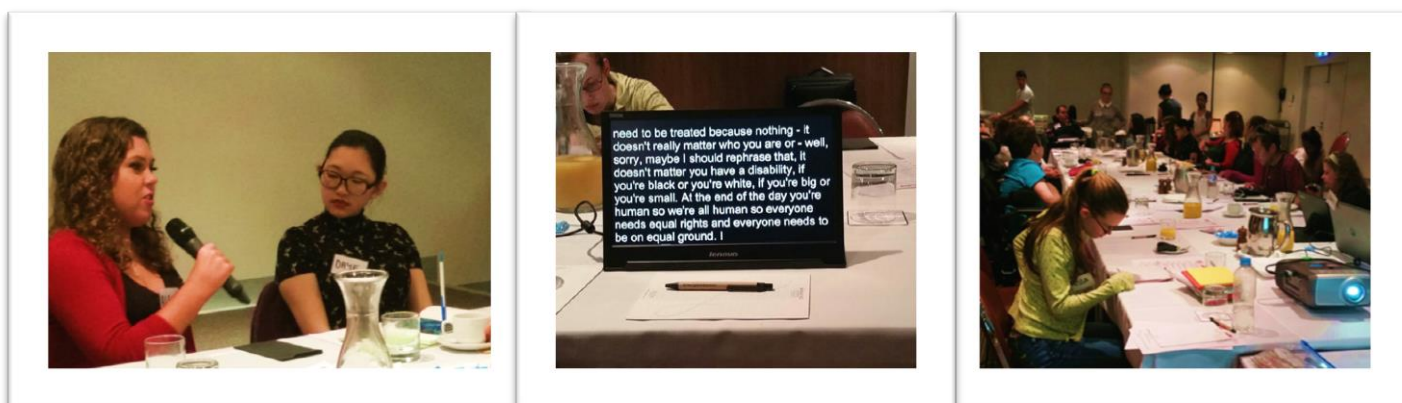# Submission to the Victorian State Disability Plan
2017 to 2020
Youth Disability Advocacy Service at the
Youth Affairs Council of Victoria

About the Youth Disability Advocacy Service (YDAS)

The Youth Disability Advocacy Service (YDAS) is a state-wide service providing systemic and individual advocacy to young people with disabilities aged 12 to 25 years. YDAS is funded by the Victorian Government. YDAS works with young people with disabilities on human rights issues including discrimination in education, employment, housing, abuse and neglect in disability service provision, and much more.

YDAS is a core agency of the Youth Affairs Council of Victoria, the state's youth peak body. YDAS is guided by a Steering Committee who are predominantly young people with disabilities aged 12 to 25.

What we know about young people with disability

It is estimated that approximately 7% of young people in Australia have a physical, sensory, neurological, intellectual and/or psychiatric disability (AIHW, 2011, p.18). Young people with disabilities in Australia today have unprecedented opportunity to be fully engaged citizens, to receive a high quality and inclusive education, and to receive supports that enable them to pursue their personal goals. However, young

people with disabilities continue to face ongoing and systemic discrimination in many areas of life including in education, where they can be refused enrolment and experience regular bullying from school staff and fellow students; in employment, where they are offered poor job support or career development; inaccessible public buildings and services, and much more. What follows is an overview of the evidence on the disadvantage that young people with disabilities face in Victoria and a summary of what they say they want from government and society to address this disadvantage.

Education

- Students with disability are less likely to complete secondary schooling and lack support. 26% of students with disability do not attend school beyond Year 10, (ABS, 2009). Students with disability are only half as likely to complete Year 12 compared with students without disabilities (ABS, 2012) and up to 70% have inadequate support to succeed in education (Children with Disability Australia, 2015).

- Young people with disabilities are "considerably less likely to have completed a higher level qualification" than young people without disabilities (ABS, 2009) and of those that do enrol in tertiary education, 74% report inadequate levels of support and 36% say that they are excluded from learning activities due to disability (AYAC, 2011).

- Both teachers and students say that "the level of resources and funding required to ensure quality education for disabilities/special needs is inadequate, with negative consequences for students, families, teachers, other education workers and schools" (AEU, 2010, pg. 2).

Young people with disabilities say that:

- They want to attend mainstream schools and need timely, individualised and flexible supports to succeed there; they do not want to be segregated or singled out in order to receive support (YDAS, 2008).

- They want accessible and inclusive education delivery and materials for all people with disabilities (e.g. assistive technology, personal care services) (AYAC, 2011).

