

**Disability Employment Service Reform Framework**

Submission to Department of Social Services 

**December 2016**

**Prepared by Australian Federation of Disability Organisations endorsed by Disability Australia  
**

# About the Australian Federation of Disability Organisations

The Australian Federation of Disability Organisations (AFDO) is the national voice representing people with disability in Australia, comprising a membership base of national and state organisations run by and for people with disability and their families.

Our mission is to champion the rights of people with disability in Australia and help them participate fully in Australian life. A key focus of AFDO’s work is to change the way people with disability are perceived and treated within our society. We believe that Australians with disability and their families should participate fully in all areas of society, including a genuine engagement in community life, social and economic participation, with genuine work for real wages, and the opportunity to contribute as a valued citizen.

Since its inception in 2003, AFDO has been a leading voice in the disability consumer sector and has been successful in the development of campaigns, including as a founding member of the National Disability and Carer Alliance. This involvement led to the formation of the very successful “Every Australian Counts” campaign resulting in bi-partisan support for the legislation and introduction of the National Disability Insurance Scheme (NDIS). AFDO is also a member of Disabled Peoples’ International and holds Australia’s sole vote on this respected international body.

In 2014, AFDO led the formation of Disability Australia, a consortium of twelve not-for-profit organisations that unites the representation of people with disability in Australia and ensures that the voice, and specialist needs, of people with disability is appropriately represented. Disability Australia organisations have a range of specialist knowledge of disability-specific issues, working collaboratively on disability issues, media representation, policy development and share disability knowledge and raise awareness of disability in the community. The organisations that comprise Disability Australia represent over 90% of Australians with disability and 83% of the identified disability groups in Australia. Over 200,000 supporters regularly engage with these organisations.

Over the last five years, AFDO has undertaken significant work to seek to improve the poor employment rates and participation rate of people with disability. This has included, but not been limited to, the development of the parameters of a new employment model reoriented to meet the needs of jobseekers and business drawing on the expertise of over 45 key experts, in and outside of the disability employment space; strategic advice on employment related reform at a state and federal level; and the innovative piloting of a employer engagement model to build the disability confidence of small and medium sized enterprises (SMEs), to become more welcoming, confident and accessible to people with disability. This concept, the Diversity Field Officer Service, is outlined in the section titled ‘Building Employment Demand’.

In preparing this submission, AFDO has chosen to focus on key areas where we can bring expertise gathered through our extensive experience, and the experience of our members, of working with and representing people with disability, and AFDO’s engagement with business, particularly SMEs.

AFDO is pleased to present the Department of Social Services with the following submission that has been endorsed by Disability Australia members (in addition to preparation of individual submissions by a number of these organisations) and welcomes the opportunity for further engagement to improve employment outcomes.

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# Introduction

Addressing the gap between the employment of people with disability and those without a disability is complex, multi-layered and multi-faceted with the effectiveness of employment support only one component of a much larger problem.

While there are some positive changes signalled with the DES Reform Framework Paper released in October 2016 (the Paper) that have the potential to improve outcomes for people with disability, it is AFDO’s view the framework falls short, with a very narrow focus to reforming how Disability Employment Services (DES) operate, missing the other fundamental changes that are required to increase employment of people with disability.

Reform that genuinely seeks to increase employment outcomes needs to focus on more than reforming DES and increasing business awareness, of which the Paper presents limited strategies as to how this would be achieved on the ground. Addressing the unemployment and under-employment of people with disability requires a genuinely holistic appraisal of all of the elements that lead to and contribute to employment.

Genuine reform, seeking to redress the entrenched unemployment of people with disability needs an overlay where systems, such as education, income support, health, employment and other portfolio areas are genuinely inter-related and connected so that attempts to improve the participation of people with disability in one part of life is supported by the efforts of other portfolios.

A well resourced, quality, accessible education system, which recognises and builds the capacity of each student, can set in motion the expectation for employment. This would provide a system that would not only support children with disability to break a future cycle of unemployment and under-employment, but also break the cycle for other marginalised groups. The broader systemic issues need to be addressed to ensure the success of the DES system in increasing the employment rates of people with disability.

We believe that good ideas already exist, both inside and outside of the disability sector. The key is to bring these ideas together as part of a Framework centred on the needs of jobseekers with disability and business.

# The big ticket items that need to be considered

## AFDO Recommendation 1: State clearly what success looks like - A measurable increase in the employment of people with disability

While the Framework presents some good principles of a more dynamic market and increasing choice and control for consumers, what we are using this to work towards, in terms of a measurable improvement in the employment of people with disability, is unclear. This must be the starting point.

A critical overarching goal should be how we achieve a measurable improvement in the number of people in work over a set period of time - a bridging of the current unemployment gap with a focus on the number of people who move from looking for a job to actually getting one. Metrics that outline the number of people with disability that would need to enter the paid workforce to close the unemployment gap and how this could be effectively measured are critical.

The end game should not be people with disability reporting higher ‘employment participation (i.e. an increase in the number of jobseekers looking for work), but rather a tangible, measurable increase in the number of people with disability in genuine jobs. Potential measures might include a 1.5% reduction in the reported unemployment rate of people with disability (currently 10% according to ABS SDAC 2015) over a five year period, or a specified percentage increase in participants reaching a 26 week outcome by 2020. Measurement is critical to ensure that ongoing refinement can occur.

Employment services standing alone will not be able to achieve this goal. Success is dependent on a cross-sector and cross-government commitment to;

* a unified, overarching policy framework which spans early childhood to further education and training that is inclusive of people with disability;
* work experience in school to provide an insight, as well as practical experience of, and exposure to, the world of work;
* funding of supports for work experience and casual/part-time work for youth
* effective transition pathways that begin early from school to post-school training and employment;
* peer support, job mentoring and workplace support as required
* job readiness skilling and practical experience to enable people with disability to build personal confidence and demonstrate competency to employers;
* resourcing of ongoing development, career advancement and leadership opportunities to increase people with disability in more senior positions.

While the National Disability Strategy proposes aspirational strategies to improve the life course of people with disability, these strategies are not appropriately resourced. Genuine resourcing, mechanisms to monitor progress, with clear accountability and accountability for non-performance, must be built into any refinements to the employment framework and broader national strategies.

## AFDO Recommendation 2: The Framework does not incentivise or support providers to work holistically with other providers to address barriers

For a person with disability, getting and keeping a job requires more than the disincentive of losing the Disability Support Pension and receipt of basic assistance with job search functions. People with disability, particularly individuals who have been long-term unemployed and have experienced sustained disadvantage require additional support to build self-confidence and their capacity, as well as assistance to address a range of barriers impacting employment.

National people with disability and family led organisations have recommended that employment support should be a component of a more holistic framework which can work in tandem with allied services, government, community services and formal and informal networks to address the multiple barriers which impact a person’s capacity to work, which is particularly critical for certain communities such as CALD and Aboriginal and Torres Strait Islander communities.

