



A State of Inclusion

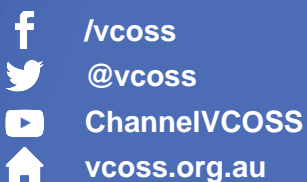
**VCOSS submission to the Victorian
State Disability Plan 2021-2024**

December 2020

The Victorian Council of Social Service is the peak body of the social and community sector in Victoria.

VCOSS members reflect the diversity of the sector and include large charities, peak organisations, small community services, advocacy groups and individuals interested in social policy.

In addition to supporting the sector, VCOSS represents the interests of Victorians experiencing poverty and disadvantage, and advocates for the development of a sustainable, fair and equitable society.



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A fully accessible version is available online at vcoss.org.au/policy/



VCOSS acknowledges the traditional owners of country and pays respect to past, present and emerging Elders.

This document was prepared on the lands of the Kulin Nation.

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Introduction

The Victorian Council of Social Service (VCOSS) welcomes the opportunity to provide input to the development of the Victorian State Disability Plan 2021-2024. As part of our sector leadership, VCOSS advocates for change to improve the lives of people with disability. VCOSS supports over 40 Victorian disability advocacy organisations to undertake collaborative systemic advocacy under the banner of the 'Empowered Lives' campaign.¹ This submission is informed by the insights and experiences of Empowered Lives members.

The State Disability Plan is the Victorian Government's key platform for driving a cohesive public policy direction to improve the lives of people with disability. The 2021-2024 State Disability Plan will replace the current plan, *Absolutely everyone 2017-2020*, and is a requirement under the *Disability Act 2006*.

VCOSS and Empowered Lives members are passionate about our shared vision for an inclusive Victoria, where people with disability have the same opportunities as their peers. Every day, people with disability face a range of physical, social and cultural barriers that impact their independence, limit their freedoms and impede their rights. COVID-19 has presented a range of new challenges for Victorians with disability, and exposed the impact of existing and pervasive systemic barriers and discriminatory attitudes.² As consultation for the next Plan re-commences, the concept of building back better – in a way that is inclusive and accessible for everyone – is key to designing an equitable recovery.

While the Victorian Government's role as a disability support provider and funder has changed substantially through the roll out of the National Disability Insurance Scheme (NDIS), the state's vital and ongoing responsibility for delivering inclusive and responsive mainstream services and civic spaces, and in eliminating systemic disadvantage and inequity, remains unchanged. This includes, but is not limited to, child and family services, housing, health, education and training, employment, emergency management and response, justice, and transport.

To drive meaningful and lasting change, the State Disability Plan must take a whole-of-government approach by promoting a shared vision and articulating a clear and accountable agenda.

¹ VCOSS, [Empowered Lives](#), accessed 27 November 2020.

² VCOSS, [Equitable and inclusive emergency planning and responses: VCOSS submission to Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability – Emergency Planning and Response Issues Paper](#), August 2020.

Through the State Disability Plan, the Victorian Government must outline how it will build on progress to date, create connections between services and systems, and measure outcomes. The State Disability Plan should also work to advance the human rights of people with disability and shift community attitudes.

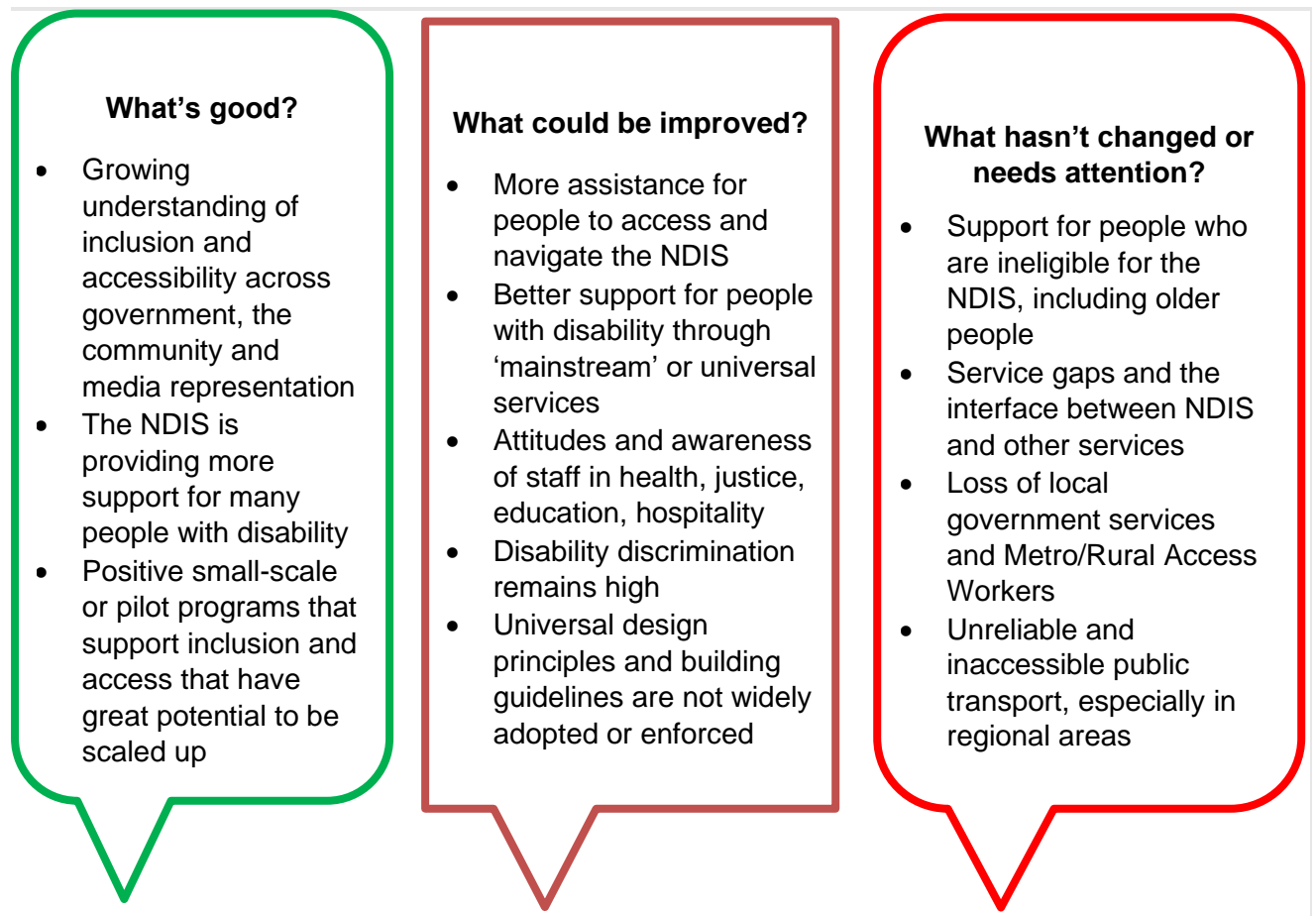
The high-level National Disability Strategy, which focuses on the realisation of Australia's human rights commitments, is also due for replacement in 2021. Particularly in the context of COVID-19 recovery, we urge governments to align planning and take a constructive and collaborative approach to addressing critical government and community-wide issues.

While the State Disability Plan will focus on areas of Victorian Government responsibility, it also should consider the broader political and social context and be flexible and responsive to:

- the Royal Commission Royal into Violence, Abuse, Neglect and Exploitation of People with Disability
- the Royal Commission into Aged Care Quality and Safety
- the Royal Commission into Victoria's Mental Health System
- workforce initiatives including the introduction of the Victorian Disability Worker Regulation Scheme, the ongoing implementation of the *Keeping the sector strong* workforce plan and the development of the National NDIS Workforce Plan
- the current and future impact of emergencies including the bushfires, natural disasters and pandemics on people with disability, carers, families, advocacy organisations and service providers.

Where are we now?

VCOSS and Empowered Lives members came together in February 2020 to reflect on a range of themes and progress across government, business and the community. Through these conversations, participants and advocates reflected on the current state of access and inclusion in Victoria.



The findings of an Australia-wide online survey developed to inform the next National Disability Strategy echo some of these sentiments and concerns.³ While survey respondents reported observing improvements in visibility, accessibility, inclusion and attitudes, they also said things have not changed or become worse in regards to income, safety, health and wellbeing, and discrimination.⁴

³ Australian Department of Social Services, *Right to opportunity: Consultation report to help shape the next national disability strategy*, December 2019.

⁴ Ibid.

Meaningfully engaging with people with disability

Improving the description of disability and disability inclusion in the next State Disability Plan (Topic 1)

RECOMMENDATION

- Draw on human rights approaches to develop a contemporary description of disability that promotes government and community-wide action and change.

One in five Victorians live with disability, and through the delivery of services, supports and spaces, the Victorian Government plays a significant role in supporting people with disability to participate in civic, social and economic life. We support the intention to take a human rights approach to describing disability in the next State Disability Plan.⁵

Across various laws, policies and programs, disability is often defined in medical terms with a focus on limitations, impairments and conditions. A human rights approach to describing disability makes inclusion everyone's business. It draws attention to the responsibilities we all have to remove systemic physical, social, cultural and environmental barriers, and to change attitudes and behaviours. The description of disability as part of human diversity, promoted by the UN Special Rapporteur on the rights of persons with disabilities, highlights the role of governments, organisations and communities to remove barriers.

*"Imagine a world where we embrace human diversity. We remove the barriers in society and institutions that create discrimination and inequality. We go past the fear and misconceptions that have historically resulted in so much social exclusion. We see disability as part of human diversity, like any other difference. And we see the contributions that persons with disabilities can make in all areas of society."*⁶

Through a contemporary, rights-based definition of disability, the State Disability Plan can lead and promote a whole-of-government and community-wide approach to ensuring the rights, freedom and agency of Victorians with disability are promoted and realised.

⁵ Victorian Government, *Consultation for state disability plan 2021-2024*, December 2019, p.9.

⁶ UN Special Rapporteur on the rights of persons with disabilities, *Embracing diversity*, accessed 27 November 2020.

Finding better ways to include people with disability in making the next State Disability Plan (Topic 2)

RECOMMENDATIONS

- Work in partnership with people with disability, communities and organisations to co-design engagement strategies that enable maximum participation during COVID-19, while promoting and protecting people's health and wellbeing.
- Work with advocacy and community organisations to design targeted approaches for engaging 'hard to reach' communities.
- Use the State Disability Plan consultation to test, refine and build upon the draft Victorian Government Public Consultation Framework.

People with disability are the experts in their own lives, and their experiences, perspectives and voices must be heard through the development of the State Disability Plan. People with disability are best placed to identify their own needs, and how government decisions, policy-making and service design will impact them. Lived experience must be not only heard, but truly valued. The State Disability Plan must reflect and respect the insights and ideas of people with disability, as well as carers and families, advocates, academics and community organisations.

While traditional face-to-face community engagement techniques may not be safe or suitable in the context of COVID-19, the Victorian Government must provide accessible and meaningful avenues for people to contribute their perspectives. Consultation on both the State Disability Plan and the National Disability Strategy has been extended – decisions we welcome, as these strategies are too important to be rushed.

While Victoria is well positioned in its response to COVID-19 at the time of writing, the pandemic continues to impact the daily lives of all Victorians. People are stressed, anxious and juggling a range of challenges that might limit or prevent their participation in consultation processes.

Through this time of uncertainty, well-designed and considered engagement strategies would give people the chance to have a say, feel heard and contribute to change at a state and national level. We recommend the Victorian Government designs and provides further consultation opportunities to enable people to easily and safely share their insights in 2021.

Co-designing safe and meaningful engagement opportunities

The co-design principles noted in the Consultation Paper – inclusion, respect, participation and testing – should be embedded in the developmental stages of the State Disability Plan by working with people with disability to co-design “COVID-safe” consultation strategies.

Co-design goes beyond consultation; it is an approach that listens to and learns from people’s perspectives and ideas early on, values multiple forms of expertise including lived experience, and shares the power in exploring and designing different and creative solutions.⁷ Co-design allows space for preconceived ideas and assumptions to be challenged and for new, realistic and effective solutions to be identified.

Across government departments and programs, there are many ways in which co-design principles can be applied to find creative, new solutions to complex problems and enhance civic participation.⁸

Some recent examples in Victoria include:

- The co-design process led by the Department of Premier and Cabinet to shape the transfer of disability services to non-government providers⁹
- Victoria’s 10-year plan to end family violence, where a range of people are involved in co-designing the Rolling Action Plan, developing Support and Safety Hubs, and providing advice through ongoing engagement forums¹⁰
- The Accessible and Inclusive Geelong Project, which leveraged deep community engagement and participatory design to with a range of stakeholders to identify accessibility issues and solutions¹¹
- The Wellington Shire Council’s work with Scope to create e-learning on communicating with people with disability for staff working in Emergency Relief Centres¹².