- There are inadequate resources, and/or the inappropriate use of resources that do not meet individual need, which leads to poor academic and social outcomes (e.g. allocating a Teacher's Aide instead of utilising assistive technologies that would provide for greater independence) (YDAS, 2008; AEU, 2010).

- Teachers need training so that they can provide great support and must be willing to work with students to meet their individual needs (e.g. by wearing a

microphone in classes), but teachers are often unwilling to do so (YDAS, 2008).

- They experience high rates of bullying from other school students, teaching staff and senior administrators, including school principals (YDAS, 2008). Bullying is worse in special schools than in mainstream schools (Yueng, et al., 2008).

- They sometimes struggle to develop social relationships at school (YDAS, 2008).

- When they attend university, they find that many staff do not understand their needs, that lectures and tutorials are not made accessible, and they do not have enough support to either succeed at, or in some cases to stay enrolled in, university courses (AYAC, 2011).

To achieve the best in education, young people with disabilities say they want:

- More support and more funding (CDA, 2015; YDAS, 2008).

- Better communication between families, school staff and students (CDA, 2015).

- Training and professional development across all education settings and for all staff (CDA, 2015; AYAC, 2001; YDAS, 2008).

- Disability awareness programs for students with and without disabilities in schools, focussing on the social model of disability and bullying (Stokes et al., 2013; YDAS, 2008).

Employment

- In 2009, only 40% of young people aged 15 to 24 years were in full time employment compared with almost 60% of young people without disability. 70% of young people with disabilities who were not working full-time were not studying or working at all (ABS, 2009).

- Less than half of people with disabilities who gain work through a Disability Employment Service are still in a job after six months (Commonwealth Government, 2015).

- Government employment policies in Australia effectively encourage young people with a disability to transition to non-vocational pathways; a quarter of all young people with disabilities who have been assessed as having lower support needs transition from school into disability day programs instead of into paid employment (Wakeford & Waugh, 2014).

Young people with disabilities say that:

- They want paid employment but find it very difficult to access the high quality job-finding assistance they need and are frustrated by the lack of technical skill and individualised service they receive when they approach job agencies (YDAS, 2008).

- Unlike young people without disabilities, they are forced to continually prove competency before they have paid work (e.g. work capacity testing, work readiness programs, work education courses) and when they are on the job (Stokes et al., 2013).

- They experience discrimination, poor support, harassment and bullying in workplaces due to their disability, and those who are able will avoid disclosing their disability (YDAS, 2008).

To increase their employment opportunities, young people with disabilities want:

- Disability awareness education for employers and business groups (YDAS, 2008).

- A minimum quota for the employment for people with disability in large organisations and particularly in the public sector (YDAS, 2008).

- High quality, individualised assistance for finding and keeping work (YDAS, 2008).

- Increased funding for workplace modifications and the work-based personal assistance scheme (YDAS, 2008).

Training

- Despite considerable evidence that young people with disabilities benefit from and succeed at undertaking accredited vocational training (Ball, 2000), they are underrepresented in these programs as a result of discriminatory attitudes (e.g. refusal of enrolment and reasonable accommodation) and inadequate funding to ensure their full participation (AHRC, 2005).

- Young people with disabilities are frequently channelled into 'enabling courses' (e.g. work education, pre-vocational skills) by training providers. Graduates of these types of courses are less likely to gain employment after graduation than if they were to complete a typical vocational course (Ball, 2000).

Young people with disabilities say that:

- They are prevented from succeeding in training because supports offered are inadequate. For example, personal care (e.g. assistance with eating) is not funded by training providers. "Without personal care assistance, and in

particular, toileting; TAFE was out of the question". (young person, quoted in YDAS, 2008)

- If they have invisible disabilities (e.g. diabetes, dyslexia, mental health issues), they are more likely to struggle to receive even basic support in training courses and as a result feel isolated, fall behind in their studies or drop out altogether (YDAS, 2008).

To increase their training opportunities, young people with disabilities want:

- Improved on-campus student support services for young people with disabilities (AYAC, 2011).

- Financial aid for students with disabilities that takes into account the additional costs of disability supports necessary to study (AYAC, 2011).

- Disability awareness training for all staff in training organisations (AYAC, 2011).