Reform to the Framework needs to consider and resource interaction between cross-disciplinary support services who can work together to enable a people with disability to become work ready and work confident, while concurrently addressing other barriers to effective participation. This includes but is not limited to housing availability, income support, community connections, cultural barriers, individual capacity and independence.

A holistic approach to employment, one which looks at each person to see ‘where they are at’ as the starting point, is again a critical element. A customised funding model, as will be outlined later in further detail, best supports this approach.

## AFDO Recommendation 3: Clarifying the relationship between the National Disability Insurance Scheme and the Employment Framework

Despite parallel timeframes for the introduction of the Framework and the full rollout of the NDIS by 2018, the Framework makes limited reference to the NDIS, and the interface between the two models. While AFDO recognises that the number of people receiving support from the DES program significantly exceeds anticipated NDIS package recipients, it is unclear how both systems will support the stated intent of the other, particularly with a significant focus on social and economic participation. It is also unclear how NDIS recipients will be supported to explore open employment, particularly as access to Australian Disability Enterprises (ADEs) is currently funded under NDIS package rules. The interface between the two schemes requires significantly more attention, particularly with how NDIS School Leaver Employment Supports (SLES) will interface with DES in particular, and employment pathways more generally.

At the moment job pathway supports in both supports only become available when a person is in Year 12, where strong evidence shows that beginning the employment pathway earlier improves employability markedly. This is explored in further detail later in this submission.

## AFDO Recommendation 4: Resource a transition strategy from ADEs to open employment

Following on from this last point, AFDO notes its significant disappointment and concern that the transition of people with disability from ADEs into mainstream employment has been removed from the proposed Framework.

If the intent of ADEs is to support people with disability to participate in employment, then building the capacity of people with disability to enter into open employment and to transition out of ADEs should be the ultimate aim.

People with disability should have the opportunity to participate in all part of mainstream life, as do their non-disabled peers. For this to occur we need to move beyond models which promote segregation of people with disability, including segregated models of employment. It is clear from current practice that people with intellectual disability and multiple disabilities not only have the capacity to, but do successfully work in open employment at award wages via models which support both the employee and employer.

In 2014, just 0.8% of people with disability employed by an ADE transitioned into open employment. Of the total 2015-16 Federal Budget, just $14 million was allocated to enable eligible employees of ADEs to have access to a DES provider for up to two years while maintaining their ADE employment, enabling only 300 people per year to find a new job, just over 1.5% of current ADE employees.

While the Paper indicates a commitment to choice and control, this commitment is not evident with the continued segregation of people with disability within ADEs.

**AFDO recommends that:**

* 1. **The Framework put forward to the Australian Government includes a transition framework, and gradually increasing indexed year on year investment to assist people with disability to transition from ADEs to open employment**
  2. **A timetable for transition is developed in conjunction with national people with disability and family organisations, with a commitment to an overall number reduction of people in ADEs over a ten year period**
  3. **Current funding is significantly expanded (minimum of a six fold expansion) in the 2017-18 Budget to increase the numbers of people transitioning into genuine alternatives from ADEs, including open employment commensurate with the person’s interests and capacity, and/or volunteering and community participation, where this aligns with the interests and capacity of the individual.**

## AFDO Recommendation 5: Address the funding envelope: funding envelope is anticipated to remain the same, while seeking considerably better outcomes

AFDO understands that the current funding envelope for the provision of employment support to people with disability will not be increased. This presents significant issues including:

* No indexation over the last two contract periods, at a time when wages have increased. While AFDO agrees that there are areas of streamlining and improvement that can be achieved within the program, it is unrealistic to expect that better outcomes will be achieved when it will become more difficult to attract high quality staff, with employees earning less in real terms; invest in professional development; support jobseekers and operate in what will be a more competitive environment where public profile will become more important.
* The Paper references the importance of building employer engagement and buy-in in order to invariably lead to increased employment of people with disability. The Paper does not specify a proportional funding allocation for this work to occur. Without appropriate investment in building the disability confidence and readiness of businesses to tap into the talent of people with disability, efforts to change the way DES operates alone will not, and cannot, lead to the level of change that is hoped for in the Paper. It is critical that a budget is allocated (minimum 10% in addition to the current DES envelope) to ensure practical, targeted support to businesses. Strategies to increase business engagement are outlined later in this submission.
* There is a significant risk that prices will be unsustainable for providers, resulting in providers who will bid at a lower price at the cost of quality outcomes for people with disability. This potentially could result in a race to the bottom and poorer outcomes. With the Framework focused on improving performance, it is unclear how price trade-offs will not undermine better performance, particularly the retention of quality staff and practice that costs more. This presents a risk to current high performing providers who provide services that may become untenable at the rate offered or may have to compromise their outcome rates, which is contrary to the intent of the proposed Framework. This concern is consistent with AFDO’s research (to be released in March 2017) into the elements of best practice service delivery in the disability, aged and mental health sectors; with findings indicating that genuine consumer centred practice is more resource intensive, relies on quality staff and generally costs more than providers offering less flexible, consumer oriented services.

Further, where funding for a client is capped at a maximum rate, providers will not have capacity to expend more cost on individuals who require support over and above their funding envelope to achieve a genuine and sustainable employment outcome.

**AFDO Recommendation 6:   
Undertake a comprehensive analysis of best practice providers to determine characteristics of success**  
  
At present, just six providers are responsible for 40% of the outcomes achieved through the DES program. It is unclear whether analysis has been undertaken by the Department of Social Services to determine the characteristics of best practice providers. AFDO recommends that the analysis should include:

* Elements of current practice and critical success factors; whether the provider is specialist or generalist focused; characteristics of jobseekers being supported (i.e. mild/moderate/significant/multiple disabilities as well as other characteristics); how the service is delivered; touch points with consumers (method/frequency); referral pathways; areas of innovation or alternate practice; how businesses are engaged and how engagement is retained; levels of satisfaction of both jobseekers and businesses and how satisfaction is measured
* Impact of contractual requirements: how does practice align with contract requirements; where does the contract inhibit responsive/alternate practice that can generate good outcomes for people with disability?
* Types of outcomes that are being achieved: assessed by wages; hours; alignment with the aspiration of people with disability; alignment with business practice and industry challenges; and the sustainability of placements
* Cost pressures: assessed in terms of cost to deliver; timing; resource allocation; and ratio to service/outcome fees. What are the real costs to generate an outcome and how does this align with current funding arrangements?

This analysis is critical to determine the key levers and characteristics that should be considered in a new Framework, and to ensure that reform is evidence based where this evidence exists, or to ensure that relevant measures are put in place to collect this information. It is our assertion that this should be the starting point - starting with what we know works, before seeking to address more complex issues that require significantly more care and attention.

The human cost of the DES program, in addition to financial considerations, has largely not been considered. At present, people are cycled through a model that assists some, parks a large number and ignores another group altogether. Doing better relies on understanding what works and building from these features, for not only a economic but human welfare return.

