



Australian Government
Department of Social Services

National Disability Employment Framework - Consultation Report

September 2015



1. Introduction

The Australian Government is committed to improving employment outcomes for people with disability. This is why, in April 2015, Minister Fifield announced that a Disability Employment Taskforce would be established within the Department of Social Services to develop a new Disability Employment Framework. He stated that the new Framework would be choice-driven, employer-focussed and co-designed with people with disability, employers and service providers.

The Taskforce was established in response to Australia's poor performance with providing employment opportunities for people with disability. In Australia, today, a person is almost twice as likely to be unemployed if they have a disability.¹ While the Government provides a substantial and increasing investment in DES each year, this investment is not being matched by improvements in employment outcomes. In the last decade, despite ongoing changes to the payments and employment services systems, DES performance has plateaued. The fact remains that only one in three participants achieves a job outcome. We must give people with disability the same opportunities for economic and social participation enjoyed by other Australians.

When Minister Fifield announced the work of the Taskforce he said there would be a six-month consultation process with stakeholders to design the new Disability Employment Framework.

This consultation process commenced on 25 May 2015 when the Taskforce launched a national round of public forums to inform the development of the new Framework. An Issues Paper was released on the same day to encourage and guide discussion. The paper sought feedback on the strengths and weaknesses of the current disability employment system and proposed seven "Principles for Change" to lead discussions about the future directions of the new Disability Employment Framework.

A website engage.dss.gov.au was established to manage the consultation process, publish the Issues Paper and invite written submissions based on the paper.

To encourage participation in the first round of consultations, invitations were sent to a variety of disability organisations, peak disability and employment bodies, Australian Disability Enterprises and Disability Employment Services providers. In addition, consultations were advertised in selected newspapers and social media.

2. Purpose of this Report

This report provides an overview of key issues voiced at the consultation forums and the feedback provided in the written submissions. The report does not attempt to detail all the feedback received, but rather highlights the main themes.

The Taskforce would like to acknowledge the time and effort spent on preparing the submissions, as well as the constructive feedback provided during the forums. We would like to take this opportunity to thank everyone for their contributions.

¹ Australian Bureau of Statistics. 2012. Disability, Ageing and Carers: Summary of Findings, Cat. no.4430.0. Canberra.

3. The Consultations

The consultation process was a rich and substantial undertaking. It was particularly rewarding because there was a significant response from so many stakeholders. During May and June 2015, the Taskforce held 38 consultation forums in all capital cities and a number of regional centres. These were delivered separately for employers, service providers and people with disability, their carers and families. Around 740 people attended these forums. In addition the Taskforce received 122 written submissions. Details about attendance at forums are provided at **Attachment A** and the list of published submissions is at **Attachment B**.

This report follows the format of the consultation sessions, starting with a discussion about the strengths and weaknesses and of the current employment services system, followed by discussion about the seven proposed principles for change. While the report follows the format of the forums, it also includes input from the written submissions.

4. The Strengths and Weaknesses of the current system

The feedback about the strengths of the current system was quite consistent across all stakeholder groups. However, feedback about the weaknesses tended to be more diverse, depending on whether it was being provided by disability employment organisations, employers or people with disability, their carers and their families.

Throughout the consultation process, in forums and in submissions, there were many and varied criticisms of the current disability employment system. However, it should be noted there was also positive feedback from some stakeholders about good DES providers who work hard to deliver outcomes for their participants. Submissions from DES providers and their peak organisations illustrated this view by saying there are high performing DES providers, who have mastered the skills and processes required to successfully place and retain job seekers in sustainable, open employment and these skills should be retained.

One striking aspect of the consultation was the convergence of views around some key issues: There was

- widespread concern among providers and people with disability about the adequacy of the client assessment process;
- concern from providers about red tape and the performance framework which were said to drive poor practices;
- strong support for an individually focused approach around the principle of career planning; and
- a strong desire from all stakeholders to see more people with disability in employment.

These views provide a strong base on which to progress reform for a better system of support.

4.1 Employment Services Assessments and Job Capacity Assessments

Providers and people with disability expressed widespread, almost universal, concern about Employment Services Assessments (ESATs) and Job Capacity Assessments (JCAs), including consistent feedback that they often refer people with disability to inappropriate services. There was also comment that the 'benchmark hours' assessment is confusing and often does not accurately reflect a participant's work capacity.

