



Submission on
New Disability Employment
Services from 2018

15th December 2016

The opening sentence of the Minister's Foreword to [the discussion paper](#) says:

The Australian Government is committed to improving employment outcomes for people with disability and getting more people with disability into jobs.

Unfortunately, government does not seem to understand what this means. In terms of “getting more people with disability into jobs”, there is a strong supply of people with disability, especially autistic people, but a chronic lack of jobs. Yet government focuses on people with disability, not on creating jobs.

Government needs to focus on *jobs* for people with disability, and in particular, jobs for autistic people.

Government talks about “mutual obligation” but means that only people with disability have any obligation. Government does not take on its obligation to develop jobs for people with disability.

Government promotes competition and productivity in the economy. But its economic approaches simply ignore the economic effect on people who do not compete effectively in employment. This is incomplete or just bad economics.

Government needs to better understand and address the consequences of prioritising competition and productivity in its economic programmes. It needs to stop blaming vulnerable people and to recognise that abysmal employment rates for people with disability is an outcome of its economic agenda and a challenge of its own making.

Government has responsibility for the lack of jobs for people with disability. Government needs to address this responsibility properly. It's time to step up.

Internationally, increasing discussion of Universal Basic Income is a response to some aspects of changing employment landscapes. It's not just about robotics and increasing automation; those are just part of government's drive for efficiency, competition and productivity. While governments in Australia omit the impact of their policies on employment for people with disability from their planning and policy development, employment outcomes for people with disability will remain “challenging”.

Nor does government help by calling vulnerable people with disability *rorters*, *bludgers* and *leaners*. Employers do not want to employ people like that.

If the Minister is really about “getting more people with disability into jobs” then he needs *innovation* in creating jobs for people with disability, including jobs for autistic people.

Unfortunately, the discussion paper has the wrong focus.

The following submission is in two parts:

1. some comments about the discussion paper under headings from the discussion paper, and
2. responses to the discussion points in the discussion paper.

Chapter 1.

Considerations in improving DES

1. Increasing participant choice and control in the services they need

The issue of choice and control is more relevant for the 1/3 of autistic adults who are likely to be in employment at times. For the 2/3 of autistic people who are not employed and currently have little prospect of employment, even having a DES provider would be a significant improvement.

2. Driving greater competition and contestability in DES

As above.

3. Aligning incentives to support better outcomes

A4 feels that blaming/penalising DES providers for governments' failure to create appropriate jobs and get employers involved in employing autistic people is unfair and misdirected. Governments need to take responsibility for their failure to ensure there are an adequate number of appropriate jobs in our increasingly competitive and productive economy, and not blame everyone else.

4. Improving the gateway and assessment process for DES participants

This is just a complicated system trying to hide the fundamental failure of the approach. Jobs don't exist for autistic people: improving the gateway to an empty paddock is not productive.

5. Assistance in the workplace

The need for assistance in the workplace will be an issue once there are places for autistic adults in the workplace. A4 is happy to help develop programs to support this once the distinct challenges associated with autistic people and their employment are recognised and there is real intent to address their distinct needs.

Engaging Employers

A4 is not surprised that "international evidence suggests some of the more successful countries, with higher rates of employment of people with disability, actively engage employers". As indicated above, governments in Australia need to step up in this area.

Measuring success

Primary measures count things like are employment rates, average income, etc. for the various subgroups in the disability sector. Secondary measures include job satisfaction, employer satisfaction, etc.

Further measures include employment and income measures for carers, the so called "informal supports".

International Approaches to Disability Employment

Poor employment outcomes for people with disability in Australia is not an international issue. Poor employment outcomes are a feature of the Australian economy. The key problem is that lack of jobs. This is because Australian employers don't employ people with disability.

One of the reasons is that our Government wants Aussie employers to be very productive and competitive. We have a Productivity Commission, no Equity Commission. The Human Rights Commission is under political siege.