**AFDO Recommendation 7:   
Develop a ‘clearinghouse’ of employment related pilots, programs and learning which span disability and other groups experiencing disadvantage**

While work has been undertaken nationally with people with disability and family organisations has provided invaluable insights of what works and what has failed for certain groups[[1]](#footnote-1), the lack of appropriate resourcing has meant that there are significant gaps in knowledge. Without evidence of best practice and a solid understanding of the range of barriers experienced by particular groups of people with disability, there is a risk that solutions will be implemented that do not address and serve to perpetuate employment disadvantage, or leave groups of people with disability behind.

In order to close these gaps, we firstly need objective research and an evidence base which looks at inter-sectional disadvantage experienced by people with disability. This includes data by gender, age, ethnicity, geography, type of disability, whether the disability is congenital or acquired (which is particularly important in understanding the extent of workforce disadvantage and how prior work history impacts on employment transition or re-entering the workforce) and other characteristics. The current data is inadequate in understanding and addressing multiple-disadvantage where living with a disability is just one of the factors which may impact employment or employment prospects.

Customised solutions that have been shown to work with particular cohorts, such as the success of specialist providers that provide intensive preparation, job matching and ongoing support for people with intellectual disability and employers, are critical to moving the needle of employment attainment. Best practice for a young adult with an acquired brain injury is likely to be quite different to the supports needed by a mature age worker with vision impairment re-entering the workforce; an example that reinforces the need for specialist DES providers.

Secondly, while people with disability have one of the highest rates of unemployment and under-employment in Australia, they are among a number of cohorts that experience significant employment market disadvantage (such as Aboriginal and Torres Strait Islander people, young people, mature age, CALD, LGBTIQ and ex-offenders).

Through our detailed work on employment over the last five years, AFDO have become aware of a number of employment related projects being undertaken by organisations, some of which are providing promising results. Awareness of these projects however is adhoc within the broader employment sector. There is no centralised mechanism to capture the good work, learnings and practice which is occurring to assist people with disability as well as other disadvantaged cohorts into employment. There is also no mechanism to determine how these might be applied or transferred to employing people with disability.

This is consistent with feedback from industry groups, who AFDO have spoken with over several years, noting that there is lack of ownership / co-ordination that can assist employers to streamline the employment of people with disability or other groups experiencing barriers to employment, rather than have individual approaches for gender, age, disability and other groups. Disability often ranks low on the prioritisation of addressing diversity in the workplace as outlined by DSS in the Paper, highlighting the value of cross-disadvantage approaches.

A clearinghouse, with a function of bringing together knowledge of pilots, programs and ‘pockets’ of excellence across disadvantaged groups is vital to increase our understanding of what is working and why, collecting examples of best practice and taking into account learning by cohort, geography and other characteristics such as gender, age and ethnicity. The clearinghouse would also play a useful role in identifying consistent elements between pilots and programs which could not only apply to people with disability but also other groups experiencing disadvantage. It would also assist to understand how international models (such as employment programs in Denmark to retrain and build employability of mature age workers) may have applicability in an Australian setting.

Determining what constitutes good practice, and in fact, best practice (high employment outcomes rates, not just high employment participation) should consider:

* Success with particular groups (who does the model work well with?)
* Model of practice
* Outcome rates of placement and retention
* Average and range of weekly hours of work and weekly wages
* Characteristics of participants and
* Support costs per outcome

Commitment to improving employment rates of people with disability requires commitment to resource evidence collection and to explore how solutions that work for different cohorts might be able to be applied to benefit people with disability. Objective evidence is critical to set clear and measureable improvement targets. It is important that we understand what interventions and best practice (domestic and international) works best for different disability cohorts as well as what can be learned from addressing these issues with other disadvantaged groups.

# Responses to the DES Reform proposed

AFDO provides the following considered responses to the discussion points raised in the DES Reform Framework.

## Discussion Point 1: More Choice for Participants and Discussion Point

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?

While the Paper presents a commitment to increased choice and control in principle, this choice is limited to selecting between DES providers, rather than opening up the capacity for people with disability to purchase a wider range of employment supports that can build job-readiness and assist people with disability to access employment.

While an argument can be made that the proposed framework provides opportunities for providers to re-orient how they deliver their service and the type of jobseekers they may wish to support, the majority of current DES providers (who are all proposed to transition to the new Framework) are not well equipped to assist the wide a variety of skills and capability of people with disability seeking employment.

Current DES provision tends to favour and work best with low skilled or entry level employment. Services currently offered tend to preclude or not well support people with post-secondary qualification, which is increasingly becoming a requirement for many roles. Services are also less equipped to support people who have temporarily exited the workforce who are seeking to return and build their career rather than take what is offered (which is often a sideways or backward step).

**AFDO Recommendation 8:**

**8.1 AFDO recommends that a range of solutions should be open to people with disability and business to purchase in addition to DES providers.**

Employment Service Area (ESA) boundaries have been raised within the Paper, with queries regarding whether ESA boundaries should continue as per current arrangements or be streamlined. In AFDO’s view, ESAs appear to benefit government administration most, rather than meet the needs of jobseekers and business, or in fact the operating model of providers.

* 1. **Jobseekers and business should be able to receive support from a provider of their choice, rather than an arbitrary provider in an ESA.**

This enables providers to orient their business in a way that meets market demand – whether that be a place-based response that builds off local labour market conditions, knowledge and networks; a specific cohort focus such as people with physical disability or students with graduate qualifications; a specific industry focus, seeking to connect jobseekers and businesses within an industry the provider is expert in; or a generalist provider working across a number of boundaries, candidates and industries; or something else entirely. The success or failure of employment providers will largely be based on their capacity to gauge and meet demand via a high quality, high value service.

* 1. **AFDO recognises that there will be some regions, particularly rural and remote, where genuine choice of providers may be more limited. AFDO supports the recommendation that a more interventionist approach may be required in these circumstances.**

This ensures that people with disability receive assistance to gain local employment where it is possible and provided with information about where employment prospects, based on individual skills and capability, are more likely.

* 1. **Other arrangements to support choice, such as permitting remote servicing of clients via technology, and providing greater choice to consumers to select non-DES providers for employment support, such as generalist recruitment agencies, should be explored and encouraged.**

**AFDO Recommendation 9:**

**AFDO supports the principles that jobseekers should have the capacity to change providers as per the outline of a maximum of three providers in year 1 and two providers in year 2.**

While AFDO does not generally support an arbitrary limit on choice, we recognise that building a mutual understanding and trusted relationship between a jobseeker and provider requires time.

It is important that a balance is struck between the capacity for a jobseeker to move between providers who are under-performing and creating enough leeway for a provider to be able to demonstrate that they understand the jobseeker’s need and can match appropriately with a business.

**AFDO Recommendation 10:**

AFDO agrees with the recommendation that current market share allocations should not be used to determine the range of providers that are offered to jobseekers with disability who are referred by Centrelink.

**AFDO recommends that jobseekers are provided with a list of provider options taking into account the performance of providers; the industry or roles the jobseeker is interesting in pursuing; where the person is seeking employment (which may be well outside of nearby ESAs) and factors relating to their disability (i.e. ongoing support, whether the person would prefer a specialist or mainstream provider).**

Jobseekers should have the choice to utilise available funding to pursue other employment supports that sit outside of the program, such as recruitment specialists. The quality of information and access to independent support is critical, outlined further in this submission.