There was criticism about how ESATs and JCAs are managed by the Department of Human Services, including waiting times, assessment not being undertaken face-to-face and assessment completed by assessors whose qualifications are not related to the participant's disability.

There was a strong view that an assessment process should include career planning, be more holistic, strengths-based and tailored to the individual.

4.2 Strengths of Disability Employment Services

The following elements of Disability Employment Services (DES) were consistently put forward in forums and in submissions as strengths of the current system that should be retained, noting that in most cases there was also discussion about how the elements could be improved.

Ongoing Support

The ongoing support element of DES was seen as a 'cornerstone' of the current system and 'one of its key defining features'. While there was universal agreement that ongoing support should be retained, there were numerous suggestions about how it could be improved to provide better support. These comments included the need for:

- more flexibility, particularly where the effects of disability can change over time;
- specific support for people with mental illness, to accommodate the episodic nature of their condition; and
- support to be delivered based on the needs of both the employer and the employee.

Job in Jeopardy Assistance

Job in Jeopardy Assistance was also put forward as a core element of DES that can meet a real and immediate need for people whose employment is at risk because of their disability. Most feedback called for an expanded programme that is more flexible and can be accessed well before the employee is at risk of losing their job. This proposal for an expanded programme came with a strong call to change the name.

JobAccess

There was very positive feedback for JobAccess and its role in providing information to assist with disability employment issues. The JobAccess role in delivering the Employment Assistance Fund (EAF) and providing expert advice on issues such as reasonable adjustment was praised by a range of stakeholders. It was noted that we should continue to promote JobAccess.

Employment Assistance Fund

The Employment Assistance Fund (EAF) was strongly supported by all stakeholders. There were calls for it to be more widely publicised and for an easier application process. There were also calls for more policy flexibility, for example more opportunities to use EAF to fund employer and workplace training and build disability confident workplaces. There was comment that EAF could be more responsive to employer requirements and the specific needs of employees. The deaf community and employers raised the issue that funding for Auslan is insufficient.

Wage subsidies

Wage subsidies were generally seen to be of assistance. People with disability and their families tended to think that wage subsidies would open up new employment opportunities. Providers discussed how a wage subsidy might, in some cases, encourage an employer who had reservations about employing a person with disability. Employers indicated that they are probably an effective incentive for small to medium enterprises, while larger employers were not usually interested.

The main concerns about wage subsidies were that the level of payment should be more generous and policies about how the subsidy can be used should be more flexible. There was also a concern that some employers only employ a person for as long as the wage subsidy lasts and measures should be put in place to prevent this. Additionally, there were concerns that subsidies can be seen to diminish the value of people with disability as workers, by fostering the impression that employers should be paid or rewarded for employing someone with disability.

4.3 Weaknesses of Disability Employment Services

The following elements of DES were discussed as weaknesses of the current system.

In their submissions many providers and peak organisations put forward the view that much of the criticism levelled at DES, including the lack of improvement in outcomes, can be attributed to the design and complexity of the programme rather than the capability of DES providers.

For providers and their peak organisations the overwhelming feedback about the current DES system was that:

- complying with regulation prevents achieving outcomes;
- payments should be indexed;
- more resources have been allocated to compliance activity, at the expense of resourcing employment consultants to help participants to get a job; and
- a lack of flexibility in programme rules and incentives limits the ability of providers to act in the best interests of their clients.

Providers and their peak organisations, and to some extent people with disability, spoke about the perverse incentives that arise from the DES outcomes framework and associated star rating performance system. There was a view that the outcome definitions and performance measurement incentivise:

- short-term job placements and do not drive long-term outcomes;
- a focus on easy wins;
- ‘parking’ (that is not provide assistance to) participants who have more barriers and are probably harder to place in a job;
- churning many participants through the one job to achieve additional payment and additional performance credits; and
- splitting jobs between two or more participants for the same reasons.

Providers and their peak organisations gave mixed feedback about the Star Rating performance system. While most said they found it confusing, complex and not a true reflection of the quality of providers, a small number of submissions referred to it as a tried and tested, robust tool.

A further comment was that the current system encourages competition between providers, which has the effect of discouraging collaboration that may help improve employment outcomes.

People with disability, their families, carers and advocates made many comments about the operations of DES organisations and their staff. These included:

- high staff turnover, leading to inconsistent support;
- staff who are not equipped to deal with the full range of disability and the barriers faced by participants;
- not providing training to DES participants;
- poor job matching, leaving employers wary of employing a person with disability the next time, and leaving the job seeker discouraged; and
- placing people into any job rather than one that is consistent with skills capabilities and experience.

