



## National Ethnic Disability Alliance

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National Quality Framework Project Team  
C/o Department of Human Services  
Disability Services Division  
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Submitted by email to: [NQF@dhs.vic.gov.au](mailto:NQF@dhs.vic.gov.au)

### **NEDA submission to the Revision of the National Standards for Disability Services**

The National Ethnic Disability Alliance (NEDA) is the national peak organisation representing the rights and interests of people from non-English speaking background (NESB) with disability, their families and carers throughout Australia.

NEDA is funded by the Commonwealth Department of Families, Housing Community Services and Indigenous Affairs (FaHCSIA) to provide policy advice to the Australian Government and other agencies on national issues affecting people from NESB with disability, their families and carers.

NEDA actively promotes the equal participation of people from NESB with disability in all aspects of Australian society. It manages a range of projects relating to NESB and disability communities and works closely with its state and territory members to ensure that its policy advice reflects the lived experiences of people from NESB with disability. In states and territories where no NESB-disability advocacy agency exists NEDA undertakes development work to establish a structure that can support people from NESB with disability, their families and carers.

NEDA estimates that one in every four people with disability is a person of either first or second generation NESB, representing approximately 1 million people across Australia.<sup>1</sup>

People from non English Speaking Backgrounds (NESB) with disability face significant barriers to accessing disability services in Australia. The Productivity Commission *Report on Government Services 2009* suggests that people from NESB with disability are not using government funded disability services.<sup>2</sup>

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<sup>1</sup> NEDA, 2010, *What does the data say?*

[http://www.neda.org.au/files/what\\_does\\_the\\_data\\_say\\_final\\_report.pdf](http://www.neda.org.au/files/what_does_the_data_say_final_report.pdf)

<sup>2</sup> NEDA, 2005, *Fact Sheet 2: People from NESB and Access to Disability Services*

[http://www.neda.org.au/page/fact\\_sheets.html](http://www.neda.org.au/page/fact_sheets.html)

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- People born in a Non English Speaking Country are approximately 4 times less likely to receive accommodation support services than people born in English Speaking Countries.
- People born in a Non English Speaking Country are approximately 2.5 times less likely to receive community support services than people born in English Speaking Countries.
- People born in a Non English Speaking Country are approximately 2.5 times less likely to receive community access services than people born in English Speaking Countries.
- Families and carers of people born in a Non English Speaking Country are approximately 3 times less likely to receive respite services than families and carers of people born in English Speaking Countries.
- People born in a Non English Speaking Country are approximately 2 times less likely to receive employment services than people born in English Speaking Countries.

This submission is based on previous research work done by NEDA and its member organisations. We believe that the points raised in this submission are critical for any revision of the National Standards and that you will give favourable attention to the recommendations.

If further information is required on this submission, please contact Sibylle Kaczorek on 0407 878 933 or email [office@neda.org.au](mailto:office@neda.org.au).

Yours sincerely



Sibylle Kaczorek  
Executive Officer

## **NEDA submission to the Revision of the National Standards for Disability Services**

This submission will address the eight National Standards while recommending a ninth Standard to meet the needs of people from NESB with disability, the submission concludes with a summary of recommendations.

NEDA notes a number of general points for consideration as part of the revision.

In the Explanatory Notes of the National Standards for Disability Services it states:

Commonwealth and State/Territory Governments are committed to eliminating discrimination. As with all members of the community, people with a disability should not be excluded from obtaining a service on the basis of their gender, marital status, religious or cultural beliefs, political affiliation, ethnic background, age, sexual preference or geographic location.

However, the Standards are silent on how this will be addressed. Highlighted in this submission are the issues pertaining to people from NESB with disability.

### **Recommendation 1 - General**

That the National Standards embrace and apply the framework of substantive equality for all individual standards.

Substantive Equality - involves achieving equitable outcomes as well as equal opportunity. It takes into account the effects of past discrimination. It recognises that rights, entitlements, opportunities and access are not equally distributed throughout society. Substantive Equality recognises that equal or the same application of rules to unequal groups can have unequal results.

Where service delivery agencies cater to the dominant, majority group, then people who are different may miss out on essential services. Hence, it is necessary to treat people differently because people have different needs.<sup>3</sup>

### **Recommendation 2 - General**

- That the National Standards add an additional 9<sup>th</sup> Standard on *Substantive Equality and Cultural Responsibility*.
- This standard to highlight that all aspects of the services are required to be aware and responsive to the needs of people from NESB with disability; including governance, service delivery and evaluation.
- That this standard also include requirements for the protection of human rights and freedom from abuse and neglect.