Employers expect that people with disability are not productive. Governments promote this erroneous perception through calling people with disability "leaners", rorters and bludgers ... which discourages employers from employing them.

The case for change

Employment outcomes for autistic Australians are abysmal. Massive changes are needed to improve outcomes.

A few tweaks to Disability Employment Services won't make much difference to employment of autistic people.

The necessary change is getting employers to have jobs for autistic people and to consider autistic people for a significant number of the jobs that they have.

Governments need to change their understanding of what leads to abysmal employment outcomes for autistic people.

Improving Participant Choice and Control

Improved employment outcomes will come from the creation of jobs for autistic people or from employing autistic people in a range of jobs. It will not come from autistic people choosing differently among DES providers who all have *no prospect* of placing them in jobs.

Driving greater competition and contestability in the delivery of DES

As above (Improving Participant Choice and Control).

Aligning incentives to support better outcomes

The incentives needed are incentives for employers to employ autistic people. The best incentives for most businesses are greater profits. In business, an efficient workforce contributes to profitability. A range of evidence indicates that autistic people and/or people with disability are just as or even more efficient in many jobs than workers without disability.

The challenge is for governments to change the knowledge and culture of employers about autistic employees.

If governments were serious about incentives, the politicians' pay would be driven by measures like the disability employment rate in their electorates.

Improved Gateway and Assessment Process

As above. An improved gateway will not help when the gateway leads nowhere.

Assisting participants in the workplace

If governments succeed in creating more jobs for autistic people, which apparently is outside the scope of this reform, it is likely that employers and autistic people will need some assistance with supporting autistic people in their workplaces.

It would be good to start some research to find out how to do this.

Building Employer Demand

This is a key issue.

Clearly, employers have minimal understanding of employing autistic people and people with disability more generally. Governments need to improve employer knowledge and awareness.

A4 expects that better research into how to improve employer awareness would be a good start.

Specific targets might include improved training for Human Resources staff ... both in under-graduate training and in their on-going professional development.

Transitioning to a new model

The Discussion Paper focuses on tweaks to the DES program. This focus alone has little or no prospect of delivering intended outcomes.

Discussion Points

Discussion Point 1: More Choice for Participants

1. What, if any, restrictions should there be (for example, region or distance) on participants choosing to attend a provider?
2. How often should participants be allowed to voluntarily transfer or switch providers?
3. What should be the basis of referral by Centrelink for participants who do not choose a provider?

It doesn't matter how often autistic people change provider since there are very few jobs for autistic people. Changing DES provider won't create a job.

Discussion Point 2: Provider/Participant Contacts

1. Should face-to-face requirements remain as part of the DES service delivery?
2. How often should participants and providers be required to meet, either face-to-face or by other means?

Autistic people might meet with a provider when the provider has a suitable job with a real prospect of employment.

Discussion Point 3: Job Plans

1. Should Job Plans have minimum requirements beyond what is necessary for mutual obligation requirements? Or should this be determined between each participant and their provider?
2. How can we ensure that participants are actively involved in the development of their Job Plans, or will the ability of participants to change providers if unsatisfied be sufficient?
3. How should providers be held accountable to ensure activities in the Job Plan are undertaken and supports are delivered? Will the ability of participants to change providers if unsatisfied be sufficient?

A job plan is a plan to create an actual job (otherwise it's a "Yes Minister" style title for something completely different). Employers are the primary participants in job plans. These are not the domain of autistic people. DES providers might have a role.

Realistic “mutual obligation” means autistic people are ready and willing to work and employers are ready and willing to employ them.

Despite serious deficiencies/failures in early intervention and the education systems, autistic people meet their side of “mutual obligation”.

However, employers and government simply do not live up to their side of “mutual obligation” requirements in relation to employment of people with disability; that is, the creation of jobs for autistic people.

It must be embarrassing for governments to keep talking about “mutual obligation” when their own performance is so abysmal. The reality is government cannot meet its side of “mutual obligation”. There is nothing “mutual” about it.