Mental Health

- Young people with disabilities are twice as likely to develop mental health issues compared with young people without disabilities, particularly late in their adolescence, but are much less likely to receive an accurate diagnosis and/or appropriate treatment (CCYC, 2013; VicHealth, 2012; Cooper et al. 2007; Tantam and Prestwood 1999). Around 25% of people with severe or profound disabilities have a high level of psychological distress compared with 5% of the general population (VicHealth, 2012).

- Young people with disabilities who also have a mental health issue are often excluded from mental health services on the basis that their disability makes diagnosis and treatment too complex (DDDN, 2014, Hearn, 1999). They also face the presumption that their mental health issue is inherent to having a disability rather than as a separate experience of poor mental health (CCYP, 2013).

- Mental health practitioners have very limited training, education and expertise in providing mental health services to people with disabilities and services for people with intellectual disabilities are largely non-existent (DDDN, 2014; CCYP, 2013).

Young people with disabilities say that:

- They want consistent support, encouragement, to be treated as an individual, to have greater responsibility and privacy and reliable allies who they can talk things over with and that these factors enhance their mental health (Stokes et al., 2013).

- Despite the best intentions of their families and professionals, young people with disabilities were often denied choice and control in basic decisions that affect their lives, which has a negative impact on their self-esteem as well as on their ability to make other informed decisions in the future (Pilnick et al., 2010).

- They have fewer close friends than they would like and many feel socially isolated, factors which contribute to an increase in mental health issues (Stokes et al., 2013).

To improve their mental health, young people with disabilities want:

- Improved mental health services that are equipped to support young people with disabilities (YDAS, 2008) including improved understanding that it may take more time for young people with disabilities to trust professionals and to benefit from mental health interventions than for young people without disabilities (Stokes et al., 2013).

Discrimination

- Young people with disabilities are 3.5 times more likely than non-disabled young people to be the subject of abuse and neglect by family members and paid workers (Jones et al., 2012), and are less likely than their nondisabled peers to report abuse because they are often reliant on the abuser for both making a report and to have their basic needs met (Briggs & Hawkins, 2005).

- International research shows that young people with disabilities experience widespread violations of their rights due to prejudice and negative perceptions of disability itself, and compounded by inaccessible physical environments, lack of services, social isolation and poverty and are routinely and systematically excluded from education, employment, health services, and public and private spaces (UNICEF, 2013). Our individual advocacy work demonstrates that this research finding is relevant to the experiences of young people with disabilities in Victoria.

- Many young people with disabilities experience multiple disadvantages, particularly young people with disabilities who identify as Aboriginal and Torres Strait Islander; those who are from culturally and linguistically diverse backgrounds; those who identify as LGBTI; and those who are living in institutional settings (e.g. Community Residential Units) (Emerson, et al., 2010).

Young people with disabilities say that:

- Lack of access to public and private spaces (i.e. 'the built environment') impacts on almost every area of their lives. They say that Access to Premises

Standards are not enforced, that information about access is often unavailable or incorrect, and that there is little done when they make a complaint (YDAS, 2008). Poor access to public spaces, (particularly public transport, restaurants and bars, live music venues) makes it extremely difficult to have a full social life, which causes social isolation (Solish et al., 2010) and for some, makes it almost impossible to find paid work (YDAS, 2008).

- They face persistent, negative community attitudes and feel shut out of society, not listened to, are made to feel as if they are a burden – these are key barriers to participation in activities they enjoy (Morris, 2001).

To reduce discrimination, young people with disabilities want:

- Legislation that requires all public buildings to be made fully accessible, including a timeframe for relevant changes to be made to buildings (YDAS, 2008).

- Disability awareness campaigns that challenge stereotypes and educate the public about disability rights (YDAS, 2008).

- Increased positive representation of people with disabilities in the media, particularly on television and in film (YDAS, 2008).

Housing

- Young people with disabilities are more likely to be relinquished by their parents into state care than young people without disabilities, costing governments up to seven times as much in providing out-of-home residential care than if individualised support services were put in place in the family home (VEOHRC, 2012).

- Young people with disabilities are more likely to become homeless than people without disabilities, particularly people with psychiatric disabilities and acquired brain injuries, and most often people with multiple disabilities. They are also more likely to miss out on accessing housing because both temporary transitional housing and social housing are typically not wheelchair accessible (Beer, et al., 2011).

- Young people with disabilities are more reliant on government and community organisations for housing, including Residential Aged Care. Private housing is often inaccessible and unaffordable for young people with disabilities, and funding systems rarely offer the level of choice and control necessary to live independently with support (FaHCSIA, 2006; YDAS, 2013).