NEDA suggests that the aims of the National Standards and its revision can only be achieved if the barriers and needs for people from NESB with disability are acknowledged and articulated. It may be argued that this is one of the biggest gaps of the National Standards across all states and territories.

The only option to address the significant under-utilisation of disability services by people from NESB with disability is to have dedicated standards in regards to information, access and service delivery.

NEDA suggests that the language used in the National Standards is contrary to the principle of substantive equality.

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<sup>3</sup> Office of Multicultural Interests WA, June 2009, *Multicultural Terminology*  
[http://www.omi.wa.gov.au/omi\\_terminology.asp](http://www.omi.wa.gov.au/omi_terminology.asp)

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By limiting a service standard to *relative need* and *available resources* effectively results in the non-delivery of services required to overcome the barriers for people from NESB with disability.

If insufficient funding is available to the service, the service and funding provider need to explicitly acknowledge that this will result in the inevitable exclusion of people from NESB with disability.

It is then up to the funding provider to either provide additional resources to allow the servicing of people from NESB with disability or specific services need to be funded to service this target group.

Another option could be for services to have access to free telephone interpreting and translation services and access to free and ongoing staff training in cultural competency and respectful service delivery.

### **Recommendation 3 - General**

To take out the limitations within the Standards that allows services provision *relative to need* and *available resources*.

The last general points for consideration are in regards to the process of assessing service providers against the National Standards.

Only if the assessors responsible for reviewing individual service providers are trained and educated in substantive equality principles and cultural competency will they be in a position to look for evidence to such effect.

### **Recommendation 4 - General**

To train all National Standards assessors in substantive equality principles and cultural competency, prior to any assessments conducted and in an ongoing manner if continuing in their role as assessor.

Finally, funding bodies need to equally embrace the concepts of substantive equality principles and cultural competency.

### **Recommendation 5 - General**

Funding bodies to include benchmarks, targets and KPIs – Key Performance Indicators as part of funding agreements in regards to culturally competent service delivery to people from NESB with disability and to provide the resources for their implementation.

## **STANDARD 1 - SERVICE ACCESS**

Each consumer seeking a service has access to a service on the basis of relative need and available resources.

### **Recommendation 6 – Standard 1**

- That services are pro-active in offering telephone interpreting services when communication is limited due to language restrictions.
- That information about and forms to access services are made available in community languages.
- That staff are trained in and regularly updated on cultural competent and respectful service delivery.

## **NEDA submission to the Revision of the National Standards for Disability Services**

- That services develop a communication strategy to target people from NESB with disability.
- That the services employ bi-lingual staff and those from NESB.

### **STANDARD 2 - INDIVIDUAL NEEDS**

Each person with a disability receives a service which is designed to meet, in the least restrictive way, his or her individual needs and personal goals.

#### **Recommendation 7 – Standard 2**

- That the term *appropriate format* is replaced with *a format understandable to the consumer*.
- That individual needs and personal goals include the respectful and flexible accommodation of the consumer's culture, language and religion; including considerations for space, gender, dietary needs and practices.

### **STANDARD 3 - DECISION MAKING AND CHOICE**

Each person with a disability has the opportunity to participate as fully as possible in making decisions about the events and activities of his or her daily life in relation to the services he or she receives.

#### **Recommendation 8 – Standard 3**

- That the term *appropriate format* is replaced with *a format understandable to the consumer*.
- That the service provider informs the consumer about other services that may be approached to assist in meeting their needs, including ethno-specific agencies.
- That the service provider respects decisions that the consumer makes and respects the right of the consumer to make mistakes.

### **STANDARD 4 - PRIVACY, DIGNITY AND CONFIDENTIALITY**

Each consumer's right to privacy, dignity and confidentiality in all aspects of his or her life is recognised and respected.

#### **Recommendation 9 – Standard 4**

- That the term *appropriate format* is replaced with *a format understandable to the consumer*.
- That the service provider ensure that protocols are in place about respectful relationships in service delivery – especially in regards to forms of address, the acknowledgement of family, community, social, and religious membership and roles.
- That the service provider ensure the consumer is not subjected to any disempowering experiences including racism neglect, marginalization, devaluing of any aspect of a consumer's identity, beliefs or lifestyle.
- That the service provider collects information informing service delivery regarding preferred language; preferred medium for communication (eg. audio tape, interpreter, translated information); ethnicity and country of birth of consumer and parents; religion, religious practices or dietary requirements.

