

Accountable Autonomy Presentation.

*Check against delivery*

## **Accountable Autonomy**

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### **Widening the frame of accountability: the UN Convention of Rights for Persons with a Disability – our New Testament**

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#### INTRODUCTION.

I wish to thank Brendan Broderick, the Committee working with him and the National Federation of Voluntary Bodies for giving me this opportunity. An opportunity full with an array of perspectives and insights from across the speakers. The other side of this coin, so to speak, is represented by all who have taken the time and made the effort to be here. You are dealing with the multiplicity of mounting day to day pressure at operational, policy and other levels.

In terms of the title I find the relationship between in the Old and New Testament useful in highlighting the change of perspective and type of action required pre and post UN CRPD.

## SO LETS BEGIN.

We got very exercised and concerned about governance in Ireland as the financial crash happened. Governance in the banks in particular. The timing of our interest and our response was interesting.

- "they should not have been allowed".

- "the Government should have...."

The banks were private entities primarily dedicated to maximizing profit.

The above are "after the horse has bolted" and "someone else" responses.

- We need accountability to focus on outcomes
- We need organisations to be organised to deliver effectively on these outcomes
- We need a system of planning, review as well as checks and balances within the organisations.

Less time spent determining what went wrong and who is responsible, or to blame, and more time ensuring that things don't go wrong.

In the 'New Testament' era, the UN CRPD implementation era, the most critical thing is ensuring that one's organisation is focusing in the right direction, and has its human resources, properly oriented and supported for that journey.

#### CHANGING RELATIONSHIPS BETWEEN STATE AND ORGANISATIONS.

The relationship between the State and our organisations had begun to change. In response to financial and other concerns along with significantly increased funding by the State the "partnership" relationship as it was often described was shifting. It was moving towards "command and control" or "master and servant". We were being held to account for how we spent the states money. Was there a sense that the organisation had too much control?

#### PUBLIC BENEFIT & UN CRPD ORIENTATION.

Firstly, There was no exploration of our being "public benefit" organisations. The license we have, namely as registered charities, is to operate as public benefit organisations. This is the root of our relationship and connection with the State. We need to make this central to our consideration of governance and autonomy. It is critical to be accountable to the right thing while being faithful to the legitimate autonomy organisations have as independent entities. Through contracts an organisation will agree to share its objectives with another or others.

Secondly, over this time the UN CRPD was coming to the fore. The Government has stated its commitment to its implementation, as we have. We must all go from talk to action. Also the action must be right action. In particular it needs to come from the right place or perspective.

An observation I would make is that the Charity Act 2009 was a missed opportunity in that it would be better called the Public Benefit Organisation Act. The term charity stretches back centuries and so predates democracies.

#### HISTORICAL PERSPECTIVE AND CULTURE.

I want now to bring some historical context to an understanding of the UN CRPD within Ireland.

The 1916 Proclamation - "The Republic guarantees religious and civil liberty, equal rights and equal opportunities to all its citizens, and declares its resolve to pursue the happiness and prosperity of the whole nation and of all its parts, cherishing all the children of the nation equally...".

Bunreacht na hÉireann, 1937:

Within our Constitution there is a section on "Fundamental Rights" Articles 40 to 44.

- Article 40. 1. "All citizens shall, as human persons, be held equal before the law".
- Article 40. 3. 1. "The State guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate the personal rights of the citizen".
- Article 40. 4. 1. "No citizen shall be deprived of his personal liberty save in accordance with law".
- Article 40. 6. 1. "The State guarantees liberty for the exercise of the following rights subject to public order and morality" :
  - "The right of the citizens to express freely their convictions and opinions"
  - "The right of the citizens to assemble peaceably and without arms"
  - "The right of the citizens to form associations and unions"

The Universal Declaration of Human Rights (UDHR) 1948 - a declaration that each person has rights simply based on their basic humanity.

UN CRPD 2006 - ratified by Ireland 2018.

If Ireland and the states who also ratified the UDHR considered the equal humanity of people with disabilities there would not be any need for the UN CRPD.

We should stop and consider how so many states across the world understand the rights of people with disabilities within the Universal Declaration of Human Rights. I consider the UN CRPD to be an apology or an acknowledgement that there was almost sixty years of failure to vindicate the rights of people with disabilities.

For me this as a moment like moving from the Old to New Testament and particularly from Old to New ways of thinking, perceiving and acting

Moving from declaring through attesting to something. Giving or showing testament through action and behaviour is the critical change.

Christianity, with us for over 2000 years yet .....there are major gaps/tensions so often between the rhetoric and the reality.

There is a kind of "Church speak" both of language and accent that makes it difficult to relate to day to day living. A language that is itself a barrier.

#### THE CULTURAL SHIFT THAT IS REQUIRED.

There is now a well-developed UN CRPD speak. This is at government level and amongst ourselves. The continuous listing of articles, from the convention and of commitments to the principles and substance of the convention, etc.

