22 April 2016

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NDIS Information, Linkages and Capacity Building Framework

The Federation of Ethnic Communities' Councils of Australia (FECCA) is the peak, national body representing Australians from culturally and linguistically diverse (CALD) backgrounds. We work to promote fairness and responsiveness to our constituency in the delivery and design of government policies and programs. FECCA strives to ensure that the needs and aspirations of various cohorts of Australia's culturally and linguistically diverse population, including people with disability, are heard by policy and decisions makers, as well as the broader public. FECCA collaborates with key stakeholders, including the National Ethnic Disability Alliance (NEDA) to advance its work.

General Comments

FECCA thanks the National Disability Insurance Agency (NDIA) ILC Community Linkages Division for meeting with NEDA and FECCA to discuss the concerns of people from CALD backgrounds, and we urge the NDIA to ensure that the ILC consultation process extends to grass-root community organisations and people with disabilities, carers and family members from CALD backgrounds in all future consultation processes.

Information, linkages and capacity building are key elements connecting people to appropriate services irrespective of whether the services are rendered for those who are eligible for the National Disability Insurance Scheme (NDIS) or not. The ILC is intended to be broad in scope, flexible and responsive to the support needs of people with disability, their families and carers, by connecting people to relevant services and enabling the NDIS to fund supports not directly tied to an individual.

Although the ILC Framework (the Framework) is expected to deliver services for NDIS participants as well as other people with disability, their carers and family members, and play a vital role in connecting people to the community, build capacity and empower decision making, the Framework receives only 0.6 per cent of the NDIS funding. This will further

increase the level of competition for funding and the reliance on volunteers to render the services, which is not a viable option in the long term.

Provision of language services

As per Part 2 of the *National Disability Insurance Scheme Act 2013* (NDIS Act), one of the main objectives of the enactment is to give effect to Australia's obligations under the *Convention on Rights of Persons with Disabilities* (CRPD). Article 21 of the CRPD imposes an obligation on State parties to facilitate the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice. This is also supported by Article 30.4 which stipulates that people with disabilities are entitled to recognition and support of their specific cultural and linguistic identity including sign language and deaf culture. Thus, provision of information and other communication mechanisms under the ILC Framework must adhere to the aforementioned requirements.

Eligibility

Chapter 2.23 of the NDIS Act imposes residency requirements on eligible persons. However, direct and indirect discrimination against people with disability with respect to the receipt of social support services is potentially at odds with Australia's international obligations. Under Article 5 of the CRPD, State parties are bound to guarantee persons with disabilities equal and effective legal protection against discrimination on all grounds. Unlike other international conventions, the CRPD "does not expressly exclude the application of CRPD rights to non-citizens with disabilities".[1] Given that the ILC framework is commissioned under the NDIS Act, Article 24 of the *Convention relating to the Status of Refugees* (Refugee Convention) places an obligation on State parties to accord the same treatment as accorded to nationals in respect of social security benefits. In FECCA's view, this means the ILC framework must be available to people with disabilities, their family members and carers irrespective of the visa status of the individuals.

Advocacy

Systemic advocacy will play an important role in promoting system wide quality of service provision through uncovering systemic failures; petitioning for widespread change, disseminating information of best practice to service providers, promoting public awareness of disability issues, and promoting the interests of particular groups such as those from CALD backgrounds, Indigenous people and women with a disability.[2]

The Framework clearly specifies that systemic advocacy and legal review are outside the purview of the NDIS.[3] It is uncertain as to whether systemic advocacy will be funded under the Disability Advocacy Framework which is currently being reviewed. The ILC Framework will fund and support individuals to become competent self-advocates. Given that self-

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[1] Ben Saul. "Migrating to Australia with Disabilities: Non-Discrimination and the Convention on the Rights of Persons with Disabilities" (November 1, 2010). *Australian Journal of Human Rights,* Vol. 16, No. 1, pp. 63-104, 2010.
[2] Productivity Commission, *Disability Care and Support* (2011), Vol 1 No 54, 508.
[3] National Disability Insurance Agency, *National Disability Insurance Scheme: A Framework for Information, Linkages and Capacity Building*, 6.

advocacy is considered to be the best form of advocacy[4], it is commendable that there is a funding structure for self-advocacy. However, FECCA holds concerns regarding the assumption that different forms advocacy namely, systemic advocacy and individual or self-advocacy, operate in silos. Academics and disability advocates have argued that separating forms of advocacy including individual and systemic advocacy as inefficient and ultimately futile.

