

# Advocacy for people with disability in NSW

## Advocating for people with disability in NSW

The NSW Government has funded advocacy supports which build the capacity of people with disability to access opportunities and understand their options, rights and responsibilities to make informed decisions.



This misses the point of what advocacy is.

Advocacy is protecting and standing up for the rights of people with disability. It's someone to stand by you when you are not getting a fair deal from a disability service, a mainstream service like transport or education, or when your rights are being infringed through abuse, exploitation or discrimination.

The NSW Government has funded disability advocacy, information and representation for many years because it is critically important we protect and promote the rights of people with disabilities.

Disability advocacy can be INDIVIDUAL – an advocate standing up for the rights of one person or it can be SYSTEMIC – when we stand up for the rights of many people or whole disability communities, by changing laws, policies and services to make them fairer for people with disability.



This funding has mainly been for individual advocacy, information and capacity building for people with disability in need of specialist supports.



NSW Government has funded both individual and systemic advocacy as well as information provision and representation for many years because ALL are required to protect and promote the rights of people with disability. ALL will lose their funding on June 30 2020.



Under the National Disability Insurance Scheme (NDIS), these types of supports may be covered in a person's funding package or as part of 'Information, Linkages and Capacity Building' (ILC).



This is not correct. Individual packages are about disability supports, not advocacy. In any case, only 10% of people with disability will get a funding package.

The Information, Linkages and Capacity Building (ILC) commissioning document clearly states: "we will not fund individual or systemic advocacy" (Appendix 1). While it may be possible to identify funding for some forms of information and capacity building, there will be none for advocacy.



## How can advocacy supports be included as part of a NDIS participant's package?

When NDIS participants receive their NDIS funding package, they can choose how this funding will be spent, and who will provide these supports. An NDIS funding package may include advocacy related supports, such as:

- assistance to strengthen a person's ability to coordinate their supports and to participate in the community
- advice and assistance to develop resilience and resolve points of crisis
- training in planning and plan management
- specialist support coordination
- developing life skills
- life transition planning, including mentoring, peer support and skill development
- assistance with decision making, including daily planning and budgeting



Most of these things are disability services not advocacy.

These are things that disability services have always been meant to do and sometimes advocates have given some help with them too.

BUT, they are different to advocacy – someone to stand by you when you are not getting a fair deal.

AND, what we all now know is that you are just as likely to need advocacy to get a fair deal from the NDIS and its funded services as you were with the old service system.



## How will ILC support people with disability?

Information Linkages and Capacity Building (ILC) will continue to provide information and referrals to connect people with disability, their families and carers with community and mainstream supports and activities.



All valuable work but this is not advocacy. And we don't know if the ILC will fill the gap if NSW stops funding information services in June 2020.



The NDIS will provide \$130 million each year for ILC supports for all people with disability, not just those with an NDIS funded plan.



ILC supports will be valuable to people with disability but they are not advocacy. Information Linkages and Capacity Building (ILC) funding cannot be used to fund individual or systemic advocacy. (See Appendix 1) The \$130 million is what the ILC will fund for the whole of Australia when the NDIS has fully rolled out.



## How will the National Disability Advocacy Program (NDAP) support people with disability?

NSW has funded advocacy organisations to provide systemic advocacy and legal representation to people with disability in NSW.

The Commonwealth's National Disability Advocacy Program (NDAP) will continue even after full scheme transition in NSW is completed. It is available for services which support people with disability, even if they are not NDIS participants.

The Commonwealth is providing \$60 million for the NDAP over the next two years.



What the Commonwealth is doing is continuing the funding of advocacy groups it already funds. In NSW, that is \$6m a year to 14 organisations. The NSW Government is planning to take away \$13 million from 50 organisations. The Commonwealth is clear it will not fill that gap and that NSW should continue to fund advocacy.

Victoria and Queensland have confirmed state government funds will continue for state-based organisations. In addition the actual figures quoted here are wrong – for more details see Appendix 2.



