

Some comments:

The DDA appears to be most successful where the benefits also have a positive impact on the wider community or they are presumed to be financially beneficial. Examples of these would be access issues which also benefit others in the community e.g. curb access which assists the wheeling of children's pushers and the walkers of the elderly or ramps/lifts which assist in moving goods in and out of buildings. It is least successful where the service is used exclusively by people with disabilities e.g. the "access cabs" issue.

The mainstreaming of children into the regular school system is seen as financially beneficial to the overall education system as well as socially and educationally beneficial to the child with a disability. Where extra assistance is essential then there is still a natural tendency to provide it for a group rather than an individual. This results in some children attending a more distant school than they otherwise would. It is also notable that assistance intended for a child with a disability can be diverted to assist children with other needs, e.g. those from non-English speaking backgrounds and those with mild learning difficulties and/or behaviour problems.

In Key Points (page XXIV) and the overview (page XXXII) the interaction between disability and language barriers are mentioned.

While language itself plays a part there is a tendency to underestimate the impact that a disability can have on someone who comes from a non-English speaking background.

This impact can occur very early in life. A young child with a disability frequently has limited opportunities for social interaction with other children and adults. They may also have limited opportunities for physical and sensory exploration. This in turn can influence language development and understanding. These difficulties are compounded if the child with the disability is cared for by people who do not speak English as a first language.

A very young child with a disability is more likely to be cared for by a parent or close family member. The siblings of children with a disability may also have the same caregivers but may also attend socialisation groups such as day care, pre-school and playgroups. They also tend to make many other social contacts with the community at a much earlier age. Increased interaction and greater opportunities for physical and sensory exploration will enhance opportunities to learn language skills. Even when a child without a disability arrives at school without speaking English there are well recognised needs which will be acted upon.

The situation for the child with a disability can be very different. There is often an assumption that a child with a disability who does not understand English is intellectually impaired. Even where the child with the disability does have an intellectual impairment it is often assumed to be greater than it actually is because of

the child's lack of language skills. Language impairment in other words can be confused with intellectual impairment or degrees of intellectual impairment.

The mainstreaming of children with disabilities into regular classrooms where the teachers have no specialist training has resulted in an increase in the number of children whose abilities are being underestimated. Even where the problem is recognised teachers lack the time and skills to provide the extra assistance many of these children need. The result is that at least some children with disabilities who come from non-English speaking backgrounds are failing to reach their potential. In some cases it can even have an impact on the type of schooling the child with the disability receives and the school which the child is able to attend. e.g. the parents may be advised to seek enrolment in one school rather than another or in the private rather than the state system.

The use of libraries, reading of newspapers and listening to news services is significantly less among people who do not have English as a first language. While radio and television are popular programmes which require a greater understanding of English are generally ignored. Sport is the most common type of programme watched. Where people from a NESB also have a disability the level of access to these services drops even further. While some do not have the physical capacity to operate switches or remote controls others do not have the right to choose which programmes they will access.

In Sample 2 of the current research – N = 186 (those in receipt of some assistance from a care giver):

89 (47.8%) chose their own radio programmes and 58 (31.2%) chose their own television programmes, 15 (8.1%) read an English language newspaper (8 –16.3% - read just the sports pages) and 3 (1.6%) read a foreign language paper. People with disabilities also have much lower rates of independent access to computers, the internet, the telephone network (including mobile phones) and the postal system.

These results suggest that disability has a negative impact on the capacity to access and right to choose sources of potential information and that this can have an impact on schooling with a subsequent impact on employment opportunities and social interaction.

Draft Recommendation 6:1. (*“The Attorney General should commission an inquiry into access to Justice for people with disabilities, with a particular focus on practical strategies for protecting their rights in the criminal justice system.”*)

This recommendation, if implemented, could have a positive impact on the justice system for the wider community as well. I would strongly support it and would hope to participate in such an inquiry if the opportunity arose. It should not be confined to the criminal justice system. Many people with disabilities, particularly intellectual disabilities, who have experienced legal and financial difficulties have done so because of a failure to understand what is required of them in law. Even documents which claim to reach the standards required by the campaign for Plain English may not be understood by a person with an intellectual disability.

Draft Recommendation 9.1

(Amendments to the DDA to include additional categories.)

I am not certain that these amendments would cover the concerns with respect to communication difficulties which are most often associated with some other difficulty e.g. intellectual disability, acquired brain injury, or Alzheimer's Disease and may not be immediately obvious.