

Introduction

This publication has been produced by the Disability Services Commission (the Commission) as a quality improvement initiative and was guided by the State Government's Policy Framework for Substantive Equality. The publication was developed in consultation with the Ethnic Disability Advocacy Centre (EDAC), the Aboriginal Health Council of Western Australia, Marr Mooditj Foundation, the Aboriginal Disability Network, Rhonda Murphy (consultant) and the Commission's Reconciliation Action Plan working group.

This publication sets out guidelines to provide a self-development tool for disability sector organisations to assist them to interpret the National Standards for Disability Services (the Standards) from an Aboriginal and Torres Strait Islander perspective (see note 1 on page 11), and therefore lead to improvements in cultural sensitivity in service provision.

The Standards set the minimum standard a person with disability can expect from a disability sector organisation and provide a framework for service providers, people with disability, their families and carers to collaborate in the development and maintenance of high quality services. All Commission funded and provided disability services are required to fully comply with the Standards.

National Standards for Disability Service

The following are the six standards:

- 1. Rights:** The service promotes individual rights to freedom of expression, self-determination and decision-making and actively prevents abuse, harm, neglect and violence.
- 2. Participation and inclusion:** The service works with individuals and families, friends and carers to promote opportunities for meaningful participation and active inclusion in society.
- 3. Individual outcomes:** Services and supports are assessed, planned, delivered and reviewed to build on individual strengths and enable individuals to reach their goals.
- 4. Feedback and complaints:** Regular feedback is sought and used to inform individual and organisation-wide service reviews and improvement.
- 5. Service access:** The service manages access, commencement and leaving a service in a transparent, fair, equal and responsive way.
- 6. Service management:** The service has effective and accountable service management and leadership to maximise outcomes for individuals.

To ensure organisations provide services which meet the needs of Aboriginal people with disability and their families and carers, these guidelines recommend service providers:

- understand, respect and value cultural diversity
- develop strategies to address the differing needs arising from cultural and linguistic differences, and
- are actively committed to providing services in a flexible and culturally appropriate way for Aboriginal people with disability, their families and carers.

The guidelines strongly recommend Aboriginal people with disability and their families and carers are included, where possible, in consultations, planning training and evaluations relevant to their

needs. Aboriginal people with disability are the natural authorities on how their disability impacts on their culture and will be able to provide invaluable input into appropriate service delivery.

Substantive equality

The Policy Framework for Substantive Equality is a State Government initiative that is administered by the Equal Opportunity Commission. It involves achieving equitable outcomes as well as equal opportunities by promoting sensitivity to the specific needs of clients and by eliminating systemic racial discrimination in policies, programs and services.

Substantive equality recognises that:

- rights, entitlements, opportunities and access are not necessarily distributed equally throughout society
- equal or the same application of rules to different groups can have unequal results
- organisations need to be flexible in the way they deliver their services. On some occasions, in order to treat people equally services may need to be delivered differently.

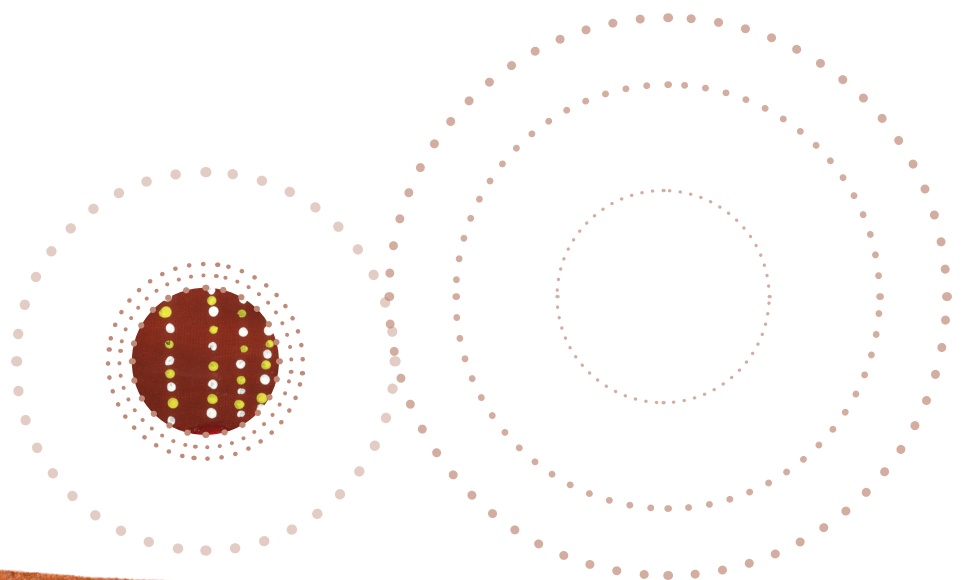
Aboriginal culture and disability

Aboriginal people experience higher rates of disability and chronic disease than other Australians. The restrictions that people with disability face include long-term physical, mental, intellectual or sensory impairments, which may hinder their participation in society on an equal basis with others (as per UN General Assembly 2006 information, cited in the Overcoming Indigenous Disadvantage, Key Indicators report, 2011).