⁷ VCOSS, *Walk alongside: Co-designing social initiatives with people experiencing vulnerabilities*, 2015.

⁸ Australian Department of Industry, Innovation and Science, *Hidden in plain sight: Building an understanding of how the Australian Public Service can unlock community expertise to improve policy, programmes and service delivery*, 2017.

⁹ Victorian Government, [Transfer of disability accommodation and respite services](#), accessed 27 November 2020.

¹⁰ Victorian Government, *Ending Family Violence: Victoria’s Plan for Change*, 2016.

¹¹ Deakin University, [Accessible and Inclusive Geelong Project: Video](#), accessed 27 November 2020.

¹² Wellington Shire Council, [Sample video from Disability communication e-learning module](#), accessed 27 November 2020.

Integrating co-design principles and into the development of the State Disability Plan will improve engagement and deliver better outcomes. We encourage the Victorian Government to work carefully and creatively to co-design a range of alternatives and options. Some ways the State Disability Plan could do this include:

- Engaging the DHHS Accessible Communications Reference Group, established during the pandemic, to provide advice and guidance on communications and engagement approaches to support safe, equitable participation in the development of the next Plan.
- Employing people with lived experience to co-design targeted engagement strategies to reach people with disability, carers and families, and the broader community.
- Creating resources that encourage people to think about and capture their ideas, individually or in a group, to feed into the State Disability Plan. For example, through the development of an Easy English discussion guide, people could work through the questions in their own time and at their own pace.
- Establishing multiple, accessible means to listen to and capture people's perspectives, building on the existing online forms and discussion boards. This could include video submissions, small group teleconferences, a hotline, an online survey, and using social media to drive conversations.
- Using peer models of engagement by employing people with lived experience and local community leaders to extend the reach of consultation in the community. For many people, speaking to others who share and understand their experiences can build faster, stronger connections for people to feel comfortable sharing their thoughts and ideas.
- Sharing and testing concepts and drafts with people and groups as the State Disability Plan develops to allow space for further feedback and discussion.

Engagement strategies should focus on enabling maximum participation while promoting and protecting people's health and wellbeing. It is also important to note that online-only approaches may not effectively or fairly reach with disability living in rural and regional areas or on low incomes, who are more likely to be 'digitally excluded' through limited internet access, lower digital literacy, and cost barriers to accessing technology.¹³

¹³ J Thomas, J Barraket, CK Wilson, I Holcombe-James, J Kennedy, E Rennie, S Ewing, T MacDonald, *Measuring Australia's Digital Divide: The Australian Digital Inclusion Index 2020*, RMIT University and Swinburne University of Technology for Telstra, September 2019.

Connecting with 'hard to reach' communities

We support the Victorian Government's commitment to inclusive engagement and creating safe spaces for diverse voices. Many people with disability experience additional barriers in accessing engagement processes, which can be compounded for people who experience multiple and intersecting forms of discrimination and disadvantage. Social and cultural stigma around identifying as having a disability, fear of speaking up, mistrust of government and support services, negative past experiences and trauma can all contribute to reluctance to engage in consultation processes – even when policies and decisions have a direct impact on people and communities. The barriers are particularly heightened for people with complex communication needs.

We recommend the Victorian Government works with advocacy and community organisations to design targeted approaches for engaging 'hard to reach' communities. These organisations can assist the Victorian Government to:

- explore the challenges and barriers experienced by some communities
- develop engaging and inclusive consultation opportunities
- find and connect with existing groups and networks
- promote consultation opportunities.

Testing and refining the draft Public Engagement Framework

Consultation for the State Disability Plan presents an ideal opportunity for the Victorian Government to test, refine and build upon the draft Public Engagement Framework¹⁴ and to try new community engagement techniques in the context of COVID-19. The learnings of this experience could feed into the ongoing development of the Public Engagement Framework.

¹⁴ Victorian Government, [Victoria's draft Public Engagement Framework](#), accessed 27 November 2020.

Driving systemic, state-wide change

Introducing overarching approaches to strengthen government commitments under the new State Disability Plan (Topic 4)

RECOMMENDATIONS

- Finalise and publicly release the whole-of-government universal design policy.
- Mandate the application of universal design principles across all government-funded building and construction projects and all publicly funded services.
- Role model best-practice in universal design and promote the social and financial benefits of inclusive infrastructure to commercial developers, councils, and other states and territories.
- Ensure the valuable insights of people with disability are heard clearly and early in the development or refurbishment of all public places, spaces and services.
- Develop and fund targeted, evidence-based and co-designed community awareness and education campaigns.
- Measure the effectiveness of community awareness and education campaigns through ongoing research and continuous improvement approaches.

People with disability experience a range of social, physical, environmental and cultural barriers that limit their participation in the community and prevent the realisation of their human rights. We support the Victorian Government's intention to include universal design and community attitudes as overarching approaches to strengthen the State Disability Plan.

Universal design

Good design supports inclusion and equity for everyone. The principles of universal design focus on making products, buildings, environments and experiences accessible to as many people as possible of all ages, abilities and cultural backgrounds.¹⁵

¹⁵ Victorian Health and Human Services Building Authority, [Universal design](#), accessed 27 November 2020.

By focusing on the user experience, universal design promotes the proactive inclusion of features that support equitable access. Embedding universal design in projects from the outset is not only more cost-effective; it enables more people to participate in social, economic and community life.

Universal design guidelines are increasingly being used by the Victorian Government in educational settings, in parks and recreational spaces¹⁶ and in the online environment to ensure resources are easy to use and accessible¹⁷. In the midst of Victoria's construction blitz, and during a significant shift to digital service delivery, it has never been more important to prioritise the principles of universal design. As a state and as a community, we cannot afford to make avoidable, expensive and exclusionary mistakes.

VCOSS and Empowered Lives members are concerned that too often, universal design principles are not applied in the development or refurbishment of public spaces. Our members and the communities they support report that people with disability are often not consulted in the development of new community facilities, or not engaged early enough, which can see accessibility features added-on at later stages of development projects. It is not acceptable that in 2020, we continue to see stories of equitable access being an afterthought in the design and construction of community spaces¹⁸ or that investments in inclusion are not prioritised¹⁹.

We welcome the ongoing development of the whole-of-government universal design policy, identified in the 2018 State Disability Plan Annual Report. As part of this policy, we urge the Victorian Government to mandate the application of universal design principles across all government-funded building and construction projects and all publicly funded services. This includes all homes build and refurbished through Victoria's \$5.3b Big Housing Build.

As the one of leading influencers and funders of construction in the state, the Victorian Government is well-placed to model best-practice and ensure publicly funded places and spaces can be used by all Victorians. Through this leadership role, the Victorian Government should also advocate to commercial developers, councils and other states and territories about the social and financial benefits of inclusive infrastructure.

¹⁶ Victorian Government, *State Disability Plan: Annual Report 2018*, August 2019, p.13.

¹⁷ Victorian Government, [Digital Standards](#), accessed 27 November 2020.

¹⁸ S Wales and D Grindlay, '[Horsham Aquatic Centre snubbed in sports rorts saga and disability advocates want answers](#)', *ABC News*, 6 February 2020, accessed 27 November 2020.

¹⁹ A Ford, '[Why is there still no disability access at the train station?](#)', *The Courier*, 21 January 2019; A Ford, '[Ballarat train station to get access upgrades, but still not up to disability standard](#)', *The Courier*, 15 May 2019, accessed 27 November 2020.

We encourage the Victorian Government to build upon universal design approaches by engaging people with disability early and effectively in consultations about public spaces and projects. Through the development and implementation of the Victorian Government Public Engagement Framework²⁰, there is an opportunity for the government to promote clear and consistent guidelines about community engagement and to reinforce the importance of early and meaningful engagement of people with disability.

Community attitudes

While VCOSS and Empowered Lives members have noted improvements in public visibility, awareness and understanding of disability, harmful and stigmatising views persist. People with disability continue to experience high levels of discrimination, with one in four people with disability in Australia aged over 15 have experiencing some form of discrimination in the past year.²¹ Of 1633 complaints to the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) last year, 32 per cent were in relation to disability discrimination.²²

There needs to be broad and sustained work to change attitudes across government-funded services, such as schools, healthcare providers, public transport and the justice system, and throughout the wider community.

The benefits of applying universal design approaches can only truly be realised in tandem with concerted efforts to change community attitudes. Using the findings of its 2018 community survey, the Victorian Government should make informed and strategic investments in behaviour change campaigns and education programs.

Ideas from VCOSS and Empowered Lives members include:

- Comprehensive training and tailored resources, co-designed and delivered by people with disability, for staff across all government departments and services
- More visible and valued leadership opportunities for people with disability across government and the community
- Initiatives to improve the disability confidence of employers through better training for HR professionals and greater knowledge of the resources and funding available for reasonable adjustments in the workplace
- Public awareness and education campaigns that show the diversity of disability and work to break down barriers and stigma.

²⁰ Victorian Department of Premier and Cabinet, [Victoria's draft Public Engagement Framework](#), accessed 27 November 2020.

²¹ AIHW, [People with disability in Australia: Disability discrimination](#), September 2019.

²² VEOHRC, [Annual Report 2019-20](#), December 2020.

We also recommend the Victorian Government builds on the learnings of previous campaigns, and leverages insights from other pilot programs and sectors, to inform a continuous improvement approach. Some examples include:

- The Change Your Reactions campaign to promote better understanding and inclusion of people with autism, led by Amaze with investment from the Victorian Government²³
- Public Transport Victoria's 'Access Your Awareness' campaign
- Television programs such as 'You Can't Ask That', 'Employable Me' and 'Love on the Spectrum' that explore issues, assumptions and everyday experiences through documentary-style content.

Any further campaigns, resources or training programs should be co-designed by people with disability. Post-pandemic, opportunities to leverage the expertise of the Department of Premier and Cabinet's Behavioural Insights Unit for awareness and attitude change campaigns should be explored.

²³ Hon Luke Donellan, 'Victoria Launches Australia's First Autism Campaign', Media release, 17 February 2020.

Supporting the interface between NDIS and mainstream services (Topic 5)

RECOMMENDATIONS

- Work collaboratively with the Federal Government and the National Disability Insurance Agency (NDIA) to identify service gaps, address interface issues and support a thriving disability support workforce and market.
- Improve support for people who are ineligible for the NDIS through specialist state-based programs and by advocating for a stronger, innovative Information, Linkages and Capacity Building (ILC) program.
- Provide ongoing assistance and capacity-building opportunities to support organisations to transition to new funding environments, including training, networking, peer support and targeted resources.
- Improve access and inclusion across all Victorian Government services and departments through targeted action and investment.
- Continue work to design and implement practice models and procedures to improve access and connections between NDIS-funded and state-funded services.
- Support work to develop the next National Disability Strategy and advocate for a new, fit-for-purpose National Disability Agreement.

We are now four years into the full scheme roll out of the NDIS in Victoria, however, there are persistent concerns about equitable access to the scheme and service gaps. System boundaries, attitudes and awareness continue to limit access to integrated, holistic and outcomes-focused support from different service systems.²⁴ The interface between the NDIS and universal or 'mainstream' services, including health, education, justice and aged care, is also often unclear.

²⁴ D Warr, H Dickinson, S Olney et. al., *Choice, Control and the NDIS: Service users' perspectives on having choice and control in the new National Disability Insurance Scheme*, University of Melbourne, May 2017.

While Victoria's role as disability service provider has changed through the transition to the NDIS, there remains a strong and essential role for the Victorian Government to support people with disability, families and carers by:

- Ensuring all people with disability, regardless of their eligibility for the NDIS, can readily access universal healthcare, public education, the justice system, employment assistance and other mainstream services
- Working collaboratively with the Federal Government to resolve any outstanding interface issues between state-based mainstream services and the NDIS.

We welcome the Victorian Government's four-year, \$208.8m investment in supporting services that are out-of-scope for the NDIS in the 2020-21 Budget. This will make a significant difference for people who do not fit within the NDIS eligibility criteria.

VCOSS and Empowered Lives members are concerned that people experiencing disadvantage and isolation face additional challenges in navigating eligibility processes for NDIS and accessing universal services. As noted by many respondents to the independent review of the *NDIS Act 2013*, there is a risk that people experiencing disadvantage may be more vulnerable to falling between the cracks.²⁵ Our members play an active, typically unfunded, role in supporting people to find alternative services or funds.

