



Women With Disabilities ACT
WWDACT

28 September 2012

National Disability Insurance Scheme
NDIS Taskforce

www.ndis.gov.au

Email: <http://yoursay.ndis.gov.au/ndis?module=form#tool>
ndis@act.gov.au

Sent By Email

Dear Sir or Madam

Feedback on the Draft NDIS Eligibility & Reasonable and Necessary Support Criteria

Women with Disabilities ACT (WWDACT) would like to thank you for the opportunity to provide you with our feedback on this important issue. Please let me know if we can be of further assistance. The contact officer for this matter is Emilia Della Torre. She can be contacted on tel: (02) 6290-2166 or by email: e.dellatorre@wchm.org.au.

Yours sincerely

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strong women, strong voices

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Winner of the 2012 International Women's Day Award—Community Category

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Feedback to the
Council of Australian Governments
on the
Draft NDIS Eligibility and
Reasonable & Necessary Support
Criteria
Select Council on Disability Reform

September 2012

Background

WWDACT is a systemic advocacy and peer support organisation for women and girls with disabilities in the ACT. WWDACT follows a human rights philosophy, based on the Convention on the Rights of Persons with Disabilities and the Convention on the Elimination of Discrimination against Women. At the last census, there were 31,500 women and girls with disabilities living in the ACT.ⁱ We enthusiastically welcome the proposed introduction of the National Disability Insurance Scheme (NDIS) and the Stage One NDIS launch site program that will commence in 2013 in the Australian Capital Territory as one of the five national launch sites.

Introduction

Women with Disabilities ACT (WWDACT) is grateful for the opportunity to provide feedback on the draft eligibility criteria and the draft reasonable and necessary supports criteria for clients under the NDIS. These draft criteria were adopted at the July meeting of the Council of Australian Governments (COAG) this year. WWDACT is cognisant that there are still NDIS operational details - such as the mode of funding the scheme - that are yet to be determined. Within this dynamic context, our feedback is grounded in the imperative the NDIS have a focus which is gendered. The circumstances of women and girls with disabilities are distinct from those of men and boys with disabilities and they must be afforded due and appropriate attention as the NDIS rolls out. Only with a gendered focus will the NDIS achieve its objectives.ⁱⁱ

Eligibility Criteria

The eligibility criteria for an individual NDIS client need to take into account the life circumstances of the individual with a permanent disability and reduced functional capacity. This approach represents a social model of disability combined with a medical or a functional model of disability. In other words, when the eligibility of a female individual for the NDIS is being assessed, her individual circumstances need to be captured in a way that reflects her social reality. This model of disability is a necessary and accepted paradigm shift worldwide.ⁱⁱⁱ

Women with disabilities live with different circumstances to men with disabilities. In general, females tend to understate their needs. For example, research looking at women in the workforce shows they characteristically do not self promote well, and have lower self esteem leading to lower rating on any self assessment, including salary scales.^{iv} Any self assessment of the needs of female clients under the NDIS must inquire into their circumstances. For example: Do you run a household?

Do you have a caring role in addition to your disability? How does caring role affect your ability to engage in workforce? Do you manage the family budget? Such specific considerations will directly impact on the assessment of the severity of activity limitation and intensity of support needs of female clients.

Reasonable and Necessary Support Criteria

A social model of disability must apply to all NDIS criteria. This is particularly pertinent within the context of an Australian society which is highly gender segregated^v.

a. Support the individual to identify and achieve their goals

WWDACT would separate out the provision of reasonable and necessary supports that maximise independence from the provisions of reasonable and necessary supports to assist an individual achieve their goals. These two needs must be treated separately. Many women and girls with disabilities have no experience in setting goals. They need assistance to set goals. Their lives have been about survival rather than flourishing. Goals are subjective, and require long term thinking which many women with disabilities do not do. “When the NDIS has been in operation for a decade, when women and girls with disabilities have a longer experience in being able to imagine a future and operate independently, then it may be possible to do the goal setting.”^{vi}

b. Deliver supported decision making

WWDACT is aware that the NDIS is a complex scheme that will offer individuals a range of different program options: namely; on-going individually funded package, referral services to mainstream services or disability support programs by NDIS, and one-off individually funded packages. It is not clear to us at this stage whether or not one set of “reasonable and necessary support criteria” will apply equally to each program option. Our comments apply across the board at this stage.

