD backgrounds must have a clear understanding that they have a right to make complaints with regards to the services they receive. The complaints process must be simple and easy to understand. These complaint mechanisms should provide the requisite language assistance to CALD participants.
- Clear and specific data is important to measure the success and identify gaps in social reforms such as the NDIS. Thus, it is important for the NDIA to make necessary endeavours to gather information as this could assist the NDIA in appropriate allocation of resources.