The feedback from employers was what we have all heard consistently. That is, they want the right person for the job, regardless of disability. Further, more specific comment was that DES staff do not always properly job match people to vacancies. They also commented that DES does not provide enough ongoing support and assistance is not always available when needed. And lastly, employers would prefer a one-stop-shop instead of multiple DES providers approaching the same employers.

4.4 Australian Disability Enterprises

Throughout the consultation process, the feedback on the value of Australian Disability Enterprises (ADEs) was divided. The positive views were that ADEs have a combination of skills, purposes and values that should be recognised and enhanced in a new Framework. ADEs can also assist supported employees to gain skills that help them to progress both within the ADE and also to pursue open employment. The alternative view was that there is no place for segregated organisations that pay pro-rated pay rates.

The majority of feedback from ADE providers and supporters, including the carers and families of people with disability, supported the view that ADEs must remain as a

genuine employment option for some people with disability. The strong view was that ADEs offer a range of support to some people who may not be ready or able to work in open employment. They also provide valuable social interaction and help people to develop relationships outside of family, friends, carers and health care providers.

There was also a view that ADEs should have a role in helping people transition to open employment, with support for the recent Budget announcement that will assist and encourage this transition. There were suggestions that ADEs should be repurposed as a transitional support for training and work readiness for open employment.

5. Principles for Change

The seven proposed Principles for Change were broadly well received at the forums and the submissions mostly indicated support. There were suggestions to add to, or change, the proposed principles. There were two themes to these suggestions: the need for a strong person-centred approach; and that addressing employer needs must be matched by real commitment from employers to create new job opportunities for people with disability.

Individual funding based on needs and employment goals

There was enthusiasm for individual funding from most people with disability and recognition that it is an important concept for providing choice and control. There was particular interest in individual funding, if it can be used to buy the training, education, interventions and support required to gain employment and remain employed over the long term.

Providers and their peak organisations had mixed views about individual funding, ranging from strong support to statements such as the 'system isn't broken'. Most addressed the principle positively, but there were concerns. These included:

- how job seekers would identify the most suitable and higher performing services;
- some people may need assistance to manage their funding and may need advocacy services;
- potential difficulties identifying and meeting the needs of people with episodic disability, such as those with mental illness; and
- a view that individualised funding could work well for volunteers, but there may be difficulties for job seekers with participation requirements.

Market-based service provision

Market-based service provision was broadly well received; with people saying that that market-based servicing would provide individuals with greater choice. That said this was one of the principles where there were diverse views with providers in particular expressing reservations about true market choice, business certainty, viability in regional areas and ensuring quality.

The main concerns were:

- lack of certainty about funding and client flow;
- maintaining a quality system that is measurable;
- job seeker access to quality information to assist with provider choice;
- increased competition could affect business viability;

- larger national and international companies may dominate smaller providers, and have the means to more effectively promote themselves; and
- some providers may choose not to work with those participants who are unwilling to work or have the most significant disadvantage.

A number of providers suggested a new system would need an effective performance assessment system that is broader than the current star ratings system and in line with the Disability Service Standards.

Providers recommended that any changes be introduced gradually to allow sufficient time to adjust and to ensure that the market has time to mature and transition to the new Disability Employment Framework.

Long-term career planning and capacity building

The principle of building employment assistance around career planning was embraced enthusiastically with comments that a new system must include funding to assist with training and further education, work skills and work experience. It was agreed that an employment service that is person-centred must be about long-term planning and capacity building, and should be multidimensional, including aspects which are personal, social and career oriented.

It was noted by all stakeholders that DES does not currently address underemployment or effectively address skilled employment, as the current system drives an 'any job will do mentality'. The system also does nothing to support training, upskilling, transitions between jobs and career progression.

A new system should help people with disability find jobs that are relevant to their skills, experience and capabilities. Career planning must include training that is aligned with career aspirations and labour market need.

Comments included, that a career planning process must be individualised, taking into account goals and aspirations and not just be box ticking.

It was also noted that career planning requires a specialised skill set that is very different to the current DES employment consultant skill set.