The Information, Linkages and Capacity Building (ILC) part of the scheme, which was intended to assist all people with disability, their families and carers, regardless of their eligibility for individual packages²⁶, is currently not delivering effective or fair support. Two key streams of the ILC policy framework – the role of Local Area Coordinators (LACs) in connecting people to services, and the capacity-building grants program – are not working as envisaged and require further attention and investment to ensure people are connected to the supports they need.²⁷

While LACs are expected to spend 20 per cent of their time supporting people with disability through information, referrals and building community capacity²⁸, we know from our members that LACs do not have capacity to deliver this assistance on top of the large workloads and high targets associated with individual NDIS funding plans.

²⁵ D Tune, *Review of the NDIS Act 2013: Removing red tape and implementing the NDIS Participant Guarantee*, December 2019.

²⁶ NDIA, *A framework for Information, Linkages and Capacity Building*, 2015.

²⁷ VCOSS, *Delivering on the promise: a better and fairer NDIS*, Submission to the Review of the NDIS Act..., October 2019.

²⁸ NDIA, *Submission to Productivity Commission Issues Paper on NDIS Costs*, March 2017, p.56.

The ILC grants program, which supports the delivery of additional community assistance, requires organisations participate in competitive, often short-term, funding rounds. Grant application processes take time and resources that many stretched organisations cannot access or afford. Alternative funding options are limited for organisations who miss out on ILC grants.

The Victorian Government has invested in building the capacity of organisations to transition to the new funding environment, including through the Strengthening Sector Resilience Project coordinated by VCOSS. Our review of the learnings of this project, which included interviews with project participants, found organisations want further support from the Victorian Government and the NDIA, including opportunities for ongoing dialogue, feedback on their applications, and further capacity-building training, networking and peer support.

Two key national policy instruments – the National Disability Agreement and the National Disability Strategy – are now significantly outdated. As identified by the Productivity Commission in 2019, the current National Disability Agreement “no longer serves its purpose, has a weak influence on policy, and its performance targets show no progress in improving the wellbeing of people with disability”.²⁹ The National Disability Strategy is also due for renewal and community consultation is underway.

Through the concurrent development of state and national plans, strategies and funding agreements, there has rarely been a better time for governments to collaborate and create meaningful change. VCOSS and Empowered Lives members urge governments and the NDIA to move beyond patchy policy approaches and seize this critical and timely opportunity to deliver comprehensive, sustainable, fair and meaningful support for people with disability.

²⁹ Productivity Commission, [Review of the National Disability Agreement 2019: Key points](#), accessed 27 November 2020.

Children and families

RECOMMENDATIONS

- Ensure universal parenting supports, sexual and reproductive health services, family violence services and child, youth and family services are responsive, accessible and inclusive for children with disability and parents with disability.
- Provide timely, affordable access to assessments for children and young people with disability, and ensure early intervention supports can be easily accessed.
- Develop and release accountable annual action plans to support the implementation of the *Victorian Government Carers Strategy 2018-2022*.
- In introducing an Intimate Lives outcome area for the next State Disability Plan, fund and expand initiatives that boost access to sexual health and reproductive services, family planning services and parenting supports for people with disability.
- Continue investment in professional development for child, youth and family services staff and family violence services staff in understanding disability, disability rights, early intervention and support pathways, and inclusive practice.
- Fund specialist family violence initiatives to support women, children and young people with disability to be safe and free from violence.

State-funded programs and services play a vital role in supporting children with disability, their families and carers, as well as parents with disability, to grow, learn and thrive. For many children with disability, the pathway to early support starts with their doctor, maternal child health nurse or in early learning settings, where developmental or learning delays are often identified.

While early childhood intervention services have transitioned from the Victorian Department of Education and Training to the NDIS, the Victorian Government has continued to support children and families by boosting professional development for people working in important early identification and support roles.³⁰

To access specialist programs services, including inclusion support in early learning, kindergarten and school settings, and NDIS funding, evidence or assessments usually need to be completed and collated. Assessments can be expensive, confusing and overwhelming for many families trying to seek support for their child. For example, long waiting lists and limited services for autism assessments have a significant impact on people living in regional and rural communities and low-income families, who may travel long distances to see a specialist or seek out private services at their own cost.³¹ In addition, girls and women with autism are often underdiagnosed or misdiagnosed³², which may reduce their access to timely and appropriate supports and services.

We welcome the Victorian Government's commitment to fund 3150 additional autism assessments over four years, through a \$7m commitment in the 2020-21 Budget. We encourage the Victorian Government to review evidence requirements for supports for children and young people with disability in all settings, to ensure an emphasis on assessments does not limit access to early intervention.

Support for carers and siblings has also changed through the transition to the NDIS. One-third of carers do not feel the NDIS has helped, and feel unable to access services, programs and activities.³³ Over half of carers report the NDIS has reduced their ability to provide care³⁴, and the majority do not access any carer-specific supports³⁵.

Carers are also facing increased challenges in the context of COVID-19, including working and learning from home and added financial strain. We welcome the Victorian Government's release of its first-ever, whole-of-government strategy to recognise and support carers³⁶, and recommend annual action plans are developed to support implementation and accountability.

³⁰ Victorian Department of Education and Training, *Disability Action Plan 2018-2021*, August 2018, p.15.

³¹ L Taylor, P Brown, V Eapen, S Midford, J Paynter, L Quarmby, T Smith, M Maybery, K Williams and A Whitehouse, *Autism Spectrum Disorder Diagnosis in Australia: Are we meeting Best Practice Standards?*, 2016.

³² Amaze, *Position Statement: Autistic Women and Girls*, March 2018; M Blakemore, G Robertson, S Hansford, T Richardson, J Dalcombe, S Smith and N McCaffrey, *Multiple and intersecting forms of discrimination against autistic women: For the attention of the Special Rapporteur on Violence against Women*.

³³ NDIA, *COAG Disability Reform Council Performance Report - National 30 June 2019*, 2019.

³⁴ Mavromaras et al., *Evaluation of the NDIS: Final report*, National Institute of Labour Studies, February 2018, p.29.

³⁵ *Ibid.*, p.54.

³⁶ Victorian Government, *Victoria Carers Strategy 2018-2022*, July 2018.

Across family services, out-of-home-care and child protection services, children and young people with disability must be connected to the right supports. Too often, support is only available when a situation reaches crisis point and children enter the out-of-home care system. While children in out-of-home-care generally experience poorer outcomes across a range of indicators, for children with disability in care, these outcomes are likely to be worse, particularly when children are not connected to appropriate disability supports.³⁷ Analysis from the Australian Institute of Health and Welfare (AIHW) in 2018 estimated 14 per cent of children in out-of-home-care have a disability.³⁸

Family services, child protection workers and carers are not always equipped with the knowledge, skills and training to support children or parents with disability. As outlined in the *Roadmap for reform: Strong families, safe children, the Stronger carers, stronger children strategy* and the DHHS Disability Action Plan 2018-2020, the Victorian Government is progressing a range of professional development initiatives to boost the knowledge and skills of the child, youth and family services workforce. These investments must be sustained to improve outcomes for children and young people with disability.

The rights of people with disability to exercise freedom, agency and risk in their personal lives are impacted by discriminatory attitudes and beliefs. Sex and relationships education is not adequately provided to children and young people with disability, and sexual and reproductive health services are often not accessible or inclusive. Parents with disability do not receive the same level of support during pregnancy, to build their parenting skills or to meet with and learn from other families. Untested assumptions about the parenting capacity of expecting parents with disability contribute to higher, earlier involvement of child protection and higher rates of child removal.

The proposed addition of an Intimate Lives outcome area to the next State Disability Plan is welcome – but true change will only happen if targeted initiatives are funded and expanded. The Victorian Government should maintain and boost investment in universal and targeted parenting and carer programs that deliver tailored support for children with disability, and build the skills, strengths and capacity of parents, families and carers. This should include:

- Improving inclusion and access to universal parenting programs, playgroups and peer-support programs, and sexual and reproductive health services
- Funding and expanding specialist services and programs, such as the Women with Individual Needs Clinic at the Royal Women’s Hospital and the Positive Powerful Parents Self-Advocacy Group

³⁷ Senate Community Affairs References Committee, *Out of home care*, August 2015, p.265.

³⁸ AIHW, *Child protection Australia 2017–18*, March 2019, p.51.

- Additional and ongoing professional development to build the capacity of the child, youth and families sector to support the rights and needs of people with disability.

Women, children and young people with disability are more likely to experience family violence and more often face barriers in accessing support and justice.³⁹ A range of structural barriers and a lack of disability expertise across family violence services limits and prevents the provision of appropriate support to women with disability.⁴⁰ Victim-survivors with disability are often not systematically identified, and women with disability face additional challenges in disclosing and reporting abuse, and in accessing protection and justice.⁴¹ Co-resident violence in disability group homes often does not receive practical attention or support for victims and perpetrators.⁴²

Given the evidence that domestic and family violence increases during disasters⁴³, it is vital that services are responsive and inclusive for women with disability during and beyond the COVID-19 pandemic. While many services have transitioned to online or digital delivery during COVID-19, there are limitations in these models that may particularly impact women with disability. Women and children may not be able to seek support or flee violence until the peak of the pandemic has passed. It is crucial that family violence support services and crisis centres are supported to respond to an anticipated increase in demand.

We urge the Victorian Government to build the capacity and disability awareness of family violence support services, while continuing to invest in specialist services to assist women, children and young people with disability. A multi-faceted approach could include:

- Professional development and training for all family violence support services in working with women, children and families with disability
- An accessibility audit of all crisis accommodation services and the development of Disability Action Plans for service providers (see Housing section)
- Sustained, long-term investment in specialist family violence initiatives to support people with disability to be safe and free from violence, including ongoing funding for the Disability Family Violence Crisis Fund and a tailored response to the growing issue of co-resident abuse.

³⁹ Disabled People's Organisations Australia and National Women's Alliances, *The Status of Women and Girls with Disability in Australia*, November 2019.

⁴⁰ Ibid.

⁴¹ Domestic Violence Victoria, *Submission to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability: Criminal Justice System Issues Paper*, April 2020.

⁴² Office of the Public Advocate, *Community Visitors Annual Report 2018-2019*, September 2019, p.18.

⁴³ The Lookout, [COVID-19 and Family Violence](#), accessed 27 November 2020.

Health

RECOMMENDATIONS

- Ensure timely and appropriate medical services and healthcare are available for people with disability during and beyond the COVID-19 pandemic, including access to COVID-19 screening and treatment, and ongoing access to general medical and specialist services.
- Drive attitude change and boost knowledge about disability across all health services through ongoing investment in training, promoting collaboration between health and disability services, and improving policies and procedures.
- Extend funding for psychosocial services to ensure people who are ineligible for the NDIS can access timely, ongoing support.
- Ensure the State Disability Plan is responsive to the findings and recommendations of the Royal Commission into Victoria's Mental Health Services.
- Require all health services to finalise and publicly release their Disability Action Plans, and develop annual implementation plans to set, measure and report on outcomes.

Australia's healthcare system is often referred to by government and politicians as one of the best in the world, however health and wellbeing support and outcomes vary considerably across the community. Adults with disability are six times more likely to assess their health as 'poor' or 'fair' and are 12 times more likely to report high levels of psychological distress.⁴⁴ Half of people living with a chronic health condition also have a disability.⁴⁵ The barriers faced by people with disability in accessing healthcare are influenced by a range of structural and social factors, from the availability of services to costs, communication issues, staff training and discriminatory attitudes.⁴⁶

⁴⁴ AIHW, [People with disability in Australia: Health](#), September 2019.

⁴⁵ Ibid.

⁴⁶ AIHW, [People with disability in Australia: Difficulties accessing healthcare services](#), September 2019.

People experiencing multiple layers of disadvantage and complexity, including people with complex communication needs, dual disability and/or psychosocial disability, can face additional challenges in accessing healthcare. Communication issues, combined with the attitudes of health professionals, may mean people's symptoms are missed or dismissed, or incorrectly attributed as being related to their mental health or behaviours, which can place people at greater risk of receiving inappropriate diagnosis or treatment.

As evidenced during the February 2019 hearings of the Disability Royal Commission into healthcare⁴⁷, and as has emerged through the COVID-19 pandemic locally and internationally, these issues can deter or prevent people with disability from accessing medical care and enjoying quality of life. While advocates from across the globe⁴⁸, the World Health Organisation⁴⁹ and Australia's Disability Discrimination Commissioner⁵⁰ called for governments to ensure the rights of people with disability are protected, and that people are not discriminated against in medical decision-making, VCOSS and Empowered Lives members remain concerned about what will happen over the pandemic's trajectory.