To succeed in meeting the needs of a female individual, the NDIS must ensure that an informed choice about her support needs - not just a choice - is made by her. Women in Australia are more likely to have a personal experience of the “private” domain of the home. They are less likely to have experience of the “public domain” of policy, programs and services.^{vii} Therefore, woman and girls with disabilities will find themselves in circumstances that generally require more specialised and on-going assistance than men with disabilities under the NDIS (although it is often a mix of ethnicity, class and gender that will come into play here). In other words, supported decision-making must

- assist an individual to identify their needs and all the options available to meet those needs
- actively support an individual to access programs and services that are more appropriately provided by mainstream agencies as part of their universal service obligations to all citizens.

c. Re-assessment of decision making

NDIS support decisions will need to be reviewed to keep abreast of changes in policy and programs; as well as developments in assistive technologies; and changes in the needs of individual clients under both on-going and one-off programs. Re-assessment needs to be periodic. It must also be able to be activated by an individual (with a support person if necessary) to meet her or his changing

circumstances. Re-assessment could be further triggered when circumstances change to affect the way the individual will interact in the community. For example, when a girl graduates from school and transitions to a different lifestyle in the workforce; when her vision deteriorates, etc.

d. Reflect community expectations, including what is realistic to expect from the individual, families and carers

WWDACT believes the NDIS will have a role to drive positive change in community expectations. This, in turn, will inform the sense of ‘value for money’ that necessarily attaches to the provision of goods and services under the NDIS generally.

Conclusion

The support needs of a female individual under an NDIS will not be met unless this national scheme has a gendered focus and takes her particular circumstances into account. Women and girls with disabilities have the opportunity to flourish under the NDIS: to become recognised, valued and considered members of society. The operational complexities of the NDIS must engage with social as well as medical and functional models of disability. This national scheme presents a wonderful opportunity to model best employment practice of females and males with disabilities throughout the National Disability Insurance Agency and the NDIS Launch Transition Agency as well. In fact, the successful employment of women and men with disabilities within these institutions should become a key benchmark of the national scheme’s success.

ⁱ Survey of Disability Ageing and Carers (SDAC) Australian Bureau of Statistics (2009). There were a total of 31,542 females who have a disability in the ACT. (This is for all age groups.) Source: National Tables, Table 8.

ⁱⁱ The objective of the NDIS is to improve the wellbeing and social and economic participation of people with disabilities and their carers by building an NDIS that delivers care and support through an insurance approach.” National Insurance Disability Scheme – Background Information Program Guidelines Suite. Department of Families, Housing, Community Services and Indigenous Affairs (4 August 2012) at page 4. See <http://www.fahcsia.gov.au/sites/default/files/part_c_-_application_informationv2.pdf >

ⁱⁱⁱ ‘Disability is complex, dynamic, multidimensional, and contested. Over recent decades, the disabled people’s movement— together with numerous researchers from the social and health sciences – have identified the role of social and physical barriers in disability. The transition from an individual, medical perspective to a structural, social perspective has been described as the shift from a “medical model” to a “social model” in which people are viewed as being disabled by society rather than by their bodies. The medical model and the social model are often presented as dichotomous, but disability should be viewed neither as purely medical nor as purely social: persons with disabilities can often experience problems arising from their health condition . A balanced approach is needed, giving appropriate weight to the different aspects of disability.’ Chapter One World Report

on Disability World Health Organisation and World Bank (2011) at
http://whqlibdoc.who.int/publications/2011/9789240685215_eng.pdf > (footnotes omitted).

^{iv} Chapter Seven “Women and Work” The Psychology of Women Margaret W. Maitlin, Cenpage Learning (2012) at
<http://books.google.com.au/books?hl=en&lr=&id=pHce7ySuyscC&oi=fnd&pg=PR5&dq=psychology+of+women+and+work+in+Australia&ots=hnQQ94OwMR&sig=1qtISM75nb0CjkY2aPFL82faNuc#v=onepage&q=psychology%20of%20women%20and%20work%20in%20Australia&f=true>.

^v Hausmann, R. et al (2011), Global Gender Gap Report 2011: Rankings and Scores, World Economic Forum, at: http://www3.weforum.org/docs/GGGR11/GGGR11_Rankings-Scores.pdf ranks Australia as 23rd out of 135 nations, compared to 15th in 2006. In education, Australia is ranked 1st, but falls to 18th in terms of economic participation (24th), 38th in terms of political empowerment (39th), and 74th (73rd) in terms o Health & Survival. The figures in brackets indicate the 2010 ranking.

Broderick, E. 2010, Australian Human Rights Commission Gender Equality Blueprint, Australian Human Rights Commission 2010, at:
http://www.hreoc.gov.au/sex_discrimination/publication/blueprint/Gender_Equality_Blueprint.pdf, sets out 5 priority policy areas to address gender inequality - Balancing paid work and family and caring responsibilities; Ensuring women's lifetime economic security; Promoting women in leadership; Preventing violence against women and sexual harassment; Strengthening national gender equality laws, agencies and monitoring.

^{vi} Interview with WWDACT member, 1 September 2012.

^{vii} Margaret Thornton “The public/private dichotomy: gendered and discriminatory” Journal of Law and Society (1991)