> *In Australia, an inordinate amount of energy is spent trying to persuade funding bodies that one process is fundamentally better and ideologically more sound than others and, as a result more deserving of funding. The debate has undermined the vital links between individual and systemic advocacy. Without these links, the practice of advocacy becomes disjointed and lacking in direction… Unless direction for social change is being fed from the grassroots, individuals feel excluded from the process of change and become disempowered.[5]*

These distinctions between funding bodies for different forms of advocacy may cause confusion and result in people and community organisations losing out on funding opportunities.

Co-production

Co-production is an emerging concept which has been applied heavily in the areas of mental health and youth education. Co-production provides a framework that helps to understand whether relevant stakeholders are being meaningfully heard and included in the decision making process. Under this principle, stakeholders are not defined by their needs, but are considered as contributors to service effectiveness through sharing knowledge, experience, skills and capabilities.

> *Co-production means delivering public services in an equal and reciprocal relationship between professionals, people using services, their families and their neighbours. Where activities are co-produced in this way, both services and neighbourhoods become far more effective agents of change.[6]*

The concept requires involvement of people with lived experience in the decision making process, implementation and review of policies and practices. Engaging all relevant stakeholders, including people with disability from CALD backgrounds, carers and their family members, community and faith-based organisations, service providers, and community leaders at the initial designing stage of the framework will result in increased cost-effectiveness and improved outcomes for stakeholders including, government.

As evidenced by the CRPD and the Productivity Commission report, promoting the participation and inclusion of people with disability in the community is an important policy

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[4] See generally: Sally French and John Swain, *Working with Disabled People in Policy and Practice – A social model* (2002), 97.

[5] R. Banks and R. Kayess, 'Disability Advocacy: Too much Talk and Not Enough Action' in M. Hauritz, et al, *Justice for People with Disabilities, Legal and Institutional issues* (1998), 153-168.

[6] D. Boyle and M. Harris, *The Challenge of Co-production,* Discussion paper, NESTA, 11.

objective for all Australian Governments.[7] This includes connecting people to culturally appropriate services irrespective of the area of residence or cultural background.

NEDA noted that there are additional challenges to people from CALD backgrounds in finding workers who were culturally sensitive and respectful, or from a non-English speaking background, let alone from specific language or ethnicities within that group.[8] The role of the ILC Framework includes assisting people from these backgrounds to access services that are specific to certain cultures. For instance, learning to play music instruments particular to a certain culture or learning to dance or swim in a culturally sensitive environment.

ILC Service Delivery

Information, linkages and referrals

The referral system is expected to connect people with disability, their families and carers with appropriate disability, community and mainstream supports. The Framework specifies the types of information that addresses the needs of people from CALD communities through the context of location and background.

The most recent quarterly report for the COAG Disability Reform Council stated that overall engagement of participants from CALD backgrounds was below the levels expected by the NDIA.[9] Similarly in a 2015 report, the Parliamentary Joint Standing Committee on the NDIS described that the CALD cohort is still not aware of the existence of the NDIS.[10] FECCA has also highlighted the issues around CALD communities falling through the cracks of the system and that they are not aware of the NDIS, let alone enquire about their eligibility to participate in the Scheme.[11] The ILC Framework will fail to provide the necessary supports for these vulnerable cohorts unless the information gap about the NDIS is filled.

Community awareness and capacity building

The NDIS has a key role in supporting and strengthening effective local initiatives by community groups and businesses to address disability issues in the community. FECCA is encouraged to see that the ILC Framework identifies the role and importance of community awareness and capacity building for local communities to identify local practical solutions, public campaigns to improve the communities' general disability awareness and

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[7] Productivity Commission, *Disability Care and Support* (2011), Vol 1 No 54, 203.
[8] National Ethnic Disability Alliance*, Submission to the Productivity Commission Inquiry into long term disability care and support*, (2010) 35
http://www.pc.gov.au/inquiries/completed/disability-support/submissions/sub0434.pdf
[9] National Disability Insurance Agency, *10th Quarterly report to COAG Disability Reform Council,* 30 September 2015 to 31 December 2015, 32,
http://www.ndis.gov.au/sites/default/files/documents/Quarterly-Reports/Report-to-the-Disability-Reform-Council-Q10-1.pdf
[10] Parliamentary Joint Standing Committee on the NDIS*, Progress report on the implementation and administration of the NDIS* (2015), 30
http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/National_Disability_Insurance_Scheme/Second_progress_report
[11] Federation of Ethnic Communities Councils of Australia, *Multicultural Access and Equity: Building a cohesive society through responsive services* (2015), 14
http://fecca.org.au/wp-content/uploads/2015/08/Multicultural-Access-and-Equity-Report-2014-2015.pdf