## 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?

**AFDO Recommendation 11:**

**AFDO recommends that the ‘how’ of how a meeting is conducted is not mandated, but rather negotiated between the jobseeker’s preferred provider and the jobseeker.**

AFDO supports in principle the recommendation that the first meeting should be face to face (where practical), with future meetings and interaction guided by what works best for the jobseeker and provider.

This is consistent with recommendations made by consumers with disability who have called for more flexibility in how interaction is undertaken, particularly where mobility, transport, cost, episodic nature of disability and support requirements can present issues.

## 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?

**AFDO Recommendation 12:**

**AFDO recommends**

* 1. **Inclusions within Job Plans should be negotiated between the jobseeker and the provider.**
  2. **Once developed, a Job Plan should be portable.**

While a jobseeker may wish to change a provider, their aspirations for employment are less likely to have changed.

* 1. **Independent support, as outlined in Discussion Point 4, should be available to assist jobseekers to determine what they may wish to include in their plan, seek advice on plan inclusions recommended by their provider, and to understand their rights and responsibilities as a participant.**

Reflecting on accountability, measurement of satisfaction has not been referenced for inclusion in the new Framework. At present, there is no quality measure in the performance framework to assess the satisfaction of either the client or employer; the two critical components of a job match. This includes the suitability of the job match in meeting the aspirations and skill-set of the jobseeker and the expectations or requirements of the business where a placement has been made, and the satisfaction of the client where placement has not yet occurred.

* 1. **AFDO recommends the development of satisfaction metrics to enable informed choice of both consumers and providers. The need for additional accountability measures, if at all, should be considered as the Framework is rolled out, in conjunction with national people with disability and family led organisations and employer representatives.**

## 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)?

Current information provided to consumers is often complex and punitive in language, discouraging people with barriers to employment to become engaged.

**AFDO Recommendation 13:   
AFDO recommends that**:

* 1. **Information that is developed in transitioning to a new framework is multi-layered, taking into account the complexity that comes with choosing the right provider based on an individual’s circumstances.**

This multi-layered approach should take into account initial information provided to consumers at the first point of contact. Messaging should be clear and in plain language, touching on topics including:

* What is an employment service provider?
* What should I expect of a provider?
* What providers can I choose from?
* How do I know if a provider is any good?
* How can I make an informed choice?
* Where can I access independent information?
* What support can I expect?
* In which areas can I exercise choice? etc.

Second and third layers should be individualised, covering topics including;

* What funding is available to me?
* How do I decide how I can use my funding?
* What if I have a complaint? etc..

This should be followed by a list of providers relevant to the jobseeker in terms of job aspiration, region and factors determined by the jobseeker as important (identified during the initial conversation with Centrelink/referral pathway); provider performance (ratings, reviews) and how other providers can be selected, if those listed are unsatisfactory. Information should also be provided of independent advisory channels to assist with making an informed decision, outlined in more detail further below.

* 1. **Information for jobseekers must be underpinned by universal design principles**

At minimum, this means plain language and reasonable print size. Following this, the information, particularly for the first stage, must be available in a variety of formats, such as Auslan and captioned videos, Easy English and accessible formats such as large print and Braille.

* 1. **Dissemination of information should be wider than government sites, with arrangements negotiated with national people with disability and family led organisations, provider bodies, industry and government**

This ensures that the same messages that are agreed to in development are consistently communicated along with DES providers providing consistent information via their channels.

* 1. **Resourcing of independent advisory channels to assist jobseekers to make more informed decisions and build employment readiness**

Factsheets, portals and provider information alone will not in of itself lead to good decision making or outcomes. Up to this point, people with disability have been largely subject to systems designed to assist them rather than giving them real choice and decision making capability. In relation to employment and engagement with the employment service system, people with disability have been chronically disempowered and discouraged from exercising active decision making by a highly regulated compliance system. Dismantling consumer passivity is a slow process, evident in the continuing, but lessening passivity of people with disability that has resulted from the closure of institutions, introduction of voting rights and greater accessibility of the built environment.

Confidence and informed decision-making requires time and genuine investment which has not been factored in the proposed Framework. This will not happen in and of itself or through osmosis.

As has become evident with the rollout of NDIS, independent information available to people with disability has become critical, even more so than it has been in the past, to ensure that decisions are well informed, independently made and have the potential to lead to better outcomes.

From AFDO’s work in building NDIS readiness of people with disability, it has become evident that resources and information hubs have not been enough, with people with disability seeking;

* Peer support networks of people with similar life experiences
* Information that is dynamic and tailored to their needs with examples of what works and why
* Workshops to build capability and understanding of the inner workings of the scheme and opportunities to test ideas before a decision is made

This role has been played by people with disability and family led organisations, who are currently ill-resourced to provide the comprehensive support that is required at a time of significant change and increased decision-making by people with disability.

To genuinely improve outcomes, transition to a new framework must include appropriate funding for disability and family led consumer organisations to assist people with disability to think beyond current models, to understand their rights, to hear about providers that are demonstrating excellence, to build aspiration and personal responsibility, and to begin to demand more of service providers who are being paid to assist them. Models already exist, with work undertaken by some consumer led organisations to build capability. To enable this to occur, AFDO recommends

* 1. **Initial pilot funding of $6 million is included in the 2017/2018 Budget to people with disability and family led organisations to provide independent information and build employment readiness of people with disability, with evaluation built into delivery.**

Addressing the needs of employers, which is another crucial step, is covered in detail in the ‘Building Employer Demand’ section.

## 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?

**AFDO Recommendation 14:**

**AFDO recommends that**:

* 1. **A jobseeker’s funding allocation should be able to be used for a wider range of employment related activities that may not be currently provided for in the program that build capability, including employment focused services, training and supports for people with disability to start their own business.**

The ultimate purpose of DES program is the gainful employment of people with disability. Based on this principle, candidates should be able to choose to direct employment to

* A wider range of supports and services that can help to build employment capacity
* Employment based services (DES/RTO/mainstream recruiter etc) to assist with finding a job
* Training, courses and programs which can address skill gaps, rather than training for training sake
* Programs that provide a line of sight to employment
* Access supports to start their own business

The Paper notes concerns regarding individualising funding to consumers, noting the differences between individualising funding for personal supports, where the person with disability is presumably seen as more expert in what is required vs individualising of employment supports, where people with disability are viewed as having less insight into what is required to achieve an employment outcome. While there are differences between models, this approach infantilises people with disability and presents a view that more complex decisions should be left to the ‘experts’. As highlighted in department data, just one in ten people with disability achieve a 52 week outcome, highlighting that the current model is not well attuned to what people need, what business needs and how to connect the two for a mutually beneficial job match. The perceived ‘experts’ in this instance – government and providers, are failing.

Further, the Paper makes reference to a recent eight month pilot with people experiencing mental health conditions. While the results on the surface are disappointing, these need to be viewed in context. Changing mindset and practice, particularly for people who have not previously been given the opportunity or limited opportunity to direct supports in their own life, requires significant time and capacity building.