Other comments about career planning included:

- job seekers should be supported to take up short-term contract employment where this is appropriate and available. Options such as part-time work and working from home should be available and these should reflect the capabilities of the job seekers and the needs of employers;
- career support must be flexible to meet changing needs and aspirations of individuals with disability;
- career planning should involve a combination of vocational training, volunteering, work-experience, supported and open employment; and
- people with mental illness will need a career planning process that adjusts to the episodic nature of their illness.

Understanding employer needs

Employers welcomed this principle, stating that while DES providers endeavour to meet their needs, their staff are not adequately trained or supported to do this

effectively. Employers were very clear they need the right person for the job, regardless of disability.

People with disability were also supportive of this principle. They believe the current system encourages providers to refer people who are ready to work to any vacancy. This is frustrating and disheartening for employers and job seekers. Job seekers, particularly those with tertiary qualifications, welcomed the idea of being referred for jobs that match their skills to employer expectations.

Despite the general agreement with this principle, there was strong debate about how incentives and support for employers needs must be matched by employers making significant efforts to create new employment opportunities for job seekers with disability. People said that employers need to improve their knowledge and ensure their organisations are disability savvy.

There were many comments that employer and community perceptions about the capabilities of people with disability need to be changed, with multiple suggestions about Government action and incentives. A much repeated idea was that Australia needs a well-designed and targeted Government funded advertising campaign. There were calls for a campaign directed towards the community and employers that could help dispel myths and highlight the benefits of employing people with disability, and to help eliminate discrimination.

Other suggestions were about introducing targets and quotas, tax incentives and discounts on work cover insurance. It was suggested that mandatory quotas and reporting requirements for government agencies and business would encourage employment of people with disability.

Another suggestion was that there could be an accreditation system (like the heart smart tick of approval) which would enable employers to promote their status as an inclusive, equal opportunity employer.

Increased open employment options

There was support for assistance for people to transition from Australian Disability Enterprises (ADEs) to open employment, with many commenting on the value of the recent announcement that people in ADEs will be able to access DES without losing their place in the ADE to test open employment.

While some stakeholders suggested that ADEs should not continue, many stakeholders held a very strong view that ADEs must remain as a genuine employment option for some people with disability, noting ADEs also provide valuable social interaction.

Providers, employers and people with disability were all supportive of a disability employment system that recognises the changing needs of industry, particularly a system that adjusts to the increasing number of casual employment opportunities. This is likely to increase the flexible employment options available to people with disability.

There were a number of suggestions that some tweaking of current policies could assist people with disability transition to open employment.

Suggestions included:

- flexibility around keeping pensioner concession cards once in employment and easier access to DSP if employment fails; and
- more support for specialist assistance for some cohorts such as culturally and linguistically diverse people with disability and people with mental illness.

The only real reservation about the principle of increased open employment options was about increasing people's expectations when there may not be jobs available.

Whole-of-Government coordination and use of technology

Feedback was very supportive of a whole-of-government approach to disability employment services. There was a view this could help address the issue that many people do not know about the various supports available to help people with disability and their employers.

There were multiple suggestions to develop an online one-stop shop for employers, job seekers and providers. It was suggested that a one-stop shop could be the gateway for job seekers with disability to select the services once their needs have been assessed and a support package approved. This gateway could include information regarding the quality and performance of the relevant providers.

Commentary indicated that there are currently links missing to connect local, state and federal support services and a whole-of-government coordination would be welcomed.

The person is supported through the life-course

This principle prompted discussion about the need to change expectations at the start of life that people with disability will work when they finish their education.

There was agreement that working with young people is crucial, with significant discussion about the need for better transitions from school to work, including options for work experience, school based apprenticeships and part time work while still at school. Most suggested this needs to start well before the final year of secondary school. The following comments were made:

- Support for school to work transition is critical. Focusing support at the early stage of working life will likely result in benefits across a person's lifetime.
- Support must be targeted specifically to the needs of students with disability. The school and parents/carers need to be included in transition planning.
- A transition programme that starts early will change expectations of teachers, families and students about post school employment options. This may help prevent assumptions that the only option for some students is an ADE.
- There is a need to include core employability skills in schools.
- There should be work experience programmes for students with disability.

Another area discussed was earlier interventions for people who acquire disability later in life. These interventions might include assistance to the employee and employer to retain their current job or they might include a programme of assistance to provide new skills to do different work. There was discussion about a flexible system where people can opt in for employment assistance before there is a crisis and before they are at risk of losing their job.

