



JFA Purple Orange

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To the Senate Committee on Community Affairs' Inquiry on Impact on service quality, efficiency and sustainability of recent Commonwealth community service tendering processes by the Department of Social Services.

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About the Submitter

JFA Purple Orange is the social policy arm of the Julia Farr Association Inc. We are a non-government, social profit organisation that conducts research and engages in dialogue with people with lived experience of disability to develop policy and practice. Our work is anchored on the principles of Personhood and Citizenhood.

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1. About this Submission

First, our apologies for the lateness of this submission, however we only recently heard this inquiry was active. We trust the Committee will still be able to have regard for its contents.

This submission confines itself to the recent matter of the tender process relating to services of peak body advocacy agencies, which resulted in the defunding of agencies including, but not necessarily limited to, Inclusion Australia, Blind Citizens Australia, Brain Injury Australia, Deaf Australia, Physical Disability Australia, Deaf Forum, Australian Federation of Disability Organisations (AFDO), and Disability Advocacy Network Australia (DANA).

Where we use the term 'advocacy' in this submission, we use it in a broad sense, not just relating to representation but also contribution of perspective, to help a broader audience understand and value people's views; in short, the importance of *voice*.

Our view is the 2014 tender process undertaken by the Department of Social Services (DSS) suggests the DSS currently does not carry sufficient appreciation of the importance of the voice of people living with disability, and its tender decision is harmful to the voice of the disability community.

2. The impact of the Department of Social Services recent tender process for disability peak body services

A person's voice has greater chance of being heard when connected to the voice of others in similar circumstances. The closer the similarity, the stronger the voice. For people in the disability community this has given rise to agencies like Blind Citizens Australia, Deaf Australia and the Deaf Forum of Australia, Physical Disability Australia, Down Syndrome Australia and Brain Injury Australia. These peak bodies serve as a conduit for information and voice. Specialists in their subject matter, these agencies play a critical role in charting the diversity of disability experience.

Not only do such bodies serve as a conduit for the views and stories of their stakeholders, they are also of critical value as contributors to relevant public policy, because of the extent of their specific understanding of people's experiences.

With co-design currently trending as a methodology for developing policy and practice in the disability sector, these peak bodies serve as an invaluable link to various demographics, all of whom bring an important perspective to any robust co-design process, and the associated consultation elements.

Therefore, as people living with disability await the improved life chances promised in the National Disability Insurance Scheme (NDIS), the presence of such peak body agencies is critical. However, two days before Christmas the Commonwealth Government's Department

for Social Services (DSS) stopped their funding, the result of a tender process that saw a reduced pool of funding distributed across fewer agencies. The Government determined a portion of funding would be reserved for certain disability demographics– children, women, Aboriginal and Torres Strait Islanders, and people from diverse languages and cultures – while all other peak disability agencies would have to compete for the funding remnants. This approach demanded the undignified spectacle of these groups having to pitch why their voice might be more important than the others.

However, you cannot determine the voice of a person living with Down Syndrome is more or less important than the voice of a person living with Multiple Sclerosis, or that a blind person’s opinion trumps that of his deaf neighbour. In its effect, the DSS decision effectively discriminates between one type of disability experience and another, contrary to Article 5 of the United Nations Convention on the Rights of Persons with Disabilities where people shall not be discriminated on the basis of disability. In reality, all these voices are important, and the funding should reflect this.

Meanwhile, the Government reserved a portion of this funding for service industry peak body National Disability Services – arguably already well-endowed through other government funding and its own membership revenue – while removing funding from the Disability Advocacy Network of Australia, the collective voice for local disability advocacy groups around Australia who have access to no other significant sources of funding. The Australian Federation of Disability Organisations, the peak forum for agencies governed by people living with disability and their families, has also lost its funding. The collective voice of service providers is important – Australia’s disability community needs reliable access to skilled and flexible service providers – but it’s hard to see how its voice is more worthy of funding than agencies characterised by the voice, concerns and rights of people living with disability.

Nor is it more important than the voice of people living with intellectual disability, the largest single stakeholder group in the NDIS, whose collective national voice – Inclusion Australia, formerly known as the National Council on Intellectual Disability – also lost its funding. Their work has brought attention to important issues such as inclusive education, individualised supports, decision-making, and fair-waged employment. That will now be gone. It is unrealistic to assume other funded agencies will somehow be able to routinely pick up this momentum, because it’s not their history, their network or their expertise.

Whatever issues the Government may have with these agencies, closing off their funding is not the answer; and projected savings will have the tiniest impact on the Federal budget. In one fell swoop the decision has removed voices essential to the development of good policy across all areas of government; education, employment, health, transportation and, of course, the NDS and NDIS.