We welcomed the Australian Government's release of the Management and Operational Plan for COVID-19 for People with Disability in April 2020⁵¹, however, the plan must be continually updated as the pandemic evolves. Like all plans, the key to its success will be in implementation. We urge the Victorian Government to work with all healthcare providers to implement the plan and to ensure people with disability can stay safe, well, and access healthcare during the pandemic. The recommendations of the Disability Royal Commission, which explored the impact of the COVID-19 pandemic for people with disability during hearings in August 2020⁵², should be heard and acted upon by all levels of government.

Through the previous State Disability Plan, the Victorian Government implemented a range of initiatives to improve access and inclusion across the state's healthcare services, including requiring all services to develop a draft Disability Action Plans, promoting dental and cancer screening programs, and professional development and training programs.⁵³

⁴⁷ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, [Health care hearings, Sydney](#), accessed 27 November 2020.

⁴⁸ International Disability Alliance, [IDA's letter to World Health Organisation in response to the #COVID19 pandemic](#), accessed 27 November 2020.

⁴⁹ World Health Organisation, [Disability considerations during the COVID-19 outbreak](#), accessed on 27 November 2020.

⁵⁰ Australian Human Rights Commission, [Pandemic requires comprehensive response for Australians with disability](#), accessed 27 November 2020.

⁵¹ Australian Department of Health, *Management and Operational Plan for People with Disability: Australian Health Sector Emergency Response Plan for COVID-19*, April 2020.

⁵² Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, Report - Public hearing 5 - Experiences of people with disability during the ongoing COVID-19 pandemic, 30 November 2020.

⁵³ Victorian Government, *State Disability Plan Annual Report 2018*, August 2019.

The interface between the NDIS and health services continues to be difficult and confusing for people with disability, families and carers, and service providers. While discrete arrangements have been met for some health-related supports⁵⁴, there remains a lot of uncertainty about which system funds which type of support.

For example, funding for community mental health services has transitioned to the NDIS, leaving the Victorian Government with responsibility for a relatively small range of psychosocial support services.⁵⁵ While interim funding has been provided to support people who are ineligible for the NDIS⁵⁶, there remain concerns that many people with psychosocial disability are not being supported.

Of around 690,000 Australians living with a severe mental health condition, approximately 21,700 receive psychosocial supports under the NDIS and a further 42,300 are likely to be eligible for NDIS-funded psychosocial support but are not yet receiving assistance.⁵⁷ In Victoria, almost a quarter of NDIS applications made by people with psychosocial disability were rejected.⁵⁸ Across Australia, the rejection rate was worryingly highest for people who are new to receiving any support.⁵⁹

Victorian community service organisations have long provided a range of support to people with mental illness, including treatment, psychosocial support and rehabilitation to help people manage their illness and build life skills. These services are a vital component of the mental health system, sitting alongside clinical care and NDIS disability supports. Psychosocial supports keep people out of hospital, help them recover at home and stay well.

The interim report into the Royal Commission into Victoria's Mental Health Services explores many of the funding and eligibility challenges that have arisen through the transition to the NDIS, including growing service gaps. Among its extensive findings and recommendations, the Productivity Commission's inquiry into mental health recommends people who require psychosocial supports should be able to continue accessing them, regardless of changes to the source of funding for the service, and that access barriers should be removed.⁶⁰

⁵⁴ Council of Australian Governments, *COAG Disability Reform Council – 9 October 2019 Communique*, October 2019.

⁵⁵ Victorian Government, *Submission to the Royal Commission into Victoria's Mental Health Services: SUB.5000.0001.0001*, July 2019, p.5.

⁵⁶ *Ibid.*, p.8.

⁵⁷ Productivity Commission, *Draft report: Mental Health*, October 2019, p.31.

⁵⁸ NDIA, *Psychosocial disability in the NDIS*, June 2019.

⁵⁹ *Ibid.*

⁶⁰ Productivity Commission, *Inquiry report: Mental Health*, November 2020, Action 17.2, p.850.

While it is likely the findings of the Victorian Royal Commission, and responses to the Productivity Commission's inquiry, will change the shape of mental health services in Victoria in the longer term, we cannot leave a hole in the support system in the meantime. Funding for continuity of support and for programs like the Early Intervention Psychosocial Response service should be maintained and expanded.

Hospital patients with disability often remain in hospital long after they are due to be discharged. In 2019, 80 Victorian patients with disability were stuck in hospital for more than three months after they were ready for discharge because of NDIS-related delays.⁶¹ While collaborative work to develop a Hospital Discharge Delay Action Plan⁶² is welcome, to work effectively, the plan must be supported by the availability of appropriate services and housing options.

Through the next State Disability Plan, we encourage the Victorian Government, the Department of Health and all health and medical services to focus on addressing the health inequities experienced by people with disability and increase access to timely, appropriate support. This should include work to finalise and release actionable and meaningful Disability Action Plans to drive change and improve outcomes.

⁶¹ N Towell and M Cunningham, '[\\$700 million dollars guaranteed to Victorians with disabilities following NDIS agreement](#)', *The Age*, 17 June 2019; A Cooper, '[Unconvicted, Indigenous, disabled man is free after 543 days in jail](#)', *The Age*, 18 June 2018.

⁶² Council of Australian Governments, *COAG Disability Reform Council – 28 June 2019 Communique*, June 2019.

Housing

RECOMMENDATIONS

- Continue work to amend or improve Victorian building codes and guidelines to increase the application of universal design approaches and the inclusion of accessibility features in homes.
- Through representation at the Building Ministers Forum, advocate for the inclusion of universal design principles and minimum accessibility standards in the National Construction Code 2022.
- Increase awareness of disability rights in residential tenancies among property managers and landlords, including anti-discrimination laws and home modifications.
- Expand and improve home modification rights for tenants with disability through amendments to Victoria's residential tenancy regulations.
- Work with the Federal Government to clarify roles and responsibilities for funding home modifications, to ensure people with disability or all ages living in all settings can access appropriate accessibility adjustments.
- Advocate for the development of innovative housing models for people with disability that maximise independence, choice and community participation.
- Conduct an accessibility audit of all crisis accommodation services in Victoria and fund capital works to improve inclusion.
- Work with all Victorian crisis accommodation services to develop and implement a Disability Action Plan.

A safe, affordable and appropriate home is essential for people to live a good life, but across Victoria, many people with disability find it difficult, if not impossible, to meet this basic need. The lack of affordable and accessible properties in both the private and social housing markets, rental insecurity, and inaccessible crisis accommodation present significant issues for Victorians with disability.

The NDIS supports around 10 per cent of Australians with disability. Of this 10 per cent, just 6 per cent are likely to be eligible for specialist disability accommodation (SDA) funding.⁶³ This means that most Victorians with disability live in private or social housing.

Victoria has a severe shortage of accessible housing, particularly in rural areas, as our homes have not been built to meet the needs of every Victorian. The lack of suitable housing, combined with issues in connecting to timely and appropriate supports, can mean people with disability are forced to stay in inappropriate settings including hospitals and residential aged care facilities⁶⁴ and experience lengthy delays in exiting prison⁶⁵.

Through funding, advocacy and policy levers, we urge the Victorian Government to act with urgency to boost the availability of housing for all Victorians experiencing disadvantage, including people living with disability. A safe home provides a solid foundation for health and wellbeing; this has never been more evident than during the COVID-19 pandemic. We welcome the Victorian Government's four-year, \$5.3b investment to build 12,000 new social and affordable homes through the Big Housing Build. In addition to this funding, there are additional measures the Victorian Government can take to make more homes accessible.

As part of the next State Disability Plan and whole-of-government approaches, we encourage the Victorian Government to take a leadership role to improve the accessibility and livability of new and existing homes through stronger universal design standards and guidelines. Simple changes to building codes, such as requiring adequate door widths, access paths and stepless shower recesses, can make homes more accessible to more people and 22-times easier to adapt if needed.⁶⁶ The Victorian Government could make state-based improvements to regulations and guidelines and advocate for the inclusion of minimum accessibility standards in the National Construction Code (NCC).

Measures should also be strengthened to prevent discrimination against people with disability in seeking, applying for and living in rental properties. While it is against the law to discriminate against people with disability who are applying to rent or renting a property⁶⁷, people with disability continue to experience discrimination from property managers and landlords.⁶⁸

⁶³ NDIA, *Specialist Disability Accommodation Provider and Investor Brief*, April 2018, p.5.

⁶⁴ GM Bishop, J Zail, L Bo'sher and D Winkler, *Young People in Residential Aged Care (2017 – 2018) A Snapshot*, Summer Foundation, August 2019.

⁶⁵ L Milligan, '[Emergency intervention to remove disabled man left in prison after NDIS providers refused to care for him](#)', ABC News, 10 November 2017; E Baker, '["He was returned to prison": Detainees fall prey to NDIS process](#)', *The Canberra Times*, 9 June 2018; C Schelle, '[NDIS failing jailed Vic woman: report](#)', SBS, 14 December 2017.

⁶⁶ B Judd, D Olsberg, J Quinn, L Groenhart and O Demirbilek, *Dwelling, Land and Neighbourhood Use by Older Home Owners*, AHURI Final Report No.144, 2010, p.282.

⁶⁷ Consumer Affairs Victoria, [Discrimination in renting](#), accessed 27 November 2020.

⁶⁸ Australian Building Codes Board, *Accessible Housing Options Paper Consultation Report*, April 2019, p.57.

Funding eligibility for home modifications, and people's rights and obligations regarding installation and removal, varies depending on the type of housing and the source of funding.⁶⁹ Information on funding options, installation rights and obligations for home modifications should also be clarified and promoted to ensure people with disability are able to enjoy greater independence and mobility at home. Regardless of the type of housing, and a person's eligibility for the NDIS, all people with disability should be supported to make reasonable accessibility adjustments to their home without excessive red tape and out-of-pocket costs.

It is also crucial that SDA funding is used to drive the development of innovative housing options that support people with disability to have greater choice, control and independence. Shared living arrangements, especially where people are forced to live with other people they do not choose, can contribute to higher levels of violence, abuse and neglect, including staff-to-resident abuse and co-resident abuse.⁷⁰ VCROSS and Empowered Lives members have shared their concerns about the development of new accommodation options that embed restrictive practices, for example by installing two-way mirrors and locks on kitchen cupboards.

Research shows that small-scale and dispersed housing produces better outcomes for people with disability.⁷¹ The NDIA's SDA Innovation Plan outlines a range of objectives and actions to stimulate the development of diverse and progressive disability accommodation, informed by the interests and needs of people with disability.⁷² The Victorian Government, in its role on the COAG Disability Reform Council, should advocate for new housing options that support the goals, needs and interests of people with disability.

⁶⁹ NDIA, [Home modifications explained](#), accessed 27 November 2020; Access for All, [How is assistive technology funded outside the NDIS?](#), accessed 27 November 2020; DHHS, *Home modifications in public housing during transition to the NDIS: Operational guidelines*, October 2018; Consumer Affairs Victoria, [Tenants installing fixtures and altering the rental property](#), accessed 27 November 2020.

⁷⁰ Office of the Public Advocate, *Community Visitors Annual Report 2018-2019*, September 2019.

⁷¹ I Wiesel and D Habibis, *NDIS, housing assistance and choice and control for people with disability*, AHURI Final Report No.258, 2015.

⁷² NDIA, *A Home for Living: Specialist Disability Accommodation Innovation Plan*, October 2019.

Where housing arrangements are unsuitable or dangerous, people with disability must be connected to timely, appropriate support, including crisis accommodation. Without access to emergency accommodation, there is a significant risk that people with disability will be forced to remain in unsafe environments.

Most refuges, shelters and transition accommodation are not built to universal design standards.⁷³ Unfamiliar surroundings, a lack of privacy and transport issues can also present barriers for people with disability⁷⁴. Ensuring environments are accessible also extends to the attitudes, knowledge and awareness of people working in crisis accommodation services.

The 2017 State Disability Plan annual report notes work with RMIT to review refuge facilities.⁷⁵ We encourage the Victorian Government to continue this work by conducting an accessibility audit of all crisis accommodation services and working with each provider to develop and implement a Disability Action Plan for their service.

⁷³ L Healey, *Voices Against Violence: Paper 2: Current Issues in Understanding and Responding to Violence Against Women with Disabilities*, WDV, OPA and Domestic Violence Resource Centre Victoria, 2013, p.47.