Changing engrained practice is difficult for people with or without disability. It is therefore not reasonable to expect that people will make robust, informed decisions within a matter of months. As with building the confidence of employers, change can be slow - with individuals this requires building individual capability, with high quality information, solid peer support and trusted networks that can assist with the multitude of barriers that impact a quality life and employment.

* 1. **Agrees with the principle that funding should follow the participant rather than be allocated to a provider, enabling a consumer to transition between providers as necessary**

An area that has not been discussed within the Paper is individualisation of funding, with the Paper intimating that there will be funding levels, rather than customised funding for individuals that take into account each person’s circumstances and individual barriers to employment.

While the model proposed has some merit (i.e. additional loading for complexity taking into account a multitude of characteristics), the Framework proposes to prescribe a cap of funding which may not adequately address the complex needs an individual presents and therefore may not lead to a sustainable employment outcome.

* 1. **The total pool of funding available to the jobseeker is advised up front, including the portion held by a DES.**

As has been noted, there are currently no checks and balances in place on how service fees are spent, monitoring to determine what proportion of services fees are spent on addressing participant needs, nor any contractually mandated level of expenditure on participants. Consumers have shared examples of conflict that has occurred with providers to access funding for employment related purchases, with one client repeatedly requesting and escalating a complaint to purchase clothing for an interview, where the interview was organised by the client directly.

**AFDO recommends that**:

* 1. **A minimum of 50% of total funding is provided for spending by the jobseeker at their discretion on employment related supports which is broader and outside of what can be offered currently by the DES system**
  2. **Consumers are provided with the choice of self management (with the availability of this choice well communicated) or assisted management through the nominated provider**
  3. **Jobseekers should be provided with details of independent organisations as per recommendation 13.4 that can provide a sounding board for decisions.**
  4. **Where remaining funding is held by a nominated DES provider (which is not AFDO’s preferred position), AFDO recommends that DES have a requirement that the budget is spent on the jobseeker within the financial year, signed off by the jobseeker, with scope to carry over residual funding to the following year where larger purchases have been identified (such as a training course) within the job plan.**

This ensures that providers are accountable, funding is used for the benefit of the jobseeker and cost shifting between the jobseeker and provider regarding where spending is undertaken is less likely to occur. To support this, AFDO recommends the development of guidelines.

**AFDO recommends that**

* 1. **Guidelines are established outlining the expectations of DES providers in relation to what is deemed core employment supports that are funded outside of a jobseeker’s funding allocation.**

The development of these guidelines should be in conjunction with national people with disability and family led organisations, provider peak bodies and the Department of Social Services. While AFDO notes that the concerns raised in the Paper are valid, particularly the potential for proliferation of the guidelines as clarifications are sought, it is AFDO’s view that this should be monitored with the above stakeholders as the Framework is rolled out with room for refinement, rather than closed off and viewed as too difficult before it is even trialled.

## 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:
   1. a minimum caseload?
   2. ESA coverage?

AFDO fully supports the opening up of the market to new providers. To ensure that this can lead to better outcomes for people with disability, AFDO recommends:

**AFDO Recommendation 15:**

**15.1 Co-design is embedded in the ongoing design, refinement and evaluation of the employment framework.**

**15.2 People with disability and/or their representatives with knowledge of the disability employment sector are represented on the Panel at a minimum of 20% representation.**

At present, decisions regarding provider entry and capability are made by department staff, with decisions not informed by the very people the program is designed for. To embed better choice in the market, people with disability with the appropriate skills should be at the table.

* 1. **Encouragement of more dynamic, flexible models of delivery, including providers that are run by and for people with disability.**
  2. **The market should be open and dynamic, allowing providers to succeed or fail based on their relative success of placing people with disability into employment and word of mouth.**

AFDO recommends that the criteria used to select providers should be less rigid, enabling providers who can demonstrate innovative models, pilot concepts or new ways of delivery to be able to enter the market, with new applicants reviewed for entry at six month intervals. Providers should be reviewed on an annual basis, with poorly performing providers (2 star or less) required to demonstrate how their model will be restructured to achieve higher outcomes.

**15.5 The criteria for entry include:**

* **Demonstrated experience with assisting people into work - AFDO does not believe that providers must have a background in disability.** As with the NDIS, the provision of services should not be limited solely to disability service providers, but providers who can demonstrate outcomes leading to inclusion
* **Relevant standards, legislation and business requirements are met**
* **A commitment to deliver services for a minimum of two years to ensure continuity of support for jobseekers who join the service and to ongoing support**
* **Employment of people with disability within the provider should be highly desirable in determining providers entering into the scheme.**
  1. **The panel is open to new providers on an ongoing basis throughout the life of the tender.**
  2. **AFDO does not support the requirement of a minimum caseload as this could preclude the potential for smaller, dynamic providers to enter the market.**

Through the Diversity Field Officer Service operating in Geelong, Victoria (outlined under employer engagement), AFDO has connected with a small provider working with 6 NDIS clients to build job-readiness. Likewise, Enabled Employment, a non-DES, is a disruptive model seeking to work with employers to meet unmet professional needs. These models would not fit traditional DES criteria, yet are demonstrating good outcomes and a more person-centred focus.

A key area of concern raised by AFDO stakeholders is the potential for increased use of inducements (ie. free IPads, gift vouchers) to entice people with disability to employment services, as evidenced in the vocational sector.

While AFDO supports removing unnecessary restrictions in the way that providers work alongside people with disability, AFDO recommends

* 1. **Marketing/inducements criteria is established to ensure that increased market share occurs through the provision of good outcomes, rather than inducements.**

## Discussion Point 7: A Single DES Contract

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

AFDO is unable to provide considered comment to this question and encourages the Department to review Inclusion Australia’s submission.   
 **AFDO Recommendation 16:**

**16.1 AFDO recommends that the Department takes into account Inclusion Australia’s detailed submission on the benefits and risks of a single DES contract.**

In relation to this section, AFDO is concerned that changes to contracting arrangements may inadvertently compromise access to hearing services through the Australian Government Hearing Services Program.

At present participants of DES-DMS are eligible (under Part (III) of the Disability Services Act 1986) to receive hearing services through the Australian Government Hearing Services Program. In contrast, DES-ESS participants may be eligible to receive hearing services if they meet one of the other eligibility criteria for the program, for example, if they are a Centrelink pension concession card or Department of Veterans' Affairs Gold Health Care card holder[[2]](#footnote-2).

* 1. **Any changes to provider contracting will need to ensure that jobseekers, including jobseekers that are hard of hearing, are not adversely affected for the benefit of streamlining requirements.**

## 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?

Please refer to our detailed comments provided under Discussion Point 1.

## 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?

Please refer to our detailed comments provided under Discussion Point 1.

## 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?

Given that the aim of DES is to increase the employment participation of people with disability, AFDO believes that an employment outcome must be measured in terms of a period of placement into a job. This should be measured and incentivised as 4, 13, 26 and 52 week outcomes.