In one fell swoop, the decision undermines disability rights the Australian Government has previously signed up for, including people’s right to join representative organisations – hard to do when such organisations have been removed.

In one fell swoop, the decision removes people's choice of how and where their voice is heard, on the mistaken conviction representative networks can be allocated to people, instead of being chosen by people.

This matter is not irrevocable. We don't imagine DSS personnel would deliberately set out to undermine the collective voice of people living with disability, and so one might imagine the situation has come about because of insufficient insight to the nature and importance of the diverse voices within the disability community, coupled with a problematic approach to the strategic purchase of peak body services.

3. Building insight to the importance of the voice of the disability community

The tender process it undertook suggests DSS currently does not carry sufficient appreciation of the importance of the voice of people living with disability. Even though the NDIS is hoped to bring forth the values of control and choice, so people have authentic authorship of their own lives, and even though there is a mandated appeals process within the scheme for participants, these arrangements by themselves do not adequately support people's voice to emerge in sustainable ways. In short, such arrangements do not remove the need for advocacy and related activities of voice; far from it.

To remedy this in a collaborative and sustainable way, one option is to undertake a co-design approach to the principles, policy and practice underpinning future commissioning of such services. An independently mediated, co-design process could mark the beginning of a new relationship between DSS and the disability community; indeed such a process could be replicated across all social issues and demographics where DSS seeks to deliver value.

In disability, such a process could be the starting point for resolving the difficulties associated with the recent tender process for disability peak body services. If so, we recommend such a process begin without delay and, in the meantime, funding be restored to those disability peak bodies recently defunded.

4. A stronger strategy for commissioning advocacy services, including peak body advocacy

In its recent tender, the DSS reduced the size of its overall investment in disability peak body services, and reduced the number of grant-funded recipient agencies.

We believe this to be an unfortunate and counterintuitive strategy, given Australia is at the front-end of a major social welfare reform in disability. A good idea is at its most vulnerable during implementation, and the NDIS goals are vulnerable to failure if there is not a systemic

and sustainable investment in the disability community voice feeding in to its design and implementation at all levels.

In addition to the tender strategy seeming counterintuitive, it is poor in terms of what is known about how best to invest in effective advocacy. Teles and Schmitt (2011)¹ noted how the best chances of effective advocacy come from what they term a 'spread-betting' approach, where the funder invests in a wide range of channels for advocacy. This is because it is not possible to predict how effective a particular advocacy approach might be in a given situation, because the uncontrollable variables unrelated to the advocacy effort. A successful advocacy approach in one situation may not be successful in a separate yet apparently similar situation.

While Teles and Schmitt wrote in an American context, we can reasonably extrapolate from it that investment in a wider range of advocacy channels will likely be more effective than a narrower range. Such a process is also more deeply respectful of the fact people choose their channels for voice.

While in the American context it appears there are more funders from philanthropic and private (including commercial) interests, in Australia it is government that is the main funder of advocacy, and we think this is a good thing because it underscores the importance of advocacy.

However, with the DSS being the funder and also sometimes the pained target for the subsequent advocacy, this might be regarded as a difficult, perhaps even untenable, conflict of interest. How can the DSS be expected to be motivated to invest funds in broader sources of voice when this might result in greater discomfort to it? Put colloquially, why pay more to get just get more hassle?

One way to resolve this might be to shift the funding responsibility for advocacy services away from DSS and replace it with an agency or commission where there is less likely to be such conflict of interest. On the face of it, the Human Rights Commission might be a suitable location for these important investments.

¹ Steven Teles and Mark Schmitt (2011) 'The Elusive Craft of Evaluating Advocacy' in Stanford Social Innovation Review Summer 2011, accessed at http://www.ssireview.org/articles/entry/the_elusive_craft_of_evaluating_advocacy

5. Concluding remarks and a request

We believe the recent tender process for the services of disability peak body agencies was fundamentally flawed, and has caused harm to the disability community, and will cause harm to the design and rollout of the NDIS and any other public process where the diverse voice of the disability community needs to feature.

The situation can be recovered but it needs to happen quickly, otherwise capacity will be lost and it will be very hard to replace. We believe an authentic co-design process can help rebuild relationships between DSS and the agencies and networks affected, and can herald a fresh approach to such funding. This may include the repositioning of advocacy funding responsibility to another entity or commission.

In the meantime, the defunded agencies should have their funding reinstated immediately.

We request an opportunity to meet with the Senate Committee to examine the contents of this submission in more detail, and we hope we can be of service in evolving such tender arrangements.

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