understanding.[12] It is expected that these supports will reduce the call for disability supports by building capacity of the community to more effectively support people with disability, their families and carers. Although these policies and principles are important to successfully implement the NDIS, the Framework is silent on how these could be achieved in practice.

It is also imperative that community organisations and individuals applying for funding under this model are made aware that they have to build in additional expenses associated with provision of culturally sensitive services, including language services, and transport.

There is very little clarity around the funding model for the ILC Framework. Community organisations that are in place need to be familiar with the NDIS and the role and importance of community organisations in delivering the NDIS and ILC related services. FECCA encourages the ILC framework to use simple formats and language in developing the Framework and play a proactive role in assisting community organisations in understanding the Framework.

Local Area Coordination (LAC)

The draft Framework states that an organisation receiving funding to deliver LAC-type services will not be eligible to apply for other ILC funding to avoid conflict of interest, unless there are exceptional circumstances. Considering that only a limited number of organisations providing services for people from CALD backgrounds, and in view of the importance of bicultural and multilingual workers, it is important that funding is available to these organisations by focusing on community need and the services delivered.

Specific comments

Proposed outcomes

FECCA recommends that the outcomes are followed by an overarching statement specifying that ILC Framework, including the outcomes, recognises and responds to Australia's cultural, religious and linguistic diversity.

The list of outcomes in the consultation draft may be interpreted as based on an order of priority. The focus of the ILC Framework in relation to increasing community engagement is listed as outcome number 8, and it would be more appropriate to move it higher to indicate the priority, as compared to other outcomes listed therein. Alternatively, it may be of use for the Framework to both remove the numbering attached to the outcomes and group them accordingly.

If the specified outcomes are adopted in their current form, the outcome on individual's ability to exercise choice and control in pursuit of goals should be amended to 'people with disabilities have capacity to exercise choice and control *equally and equitably* in pursuit of goals'.

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[12] National Disability Insurance Agency, *National Disability Insurance Scheme: A Framework for Information, Linkages and Capacity Building*, 12.

Current data collection mechanisms are not adequately equipped to capture information on the cultural diversity of the participants. Although recent data reveals that 28 per cent of the population was born overseas, data from the service delivery models does not reflect this. It is imperative that data collection processes involve gathering information in relation to languages spoken at home, country of birth of the individual as well as parents, ancestry, and whether the individuals identify him/herself as a person from a CALD background.

Outcomes as a measure of success

The ILC Framework will develop an outcomes-based approach to build a nationwide evidence base of effective capacity building activities. Funding will be directed towards activities that make a measurable difference in the lives of people with disability.[13] It is arduous to measure the success of the programme based on the number of individuals assisted, or percentage of individuals who receive or do not receive specified services as there could be instances where an individual received certain services but are not satisfied with the manner in which the services were delivered.

The success of the Framework must be based on individual experiences. For instance, one of the measures of outcomes for 'People with disability are in control and have choices' is the percentage of assisted individuals who have friends outside of family.[14] Each person will have a different standard to measure the degree and quality of friendship, hence this should not be relied upon as a concrete gauge to measure the effectiveness of the services delivered under the ILC Framework.

Other similar examples include the percentage of assisted parents whose children attend age appropriate, community, cultural and religious activities and whose families feel they are welcomed and actively included, while a measure of quality and effectiveness is people from CALD backgrounds who are assisted to maintain and strengthen their cultural, spiritual and language connections.[15] As highlighted previously, feeling welcomed and maintaining spiritual and cultural connections are relative perceptions and vary from person to person.

Challenges for CALD organisations moving to outcomes based funding

Small community organisations often fail to obtain funding through competitive grant programmes as they are either not aware of the grants schemes or lack experience in preparing funding applications. FECCA conducted extensive research in 2015 and found that many small and emerging community organisations are only somewhat familiar with the Australian grants and funding systems, while some are not familiar at all.[16] These organisations are at a disadvantage due to their lack of familiarity with the funding models. Complex forms that are not written in plain English and the need to supply a large amount of information are a deterrent for inexperienced community organisations. The use of bureaucratic jargon and complex language makes it difficult for newly arrived communities to understand selection and eligibility criteria.