**AFDO Recommendation 17:**   
 **AFDO recommends that:**

**17.1 Employment outcomes are measured in terms of a period of placement into a job and incentivised at 4, 13, 26 and 52 week outcomes**

The risk-adjusted funding model (Table 3 in the discussion paper) appears to demonstrate a fair system for measurement of achievement of outcomes however it is important that the concept of risk is re-considered. For example, a person with intellectual disability may be perceived as an inherently ‘riskier’ proposition under the model due to the need for an investment of time to understand the aspirations and capability of the jobseeker and businesses that might be an appropriate fit, and higher ongoing support hours once the placement is made. The likelihood of getting a job is not more risky as the potential of receiving an outcome is the same - it is the ‘how’ that is different.

The table proposed requires further thinking to ensure that the complexity that individuals bring is considered in full, rather than risk being attributed solely on the basis of a person’s disability or disabilities. The question that is pertinent is less about risk, but more about what does it take and how is this appropriately costed?

AFDO continues to have concerns about the potential of DES providers continuing to focus on easier to place jobseekers, even with the proposed model. An annual review of jobseeker groups in each funding level category may identify DES providers that are repeatedly selecting applicants on this basis, and their star rating and potential capacity to deliver should be adversely affected accordingly. A provider with more narrow skills may still choose not to work with people who are seen to require more intensive support, as there is a risk of failure and expending a lot of money with no outcome. Funding levels and skills alone are unlikely to be enough to drive behaviour change.

**17.2 The DES system must be flexible enough to respond to casualization of labour and labour trends**

The changing nature of the Australian workforce as a result of the increased casualisation and short term employment opportunities must be taken into account when measuring the achievements of DES. It is important that DES reflect the changing nature of work and the opportunities are not lost for people with disability because vacancies are casual or short term which is outlined further below. As a result, incorporating a range of financial incentives for the achievement of 4, 13, 26 and 52 week placement outcomes should be instated. Greater weighting should be given to 26 and 52 week placements and the remainder of funding should be shared between 4 and 13 week placements, with 13 week placements attracting a slightly larger fee than a 4 week placement.

**17.3 AFDO agrees that the job placement fee should be replaced with a 4 week outcome payment.**

This incentivises DES providers to place their efforts into sustaining outcomes rather than landing a job for the jobseeker. It also places an emphasis on better job matching. To further ensure that DES providers adopt better job matching focus, the total number of 4 week outcomes should be limited to a maximum of 4x 4 week placements.

**17.4 A balance needs to be struck between over and under supporting jobseekers between 26 and 52 week outcomes.**   
  
The level of support or intervention provided by DES will vary from case to case. Given that 70% of 26 week placement outcomes lead to 52 week outcomes, there may be value in understanding/investigating the reasons for which 30 percent of placements didn’t convert to 52 week outcomes. This information may assist in greater understanding of the support which could have been provided and ultimately converting into a 52 week outcome.

**17.5 AFDO recommends that the level of funding for a 52 week outcome should be equal to a 26 week outcome.**

**17.6. Employment benchmarking also requires significant review to ensure that people with disability are not precluded from employment**

AFDO is also concerned that employment benchmarks, which predetermine the hours of work a participant is capable of achieving and which also drive funding levels and provider outcomes, are counter-productive. Rather than providing sustainable employment, they actually force providers into taking the option of placing participants in low level, low wage jobs offering minimum hours of work OR give providers no choice but to knock back appropriate vacancies because they do not meet the specified benchmark.

During our work with workplaces during 2015/16, AFDO came across a number of examples with businesses ready and willing to employ people with disability, with a vacancy at hand, only to be advised by DES providers that contractual requirements would make it difficult for the position to be filled. For example, AFDO, via its Diversity Field Officer Service, worked with a taxi operator open to connecting owners with people with disability seeking to work as drivers. The DFOS was advised that as drivers are hired as casual workers, this was untenable as part of the DES contract as placement fees would not be attracted.

At another employer, a warehouse, job-carving was explored with an 8 hour a week position created with candidates shortlisted. As a summer vacancy, the business was keen to employ a person with disability in a stock maintenance role, with significant more hours during the summer period, with hours lessening in quieter periods throughout the year. The business of eight staff was unable to offer guaranteed ongoing employment with guaranteed hours per week due to these peak periods, seeking a more flexible role to suit the needs of the business. Despite four suitable candidates being identified, the opportunity was unable to proceed as the DES provider would not receive a placement fee for their work in assisting a candidate into a role.

In yet another instance, a candidate who was identified as ideal for a bookkeeper role was not put forward for a one day per week role due to benchmarked hours of 16 hours per week, despite indicating that they were interested in the role and the role offering a highly desirable entry into the industry and potential further employment.

The lost opportunity for people with disability to enter into a role below their benchmarked roles, as well as casual roles, indicates that the system is too rigid to cater for variations, restrictive in meeting the aspirations of jobseekers as well as businesses, and limited in providing a gradual pathway into effective employment.

All of the examples serve to illustrate that the current model is not flexible or responsible enough to understand the dynamic conditions which small business are currently working to, despite vacancies clearly existing, with the system inhibiting naturally occurring outcomes by virtue of working to a rigid process. It is imperative that the Framework is responsive to the needs of businesses and jobseekers, is flexible enough to allow opportunities for jobseekers to continue to grow within organisations, particularly where it is clear that attitudinal change is most likely to occur by being around people with disability.

## 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?

Students with disability experience significantly reduced opportunities to gain genuine employment experience during their school years when compared to students without disability. This is a contributing factor to the chronic disempowerment of people with disability over time. It usually means that young adults will have little or no employment history when they leave school or graduate university, and this makes jobseekers with disability far less competitive in the labour market.   
  
**AFDO Recommendation 18:**

**18.1 AFDO agrees that the revised eligibility criteria for ESL should include students in Year 12, but that this should also be extended to students in Years 10 and 11 who would be deemed eligible to receive DSP.**

It is these years that are formative in building work readiness and embedding employment capability which has been noted by Ticket to Work and others as lacking in students with disability.

AFDO disagrees with the statement made in the Paper that:

*‘This expanded cohort of students could be supported by a specific service fee and employment outcome payment. These new payments would help ensure that students are not simply placed in after-school jobs as any new outcome payment would only be payable when students remained in employment for a specified period of time after they have finished Year 12’.*

**AFDO strongly recommends that**

* 1. **Students should be assisted to gain part-time employment to build employment capability longer term. Students should also be able to concurrently access transition and DES programs for a time limited period.**

While AFDO agrees that working with students should not comprise the bulk of work undertaken by DES, there should be provision and resourcing to work in conjunction with transition programs to assist young people to gain a job while in school as well as explore other vocational pathways.

Research by Ticket to Work indicates that students with disability who have not worked before the age of 21 are likely to not work for the rest of their life, resulting in welfare dependency and a life of poverty. Initial investment to connect students to the labour market is economically sound, as compared to a life of welfare and system dependence.