⁷⁴ Ibid.

⁷⁵ Victorian Government, *State Disability Plan Annual Report 2017*, June 2018, p.21.

RECOMMENDATIONS

- Ensure people with disability have full and fair access to information, systems and procedures across Victoria's justice system.
- Increase funding for legal assistance, independent disability advocacy and self-advocacy, and strengthen partnerships between these services to support people with disability to exercise their rights.
- Support the implementation of guidelines and procedures through a robust, comprehensive mandatory training program about working with people with disability for all staff across the justice system.
- Expand Communication Access accreditation to all Victoria Police stations to boost the knowledge and communication skills of all officers and station staff.
- Continue and expand specialist programs for people with disability in justice settings, including liaison offices and intermediaries.
- Improve screening processes to identify people with disability at entry to the criminal justice system to enable early and ongoing provision of supports.
- Increase assistance for people with disability leaving prison, by improving collaboration between departments and increasing access to housing, employment supports and the NDIS.
- Ensure COVID-19 physical distancing measures and stay at home orders are clearly communicated to people with disability, and that police enforcing these laws and rules understand and consider the individual needs of people with disability.

Access to justice is a human right for people with disability.⁷⁶ However, across the justice system, people with disability experience a range of challenges and barriers that deny or frustrate their access – from the attitudes and beliefs of authorities to the lack of accessible information, advocacy and legal supports.⁷⁷ Without clear information and processes, adequately trained staff and specialised supports, people with disability are prevented from understanding and exercising their human and legal rights. It is fundamental that these issues are addressed, particularly in light of research that shows people with disability are more likely to be victims or witnesses of crime⁷⁸, are more likely to experience violence⁷⁹ and are overrepresented in the prison population⁸⁰. Women with disability are particularly at risk of experiencing violence or abuse.⁸¹

Through the previous State Disability Plan, the Victorian Government continued work to improve access and inclusion for people with disability, including through guidelines, inter-agency protocols, better communication and training programs. Pilot programs such as the Communication Access accreditation of Box Hill Police Station⁸² and court-appointed intermediaries⁸³ are working towards improving communications and engagement and should be evaluated and expanded. The introduction of an NDIS readiness program to assist prisoner transitions and access to supports, as well as e-learning modules for corrections staff, is also welcome.⁸⁴ Unclear processes and planning can contribute to delays to discharge or release, or can result in inadequate or ineffective supports being put in place, which may make people more vulnerable to re-offending.⁸⁵

We encourage the Victorian Government, particularly the Department of Justice and Community Safety, and all relevant entities to continue building upon these initiatives to ensure people with disability can access fair, equitable outcomes.

Work must continue to empower people with disability to speak up, report crimes and exercise their rights through additional funding for independent disability advocacy, self-advocacy programs and free, timely legal assistance.

⁷⁶ UN Convention on the Rights of Persons with Disabilities, *Article 13 – Access to justice*.

⁷⁷ Australian Human Rights Commission, *Equal Before the Law: Towards Disability Justice Strategies*, February 2014.

⁷⁸ VEOHRC, *Beyond doubt: The experiences of people with disabilities reporting crime – Research findings*, 2014, p.6; M Nixon, [People with disability are more likely to be victims of crime – here's why](#), *The Conversation*, 22 February 2020, accessed 27 November 2020.

⁷⁹ AIHW, [People with disability in Australia: Violence against people with disability](#), September 2019.

⁸⁰ Civil Society CRPD Shadow Report Working Group, *Disability Rights Now 2019: Australian Civil Society Shadow Report to the United Nations Committee on the Rights of Persons with Disabilities: UN CRPD Review 2019*, July 2019, p.24.

⁸¹ Disabled People's Organisations Australia and National Women's Alliances, *The Status of Women and Girls with Disability in Australia*, November 2019.

⁸² Victoria Police, [Australian-first police station awarded with Communication Assess Symbol](#), 18 November 2019, accessed 27 November 2020.

⁸³ Victorian Government, *State Disability Plan Annual Report 2018*, August 2019, p.18.

⁸⁴ *Ibid.*

⁸⁵ Victorian Legal Aid, *Ten stories of NDIS 'Thin Markets': Reforming the NDIS to meet people's needs - Submission to the Department of Social Services and the National Disability Insurance Agency's NDIS 'Thin Markets' Project*, June 2019.

Further investment in training and professional development will be central to the successful implementation of guidelines and protocols and in driving long-term, cultural change. Greater attention must be paid to screening and assessments during entry to prison, to identify people with disability who may otherwise fall through the cracks. Prisoners with disabilities must be connected to appropriate supports during their time in prison and assisted to plan and prepare for their release through improved collaboration between housing, NDIS, employment supports and justice.

As Victorians adapt to ongoing and changing public health advice during COVID-19, measures must be communicated to people with disability through accessible materials. People responsible for enforcing compliance with public health directives, particularly police, should also be adequately trained in communicating with people with disability, their families and carers, and measures should be in place to ensure people with disability are not issued with unwarranted or unfair fines.

RECOMMENDATIONS

- Through collaboration between the Department of Transport, transport operators and people with disability, develop and release Victoria's plan for meeting the *Disability Standards for Accessible Public Transport 2002*.
- For every Victorian Government funded infrastructure project, consult with people with disability and mandate the use of universal design principles, to ensure the state's "big build" benefits everyone.
- Ensure accessibility, inclusion and universal design principles continue drive state-wide infrastructure priorities, including through the work underway to update Infrastructure Victoria's 30-year strategy.
- Increase the number of Changing Places facilities across the state, particularly in new developments such as sporting or recreational facilities and train stations.
- Work with the Federal Government and the NDIA to clarify roles and responsibilities in transport funding to ensure people with disability have access to safe, affordable local services.

Accessible transport, places and environments enable greater inclusion and participation of people with disability, older people and the whole community. As outlined earlier in this submission, we support the Victorian Government's intention to embed universal design principles in the next State Disability Plan. Through initiatives like the Inclusive Schools Fund and the Accessible Building Program in schools⁸⁶, upgrades to 700 bus stops⁸⁷, the expansion of the Multi-Purpose Taxi Program⁸⁸ and the ongoing investment in Changing Places facilities, the Victorian Government is working to improve social and economic participation for people with disability.

⁸⁶ Victorian Government, *State Disability Plan Annual Report 2018*, August 2019, p.7.

⁸⁷ Victorian Government, *State Disability Plan Annual Report 2017*, June 2018, p.11.

⁸⁸ Commercial Passenger Vehicles Victoria, [Multi Purpose Taxi Program](#), accessed 23 December 2020.

While VCOSS and Empowered Lives members are supportive of these investments, accessibility and funding issues continue to impact people with disability every day.

“One day, I’d love to not have to think about accessibility. Every building, event and public transport option in Melbourne would be wheelchair accessible and I could simply go about my day like everyone else, not having to plan my day around accessibility.”⁸⁹

Victoria’s transport network, including public transport, community transport and commercial passenger vehicles, is especially of concern for many people with disability, their families and carers. Without reliable and affordable transport, people with disability have limited opportunities to learn, work, socialise and connect with the community. In an online survey conducted by DRC Advocacy, 67 per cent of people with disability said transport barriers meant they missed out on doing things they would like to do.⁹⁰

Under human rights conventions and discrimination laws, Australian Governments must work towards improving public transport access and meeting the *Disability Standards for Accessible Public Transport 2002*. While Victoria is required to provide a fully accessible public transport network by 2032⁹¹, a plan has not been released in relation to how this goal will be achieved. There have been welcome investments to improve accessibility across Victoria’s transport networks, however, progress remains slow and disappointingly, Victoria’s rail network operators also recently sought to extend exemptions for some aspects of the transport standards⁹² pushing progress further down the line.

Accessible public transport is about both physical access to stations and vehicles, and the awareness and attitudes of transport staff. The Victorian Government and transport operators have made inroads to improving the accessibility of the network and fleet in recent years through upgrades and improvement works⁹³, however financial and logistical challenges have impeded the speed of works. Transport operators have also implemented staff training and customer service initiatives to improve inclusive practices.⁹⁴

⁸⁹ J Rachele, I Wiesel and E van Holstein, [Making Australia’s most liveable city more inclusive](#), accessed 27 November 2020.

⁹⁰ DRC Advocacy, *Transport For All*, October 2018.

⁹¹ Australian Government, *Disability Standards for Accessible Public Transport 2002*, Part 5.1.

⁹² Australian Human Rights Commission, [Exemption application: Australian Railways Association](#), accessed 28 September 2020.

⁹³ Victorian Government, *Submission to the 2017 Review of the Disability Standards for Accessible Public Transport 2002*, 2019.

⁹⁴ Yarra Trams, [Accessibility](#), accessed 27 November 2020.

Unfortunately, experiences of exclusion and discrimination across the public transport network continue to be reported by our members, to complaints bodies⁹⁵ and in the media⁹⁶. The Public Transport Ombudsman received a complaint every two days about accessibility in 2018-19⁹⁷; however, given people are often reluctant to complain or do not know where to go, the true figure could be much greater.

As Victoria continues its “big build” across a range of infrastructure projects, we encourage the Victorian Government to leverage this opportunity to increase accessibility and inclusion. Work underway by Infrastructure Victoria to update its 30-year strategy⁹⁸ will also be crucial in demonstrating Victoria’s long-term commitments to inclusive approaches.

The investment in key projects, such as level crossing removals and new train station developments, present a rare and valuable opportunity to get it right from the start. We recommend the Victorian Government continues work to embed universal design approaches in all public developments and refurbishments, while also investing in the development of disability-specific infrastructure such as Changing Places facilities.

It is also important that there are transport options for Victorians who cannot use public transport, and for people living in areas with fewer transport options. More than one-third of Victorians with disability face difficulties or are unable to use public transport⁹⁹, and may instead use commercial passenger vehicles, including taxis and rideshare services, or community transport.

Through the transition to the NDIS, there have been a range of changes to how transport funding and assistance is provided. NDIS participants may be eligible for funding through their individual plan for transport¹⁰⁰, however in accessing this funding, they no longer receive the Mobility Allowance previously paid by Centrelink.¹⁰¹ State-based initiatives like the Multi-Purpose Taxi Program, which provides discounted fares and covers lifting fees, will continue until longer term policy and funding agreements are resolved by governments.¹⁰²

⁹⁵ Public Transport Ombudsman, *Accessibility Bulletin 2019*, April 2019.

⁹⁶ J Topsfield, *‘Sometimes train drivers forget you’: How to make Melbourne more accessible for people with disabilities*, *The Age*, 27 September 2019, accessed on 4 April 2020; AAP, *Guide dog discrimination regular: survey*, *The Canberra Times*, 24 April 2019, accessed 27 November 2020.

⁹⁷ Public Transport Ombudsman, *Annual Report 2018-2019*, October 2019.

⁹⁸ Engage Victoria, *Help us update Victoria’s 30-year Infrastructure Strategy*, accessed 23 December 2020.

⁹⁹ ABS, *Disability, Ageing and Carers, Australia: Victoria, 2018, Table 19.3 Persons with disability aged 5 years and over, living in households, disability status, by use of public transport – 2018, proportion of persons*, February 2020.

¹⁰⁰ NDIS, *Transport funding*, accessed 27 November 2020.

¹⁰¹ Department of Social Services, *Mobility Allowance*, accessed 27 November 2020.

¹⁰² Council of Australian Governments, *COAG Disability Reform Council – 9 October 2019 Communique*, October 2019.

Training for drivers of commercial passenger vehicles is not mandatory or monitored, due to the dispersed nature of providers.

Transport challenges are even greater for people with disability in regional or rural communities, who often have to contend with unreliable or inaccessible public transport options or rely on very limited commercial passenger vehicles.

This highlights the important role of community transport. Community transport providers across Victoria support people with disability and older people to get to medical appointments, shop for essential supplies, socialise and connect to their community. The familiarity, safety and affordability of community transport is appreciated by many passengers who are often unable to use other forms of transport, including many who live in areas not serviced by public transport, taxis or rideshare services. The reach and capacity of community transport services is hamstrung by outdated and inadequate funding arrangements, despite growing demand for support, particularly during COVID-19. Due to the pandemic, many community transport providers pivoted their services to help people access priority shopping hours and essential medical appointments safely, to deliver food and groceries, and to offer proactive and responsive support over the phone.