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[13] Ibid, 24.
[14] Ibid, 40.
[15] Ibid, 41.
[16] *Improving Access to Funding for New and Emerging Communities,* FECCA, October 2015, http://fecca.org.au/wp-content/uploads/2015/11/Improving-access-to-funding-for-NEC-communities.pdf.

In moving to an outcomes based funding model, the NDIA should deliver capacity building to assist community organisations, especially new and small organisations and those based in rural and remote areas to understand the funding model, the need to focus on activity areas, priority investment areas and measures of outcomes.

In addition to building capacity of community organisations, it will be important to develop a dialogue within communities through ethno-specific, multicultural and faith groups.

Cross-sector learnings can also be used to enhance the experiences of cohorts not benefiting from the existing supports. Considering the similarities of barriers encountered by communities that are not accessing the mainstream services, a strategy adopted to increase engagement of people with disability, carers and family members in Aboriginal and Torres Strait Islander communities *may* work for CALD communities.

Growing social capital

An important role for the NDIS in both tiers 1 and 2 will be to strengthen voluntary links between the community and people with disabilities – to stimulate 'social capital'.[17] Under the ILC Framework, social capital, provided predominantly through philanthropy and volunteers, is instrumental in increasing the capacity of organisations to deliver supports to people with disability, their families and carers.[18]

Building social capital also includes building peer networks and community inclusion. Parallel to the ILC Framework, there are numerous support mechanisms either being restructured or in the developing stages such as the Disability Advocacy Framework, Carer Support Services and Disability Employment Framework which are also exploring ways to strengthen social capital in different ways and have an impact on people with disabilities, their family members and carers. It is imperative that these different frameworks provide a clear picture as to the interface between these services/frameworks.

Volunteers from CALD backgrounds, while making substantial contributions to their community and Australia, as a whole are seldom reflected in data due to the nature of their informal volunteer efforts.[19] Thus, volunteer work such as providing transport, housing, care for people with disability, children, and older people, service referral and language support is overlooked, although community members are contributing to the development of social capital of their community and its population.[20] The NDIA would benefit from educating community members about the role of volunteers, as many would not identify themselves as such.

New migrants and refugees, as well as other humanitarian entrants, encounter difficulties in entering the Australian job market. Lack of Australian work experience and Australian educational qualifications are often the main barriers for these individuals. In order to increase the social capital within the disability space, the NDIA could (in collaboration with other government and non-government entities) target the aforementioned cohort and

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[17] Productivity Commission, *Disability Care and Support* (2011), Vol 1 No 54, 13.
[18] National Disability Insurance Agency, *National Disability Insurance Scheme: A Framework for Information, Linkages and Capacity Building*, 8.
[19] Jeffery Hirono, *Disability and the Net-Benefit Approach: A Review of the Economic and Social Contributions of Migrants in Australia* (2014), 19.
[20] Ibid, 20.

provide them with requisite skills or upskill those who are already providing such services in informal settings. This would be more attractive to new migrants and humanitarian entrants as it may potentially create meaningful and sustainable employment pathways in the long term.

Recommendations

- Inform and educate communities and individuals about the NDIS prior to engaging these communities under the ILC Framework. These educational programmes must include discussions about forms of disability, roles of volunteers within the Framework as well as address sigma and shame around disability within CALD communities.

- Provide targeted funding to the multicultural sector organisations to develop and implement strategies aimed at empowering and strengthening the capacity of CALD communities to participate in the NDIS with a focus on empowerment of people with a disability, their family members and carers.

- Ensure adequate funding for ILC Framework over the next years, considering the importance and scope of the services that are designed to be delivered under the Framework including delivering services for the NDIS participants as well as others with disabilities, their carers and family members.

- Simplify the materials and funding processes to engage more people in the initial stages of developing the Framework. This should include specific communications and interactions with vulnerable individuals and communities, including people from CALD backgrounds.

- Clarify further the interface and intersectionality between the ILC Framework and other similar processes and frameworks in a simpler manner so that individuals and organisations understand the differences between the different entities, funding bodies and funding models.

- Improve data collection mechanisms to capture the diversity of Australia's population while ensuring that the data collection systems and criteria are consistent across agencies and jurisdictions.