## What is being done now so people with disability in NSW have good representation and support during NDIS transition?

There is no change to NSW Government advocacy funding until 30 June 2020. This gives advocacy providers funding assurance throughout the transition period, unlike other NGOs whose funding is being stepped down, so the same funds can be provided to the NDIS.



Transition to what? Assurance of what? Disability advocacy is not funded by the NDIS.

The need for advocacy will not suddenly stop on 30 June 2020.

If the state government does not commit to funding disability advocacy in NSW then disability advocacy organisations in NSW will be forced to shut down. People with disability will not have the advocacy they desperately need.



NSW has provided funding of about \$35 million over three years to June 2020 to a variety of providers of specialist disability advocacy and information services. This includes \$1.72 million to support providers with increased demand during the transition period and \$1.5 million for the Skilled to Thrive project, so disability advocacy and information services can be ready for the NDIS.



- The extra advocacy funding is a recognition of how important advocacy continues to be.
- The Skilled to Thrive project was to show advocacy groups how they could become NDIS service providers. This would create a conflict of interest situation and would not help people with disability who continue to need advocacy.



On top of this, NSW has provided \$10.6 million between July 2015 and June 2018 to organisations which provide individual and consumer advocacy.



This does not address the key issue – where does the funding come from after June 30th for expert disability advocacy?



### **How will the NSW Government continue to support people with disability after NDIS transition is complete?**

After full scheme rollout, the NSW Government will continue to promote community inclusion and facilitate participation in Government decision making so mainstream services better support people with disability.



How will the Government do this effectively Without Disability advocacy organisations?



There will be no change in mainstream advocacy and peak body activities which align with the goals of community inclusion and equitable access to mainstream services, particularly in the portfolios of health, mental health, housing, justice, and education.



Wrong. There will be huge changes. Many specialist disability advocacy organisations will be shut down.

- People with disability in NSW will be losing essential supports and their voice during a time of massive change in the disability sector.
- This only refers to inclusion and equitable access. Disability advocacy works on many other issues as well including abuse, neglect, domestic violence, health, mental health and justice.
- Disability advocacy work is resource-intensive and requires specialist skills and knowledge.
- The generic peak bodies are for issues like homelessness, youth and social services. They are not grounded in the lives of people with disability. They do not have the expertise nor the capacity and resources to provide disability advocacy in NSW.



The Disability Inclusion Act, passed in 2014, means that the NSW Disability Council and its supporting groups will continue to represent people with disability and provide advice to Government.



The NSW Disability Council does not undertake disability advocacy. It meets once a month.

- It ONLY PROVIDES ADVICE to the Minister.
- It is not independent as the Minister chooses who is a member of the Council.
- The Minister can also choose to listen to the advice of the Council or ignore it.



The Department of Family and Community Services, with advice from the Disability Council, will support disability inclusion action planning so Government agencies and local councils are accessible for people with disability.



- It is thanks to the effectiveness of disability advocacy that we are now seeing the implementation phase of improved inclusion action plans in many councils and government departments across NSW.
- Inclusion is one of many key priorities in disability advocacy. All priorities need to be addressed not just one.



## References:

(Appendix 1) ILC Commissioning Framework Page 21 – “Advocacy - Some activities that advocacy organisations currently do, including providing information, or education and capacity building, or support for decision making, fit into the Activity Areas described in the ILC Policy. Advocacy organisations will be welcome to apply for ILC funding to deliver activities that fit into these areas – just like any other organisation. Because of our focus on user-led organisations, we will particularly prioritise applications from self-advocacy or peer advocacy organisations. We will not fund individual or systemic advocacy in ILC.”

(Appendix 2) This is an incorrect statement. The NDAP funding over 2 years is approximately \$36.8 million in total. The full \$60 million refers to NDAP, NDIS appeals and Disability Representative Organisations already funded by the Commonwealth Government over 2.5 years. The NDIS appeals funding is temporary.

Response prepared by #StandByMe NSW Disability Advocacy Alliance

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