## **NEDA submission to the Revision of the National Standards for Disability Services**

### **STANDARD 5 - PARTICIPATION AND INTEGRATION**

Each person with a disability is supported and encouraged to participate and be involved in the life of the community.

#### **Recommendation 10 – Standard 5**

- That the service provider recognises, respects and is guided by the consumers' wishes with respect to the activities and organisations of their own or other cultures.
- That the service provider assists and supports the consumer's maintenance of ties and participation to respective cultural and language communities, through integration into individual needs plans where this is desired by the consumer.

### **STANDARD 6 - VALUED STATUS**

Each person with a disability has the opportunity to develop and maintain skills and to participate in activities that enable him or her to achieve valued roles in the community.

#### **Recommendation 11 – Standard 6**

- That the service provider develops a core principle that acknowledges and supports a positive social role for people from NESB with disability.
- That the service provider understand that concepts and responses about disability and emotional well-being are considerably influenced by culture and that this is taken into account when engaging with consumers, their families and communities.

### **STANDARD 7 - COMPLAINTS AND DISPUTES**

Each consumer is free to raise and have resolved, any complaints or disputes he or she may have regarding the agency or the service.

#### **Recommendation 12 – Standard 7**

- That the term *appropriate format* is replaced with *a format understandable to the consumer*.
- That the difference between complaints and disputes is clearly distinguished.
- That rights and responsibilities about complaints and disputes and relevant processes are made available in community languages as a matter of non-negotiation and that interpreting services are offered as part of standard procedure.
- That service providers are required to keep records on the resolution and status of complaints and disputes including the active referral to disability advocacy services.
- That service providers regularly invites advocacy services to provide information sessions to service users from a NESB and their families and carers.

### **STANDARD 8 - SERVICE MANAGEMENT**

Each agency adopts sound management practices which maximise outcomes for consumers.

#### **Recommendation 13 – Standard 8**

- That service providers mission statements, goals, policies, procedures and practices, and those of programs, incorporate *best practice* principles that explicitly cater for, include and promote cultural understanding and acceptance.

## **NEDA submission to the Revision of the National Standards for Disability Services**

- That service providers actively encourage nominations from the NESB community, especially those people with disability, to the Board of Management, Advisory Committees, Steering Committees, Review Panels, and other offices of the agency.
- That service providers involve consumers, and people from NESB with disability in the development of all programs, all aspects of service planning, management delivery and review, cultural competency training of staff and staff recruitment.

More detailed information on culturally competent and responsive standards can be found in the documents listed below, developed by NEDA's member organizations EDAC – Ethnic Disability Advocacy Centre in WA and MDAA – Multicultural Disability Advocacy Association in NSW.

Developing culturally and linguistically responsive approaches to the Disability Services Standards (1-9) *CaLD CONSUMERS' PERSPECTIVES*, 2006, EDAC - <http://www.edac.org.au/conper1t09.pdf>

Building Cultural Competence in Disability Services, 2003, MDAA - <http://www.mdaa.org.au/archive/03/mdaa-BuildingCulturalCompetency.pdf>

## **Summary of Recommendations**

### **Recommendation 1 - General**

That the National Standards need to embrace the framework of substantive equality.

### **Recommendation 2 - General**

- That the National Standards add an additional 9<sup>th</sup> Standard on *Substantive Equality and Cultural Responsibility*.
- The standard to highlight that all aspects of the services are required to be aware and responsive to the needs of people from NESB with disability; including governance, workforce recruitment and retention, service delivery and evaluation.
- That this standard also include requirements for the protection of human rights and freedom from abuse and neglect.

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- That services develop a communication strategy to target people from NESB with disability.
- That the services employ bi-lingual staff and those from NESB.

### **Recommendation 7 – Standard 2**

- That the term *appropriate format* is replaced with *a format understandable to the consumer*.
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- That the service provider collects information informing service delivery regarding preferred language; preferred medium for communication (eg. audio tape, interpreter, translated information); ethnicity and country of birth of consumer and parents; religion, religious practices or dietary requirements.

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- That service providers mission statements, goals, policies, procedures and practices, and those of programs, incorporate *best practice* principles that explicitly cater for, include and promote cultural understanding and acceptance.
- That service providers actively encourage nominations from the NESB community, especially those people with disability, to the Board of Management, Advisory Committees, Steering Committees, Review Panels, and other offices of the agency.
- That service providers involve consumers, and people from NESB with disability in the development of all programs, all aspects of service planning, management delivery and review, cultural competency training of staff and staff recruitment.