Concluding comments on the Principles for Change

As outlined above the principles were broadly well received. Some overall concerns included:

- the need for individual based funding to be supported by education, information, and advocacy;
- a concern about how individually based funding and mutual obligations would work together;
- a tension between long-term career planning and the need to get people off benefits and into a job quickly;
- how provider quality, certainty of funding, organisational viability, and coverage would be maintained in a market based environment;
- the need for employers to change attitudes and behaviours and be incentivised to employ people with disabilities as well as understanding their needs;
- the difficulties of some people with disability utilising technology such as a virtual market place; and
- the need for employment interventions to begin earlier in life, in school.

6. Next Steps

While it is possible to address some of the design issues outlined by all stakeholders, it is clear that people with disability and their advocates want to build on the gains from the NDIS and other trends in the delivery of human services. They want a system that provides them with choice and control and they want flexible services so they can exercise that choice.

A Discussion Paper is being developed to suggest solutions to better support employers and assist people with disability to find and keep jobs. This paper will take into account a range of evidence and information, including the views shared at the first round of consultation.

In the first half of 2016, a new Disability Employment Framework will be developed to outline new ways that the Australian Government can support employment options for people with disability. This Framework will take into account a range of evidence and information including the views shared throughout the consultation process.

Table: Location and numbers for Round One of the consultation forums

Location	Date	Registrations	Attendees
Melbourne	25 May	123	88
Bendigo	26 May	22	20
Hobart	28 May	39	28
Brisbane	1 & 2 June	123	89
Townsville	3 June	24	23
Darwin	9 June	26	19
Melbourne	11 June	103	72
Perth	15 & 16 June	106	84
Adelaide	17 & 18 June	101	72
Sydney	23 June	148	91
Newcastle	25 June	54	43
Canberra	29 June	107	74
Sydney	30 June	59	39
Total		1034	742

In addition to the forums, the Department sought advice through submissions. A total of 122 submissions were received, including:

- 68 from service providers;
- 7 from employers;
- 26 from people with disability;
- 9 from carers or parents of people with disability;
- 3 from educational institutions; and
- 9 other submissions.

During the consultation period, we also met with:

- 6 x Australian Disability Enterprises;
- 5 x Disability Employment Services Providers;
- 1 x Personal Helpers and Mentors Provider;
- 3 x Academics;
- 2 x Employers;
- 2 x NDIA Sites;
- 1 x State Government Department; and
- the Commonwealth Department of Human Services to discuss their Autism project.

The following submissions have been published on the Engage website (www.engage.dss.gov.au) with author permission:

- ACE WA
- ACT Mental Health Consumer Network
- ADACAS Advocacy
- Alanna
- APM
- Australian Dual Diagnosis Recovery Network Inc.
- Australian Federation of Disability Organisations
- Australian Human Resources Institute
- Autistic Self Advocacy Network AUNZ
- Autism Asperger's Advocacy Australia
- Bennycox
- Beyond Blue
- Bravo Consulting
- Break Thru People Solutions
- Campbell Page
- Carers NSW
- CHESS
- Chogy
- Comcare
- Deaf Accessible Business Network
- Deakin University, Professor Jane den Hollander,
- Disability Employment Australia
- Disability Network Forum
- Disability Services Commission
- DVJS Employment Solutions
- Federation of Ethnic Communities' Councils of Australia
- Fiona
- The Flagstaff Group
- Bill Gye
- Holroyd City Council
- Humpy
- Inclusion Australia (2 submissions)
- janeartist.js
- JFA Purple Orange
- Jobs Australia
- Jobsupport
- Karingal
- Lucridate
- Maccess
- Monash University, Stephen Elliott
- Multiple Solutions
- National Disability Services
- Northcott
- NOVA Employment
- Ostara Australia Ltd
- Outlook Employment
- ParaQuad Assoc. Tas. Inc.
- People with Disability Australia
- Physical Disability Council of New South Wales
- Praxis Disability Consulting
- Queensland Advocacy Incorp.
- Queenslanders with Disability Network LTD
- Ray Quinn
- Rehab Solutions
- Rehabilitation Counselling Association of Australasia (RCAA)
- Cate Rose
- Spectrum Square
- Swinburne University of Technology, Alex Maritz
- Carol Syer
- Phil T
- University of Southern Queensland, Shalene Werth
- Victorian Deaf Society (SensWide Employment)
- VisAbility
- Vision Australia
- Watcher
- Wellspect HealthCare