

Frankie Burt's Case Study: The disability field

Name

Institutional Affiliations

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Selected Case Study

Frankie, a 35-year-old man working at a neighbourhood cafe is both physically and intellectually disabled. He works in Brisbane and his family lives in Cairns and for ten years now he has been travelling home yearly to spend time with the family. While in Brisbane, his carer takes him to the airport and is received by a family member on the other end. On his way back to Brisbane, Frankie soiled his pants and this attracted criticism from the passengers and led to the airline sending a strong negative message arguing that they won't take a booking from him at the absence of a carer. All through, Frankie has enjoyed his flights when travelling independently and he wishes to continue enjoying the same. In relation to this case, the following report, from the perspective of a social worker, discusses the different human rights, ethical dimensions, and theoretical approaches that can be employed to help Frankie and other people with special needs and facing a similar situation.

A) Human Rights

According to the Australian Human Rights Commission (2016), access to transport by the people living with disabilities and who often face discrimination is contained in the Disability Discrimination Act (DDA). This act considers discrimination against people with disability as breaking the law in regard to the use of public vessels including aircraft and vehicles. Typically, public transport providers are bound by a technical requirement which is to make sure that people with disabilities access their transport services.

A number of issues have been raised in the past similar to Frankie's case especially restriction on independent travel. For instance, a lady complained that her 50-year-old sister

living with an intellectual disability went to an airline to book a flight but was told that she cannot travel without being accompanied. The lady argued that her sister had a high capacity level including holding licences as well as operating different machines. Later on, the airline apologised and compensated the complainant's sister arguing that it had reviewed staff information and training. Further, the airline assured her that she could travel unaccompanied.

People have gone further to seek help from a court of law as in the case of *McLean v. Airlines of Tasmania Pty Ltd [1996 HREOC 77]*. Issues to do with safety were brought forth by a complainant Mr McLean against Airlines of Tasmania. Mr McLean went to the court to seek help to maintain his independence in regional air travel. It was alleged that Airlines of Tasmania discriminated against Mr McLean on the grounds of disability by requiring him to be accompanied by a support worker whenever he is using the airline. However, the commissioner found out that MR. McLean was a man who required high support needs and therefore he was to provide his own support worker. The commissioner further found that it would be unjustifiable for Airlines of Tasmania to provide such a support worker. The findings were based on a Civil Aviation Authority Regulations whereby people with high special needs are restricted from travelling independently without a carer (Darcy, 2016).

Under the Disability Discrimination Act (DDA), the law prohibits against refusing a person access to transport due to disability. This is so unless one can ascertain:

- That the refusal is because of a condition or requirement that the subject cannot comply. That condition is sensible if it can lead to unjustifiable hardship to adjust in such a way that access is granted (Australian Human Rights Commission, 2016).

In Australia, and as required by the DDA, airlines and airports are bound to provide services to people living with a disability. For instance, the trained staff should assist with

handling baggage, getting around the airport, opening packages as well as identifying food on board the plane, getting on and off the plane, getting to and from the plane toilet especially when the person is semi-ambulant, and deliver safety briefings understandable to all passengers (Baulch, 2014). Baulch (2014) further points out that staffs are not expected to offer help in administering medication, eating, lifting or carrying the passenger, and using the toilet.

All in all, there is the need to know that different airlines have different policies hence the need to do a detailed research before making any steps. It is always advisable for the travellers to contact the airline in advance to see to it that they are offering your needs (Government of Western Australia, 2016). When a disabled person is accompanied by a carer, it is necessary to confirm whether the airline has a 'companion card' discount (Baulch, 2014).

B) Ethical Dimensions

Denying Frankie to fly independently due to a onetime mistake is an issue that leaves unanswered questions regarding ethics in social work as well as ethics in dealing with people with disabilities. Typically, the code of ethics of the Australian Association of Social Workers defines social work as a profession that supports and promotes problem-solving in human relationships, social change, and liberation and empowerment of people towards enhancing well-being (AASW, 2010). The commitment of supporting and working with people towards the attainment of the best possible levels of an individual's well-being seems to have long been forgotten. Social workers make sure that they achieve human rights as well as social justice through social development, systematic and social change. This can be achieved through collaboration with people, groups, and the entire community through policy reform initiatives as well as advocacy towards achieving fair and equal access to economic, social, political, and environmental resources (AASW, 2010).