- Young people with disabilities live with their parents for much longer than young people without disabilities even though they would like the opportunity to move into their own homes with individualised support (YDAS, 2013).

Young people with disabilities say that:

- They want the same choices as people without disabilities when choosing where to live but feel that they are powerless because the disability support system offers very limited choices, has very long waiting lists to access assistance, and because parents and professionals often made decisions about housing on their behalf (Stokes et al., 2013; YDAS, 2013).

- They want opportunities to try a variety of housing and support options and be allowed to take risks and make mistakes (Stokes et al., 2013; YDAS, 2013).

- They succeed with living independently when they are well-supported to prepare for life out of home and when they have support services which are flexible and which they can control (Pascall & Hendey, 2004).

- They would like the option to move into a private rental property when they leave home but face a lack of accessible and affordable rental stock, as well as not being permitted to make necessary disability modifications (YDAS, 2008).

To improve their housing options young people with disabilities want:

- Legislation that makes universal access mandatory in new housing development (YDAS, 2008).

- More affordable and accessible public and private housing (YDAS, 2008).

- Opportunity to try out a range of support options and take risks while learning how to live independently (Stokes et al., 2013).

- More flexible, individualised and self-directed support that makes independent living possible for all (YDAS, 2008).

Transport

- Public transport across Victoria remains inaccessible to many young people with disabilities due to the slow implementation of the Disability Standards for Accessible Public Transport 2002, and the lack of enforcement of the standards (DIRG, 2015). People with the most significant disabilities have extremely limited access to public transport (ABS, 2009).

- Young people with disabilities are more likely to rely on private transport, including taxis and private vehicles compared with young people without disabilities, which incur a greater cost and is prohibitive to developing independence and significantly limits employment opportunities (ABS, 2009; DIRG, 2015).

Young people with disabilities say that:

- Despite improvements to public transport over the past decade, information about accessible services is unreliable (i.e. services are advertised as accessible but are not) and they have very limited access to accessible trams, buses and train platforms (YDAS, 2008).

- Using public transport can be very unsafe as changes to services are made quickly and without both audible and visual announcements, vehicles are not equipped with safe entry or seating areas (e.g. very steep ramp access only) and infrastructure is dangerous (e.g. rail crossings that trap mobility aid wheels) (YDAS, 2008).

- Accessible public transport in rural and regional areas is extremely limited causing social isolation and total dependence on family or friends to leave the house (YDAS, 2008).

- While the subsidised taxi scheme made transport more affordable, there are too few accessible taxis, extremely long wait times even in the CBD (i.e. up to two hours), and safety issues with drivers (YDAS, 2008).

To improve access to transport young people with disabilities want:

- A firm commitment by government to make public transport accessible to all as soon as possible (YDAS, 2008).

Abuse and Neglect

Young people with disabilities are disproportionately affected by abuse and neglect due to a number of factors which include but are not limited to:

- extremely limited access to rights-based education and information about what constitutes abuse and neglect (YDAS, 2015);

- inadequate support to report abuse and neglect (YDAS, 2015);

- substandard responses by police and other agencies who do not believe that young people with disabilities will be credible witnesses during a prosecution (YDAS, 2015);

- the perceived likelihood of retribution by abusive family members and paid workers (YDAS, 2015)

- poorly implemented protection mechanisms which allow people who set out to abuse young people with disabilities to enter and stay in the disability workforce (YDAS, 2015).

Young people with disabilities say that:

- They want to have maximum choice and ultimate control in relation to who provides their support. Having an across-the-board, mandatory requirement of a minimum qualification would place limitations on the ability of young people to decide who works with them (YDAS, 2015).

- They want to be supported by people close to their age and with whom they have common interests (YDAS, 2015). Such young people are unlikely to have specific disability qualifications while still being an appropriate and suitable person to provide paid support to a young people with a disability.

To reduce abuse and neglect young people with disabilities want:

- An independent oversight body to respond to allegations of abuse and neglect and to be responsible for other relevant safeguards in the system (YDAS, 2015). This oversight body should have the power to conduct own-motion investigations into areas that require systemic reform, such as abuse in group homes. This body should have responsibility for developing and overseeing a standard set of mandatory standards for responding to allegations of abuse and neglect in disability services.

- An independent oversight body to this oversee paid inspectors who visit group homes and day services (not private homes) (YDAS, 2015). These paid inspectors must have training in communicating with people who have severe cognitive and communication impairments and be required to speak directly with residents and service users. These paid inspectors should be in addition to the current Community Visitors Program that is run through the Office of the Public Advocate.