Discussion Point 4: Better Information for Participants

1. What information should be available to participants, providers and employers?
2. Should there be mechanisms to ensure no false or misleading claims are made against DES providers?
3. Should the Department facilitate access to information on accessible and user friendly platforms, or should this be purely market led (with providers offering such information on platforms of their own choosing)?

The information that would be crucial for autistic people is when an appropriate/suitable job is available for each unemployed autistic adult.

False and misleading information never helps ... whether it be about a DES provider or the availability and suitability of a job.

At present, actual information about prospective/potential employment for autistic people is very rare. It would be easy for autistic people to miss. When an actual job is available, it should be communicated effectively to the relevant autistic people.

Discussion Point 5: Participant Controlled Funding

1. There is considerable literature and experience in participant controlled funding in personal care. Is there any evidence of the effectiveness of participant control of third party funding in employment services?
2. In such a model, how much funding, if any, should be quarantined for job seekers to use through an account, how should this funding be made available to participants, and how could there be simple clarity as to what costs are to be met from participant controlled funds versus provider controlled funds?
3. What principles should guide the appropriate expenditure of any individualised funding?
4. What restrictions should apply to the use of the funds by participants?
5. How can participants who are unwilling or unable to use individualised funding be supported during the decision making process?
6. What restrictions should apply to the expenditure of the funds on services from a participant's provider or an associated organisation?

Employment is a personal goal for most autistic people. It is hard to see why supports for these individual goals should be separated from most of an autistic person's other goals. Employment needs a similar (person-centred) approach to how the NDIS is meant to work.

Discussion Point 6: Entering the DES Market

1. How often should the Panel be open to entry by new providers?
2. How often should panellists be reviewed and what criteria should they be reviewed against?
3. What should the basic criteria be for joining the Panel?
4. How much time do providers need before entering into a market to set up their operations?
5. In order to supply DES in a specific ESA what should the requirements be for:
 - a. a minimum caseload?
 - b. ESA coverage?

There should be no barrier to the entry or the creation of an agency that is effective in helping autistic people into appropriate employment.

Basically, panel entry should always be open.

The criterion for entry is that providers are likely to be effective in getting autistic people into lasting employment.

Discussion Point 7: A Single DES Contract

1. Would all providers have the capacity to deliver DES-DMS, DES-ESS and Ongoing Support under the proposed simplified contract arrangements?

Most autistic people and their employers need ongoing support in employment.

Discussion Point 8: Removing Market Share Restrictions

1. What mechanisms should be adopted to ensure universal coverage in an ESA while maintaining a competitive marketplace?
2. How should provider diversity be maintained to ensure participants have adequate choice of provider?

The current regime results in very poor employment outcomes for autistic people. Steps are needed that improve employment outcomes for autistic people. A4 has no idea what approaches the governments might regard as acceptable means for improving employment outcomes for autistic people.

Progress is unlikely until the especially poor employment outcomes for autistic people are recognised as a distinct issue. That would be a first step.

Discussion Point 9: ESAs

1. Should there be ESAs, if so, how many ESAs should there be?
2. Should the number of ESAs be reduced if market share is removed?

Given the abysmal employment rate for autistic people, talk of minimising “the risk of market failure” is ironic. The “market”, at least this part of it, is already in massive “market failure”.

Discussion Point 10: Preventing Market Failure

1. What specific circumstances should be recognised as market failure warranting intervention?
. If market share is continued in some areas, how should the level of market share be determined?
3. What interventions should be used to address market failure and ensure service availability?

A4 doubts a decision on this issue will make a discernible difference to employment of autistic people.

Discussion Point 11: Ratio between service fees and outcome fees

1. What should the ratio between service fees and outcome fees be and why?

See above.

The fees should reflect the effort required to deliver effective employment outcomes for autistic people.

A4 is not aware that these fees fund work that creates jobs for autistic people.