Transport issues and costs for people with disability are likely to have increased during the COVID-19 pandemic, as more people with disability choose socially distanced options to limit their exposure to the public. As the pandemic continues, and in the longer term, the Victorian Government, the Federal Government and the NDIA must work together to ensure people with disability can access safe and affordable transport options in their local community.

RECOMMENDATIONS

- Include students with disability, families, carers, educators and advocates in the design and implementation of the new Disability Inclusion package.
- Ensure timely, targeted supports continue for students with disability through the transition to the Disability Inclusion package.
- Continue to fund infrastructure improvements and deliver state-based support programs to improve inclusion in early learning, primary, secondary and tertiary education settings.
- Improve the implementation of inclusion policies and procedures at a school level by introducing greater accountability measures and tools.
- Ensure children and young people with disability are supported to access education and additional supports during and beyond the COVID-19 pandemic.
- Include comprehensive units on disability rights, access and inclusion, designed and delivered by people with disability, as mandatory learning in all tertiary courses for future teachers and support staff.
- Continue to invest in professional development for educators, careers advisors and support staff on disability rights, inclusive practices, and strategies for developing and implementing tailored adjustments.
- Ensure social, emotional and vocational programs are available to all students in all settings, including excursions and camps, mental health support, sexual and reproductive health education, careers counselling and work experience.
- Work with the Federal Government to map and clarify service gaps and overlaps in learning environments, with the shared goal of reducing confusion and ensuring students and families can access the support they need.

Every student with disability has the right to access an inclusive, engaging and high-quality education. Educational experiences and learning outcomes have lifelong social and economic impacts for children and students with disability. All education settings – from early childhood and beyond – have a role to play in supporting students with disability to build their skills and confidence, explore their interests and pursue their aspirations. Learning opportunities and outcomes pave the way for each child’s future, and as stated in the Victorian Government’s *Early Childhood Reform Plan*, “if children start behind, they often stay behind”¹⁰³.

Children and students with disability face a range of barriers in accessing inclusive early learning and education. Inaccessible physical environments, a lack of supports, aids and equipment, discriminatory attitudes and a culture of low expectations all impact on learning experiences and outcomes.¹⁰⁴

COVID-19 measures have also increased and or highlighted the challenges and inequities experienced by children with disability in accessing education.¹⁰⁵ There are growing concerns children and young people with disability who haven’t been able access and fully participate in remote learning, due to a lack of reasonable adjustments or in-home support, may be at greater risk of falling behind and disengaging from learning.

Despite operating under a range of conventions, laws and guidelines, some schools continue to turn students away by refusing or discouraging enrolment.¹⁰⁶ Once enrolled, students do not always receive adequate, targeted support, are often excluded from classroom and extra-curricular activities and are significantly impacted by bullying and discrimination¹⁰⁷, which impacts engagement and outcomes. Three-quarters of students with disability have difficulties at school related to their disability, including challenges with learning, fitting in socially and communication¹⁰⁸, and 97 per cent of students with autism experience educational restrictions¹⁰⁹. One-third of Australian school students don’t receive any support or receive support but need more.¹¹⁰

¹⁰³ Victorian Department of Education and Training, *Early Childhood Reform Plan*, May 2017, p.11.

¹⁰⁴ E Jenkin, C Spivakosky, S Joseph and M Smith, *Improving Educational Outcomes for Children with Disability In Victoria: Final report*, June 2018; K Cologon, *Towards inclusive education: A necessary process of transformation. Report written by Dr Kathy Cologon, Macquarie University for Children and Young People with Disability*, October 2019; Children and Young People with Disability, *Time for change: The state of play for inclusion of students with disability: Results from the 2019 CYDA National Education Survey*, October 2019; Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, [Education and learning hearings, Townsville](#), accessed 27 November 2020.

¹⁰⁵ N Campenella, [Parents call for more support to ensure no disabled student is left behind amid coronavirus pandemic](#), ABC News, 7 April 2020, accessed 27 November 2020; E Kinsella, [With no PPE to reduce coronavirus risk, some Victorian specialist schools haven’t been able to open](#), ABC News, 6 April 2020, accessed 27 November 2020.

¹⁰⁶ See reference 108.

¹⁰⁷ Ibid; VEOHRC, *Held Back; the experience of students with disabilities in Victorian schools: Main findings*, 2012.

¹⁰⁸ AIHW, *Disability in Australia: changes over time in inclusion and participation in education*, 2017.

¹⁰⁹ Amaze, *Position Statement: Education*, March 2018.

¹¹⁰ AIHW, [People with disability in Australia: in brief](#), accessed 27 November 2020.

Students with disability are at particularly high risk of being excluded from mainstream school due to behavioural issues¹¹¹ that often relate to insufficient support. Young people with disability are also over-represented in flexible learning settings, highlighting the need for individualised and tailored support in schools.

To truly make Victoria the Education State, we recommend the Victorian Government and the Department of Education and Training continue to build upon initiatives and programs that break down barriers and increase inclusion. As part of its inclusive education agenda, the Victorian Government has invested in improving physical access to early learning centres and schools through targeted funding and updated building standards for universal design. The Education for All school policy framework implementation, improved work readiness support for students with disability, and professional development resources and training modules all aim to improve the capacity and consistency of school-level responses.

However, VCOSS and Empowered Lives members report these initiatives are not fully embedded or embraced on the ground, by principals, leaders and teachers within schools and across school communities. Too often it takes a ‘champion’ to promote action, or a student, family member, carer or advocate to agitate for change, when inclusive approaches should be standard practice.¹¹² Current and future teachers need specific and ongoing training on inclusive practice, including how to make reasonable adjustments.

The Victorian Government supports children and students with disability through a range of programs, including the Preschool Field Officer program and Kindergarten Inclusion Support in the early years, and the Program for Students with Disabilities for school-aged children.

We welcome the Victorian Government’s five-year \$1.6bn investment in the Disability Inclusion package announced in the 2020-21 Budget. Through a new needs-based funding model, this funding will ensure more students are eligible for targeted support and that classroom and school-wide adjustments can be made. The five-year transition to the new approach, to be rolled out by geographic regions from mid-2021, will allow for a staged roll-out; however, five years is a long time in children’s learning and development.

It is vital that through the transition, students with disability receive timely support to participate in learning, and that student’s voices are heard and respected in the design and development of individual adjustments.

¹¹¹ J Watterson & M O’Connell, *Those who disappear: The Australian education problem nobody wants to talk about*, University of Melbourne, Melbourne Graduate School of Education, Report No.1, 2019.

¹¹² VCOSS, [*The right standards for change: VCOSS submission to the 2020 Review of the Disability Standards for Education 2005*](#), September 2020.

In addition to educational supports, VCOSS and Empowered Lives members report that many school-based programs, including mental health services, sexual and reproductive health education, careers counselling and work experience, are often not fully or equally available for students with disability, particularly in specialist school settings.

Students with disability need early, tailored support to foster their aspirations, explore career pathways, undertake work experience and plan for post-school transition.¹¹³ Across vocational, applied learning and tertiary studies, students with disability should also be provided with additional support aligned to their goals and needs, including reasonable adjustments, accessible materials and work placement opportunities.

Under inter-governmental agreements, all levels of government have responsibilities to support students with disability in educational settings.¹¹⁴ While the NDIS provides funding for individualised, personal supports related to a student's disability, schools must provide reasonable adjustments to the curriculum, the built environment, learning assistance and inclusion support. In Victoria, just under 25,000 school-aged children and young people are NDIS participants.¹¹⁵ The interface between Victorian and Federal funding streams and systems continues to present challenges for students, schools and families – challenges that have become more pronounced during COVID-19.¹¹⁶ We urge all levels of government to work together to support the learning and development of children and young people with disability.

¹¹³ Children and Young People with Disability, *Submission to the Education Council's Review of Senior Secondary Pathways Into Work, Further Education and Training*, December 2019.

¹¹⁴ COAG, *Principles to Determine the Responsibilities of the NDIS and Other Service Systems*, November 2015.

¹¹⁵ NDIS, [Participant data tool – Visual display from the September 2019 Quarterly Report](#), accessed 27 November 2020.

¹¹⁶ VCOSS, [Submission to The Education State: Lessons from Remote and Flexible Learning](#), June 2020.

RECOMMENDATIONS

- Ensure the Victorian Government leads the way as an employer of choice for people with disability by developing career pathways, providing targeted employee supports and increasing efforts to reach public sector employment targets.
- Advocate to the Federal Government for fairer access to income support for people with disability and carers, including supplementary payments and temporary increases during the COVID-19 pandemic.
- Ensure new State Budget investments in skills development, employment support and job creation, developed to support COVID-19 economic recovery, are inclusive and accessible for people with disability.
- Build community and business awareness of the benefits of employing people with disability by developing and promote tools and resources.
- Develop accountable annual implementation plans to support the achievement of key outcomes in *Getting to work: Victorian public sector disability employment action plan 2018–2025* and *Every opportunity: Victorian economic participation plan for people with disability 2018–2020*.

People with disability have a diverse range of skills, talents and experiences, and are loyal, reliable and productive employees.¹¹⁷ Many businesses who employ people with disability report experiencing clear, positive benefits from stronger workplace morale to an improved skills set, better productivity and greater customer satisfaction.¹¹⁸ In addition to enabling financial independence, employment provides a sense of purpose and identity, and supports people to build social and community connections.

¹¹⁷ Victorian Government, *Every opportunity: Victorian economic participation plan for people with disability 2018–2020*, 2018, p.7.

¹¹⁸ Australian Network on Disability, *Disability Confidence Survey Report*, 2017; Australian Human Rights Commission and Deloitte Australia, *Missing out: The business case for customer diversity*, February 2017.

In Australia, people with disability are twice as likely to be unemployed as people without disability, are more likely to work part-time and want more hours, and spend significantly more time looking for a job.¹¹⁹ Poor school experiences, including a lack of support, discriminatory attitudes, and limited access to careers education and work experience, impact aspirations and employment pathways for people with disability. When engaging with employers, people with disability face a range of barriers, including discriminatory attitudes and behaviours underpinned by low awareness and understanding.¹²⁰ These challenges are even greater for women with disability, who are less likely to be employed than men, have lower incomes, often work in precarious or casual roles and may experience both gender and disability biases.¹²¹ Volunteering, which can be a gateway to future career opportunities, is also more difficult to access for people with disability.¹²²

Almost half of Australians with disability live in poverty, and government support is the main source of income for 42 per cent of people with disability of working age.¹²³ Eligibility for the Disability Support Pension (DSP) has been tightened in recent times, and people who do receive the DSP have been excluded from receiving the COVID-19 supplement.¹²⁴ This is despite the already high living costs of many people with disability¹²⁵, and increasing expenses in response to the pandemic, including added delivery costs for essential items, greater use of private travel for essential appointments and higher utilities bills¹²⁶.

While workforce participation for people with disability in Victoria has increased over the past decade, as acknowledged in the *Department of Jobs, Precincts and Regions Strategic Plan*, more needs to be done to boost employment, particularly for people outside Melbourne.¹²⁷ The economic impact of COVID-19 is likely to have a lasting impact on employment opportunities for many Victorians. It is crucial that all employment and training initiatives developed by the Victorian Government are inclusive and accessible for people with disability. This includes opportunities to skill or reskill in growth industries, such as community services, access Jobs Victoria employment supports (eg. Jobs Advocates, counsellors and mentors), and job creation through social procurement and wage subsidies.

¹¹⁹ AIHW, [People with disability in Australia: Employment](#), September 2020.

¹²⁰ Australian Human Rights Commission, *Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability*, 2016, p.6.

¹²¹ Disabled People's Organisations Australia and National Women's Alliances, *The Status of Women and Girls with Disability in Australia*, November 2019, p.35.

¹²² J Buckingham and D Perry, *Literature review of the inclusion of people with disability in volunteering for the Victoria ALIVE project*, 2019.

¹²³ Civil Society CRPD Shadow Report Working Group, *Disability Rights Now 2019: Australian Civil Society Shadow Report to the United Nations Committee on the Rights of Persons with Disabilities: UN CRPD Review 2019*, July 2019, p.39.

¹²⁴ AFDO, [Increase Disability Support Pension now to deal with COVID-19](#), accessed 27 November 2020.

¹²⁵ J Li, L Brown, H La, R Miranti and Y Vidyattama, *Inequalities In Standards of Living: Evidence for Improved Income Support for People with Disability*, NATSEM, September 2019.

¹²⁶ People with Disability Australia, *People with Disability and COVID-19*, June 2020.

¹²⁷ Victorian Government, *Department of Jobs, Precincts and Regions Strategic Plan 2019-2013*, p.42.