- Mandatory reporting obligations regarding the abuse and neglect of people with disabilities (YDAS, 2015). Considering that it is often staff who are in a position to report abuse and neglect, they must be protected and afforded confidentiality and protection from victimisation by the oversight body. Mandatory reporting requirements should apply to all workers in registered disability services.

- Tailored and individualised training that includes competencies that are specific to the individual who is being supported (YDAS, 2015). For one young person this might include training in manual handling, supported decision-

making, and training to assist with communication. For another young person, a different skill set may be required such as the ability to communicate through sign language and/or training in behaviour support.

- The option to choose where and with whom they live and to trial housing arrangements and choose different arrangements if the current arrangements are not suitable to the young person (YDAS, 2015).

Other issues of concern to young people with disabilities:

Young people with disabilities say that:

- They highly value their participation in ordinary community life (i.e. activities away from school and home that involve other young people) because it provides greater autonomy and self-esteem, improves relationships with peers and family, and helps demystify public misconceptions about the lives of young people with disabilities (Yueng et al., 2008).

- They see a role for themselves as educators in the broader community and feel that they should be role models for other young people with disabilities (Stokes et al., 2013).

- They are frequently very socially isolated and opportunities to build and maintain friendships are too often mediated by the involvement of parents or paid support workers who may interfere and be overly concerned with safety or duty of care (Yueng et al., 2008).

- They value their relationships with young people without disabilities but highly value opportunities to network with young people with disabilities where they can create positive shared identities, problem-solve common issues and support each other (Stokes et al., 2013; YDAS, 2008).

- They want clear, up-to-date information about the range of disability supports and services available to them and feel they are most likely to miss out on receiving information if they are in mainstream education (YDAS, 2008). People from culturally and linguistically diverse backgrounds and people who need support with communication are the most disadvantaged in being able to access funded services (YDAS, 2008).

- They need timely access to affordable aides and equipment and say that they face long waiting lists and only partially-funded options (YDAS, 2008).

- They want individualised services to be available when they need them so that they can have support when they need it by workers who understand

their needs. "I don't want someone assisting me who looks like my nanna" (young person, quoted in YDAS, 2008).

- Accountability for how funded disability supports are provided (YDAS, 2008).

- The recruitment of more young people as disability support workers (YDAS, 2008).

- An online one-stop-shop database for all disability services (YDAS, 2008).

- The employment of more people with disabilities in leadership roles in disability services (YDAS, 2008).

- Increased support to access age-appropriate and self-directed recreational pursuits with peers (Stokes et al., 2013: YDAS, 2008).

- Clearer pathways to and more appropriate services for young adults with disabilities transitioning from paediatric healthcare to adult services (YDAS, 2008).

- More focus on how young people with disabilities want to report on their health and well-being rather than what parents and professionals perceive as most important (Llewellyn & Leonard, 2010).

- Funded independent and disability led advocacy for young people the disabilities that will support information sharing, peer support and leadership (YDAS, 2008).

- Opportunity to meet together to provide peer-support, develop leadership skills and problem-solve common issues (YDAS, 2008).

Conclusion

The Victorian government needs to provide real opportunities to young people with disabilities to reach their full potential. Systemic issues such as equal access to high quality education, employment, transport and housing must be addressed. Furthermore, there must be strong and transparent oversight of public and community services to ensure they are accessible, free of abuse and neglect, inclusive and equitable. In addition, reliable and comprehensive access to advocacy for young people with disabilities is needed to uphold their human rights.

All Victorian government programs, services, events, consultations and advisory groups should be inclusive of, and proactively seek out, young people with disabilities, and governments must seriously consider and take action on the issues raised by young people with disabilities. It is very positive to see that the Victorian government Youth Policy places an expectation on government to involve all young people, including young people with a disability, and this approach needs to be adopted as broadly as possible throughout Victoria.

Overall, young people with disabilities want to have a say and be listened to regarding decisions that affect them. They also want to live ordinary lives, to access education and training, to have financial security, to participate in sport and recreation, to have long-term relationships and get married, to care for their families, to travel, to be independent and to direct their own lives.