Aboriginal people have severe or profound disability rates 2.4 times those of non-Aboriginal people but it is estimated that only about a third are using specialist disability services (Aboriginal Engagement and Employment Scoping Project 2012). The reasons for this are complex but are generally it is because of the extreme social disadvantage experienced by many Aboriginal people.

During research undertaken to develop this project it was found that generally Aboriginal people were less familiar with the term 'disability' and the way in it is understood by non-Aboriginal people. Aboriginal families tend to view disability not as a separate issue and the care of an Aboriginal person with disability is considered the responsibility of the family, as part of a broad kinship system.

Many Aboriginal people considered both health and disability-related conditions to be 'disabilities'. This is not surprising given that many health issues, such as renal failure, diabetes and chronic asthma, can restrict people's ability to participate in everyday activities.



Using this guide

The following guidelines are to support work by service providers to develop responses or action plans that can be adapted to the frequently changing nature and circumstances of Aboriginal people with disability and their families and carers. The guidelines are not prescriptive but provide a framework to support Aboriginal people with disability and their families and carers to articulate their needs.

Standard 1: Rights

The service promotes individual rights to freedom of expression, self-determination and decision-making and actively prevents abuse, harm, neglect and violence.

Aboriginal perspective

Many Aboriginal people have English as a second or third language and may not be confident in negotiating with systems and procedures. As a result, they are often reticent in their dealings with government and other agencies. In addition, many Aboriginal people experience greater vulnerability, greater avoidance by non-Aboriginal people and less support because they are Aboriginal and have disability.

Since Australia's colonisation, Aboriginal people have not had the same access to their rights as other citizens. Consequently, some Aboriginal people do not feel empowered to exercise their rights. Service providers need to be aware of the implications of this and provide training about how they can help Aboriginal people to uphold their rights. All employees need to be made aware of human rights issues and their implication for Aboriginal people and the services the organisation provides. There is a need for strong advocacy on behalf of Aboriginal people with disability and their families and carers at both individual and systemic levels.

Possible strategies

- 1.1 Develop policies and procedures with Aboriginal people with disability and their families and carers.
- 1.2 Provide staff with information and awareness about human rights and the Western Australian, national and international legislation.
- 1.3 Establish an appropriate advocacy mechanism to allow staff to help Aboriginal clients address concerns about their human rights.
- 1.4 Identify local advocacy organisations that can assist and support Aboriginal people.
- 1.5 Ensure the views of Aboriginal people are incorporated into strategic planning and policy development processes.
- 1.6 Ensure staff are provided with cross cultural awareness and competency training relevant to the location or service reach of the organisation.
- 1.7 Develop a strategy to engage competent interpreters so that people who do not speak English as a first language can have their views heard.

Standard 2: Participation and Inclusion

The service works with individuals and families, friends and carers to promote opportunities for meaningful participation and active inclusion in society.

Aboriginal perspective

Research suggests that before colonisation, Aboriginal people's perceptions of disability were different to non-Aboriginal people. The way an Aboriginal person with disability engaged with their family and how they fulfilled their roles within their community influenced how 'able' they felt. Generally Aboriginal people with disability were not aware how much they were limited by their condition.

All Aboriginal people have a role to play in their own community. Aboriginal people who are closely connected with their culture and role within their community may be very specific and personal. For example, a particular person may be responsible for looking after a particular animal, plant or story. Aboriginal people who are not strongly connected to their culture, for whatever reason, may locate themselves within their community in different ways. For example, they may become a voice for their community by advocating for the rights of Aboriginal people or by being a person to whom people turn in times of hardship or need.

Service providers should be aware and respectful of any cultural responsibilities an Aboriginal person may have. Services need to create opportunities for Aboriginal people with disability to participate in and share their culture with the organisation and the wider community. Aboriginal people with disability and their families and carers should be respected and included by the wider community as valued citizens.