Our language now must move beyond speaking of ourselves and what we do in our organisation to:

- Why we do what we do
- How what we do promotes that outcome
- What other entities and organisations do we work with
- How we progressively bring people with disabilities to the centre through finding a range of ways to listen, to involve and to respond.

CULTURE, FROM HOW WE PERCEIVE OURSELVES TO NEW CULTURE,  
HOW WE NEED TO PERCEIVE OURSELVES.

We talk of ourselves as

- "Charities" as
- "Service providers" as
- compliant with the latest standards as
- having adopted this or that governance code

This is the language of me or us rather than of those we are there to serve.

If it were to be rewritten to appeal to the life and expectations of a person with a disability and their loved ones, what might be said.....

- "Here to be of service"

- We are to advance "public benefit" rather than "help you".

- "We want our organisation to be sustainable and strong so it can support your independence and autonomy"

- "Our success should be you having a good and self-directed life"

### SO WHAT SHOULD GOVERNANCE AND INTERNAL ORGANISATION LOOK LIKE ?

Don't confuse good governance with compliance....

Orientation of organisation and orientation of staff towards the UN CRPD outcome is critical. This requires a new way of speaking and acting.

It is not ultimately about the things you have but the journey you wish people with disabilities to be able to successfully take with your critical support along with that of others.



## THE VEHICLE – THE DESTINATION.

Distinguish between the vehicle, the organisation, and the journey it is offering to bring people on towards their new destination, namely, CRPD implementation.

The NCT tells you the vehicle is road worthy but you must decide

- If it is the right vehicle for the journey and
  
- Where you wish to travel.

The Old Testament was about compliance with the rules – the Commandments. While the New Testament is simply to love both yourself and others.

In effect “others are not others” “Do unto others as you would do unto yourself”

Everyone wants to be “someone” so have the same orientation towards people you are dedicated to serving. How do I assist others to be, to be a someone who matters. Our ultimate accountability is to progress public benefit within the objects of our organisation.

## WHAT IS EASY TO MEASURE AND WHAT IS NOT EASILY MEASURED ?

Money is a tangible thing and so easily measured. It is vital to fully account for it.

In the for profit organisation it is the annual report, through the audited accounts, that tells the outcomes for the year and indicates possible risks or opportunities that are to be considered. Put crudely, it is all about the money. Once one is numerate one gets the picture. The core outcome sought is to have maximized profit.

On the other hand the registered charity has as its core reason for existing the production of "public benefit" related to its objects. So how is public benefit quantified? It is a much less straightforward task than identifying profit. Accountability has to be towards the public benefit to be achieved.

So much of "accountability" is framed around a compliance culture where financial accountability is supreme. In the absence of an ongoing struggle to measure outcomes in peoples lives it will be difficult to have an understanding of "public benefit".

## CHARITY ACT 2009, ONE PLACE TO START THE CHANGE.

It requires organisations to provide a report on its activities as part of their annual reporting (Part 3 Section 52-(1)). " ... after the end of each

financial year, prepare and submit to the Authority a report (in this section referred to as the “annual report”) in respect of its activities in that financial year”. This is a new requirement and can be seen as a place where organisations can develop language and instruments on outcomes in line with the UN CRPD.

The UN CRPD is the ultimate outcome for us all to be working towards. It strikes me that if we don’t work on this area it is not likely to be well developed by others.

For our purposes we can identify, at a high level, the public benefit we as a State require to achieve namely the full implementation of the UN CRPD. Each organisation has a part to play in helping to weave this inclusive garment. It gives our State, all other States, and the relevant entities within Ireland, and elsewhere, a shared language and destination. It equally gives all of us a shared challenge to disentangle the causes of exclusion and to put inclusion enablers in their place.

For a minute let’s focus on where we have come from.

### OUR HISTORY, OUR INHERITED AND INGRAINED CULTURE.

Think of a box that does not let in light other than through a small opening towards one corner on the top. Put a plant pot inside, it has plenty of water and nutrition. In it is a small seedling. It is not under the

opening that gives the sunlight. The growth of the plant will be directed towards the sunlight.

The growth of a plant is determined by the environment around it.

Disability organisation models from past and present day.

Institutions were communities, in a way, outside of the mainstream. Their purpose was to give "asylum", to give "refuge".

From the middle of the last century there developed community focused organisations, mostly lay or non-religious.

In the past 30 years the independent living model followed a period where many specific condition organisations were set up. These were strongly led by the people with the specific condition.

In recent years, the move to organisational structures that are tailored to an individual have been successfully developed with the aid of new portable technological devices. This allied to the support of local individuals with particular skill sets has been revolutionary.

In parallel Ireland's ratification of the UN CRPD takes us once and for all out of that box, referred to above.

For the future it will not be sufficient to “show off” your campus, your transport, your services.

For the future you need to demonstrate how / what your organisation, working with others is advancing the inclusion of people with disabilities.