Recommendations

The following recommendations reflect what we have learned over the past 10 years as Victoria's only state wide advocacy service for young people disabilities. These recommendations are presented within the context of the themes outlined in the Victorian State Disability Plan Discussion Paper. We believe that these themes reflect the direction that Victoria should be heading towards. However, we recommend that the final theme "Making the Most of the NDIS" be adjusted to recognise that some Victorians who need housing and some low-level supports will not be eligible for the NDIS yet still need to be recognised and catered for within the state plan. An appropriate alternative for the final theme would be "Improving housing and supports through and beyond the NDIS".

1. Active Citizenship:
   a) Provide funding to support young people with disabilities to develop positive self-image, leadership and disability pride through peer mentoring and leadership programs and opportunities.
   b) Require a minimum participation rate of people with disabilities on all Victorian Government Boards and Committees.
   c) Put measures in place so that disability service providers and representative bodies include people with a disability on their boards and to involve people with a disability in decision-making as a condition of the registration/funding and service agreement.
   d) Put measures in place so that sporting and cultural groups that receive public funding to have a disability action plan and include people with a disability in their activities and on their boards of management.
   e) Support GLBTIQ young people with disabilities by including them in the development and delivery of the Victorian Pride Centre.
   f) Appoint people with disabilities to disability-related public positions.
   g) Ensure that a minimum number of young people with a disability and youth disability related organisations are included in all aspects of the Office for Youth Policy "Building Stronger Youth Engagement in Victoria"

2. Rights and Equality:
   a) Implement the recommendations of the Victorian Ombudsman into Disability Abuse Reporting.
   b) Implement the Special Needs Plan for Victorian Schools.
   c) Monitor and reduce the use of seclusion and restraint of school students with disabilities.
   d) Seek further advice from the disability sector in order to respond appropriately to the recommendations of the Parliamentary Inquiry into Abuse in Disability Services.

e) Strengthen the capacity of the disability advocacy sector to address systemic issues.

f) Increase recurrent funding for advocacy to enable advocacy outreach for young people with disabilities who are vulnerable to abuse and neglect.

g) Legislate the requirement that providers of disability supports must be able to choose the gender of their personal care workers.

h) Develop and deliver an inclusive education and anti-bullying strategy for Victorian schools in order to eliminate discrimination and bullying of students with disabilities.

i) Deliver on the [Accessible Public Transport in Victoria Action Plan 2013-2017](#) and provide an appropriate increase in resources to meet the milestones for the Disability Standards for Accessible Public Transport 2002, under the Disability Discrimination Act 1992.

j) Ensure that public health initiatives and screening programs are accessible to people with disabilities, particularly in the area of sexual health.

k) Provide compulsory training in disability awareness and autism to teachers throughout the Victorian education system.

l) Make sexuality and GLBTIQ awareness training compulsory components of DHHS standards for disability services.

m) Ensure the built environment, including private businesses, are accessible to all by strengthening relevant legislation, providing incentives for universal design and imposing fines where access is not provided.

n) Ensure that any regulation of point-to-point transportation, including ride sharing and taxis, meets the needs of young people with a disability, including wheelchair users who require wheelchair accessible vehicles.

o) Fund industry-specific disability awareness training to be provided by people with disabilities for people who work with young people with disabilities.

p) Increase funding to organisations who assist young people with disabilities to pursue discrimination cases and systemic change.

3. Economic Participation:

a) Develop a disability employment plan that includes strategies to increase employment participation across Victoria for young people disabilities.

b) Set mandatory targets for the recruitment and retention of young people with disabilities into the Victorian Public Service.

c) Provide innovation grants to develop business ideas that increase employment opportunities for young people with disabilities.

d) Require schools to provide meaningful work experience for students with disabilities.

e) Develop a Victorian Government procurement policy that favours businesses that employ people with a disability.

4. Making the most of the NDIS (NB: we recommend this theme be re-titled "Improving housing and supports through and beyond the NDIS").

   a) Develop a disability housing strategy that addresses the unmet need for accessible and affordable housing in the community.

   b) Incorporate the [National Liveable Housing Design Guidelines](#) in all new housing developments and introduce specific incentives to encourage the development of affordable housing that meets these guidelines.

   c) Amend building and planning regulations in order to increase accessible and affordable housing stock.

   d) Support young people with disabilities to make the most of the NDIS by providing platforms and assistance for them to share information and access peer support.

   e) Require developers of large-scale complexes to include accessibility features in a minimum number (5 -10%) of apartments.

   f) Support and fund peer-led information and support for young people with a disability to help them to understand how to navigate the NDIS as well as mainstream services.

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