Discussion Point 12: 4-week and 52-week Outcome Payments

1. What should constitute an employment outcome under DES in a modern Australian economy?
2. How should the DES funding model incorporate the growing number of short term jobs available in the economy?
3. Should the new model replace the job placement fee with a 4-week outcome payment, and how many 4-week outcome payments should be available for each job seeker?
4. How should job seekers be supported in the period between the 26-week outcome and the 52-week outcome?
5. What level of payment should be attached to the 52-week outcome while keeping total DES expenditure within the current funding envelope?

An “employment outcome” for autistic people would be an increase in their employment rate.

Autistic people do not cope well with change. Short term employment will generally not help them. The Government needs to step up and create more long-term jobs for autistic people.

Discussion Point 13: Service Fees

1. How should service fees work in the context of a funding model with risk-adjusted outcome fees?

Many autistic people will need on-going monitoring and support in employment.

Fees/payments need to relate first to the jobs that employers create and the service provided to autistic people to help place them in those jobs.

Discussion Point 14: Pro-rata service and outcome fees

1. How should pro-rata service and outcome fees be calculated?
2. How should pro-rata fees apply in the event that a provider ceases to be a member of the Panel?

The argument for person-centred funding in the NDIS is just as valid in relation to employment services and supports.

Discussion Point 15: Determining Eligibility and Employment Outcomes for ESLs

1. Who should be able to qualify under revised assessment criteria for ESL?
2. How could the level of disadvantage and work capacity be assessed for secondary school students?

Resources should relate to actual jobs.

Discussion Point 16: Improving the Gateway

1. How can gateway arrangements be improved to enable a better connection to employment services for people with disability?

The “gateway” needs to be about actual jobs. It should not be about entering some scheme where autistic people languish with diminishing hope and no real prospect of employment.

Discussion Point 17: Assessments Review

1. What other aspects of ESAts/JCAs should be examined in the review?
2. Should there be:

a. greater separation of ESAts and provider's own assessments, with ESAts focused on eligibility, work capacity and appropriate referral within DES and not extending to suggested interventions?

OR

b. should ESAts be developed and extended to provide more and better information on which providers could base their assistance, with less need to perform their own assessments?

3. How should the revised assessment process fit with other options for DES reforms outlined in this Discussion Paper?

As best we can tell, ESAt are not tested/monitored against actual employment of autistic people. It doesn't make sense to talk about these things when there are no relevant jobs. What does government think is being measured?

Support for an autistic person in employment should be person-centred: it must address the needs of the person and the job they are in.

Discussion Point 18: Ongoing Support

1. Should the fee-for-service funding model specify minimum contacts and hours of support?
2. What minimum servicing requirements should there be for each level of support?
3. How should payments be determined for each level of support?

The support needs of a person in a particular job are likely to vary over time. Things can change quickly for autistic people in the workplace. The scheme

Discussion Point 19: Job-in-Jeopardy

1. How can we better define when someone's employment is considered to be at risk due to their disability?
2. How can we increase employer awareness of JIJ?
3. Does the current fee structure reflect the services being provided and outcomes being achieved?
4. What is a more appropriate name for Job-in-Jeopardy?
5. If a JIJ participant chooses not to disclose their disability to an employer, how should providers assist them in the workforce?
6. Should the JIJ service be integrated with Ongoing Support?

will need to be flexible and responsive to meet people's needs.

For most autistic people, a substantial majority of whom have severe or profound disability, it would be safest to assume their employment is always at risk.

It would be better to have a system of routine checking so the autistic person is familiar with the people who are supporting their employment. They are then more likely to seek help/assistance when it's needed. The checks would proactively detect some issues in the workplace that could be addressed immediately reducing risks to employment.

Discussion Point 20: Transition Issues

1. How can we ensure that DES providers continue to provide quality services to participants towards the end of the current contracts?

The scheme needs to pay people for the work they do to deliver effective outcomes ... at all times. So it is about paying DES providers to get autistic people into actual jobs and maintaining those people in those jobs.

As above, person-centred funding tied to employment outcomes simply ensures tax-payer funds are used effectively.