Our expectations of students with disability should not be different to our expectations of students without disability, who often commence part time work from the age of 14 and 9 months. The only difference is that students with disability may need some additional support, workplace readiness building and a comforting advisor to an employer to get in the door.

Research has indicated that young people without disability with several years of part-time work history are struggling to enter into their chosen careers roles[[3]](#footnote-3). Yet the DES Reform Framework recommends that no investment is made in giving young people with disability even the most basic assistance to gain a part-time role, largely relegating young people with disability to be further behind than they already are to their peers. This is unacceptable and is inconsistent with the investment approach being sought by the Australian Government to address welfare dependence and build capability.

## 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?

**AFDO Recommendation 19:**

**AFDO supports the recommendation for a review of the current assessment process.**

It is crucial that a more appropriate level of resources is provided at the assessment stage so that delays are minimised and jobseekers are funnelled into the most appropriate employment program that meets their needs.

At a minimum, AFDO encourages a Framework that enables jobseekers to directly register with a DES provider, enabling people with disability to be fast-tracked through the assessment process.

## 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?

This question presupposes that it is the person with disability that is the impediment to the workplace. In many cases, it is not the jobseeker that is at fault, but rather the workplace systems or IT systems that are not accessible.   
  
Ideally, a thorough assessment of the workplace is conducted prior to the placement of the jobseeker, and this needs to be specific to the jobseeker and their work duties. Conducting a workplace assessment post placement can often be a frustrating situation for the jobseeker and the employer.

It means they may not be able to commence their work duties effectively for weeks or months in the circumstance where adaptive or assistive technology is required to enable them to access the workplace IT systems. This is because adaptive/assistive technology may need to be purchased, borrowed or installed. Usually a disability specialist provider may be required to work with the IT department in order to assess the IT systems, make recommendations and install equipment or software.

In the situation where a workplace uses a customised database or IT programs, the jobseeker may not be able to access the systems at all. And this may require the development of software scripting or other work arounds in order for the jobseeker to perform their duties. In most cases a workplace assessment can be delivered via the JobAccess program. However, this is often only available once a jobseeker commences employment. The process is relatively streamlined and has rigorous KPIs.

The process of applying for Employment Assistance Funding through JobAccess takes up to 5 days, then allow for up to another 5 days for the assessment to take place, another 5 days for a report and recommendations to be made, a further 5 days for funding approval, up to two weeks for equipment or workplace modifications to be purchased and then delivered and installed.

The risk of a job genuinely being in jeopardy could therefore be best mitigated by conducting a workplace assessment and adaptive/assistive technology needs assessment prior to the commencement of the placement.

In the situation where an ongoing worker’s job may be in jeopardy, such as they have acquired a disability during the course of their employment, or have developed a second disability, or experienced an increase in the functional impact of their disability, or the nature of their work role has changed, interventions need to be swift, responsive and specific to the worker’s and employer’s needs.

Again, a thorough assessment of the workplace processes and the adaptive/assistive technology needs of the worker must be undertaken. Specialist reports may be required in order to better understand the nature of the worker’s disability and this will lead to a greater need for the employer to understand the implications of the assessments and reports.

**AFDO Recommendation 20:**

* 1. **A workplace assessment and adaptive/assistive technology needs assessment are conducted prior to the commencement of any placement.**

Often intervention in the form of awareness training and education about reasonable adjustments is required in order for a job to be maintained. Employers come and go, work colleagues change and move on, and the need for top up education to build employer confidence in the employment of people with disability needs to be delivered.

Far too often, AFDO hears about Job In Jeopardy (JiJ) cases that have unnecessarily led to loss of a job. Intervention by DES providers has been delivered too late in the piece.

* 1. **AFDO believes that incentivising DES to be more responsive in delivering JiJ may reduce the number of jobs that are lost.**

The most effective way to educate stakeholders is through word of mouth and strong relationships with DES and other like-focused providers. Employers can readily access information about JiJ via JobAccess and other web resources. However, they will only access such information when they need it and they will need to know what they are looking for and know it exists. As noted in the Paper, take up and knowledge of JIJ is quite low indicating that current dissemination strategies are not hitting the mark. This is consistent with the experiences of businesses participating in the Diversity Field Officer Service.

DES providers need to place more value in the role of JiJ and should include an explanation of JiJ services in their regular communications with employers.

**20.3 AFDO recommends that the provision of Jobs in Jeopardy by DES providers should be better financially rewarded.**

JiJ requires quite specialised and dedicated attention from DES providers. Minimising job losses due to acquisition of disability, or workplace changes impacting on the ability of workers to perform their duties, or an increase in the functional impact of a disability are just as important an employment service as placing people with disability into work.

* 1. **AFDO supports the recommendation that an alternative name to JiJ be undertaken, centring on the concept of job retention such as job maintenance, ongoing support, job support, employment maintenance.**

All of these are terms currently used by the DES program for sub-program types but they are good alternative titles to JIJ.   
  
In regards to discussion point 5.5, AFDO notes that DES providers should maintain a consistent working relationship with the worker. They need to create an ongoing relationship of trust with the worker so that they can be supported as and when required. The DES provider can support the worker by providing education about available adaptive/assistive technologies and help the worker to build an understanding of equipment and resources that may assist them to more effectively perform their work duties. The provider can also support the worker to develop strategies for managing their disability in the workplace. This may include ways to communicate their specific needs, methods for interacting with their colleagues so that they may trade off on elements of each other’s duties. For example, I’ll answer the next few phone calls if you photocopy these documents for me. Providers can also be a resource for disability specific information. This may include providing information or links to relevant resources that may assist the worker to better understand their condition and not feel alone.   
  
Building a relationship of trust with the worker can also facilitate a greater likelihood for the worker to feel safe to disclose the nature of their disability when and if the time requires it.   
  
**20.5 AFDO recommends that JIJ should be integrated into Ongoing Support** as DES providers would be more likely to value it and resource it. At the moment JiJ is perceived as an add-on and labour intensive service. It is therefore poorly executed and too many people with disability are unnecessarily losing jobs as a result.

## 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?

While AFDO broadly supports the principles outlined (transition arrangements must cause minimal disruption to participant’s existing arrangements, new transition activities must support the timely commencement of the new model and must be consistent with the new model), AFDO does not see these providing any form of assurance that the jobseeker and employer experience will be seamless.

**AFDO Recommendation 21:**

**AFDO recommends that more detailed parameters, ones that enable flexibility in delivery for providers and enable jobseekers and employers to understand the changes that are likely to occur, will be necessary.**

As with all of the reforms outlined, it is imperative that decisions are made in genuine partnership to ensure that the focus of the program – jobseeker and employer support – remain at the centre of design and reform work.

# Other discussion points

As has been noted, the Paper focuses on reforming how DES is delivered, which AFDO strongly notes is too narrow in scope to effect meaningful change in employment rates.

AFDO has chosen to provide commentary and recommendations that align with our expertise and representation. Where specifics have been sought regarding market failure, service fees, assessment reviews and ongoing support, AFDO recommends the Department review the recommendations put forward by Inclusion Australia and other Disability Australia members for specific detail.