Possible strategies

- 2.1 The service provides Aboriginal people with disability and their families and carers with information about general community facilities, services, events and how they can access them.
- 2.2 Develop, in consultation with Aboriginal people with disability and their families and carers, a calendar of community and cultural events that the service will celebrate throughout the year.
- 2.3 Ensure Aboriginal people with disability are supported so they can participate in cultural events and activities, such as NAIDOC Week, Sorry Day and Reconciliation Week.
- 2.4 Ensure interpreting services, if necessary, are available for Aboriginal people with disability and their families and carers.
- 2.5 Provide opportunities for Aboriginal people with disability and their families and carers to be included in consultations to develop, implement and review new programs and policies.
- 2.6 Ensure all staff undergo cultural awareness and competency training to ensure a culturally secure service.
- 2.7 Include Aboriginal people with disability and their families and carers in all aspects of the service.
- 2.8 Respect that beliefs and understanding of wellbeing vary significantly between Aboriginal and non-Aboriginal people and will influence individual, family and community goals.
- 2.9 Actively promote the contribution that Aboriginal people with disability and their families and carers make to the wider Australian community.

Standard 3: Individual outcomes

Services and supports are assessed, planned, delivered and reviewed to build on individual strengths and enable individuals to reach goals.

Aboriginal perspective

It is important that services assisting Aboriginal people build networks and develop sound relationships with Aboriginal and other organisations relevant to the location. The services that other organisations provide should be noted for future reference so that a wider range of options may be provided.

It is also important to note that not all Aboriginal people want to access services from Aboriginal people and organisations/agencies – be aware of the non-Aboriginal service providers in the local community that may be useful in this circumstance.

Establishing positive relationships with other organisations helps ensure that the services are culturally appropriate and sensitive to the needs of Aboriginal people. Being aware of the services available allows Aboriginal people to make informed choices and decisions about the services and supports they access.

Aboriginal people have highlighted the importance of services employing both Aboriginal staff and culturally aware and competent non-Aboriginal staff members.

Employing Aboriginal people helps organisations find local solutions to local problems. It also ensures local customs and protocols are adhered to and respected, leading to meaningful and constructive problem solving.

Culturally aware non-Aboriginal employees are people who have a sound knowledge of the history of Aboriginal people. This includes an appreciation of traditional practices before colonisation, the policies and practices that governed the lives of Aboriginal people after colonisation and the current issues being faced by Aboriginal people.

Culturally competent employees are people who have acquired the skills, cultural knowledge and confidence to work with Aboriginal people.

Aboriginal people have also highlighted the need for services to be flexible, and to meet individual needs. For example, the service provider may need to meet in a park or some location other than an office or the person's home or an appointment may need to be made in the early evening instead of during usual office hours.

Aboriginal people advocate the importance of involving family members and carers in the decision-making process for Aboriginal people with disability. This is important because it ensures cultural obligations are upheld and the best services are provided to the person with disability and their family and carers.

Possible strategies

- 3.1** Include Aboriginal people with disability and their families and carers in the development of individual plans.
- 3.2** Ensure flexibility in programs and services to address the individual needs of Aboriginal people with disability.
- 3.3** Be careful not to make assumptions about what Aboriginal people with disability require. Not all Aboriginal people want to involve family and community members in their personal business and some may appreciate working with a non-Aboriginal person.

- 3.4 Ensure contracted service providers are culturally aware and competent in working with Aboriginal people.
- 3.5 Ensure there is provision for staff to employ the services of an interpreter if required.
- 3.6 Support and assist Aboriginal people with disability and their families and carers to make their own decisions and choices about the services they receive.
- 3.7 Be aware of the different services available in the local area and inform Aboriginal people with disability and their families and carers of the choices available to them.
- 3.8 Develop a culture of respect where staff understand the importance of decisions made by a person with disability and their family and carers.
- 3.9 If guardianship arrangements are entered into, ensure the arrangement is culturally appropriate and respects local Aboriginal protocols and beliefs.

Standard 4: Feedback and complaints

Regular feedback is sought and used to inform individual and organisation-wide service reviews and improvement.

Aboriginal perspective

Many Aboriginal people do not feel comfortable providing feedback or making a complaint. It takes a lot of courage for some Aboriginal people to seek help from a non-Aboriginal organisation, as many do not feel comfortable making a complaint about a service they are receiving.

Culturally, many Aboriginal people do not like to complain because they don't want to risk offending people and would rather agree with or accept a situation rather than create 'shame' (a word used by many Aboriginal people to describe deep embarrassment).

Complaints management processes need to be culturally appropriate. Aboriginal people with disability and their families and carers should be consulted in the development of this process, and staff assisting Aboriginal people to provide feedback about services should be culturally aware and competent.

Possible strategies

- 4.1 In consultation with Aboriginal people with disability and their families and carers, establish a culturally appropriate mechanism to provide feedback about the services they receive.
- 4.2 Inform Aboriginal people with disability and their families and carers that they have the right to give feedback or make a formal complaint about the service they receive.
- 4.3 In consultation with Aboriginal people with disability and their families and carers, develop clear and accessible information about making a complaint or resolving a dispute.
- 4.4 Respond to any feedback or complaint in a timely and efficient manner.
- 4.5 Advise Aboriginal people with disability and their families and carers that an advocate can represent/support them in making a complaint or resolving a dispute.
- 4.6 Provide a mechanism for Aboriginal people with disability and their families and carers to give feedback on the service they receive, for example, a suggestion box, feedback forms and opportunities for informal conversations.