As one of the state's largest employers, the Victorian Government is well-placed to lead and deliver best practice in inclusive employment. The *Getting to work: Victorian public sector disability employment action plan* includes a 6 per cent target by 2020, increasing to 12 per cent by 2025.¹²⁸ This target will only be achievable if it is supported by actions including comprehensive policies, practices and initiatives. The Victorian Government must strengthen and promote career opportunities for people with disability, ensure environments are accessible and build an inclusive workplace culture.

We welcome the release of *Every opportunity: Victorian economic participation plan for people with disability 2018–2020* and its range of actions to drive change within government and across businesses and the community. Despite a range of supports being available for employers to support people with disability, including for reasonable adjustments, many businesses do not know about these initiatives, are concerned about the time, complexities and costs involved or lack 'disability confidence'.¹²⁹

Through both the *Getting to work* and *Every opportunity* plans, the Victorian Government has outlined a clear agenda for change – now it's time to take action and achieve real outcomes.

¹²⁸ Victorian Government, *Getting to work: Victorian public sector disability employment action plan 2018–2025*, October 2018.

¹²⁹ Kantar Public, *Building Employer Demand Research report: Commissioned by the Australian Government Department of Social Services*, October 2017; Council of Small Business Organisations Australia (COSBOA), 89 Degrees East and Truth-Serum, *Making it Easier for Small Business to employ people with disability, Prepared for the Employment Reform Working Group of the National Disability and Carers Advisory Council (NDCAC)*, September 2018.

Strengthening disability inclusion under the Disability Act 2006 (Topic 6)

RECOMMENDATIONS

- Facilitate separate detailed conversations and engagement opportunities with people with disability, carers and families, disability advocates and community organisations to ensure appropriate time and attention is provided to thoroughly review the *Disability Act 2006*.
- Lead further cross-government collaboration to review and enhance safeguarding and complaints mechanisms and legislation to ensure comprehensive protections are in place to support and protect Victorians with disability.
- Support the Office of the Public Advocate Community Visitors program to provide support for more Victorians by reviewing and responding to all recommendations in their 2019-2020 annual report and previous annual reports.
- Recognise and resource disability advocacy organisations and self-advocacy organisations as a vital part of Victoria's safeguarding eco-system, by delivering increased and ongoing funding to meet demand and improve the reach of individual advocacy support and capacity-building programs.
- Promote the establishment of a single independent oversight body for complaints and monitoring systemic issues.
- Refresh Disability Action Plan guidelines to improve consistency and promote the use of shared, consistent themes and outcome domains.

As the funding and regulatory landscape has changed significantly in recent times across Victoria and Australia, it is timely for the Victorian Government to thoroughly review *Disability Act 2006* in close consultation with people with disability.

Many of the issues and ideas raised through consultation on the State Disability Plan are likely to have implications for the *Disability Act 2006*; however, it's important that the Victorian Government facilitates separate, detailed conversations and engagement opportunities to ensure any law changes or additions reflect the needs of the community and

the sector. Particularly in light of the COVID-19 pandemic, additional time must be provided and innovative engagement strategies must be designed and implemented.

While technical legislative amendments have been made by the *National Disability Insurance Scheme Transition Amendment Act 2019*, as deeper review of the *Disability Act 2006* must work to:

- ensure adequate and appropriate safeguards and supports are available for all Victorians with disability, including in mainstream and universal services
- reduce red tape and confusion and remove any gaps, by clarifying the roles and responsibilities of State and Federal Governments and departments
- embed national agreements and policies agreed by the Council of Australian Governments (COAG) Disability Reform Council and future iterations of the National Federation Reform Council
- respond to the findings, recommendations and decisions of a range of national inquiries and initiatives, including the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

At 387 pages, the *Disability Act 2006* is substantial in both its length and significance. The review of the *Disability Act 2006* must allow sufficient time for meaningful consultation and community education. People with disability, carers and families, disability advocates and community organisations will all have varying experiences and perspectives on the issues and concerns that could be addressed through changed or stronger legislation. Any opportunities to participate in a review should be widely promoted across the community and designed to be safe and accessible in the context of COVID-19.

Quality and safeguards

The *Disability Act 2006* underpins a range of quality and safeguarding measures and complaints bodies in Victoria. Over the course of the transition to the NDIS, new and additional strategies, regulations and authorities have been introduced at a state and national level, including:

- Victoria's zero tolerance approach to abuse, formalised in the *Disability Amendment Act 2017* and a Code of Conduct for disability workers
- the 2018 Victorian disability abuse prevention strategy and the state-based Disability Worker Exclusion List
- the introduction of the Victorian *Disability Service Safeguards Bill 2018* to strengthen safeguards through a workforce commission and registration
- the July 2020 launch of the worker complaints service through the Victorian Disability Worker Commission
- the national *NDIS Quality and Safeguards Framework*, which underpins the operation of the NDIS Quality and Safeguards Commission, the NDIS Code of Conduct and the Intergovernmental Agreement on Nationally Consistent Worker Screening for the NDIS.

Additional workforce measures, including the national NDIS Worker Screening Check and database¹³⁰ and the worker registration component of the Victorian Disability Worker Regulation Scheme¹³¹ have been delayed due to COVID-19 and will commence in 2021.

While we welcome measures which extend and enhance protections for people with disability, the current regulatory environment is becoming increasingly complex to understand and navigate.¹³² The layering and duplication in many instances is still necessary to maintain coverage across all contexts as the NDIS transition continues; however, this patchwork approach will not be sustainable or effective in the long term.

The Victorian Government has led the way in introducing additional and stronger safeguards for people with disability. As noted in the Disability Services Commissioner's 2019-20 annual report, "We need to remain vigilant about maintaining relevant safeguards so no person with disability falls through the safety net".¹³³

VCOSS encourages the Victorian Government to maintain its leadership role by driving further cross-government collaboration to protect the rights and safety of people with disability, and to attract, support and retain a skilled workforce to deliver quality services.

This work must be informed by ongoing, meaningful engagement with people with disability, families, carers, advocates and the disability support sector. The interim report and final findings of the Disability Royal Commission will also be crucial in shaping the future of quality and safeguarding measures and all related legislation.

¹³⁰ NDIS Quality and Safeguards Commission, [Provider Alert: National worker screening arrangements](#), accessed 27 November 2020.

¹³¹ Victorian Disability Worker Commission, [Disability worker registration is delayed to 1 July 2021](#), accessed 27 November 2020.

¹³² Office of the Public Advocate, *Community Visitors Annual Report 2018-2019*, September 2019, p.21.

¹³³ Disability Services Commissioner, *2019-20 Annual Report*, December 2020, p.10.

Community Visitors

Community Visitors are independent volunteers who are empowered by the *Disability Act 2006* to visit people with disability in a range of residential settings. A range of state and national inquiries and reports have noted the critical value of Community Visitors¹³⁴, who work to promote and safeguard the rights of people with disability through individual support and by highlighting systemic issues.

During their unplanned and planned visits, Community Visitors talk to residents about the support they receive and any issues they have, observe the environment and quality of care, make enquiries and inspect documents. They document their observations, issues and best practice, and raise concerns with relevant authorities for further investigation.

Over 2019-2020, 400 active Community Visitors made 4142 visits across Victoria.¹³⁵ The collective reports and observations of Community Visitors reflected in the 2018-2019 Annual Report reveal some concerning trends, including:

- a 36 per cent increase in reports of abuse, neglect and assaults, including between co-residents
- NDIS access, eligibility and planning issues
- challenges accessing incident reports, especially as visits were not able to happen in-person due to the pandemic.¹³⁶

The scope and nature of Community Visitor programs varies widely across service types and jurisdictions in Australia.¹³⁷ The Senate inquiry into disability abuse in 2015 recommended that Community Visitor programs could be more effective through funding for greater capacity and improved training.¹³⁸

Through the transition to the NDIS and related regulatory change, the remit of Community Visitor programs has changed and in some cases expanded. A national review found that there remains a role for Community Visitors in the NDIS-funded environment, in both supporting people with disability and boosting visibility and information on systemic

¹³⁴ Victorian Ombudsman, *Reporting and investigation of allegations of abuse in the disability sector: Phase 1 – the effectiveness of statutory oversight*, June 2015; Parliament of Victoria Family and Community Development Committee, *Inquiry into abuse in disability services*, Final report, May 2016; Australian Senate Community Affairs Reference Committee, *Violence, abuse and neglect against people with disability in institutional and residential settings...*, Final report, November 2015.

¹³⁵ Office of the Public Advocate, *Community Visitors Annual Report 2019-2020*, December 2020.

¹³⁶ Ibid.

¹³⁷ Australian Senate Community Affairs Reference Committee, *Violence, abuse and neglect against people with disability in institutional and residential settings...*, Final report, November 2015, p.139; Department of Social Services and Council of Australian Governments Disability Reform Council, *Community Visitor Schemes Review*, December 2018, p.8.

¹³⁸ Australian Senate Community Affairs Reference Committee, *Violence, abuse and neglect against people with disability in institutional and residential settings...*, Final report, November 2015, p.147.

issues.¹³⁹ It also proposed further collaboration between governments and regulators to achieve consistency in the coverage, scope and operations of Community Visitor programs.

With limited funding and a team of experienced volunteers, the Community Visitor program delivers crucial support to people with disability in 'closed' environments. The face-to-face nature of the Community Visitors model is vital and resource-intensive. The Office of the Public Advocate has called for greater resources to undertake more visits, refresh its service model and support digital reporting for a number of years.¹⁴⁰

During the COVID-19 pandemic, the Community Visitors program is one of many that has had to suspend in-person services and explore new ways of working.¹⁴¹ A grant of \$78,000 from the Victorian Government enabled a trial of remote safeguarding during the pandemic, using phone and video visits – while not a substitute for face-to-face visits, this funding ensured people could continue to be supported.¹⁴²

To support the continuation and development of the Community Visitors program in Victoria, we encourage the Victorian Government to review and respond to the recommendations made by Community Visitors in their 2019-20 annual report, to ensure support is available to more Victorians with disability during the pandemic and beyond.

¹³⁹ Department of Social Services and Council of Australian Governments Disability Reform Council, *Community Visitor Schemes Review*, December 2018.

¹⁴⁰ Office of the Public Advocate, *Annual Reports 2018-2019, 2017-2018, 2016-2018*.

¹⁴¹ Office of the Public Advocate, [COVID-19: A message to People with Disability from Victoria's Public Advocate, Colleen Pearce – 25 March 2020](#), accessed 27 November 2020.

¹⁴² Office of the Public Advocate, *Community Visitors Annual Report 2019-2020*, December 2020.

Independent disability advocacy

Independent disability advocacy protects and advances the rights and interests of people with disability. Disability advocacy and self advocacy organisations work alongside people with disability to understand their human and legal rights, communicate their needs and have their needs met.¹⁴³ In addition to individual support, advocates also play a crucial role in identifying and reporting systemic issues to improve sector practice and help prevent future cases of violence, abuse or neglect.

Advocacy helps all parties to solve problems and encourages self-advocacy by supporting people to understand and exercise their rights. Disability advocacy has been consistently recognised by previous inquiries as an important safeguard to help prevent and report abuse¹⁴⁴, particularly for people who are afraid or face difficulties in raising issues or making complaints¹⁴⁵.

Despite the importance of disability advocacy in protecting and promoting the rights and safety of people with disability, its role is not well understood and services are chronically under-funded. In Victoria, there are more than one million people with disability¹⁴⁶, yet the Victorian Disability Advocacy Program (VDAP) is only funded to support 2000 individual disability advocacy clients per year¹⁴⁷. While Victorian advocacy organisations have been supported by funding increases and extensions, the drip-fed and short-term nature of this funding makes it difficult for organisations to deliver sustainable services and retain experienced staff. The introduction of the NDIS has also increased demand for advocacy support, as people navigate a new, complex and confusing system.

Disability advocacy must be valued, prioritised and fully funded to ensure the Victorians with disability can access tailored, timely advocacy support. The Victorian Government should deliver certainty and stability to the advocacy sector, and in turn people with disability, by engaging organisations on long-term agreements, increasing core funding to meet existing demand and emerging need, and providing additional resources for innovation and partnerships.

¹⁴³ Disability Advocacy Resource Unit, [What is disability advocacy?](#), accessed 23 December 2020.