For years, people with disabilities continue to experience discrimination in the society right from job, housing, education, and to an extent get deprived off capabilities which include freedom of movement (Kittay, 2011). Exclusion is also experienced in the case where a family member or a friend is cognitively disabled. Therefore, ethics is crucial in the case of disability so that the difficulties, hardships, and injustices that these individuals go through can be brought to the limelight. These include discrimination and segregation capable of threatening welfare and dignity of these individuals. Autonomy is another term that come to the picture and coupled with dignity. The welfare of an individual is a precondition for autonomy (Kittay, 2011). However, dignity is at risk when some people find themselves depending on others for security and other essential things. In most cases, special needs individuals want to live independently and have the same justice as those without disabilities. The disability act has significantly contributed to bettering the lives of people with disabilities but there is still much that needs to be done. Ethics is important as it allows special needs people have their say and live according it without interference.

As discussed by McKenzie (2016) ethics of care tries to establish a common good by encouraging distribution of care to each and every individual. The findings of a study that sought to know how families carry out their responsibilities to care for the special need people showed that there is the need to maximise independence. Going back to the case study, Frankie wanted to maintain his independence when flying to and from Cairns as he had for the past ten years. Never before had he caused complaints from his fellow passengers hence judging him from a single mistake is unethical.

✓ The PLUS Ethical Decision Making Model

Before making a decision that may lead to ethical issues, it is necessary to consider an ethical decision-making model. For instance, the PLUS ethical decision-making model takes the forms of 'filter.' The purpose of such filters is to surface the ethical implications and considerations of the decision to be made (The Ethics & Compliance Initiative, 2018).

PLUS stands for;

P - Policies (Is it consistent with the guidelines, procedures, and policies of the organisation?)

L – Legal (Is it generally accepted under the applicable laws?)

U – Universal (Does it comply with the universal values or principles adopted by the organisation?)

S – Self (Does it satisfy my personal definition of right, good and fair?)

In making their decision, the Airline should make sure that it does not violate any of the PLUS considerations.

C) Theoretical Approaches

✓ Attachment theory

Attachment theory is a theoretical framework that was employed in order to observe attitudes towards people with disability. It is agreed upon that one major obstacle that people living with disabilities experience is societal attitudes. This finding was arrived at by a combination of different studies that intended to know the source of these attitudes. During these studies, socioeconomic status, gender, age, culture, and prior contact with individuals living with disabilities were considered (Vilchinsky, Findler, & Werner, 2010). Other studies have gone further to tap personal traits that might be linked to these attitudes. According to the researchers, some of the components of attitude include behavioural, cognitive, and affective factors. Breaking these factors further, cognitive factor entails the ideas of a person, beliefs, thoughts,

perception, opinion, and mental conceptualisations of the person living with a disability.

Affective factor entails an attitude's emotional underpinnings, that is, positive or negative feelings towards the person living with a disability. The final factor, cognitive factor, entails a person's intent or willingness to act or carry yourself in a particular manner toward the person living with a disability.

Attachment figures for those people living with disabilities include caregivers, families, and even healthcare practitioners. For instance, psychiatric caregivers are the attachment figures for individuals with psychiatric disabilities. By making use of attachment theory especially when listening to the patient's stories, the caregivers can provide a basis for helping to revolutionise the anxieties of the person living with a psychiatric disability and eventually help manage their disability (Reed, 2016).

D) Exploration of possible interventions

From the case study, there is autonomy denial. Frankie's Autonomy has been denied. Typically, autonomy is the premeditated self-rule. Autonomy perceives a person's right to make choices, have an opinion and take actions based on an individual's beliefs and values (Hammel, Magasi, Heinemann, Whiteneck, Bogner, & Rodriguez, 2008). The principle of self-governance respects the privilege of self-assurance and apathy of others when settling on choices about themselves. It respects the individual, also, places a commitment on others not to meddle or oblige the individual pointlessly. Therefore, to have the condition that has been put on Frankie lifted, it would be necessary to seek a court ruling. In the case of *McLean v. Airlines of Tasmania Pty Ltd [1996 HREOC 77]*, Mr McLean went to the court to seek help to maintain his independence in regional air travel. Similarly, it would be necessary for Frankie to seek legal intervention. According to the Disability Discrimination Act (DDA), the airline has to prove that

the refusal is because of a condition or requirement that the subject cannot comply. Also, that condition is sensible if it can lead to unjustifiable hardship to adjust for accessibility purposes. As stated by the Disability Discrimination Act, Frankie has the right to get assistance from the staff members of the airline in things like handling baggage, getting around the airport, opening packages as well as identifying food on board the plane, getting on and off the plane, and getting to and from the plane toilet. Frankie does not require high support needs and that is why he has managed to use the airline and travel independently for almost ten years. By proving to the court that Frankie is not in the level of high support needs will be enough to win the case. A win can force the Airline to compensate Frankie for the negative experience, offer an apology, revise its policies and above all allow him to travel unaccompanied.

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