Standard 5: Service access

The service manages access, commencement and leaving a service in a transparent, fair, equal and responsive way.

Aboriginal perspective

Aboriginal people are more comfortable visiting places where they feel welcome. A service that has Aboriginal art, signs and posters, areas for children to play and families to sit, is likely to be more readily accessed by Aboriginal people.

Organisations need to consider the geographical location of the service. Services should be located close to where Aboriginal people live and consideration given to public transport options. This is particularly important for people living in regional and remote Western Australia and for people who do not own their own vehicle.

When selecting culturally appropriate accommodation for a service it is important to ensure there is:

- a large room for community consultations
- smaller rooms for personal meetings and cultural reasons (some Aboriginal people have to avoid certain family members out of respect, and having extra rooms makes this possible)

Research and consultations undertaken to develop this project found that Aboriginal people identified that the availability of culturally aware and competent staff makes a difference as to whether or not an Aboriginal person will access a service.

Possible strategies

- 5.1** Ensure the service is located and designed to provide easy access for a person with disability, for example near where people live and close to public transport.
- 5.2** Create a welcoming reception area by using Aboriginal art, signs in local language, posters, pamphlets and booklets in appropriate languages and designs.
- 5.3** Employ local Aboriginal staff to ensure that cultural protocols are respected and adhered to.
- 5.4** Provide non-Aboriginal staff with cross cultural awareness and competency training relevant to the location of the service.
- 5.5** Actively promote services to Aboriginal people through networking, liaising and partnering with local Aboriginal organisations.
- 5.6** Ensure the service eligibility criterion does not unintentionally discriminate against Aboriginal people with disability and their families and carers.
- 5.7** Include family and carers in discussions to ensure Aboriginal people with disability have understood the eligibility process. Engage an interpreter if necessary.
- 5.8** Support and carers to apply for services, such as assist to complete forms (may be necessary depending on English literacy).
- 5.9** Be flexible if people attend without an appointment and ensure services are available when Aboriginal people need them. Be prepared to meet people away from the organisation, if required.
- 5.10** Offer to refer people to another organisation if your service is not suitable or does not meet the needs of an Aboriginal person with disability.

Standard 6: Service Management

The service has effective and accountable service management and leadership to maximise outcomes for individuals.

Aboriginal perspective

It is imperative that services for Aboriginal people with disability are managed in a culturally inclusive way. Mission statements, goals, policies and practices must respect the views and aspirations of the local Aboriginal people.

Mechanisms to involve Aboriginal people with disability and their families and carers in the planning of service delivery need to be established and embedded into the service's day to day business.

The implementation of an Aboriginal employment strategy may assist the recruitment of more Aboriginal people into all areas of service delivery, including senior management.

Management of the organisation should be culturally secure and ensure that staff have the opportunity to become culturally aware and competent as part of their ongoing learning and personal development.

Attention to budget requirements must be given to ensure flexibility in the delivery of services to Aboriginal people, especially those in rural and remote locations. This consideration should also be extended to the provision of staff cultural awareness and competency training.

Possible strategies

- 6.1** Promote and encourage Aboriginal people with disability and their families and carers and carers to participate on the service's board of management, advisory and steering committees and review panels.
- 6.2** Ensure that cross cultural awareness and competency training are budgeted for and included as part of the organisation's ongoing training and development program.
- 6.3** Ensure mission statements, goals, policies and procedures are developed in consultation with Aboriginal people with disability and their families and carers.
- 6.4** Provide training for Aboriginal people with disability and their families and carers wishing to participate in the organisation's board of management, advisory and steering committees and review panel.
- 6.5** Consider using section 50(d) of the Equal Opportunity Act 1984 in the recruitment of Aboriginal people. Section 50(d) of the Equal Opportunity Act allows the recognition of Aboriginality as a genuine qualification for a job.
- 6.6** Create employment opportunities for Aboriginal people with disability by providing work experience, traineeships and cadetships.
- 6.7** Implement an Aboriginal employment strategy to help recruit, support and retain Aboriginal staff.
- 6.8** Make provision in budgets and funding submissions for any additional resources required for delivering services to Aboriginal people with disability.

Notes

The Commission uses the term Aboriginal in preference to Indigenous because Aboriginal people expressed a preference for this term during a Commission policy consultation processes. The term is used to include both Aboriginal and Torres Strait Islanders who live in Western Australia.

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