¹⁴⁴ Victorian Ombudsman, *Reporting and investigation of allegations of abuse in the disability sector: Phase 1 – the effectiveness of statutory oversight*, June 2015; Australian Senate Community Affairs Reference Committee, *Violence, abuse and neglect against people with disability in institutional and residential settings...*, Final report, November 2015; Victorian Ombudsman, *Reporting and investigation of allegations of abuse in the disability sector: Phase 2 – incident reporting*, December 2015; Parliament of Victoria Family and Community Development Committee, *Inquiry into abuse in disability services*, Final report, May 2016.

¹⁴⁵ Ibid. Victorian Ombudsman, *Reporting and investigation of allegations of abuse in the disability sector: Phase 1*, June 2015, p. 86; *Reporting and investigation of allegations of abuse in the disability sector: Phase 2*, December 2015, p.18.

¹⁴⁶ ABS, *4430.0 - Disability, Ageing and Carers, Australia: Summary of Findings*, 2018.

¹⁴⁷ Victorian Government, *Victorian Budget 20/21 Service Delivery: Budget Paper 3*, p.249.

Complaints

The complaints avenues for Victorians with disability and their support networks are complex depending on the type, nature and location of the issue. As identified by the Victorian Ombudsman in 2015, despite areas of good practice:

“...oversight arrangements in Victoria are fragmented, complicated and confusing, even to those who work in the field. As a result there is a lack of ownership of the problem and little clarity about who is responsible for what. In some areas there are overlapping responsibilities between agencies and no clear understanding of the boundaries.”¹⁴⁸

In some ways, this fragmentation has increased through the introduction of the NDIS as responsibilities have shifted and new reforms have been introduced, including workforce safety screening and registration schemes:

- The Disability Services Commissioner handles complaints about Department of Health and Human Services (DHHS) in-kind or funded disability services and Transport Accident Commission funded services¹⁴⁹
- The NDIS Quality and Safeguards Commission handles complaints about NDIS-funded services¹⁵⁰
- The new Victorian Disability Worker Commission handles complaints about individual disability workers, regardless of the funding source¹⁵¹
- Consumer Affairs Victoria handles complaints about specialist disability accommodation providers¹⁵²
- The Commonwealth Ombudsman handles complaints about the National Disability Insurance Agency (NDIA) and Centrelink
- The Victorian Equal Opportunity and Human Rights Commission (VEOHRC) handles complaints about disability discrimination¹⁵³
- The Complaints Resolution and Referral Service handles complaints about federally-funded disability employment services (DES), disability enterprises and disability advocacy services¹⁵⁴.

¹⁴⁸ Victorian Ombudsman, *Reporting and investigation of allegations of abuse in the disability sector: Phase 1 – the effectiveness of statutory oversight*, June 2015, p.4.

¹⁴⁹ Disability Services Commissioner, *Thinking about making a complaint*, accessed 27 November 2020.

¹⁵⁰ NDIS Quality and Safeguards Commission, *How to make a complaint about a provider*, accessed 27 November 2020.

¹⁵¹ Victorian Disability Worker Commission, *Complaints and notifications*, accessed 27 November 2020.

¹⁵² Consumer Affairs Victoria, *Specialist disability accommodation*, accessed 27 November 2020.

¹⁵³ VEOHRC, *Disability discrimination*, accessed on 27 November 2020.

¹⁵⁴ JobAccess, *The Complaints Resolution and Referral Service*, accessed 27 November 2020.

There are a range of additional authorities people with disability may be directed to, including Victoria Police for crimes and the Victorian Ombudsman for a range of public services. While most complaints bodies promote a 'no wrong door' approach, the confusion of seeing so many doors may in itself deter people from pursuing an issue or a complaint. People with disability, their families and carers must have trust and confidence in these systems – that their rights will be upheld, that complaints and disclosures will be taken seriously, and that there will be an appropriate response.

Through the ongoing Disability Royal Commission, it is likely that the complexity of complaints mechanisms and the vital role of advocacy will be explored in further detail. We encourage the Victorian Government to be responsive to the findings of the Disability Royal Commission and to take a collaborative approach to creating real, lasting change.

At a state-level, and as part of its role on the COAG Disability Reform Council and future iterations of the National Federation Reform Council, the Victorian Government must advocate for greater clarity and further funding for disability advocacy and complaints management for people with disability. We recommend an approach that includes:

- additional resources for disability advocacy organisations and self-advocacy organisations to provide individual assistance and capacity-building programs
- the establishment of a single independent oversight body, that is resourced to support people with disability to raise and pursue complaints and who monitor and report on systemic issues.

Disability Action Plans

Under the *Disability Act 2006*, public sector bodies are required to develop Disability Action Plans to reduce barriers, promote inclusion and change attitudes. While public sector bodies must report on the progress of their Disability Action Plans in their annual reports¹⁵⁵, the scope and depth of reporting is inconsistent and there is no central source of insights and data on outcomes.

Existing resources for developing Disability Action Plans, available on the Department of Health and Human Services website¹⁵⁶, are now 11 years old. Establishing clear guidelines for developing Disability Action Plans in a consistent way is a crucial enabler of consistent, meaningful measurement.

As part of work to connect and cascade the next National Disability Strategy and the State Disability Plan, we recommend the updated resources are developed to support disability action planning. Guidelines could be used by a range of government bodies, local councils, businesses and non-government organisations to design plans aligned to a common framework, measure their individual achievements, and feed into a collective assessment of progress towards key outcomes in Victoria and Australia.

Over time, as Disability Action Plans transition to a common structure, reporting requirements for specific entities under the *Disability Act 2006* could also be strengthened. Accountability and outcomes measurement are explored further in the final section of this submission.

¹⁵⁵ Victorian Government, *Disability Act 2006*, Part 4, Section 38.

¹⁵⁶ Victorian Department of Health and Human Services, [Disability action plans](#), accessed 27 November 2020.

Measuring what matters

Strengthening the State Disability Plan outcomes framework (Topic 3)

RECOMMENDATIONS

- Engage people with disability to co-design meaningful outcomes measures and indicators.
- Further embed rights and recognition focused measures and indicators across all areas of the State Disability Plan outcomes framework.
- Continue collaborative work to explore and address gaps in disability-related data at departmental, State and Federal levels to inform better outcomes measurement.
- Strengthen reporting requirements for Disability Action Plans for government departments and local councils to improve accountability and outcomes measurement.
- Explore the development of an online reporting tool, aligned to the State Disability Plan outcomes framework, to enable collective progress and achievements across government, business and the community to be measured and evaluated.

For the State Disability Plan to drive better outcomes, affect genuine change and promote accountability across government and the community, it must include clear and measurable benchmarks and indicators. VCOSS and Empowered Lives members often share concerns that government strategies, while well intentioned, do not regularly or efficiently report on meaningful outcomes. Public and community trust and confidence in the State Disability Plan is crucial in supporting both its development and delivery.

There is some room for improvement in identifying meaningful measures and indicators, and in increasing the evidence-base, frequency and impact of outcomes reporting. Outcomes measurement should be used to understand where we are now, highlight progress, identify emerging priorities and draw attention to areas for improvement.

To ensure the plan is measuring what matters most, we recommend the Victorian Government takes a co-design approach to reviewing and designing outcomes measures and indicators.

The diverse experiences and knowledge of people with disability, including their experiences of state-funded services and systems, should shape both the development and measurement of the State Disability Plan. The State Disability Plan should also be well integrated with and connected to the vision, outcome areas and measurement framework of the next National Disability Strategy.

The Consultation Paper proposes to add or strengthen outcomes measures regarding freedoms, rights and recognition of people with disability.¹⁵⁷ We welcome the extended focus on these themes, which reflect and promote the human rights of people with disability. The realisation of freedom and agency for people with disability, the opportunity to take risks, and meaningful recognition, spans all areas of life. Victorians with disability, like all Victorians, access or are impacted by a range of state-based policies, program and initiative. Therefore, we recommend that a government-wide focus on rights and a deep understanding of inclusion is broadly embedded and evaluated across all departments and entities.

Smart, collaborative reporting

Annual reports on the progress of Victoria's State Disability Plan outline the achievements driven by the Plan each year. The tabling of these annual reports in the Victorian Parliament demonstrates the Victorian Government's commitment to accountability.

The current format of the annual reports draw attention to specific government-funded initiatives over the course of the year and share narratives that illustrate the impact of programs. As noted in the 2018 report, there are data gaps that limit the measurement of change and progress. There are long-standing data collection issues across intersecting services and how they record the existence and prevalence of disability, including child protection¹⁵⁸, justice¹⁵⁹ and family violence¹⁶⁰. In other data sets, the metrics collected focus on funding-based data, rather than outcomes-based measures.

We are supportive of the extensive work underway to explore and address data gaps in the State Disability Plan outcomes framework¹⁶¹ and the ongoing development of the Victorian Government outcomes architecture¹⁶².

¹⁵⁷ Victorian Government, *Consultation paper on for state disability plan 2021-2024*, December 2019, p.13-14.

¹⁵⁸ AIHW, *Child protection in Australia: 2018-2018*, 2019, p.14.

¹⁵⁹ Victoria Police, *Accessibility Action Plan 2013-2017*, p.8, 10.

¹⁶⁰ Domestic Violence Victoria, *Submission to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability: Criminal Justice System Issues Paper*, April 2020.

¹⁶¹ Victorian Government, *State Disability Plan Annual Report*, 2018, p.50-51.

¹⁶² Victorian Government, [Outcomes reform in Victoria](#), accessed 27 November 2020.

We recommend the Victorian Government continues to explore a range of avenues to boost the evidence base for measuring short and long-term outcomes for people with disability. We also encourage the Victorian Government to actively engage in national initiatives to improve data collection and consistency, such as the development of the National Disability Data Set¹⁶³.

Better and smarter outcomes measurement could be strengthened by the development of a consistent framework for Disability Action Plans. For example, the Department of Health and Human Services (DHHS)¹⁶⁴ and the Department of Education and Training (DET)¹⁶⁵ have aligned the structure of their Disability Action Plans to the pillars and outcomes framework of the State Disability Plan. This alignment means both departments would be well-placed to assess their impact and feed into a collective measurement of government-wide outcomes.

Businesses and non-government organisations are increasingly developing their own Disability Action Plans to set goals, measure progress, identify areas for improvement, and benchmark themselves against their peers. Through initiatives like the Australian Network on Disability's Access and Inclusion Index, participating organisations can assess and compare their disability confidence across 10 key areas.¹⁶⁶

As outlined earlier in this submission, there is great potential through the next State Disability Plan to boost the value and accountability of Disability Action Plans. Clear guidelines that encourage governments, departments and organisations to develop their Disability Action Plan using consistent pillars and outcome areas would support smarter, deeper assessment of collective impact across Victoria. Legislation could also be strengthened to increase the reporting requirements of government departments and local councils. An online reporting tool to aggregate data from businesses, community groups and other entities could also be developed to provide a more comprehensive view of outcomes across Victoria. Through the digital collation of data from a range of sources, powerful visualisations could be created like the implementation progress tracker for the 227 recommendations of the Victorian Royal Commission into Family Violence.¹⁶⁷

¹⁶³ Australian Government, *Australian Digital and Data Council Communique – 6 September 2019*, 2019.

¹⁶⁴ Department of Health and Human Services, *Disability Action Plan 2018-2020*, 2018.

¹⁶⁵ Department of Education and Training, *Strategy – Disability Action Plan 2018-2021*, 2018.

¹⁶⁶ Australian Network on Disability, *Access and Inclusion Index*, accessed 27 November 2020.

¹⁶⁷ Victorian Government, *Family Violence Reforms – The 227 Recommendations*, accessed 27 November 2020.

Building back better

Responding to COVID-19 (Topic 7)

Emergencies and disasters magnify and intensify the existing barriers and issues experienced by people with disability. Recent emergencies, locally and worldwide, have placed a spotlight on how governments, services and systems respond during times of crisis. As outlined by the UN's Policy Brief on a Disability-Inclusive Response to COVID-19:

“Even under normal circumstances, persons with disabilities are less likely to access health care, education, employment and to participate in the community. They are more likely to live in poverty, experience higher rates of violence, neglect and abuse, and are among the most marginalised in any crisis-affected community. COVID-19 has further compounded this situation, disproportionately impacting persons with disabilities both directly and indirectly.”

We welcome the State Disability Plan's focus on ensuring Victoria's COVID-19 recovery, and future planning for and responses to emergencies, is inclusive, accessible and equitable for people with disability.

VCOSS and Empowered Lives members shared our recommendations for change in:

- A joint statement: [Supporting Victorians with disability during COVID-19 restrictions](#)
- A submission to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability – Emergency Planning and Response Issues Paper: [Equitable and inclusive emergency planning and responses](#)

We provide these resources as our response to Topic 7.



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