# Building employer demand

Despite recognition of the importance of building employer confidence, the Paper provides very limited recommendations (and no discussion points to respond to) of how the Government seeks to increase employment engagement and buy-in for businesses of all sizes, including the small and medium sized enterprises (SMEs) who comprise over 90% of businesses in Australia.

Over the last two decades, there have been countless reviews, roundtables, meetings, inquiries, discussions and a range of communications initiatives, which have all recommended the need to ‘get businesses at the table’ and have implemented various strategies in the attempt to do so.

Two decades on, the employment participation rate of people with disability has not only remained stagnant but declined, at a time when participation of people without disability has increased. It is clear that while the desire to engage with business has been there, there have been no, or limited, evidence-based systematic external efforts that have been supported by the government that have led to a meaningful improvement of outcomes.

A number of studies have demonstrated that providing information is not enough to shift deeply embedded personal or cultural stereotypes and attitudes, with experiential programs such as work trials, mentoring programs, internships, and actual job placements for people with disability that are shown to be the most powerful methods of changing attitudes. These programs give employers an opportunity to get to know people with disability first-hand and therefore rely less on inaccurate stereotypes or assumptions.

**Building the confidence of businesses is resource intensive, with previous studies also noting that messages alone will not translate to behaviour change.** Awareness raising activities, building on the JobAccess service as the national hub, and key messaging of ‘driving disability’ employment’ as highlighted in the Paper do not go far enough. Businesses have indicated that they would benefit from credible and reliable sources of information that are specific to their business, connection to appropriate networks to successfully identify, access and recruit people with disability (for all roles, not just entry level) and ‘trusted brokers’ to access information relevant to their specific business requirements.

The old adage ‘I need to know just enough, just in time, just for me’ is relevant here. This is consistent with domestic and international research evaluated by Deakin University (see Appendix A) with the research indicating that one of the largest predicators to attitudinal change in employing people with disability is trusted support to employers and customised information to address fears, supported by practical strategies.

While strategies exist to engage big business, the evaluation of these programs and how successful these have been in increasing the employment of people with disability has not been transparent.

At a small business level, there has been very little federal government investment in demand-led strategies and no practical support available for SMEs to implement strategies to improve employment and retention of people with disability, with the current model largely focused on preparing people with disability for employment.

**DES does not fill this void for SMEs despite program resourcing**, with former research undertaken by the Department of Education, Employment and Workplace Relations indicating that just 3% of businesses, of all sizes, who know about DES engage with the model. While the Framework alludes to a dual focused approach and DES as ‘the first point of contact’, the skill-sets required to build the job-readiness of candidates and to build the confidence of business are vastly different, with the need for an independent, trusted broker also emerging in work undertaken by AFDO in 2015/16.

In partnership with Deakin University, in 2015 and 2016 AFDO piloted the Diversity Field Officer Service to build the disability confidence and leadership capacity of SMEs to become more welcoming, confident and accessible as a business and employer, spanning recruitment, retention and inclusive customer service.

Working with 50 workplaces staggered over 12 months, the initiative has led to increased reported confidence by businesses which has been measured through pre and post confidence surveys and empirical evaluation (due for release in February 2017); removal of barriers to recruitment to open the door to skilled talent with disability; greater confidence around retention and creation of employment pathways for people with disability.

As a result of the work undertaken with businesses during the pilot, over 95% of businesses have committed to exploring two or more recommendations to become more welcoming of people with disability as a result of their involvement.

This is particularly significant considering the short time spent building a trusted relationship with the business (between 2-6 months for most businesses), the lack of formal procedures and HR support for the overwhelming majority of the small businesses involved and significant changes in employment prospects in the Geelong region, with increased competition for employment. These have included;

* Amended wording on PDs and advertisements to be more inclusive of people with disability and reasonable adjustments.
* Actively considering adjustments to interview processes
* Actively considering job carving/job-redesign as a business benefit, with specific opportunities identified
* Actively considering work-experience
* Actively considering graduate recruitment/apprenticeships
* Actively considering volunteering
* Measures to retain and improve conditions for current staff, such as Employment Assistance Programs and wellbeing initiatives
* Employed people with disability as well as other businesses actively being supported to employ people with disability
* Investigating disability awareness training for leadership and staff
* Actively reviewing changes to improve the experience of their customers

**Retention of employees who may already have or acquire a disability has also received very little attention, including in the Framework.**

Interestingly, it has been conversations around retention that has generated the most interest for businesses to become involved, indicating a significant gap and genuine concern about how to respond when disability is disclosed or begins to present issues in the workplace. Engagement with the DFOS has resulted in businesses undertaking disability awareness training, mental health first aid, contact with the Employment Assistance Fund to organise workplace adjustments and specific connections to specialist providers to ensure that skilled talent is retained and maximised, rather than lost in the region.

The model has played a unique role, working with over 20 local, state and national stakeholders to provide holistic connections to a wide range of government funded and non funded programs rather than duplicate their roles. These stakeholders have included DES in the region, local learning and employment networks, education and training providers, disability specific providers and businesses who may have learnings to share with others.

**Building the confidence of businesses first, before an entrée to a DES, is critical.** Of the businesses participating in the DFOS, just four workplaces had previously used a DES despite familiarity with the names of the providers in the region and attendance at networking events with these providers.

**The independence of the service, brokering of a “trusted relationship” where there is no ‘hard sell’, having a person to turn to with disability-related questions and prior experience of the Diversity Field Officers of working in small business and industry have all emerged as critical.** The pilot outcomes, consistent with the literature review, have indicated that building confidence is a slow-burn requiring trust and time; short interventions only work for businesses already somewhat confident and with processes in place. Many businesses have indicated that a longer-term relationship and assistance to implement changes is critical.

*“I liked these recommendations, I think they’re good. There’s a lot of services out there that say the right words but they don’t deliver. You’re not a fly-by-night operator, you’ve done lots of work, you get what I do. The awareness training recommendations are useful as I wouldn’t have known where to go. I like the idea of giving someone a go, even for a few hours”,*

*Gwen, micro-business.*

**The importance of size appropriate business support has also emerged**, with businesses noting that government programs are largely targeted to bigger businesses or are siloed in their approach thereby not meeting the holistic needs of business. This includes their concerns about mental health, disability, recruitment, accessibility, and employment beyond filling a role.

*“HR is an after-thought for small business and there is close to zero support and acknowledgement of that in the supports available. If it wasn’t for this program, where would I go for support? Bigger businesses have a bigger capacity to support than small business. I could list 15 businesses in Torquay who are oblivious to the impact that disability has on their business”.*

Mark, small business owner.

As a result of AFDO engagement, businesses have been willing to step outside of their industry and share resources and learnings with other participating SMEs, something that has not happened of its own accord.

Examples include:

* Sharing of an internal diversity policy from a major recreation organisation to a law firm
* Law firm working with a software company to establish a new graduate program
* Genuine business interest (over 80%) for the formation of a peer-network to share and support one another

**Trust, assistance to navigate, source information and help to broker connections has been the key to these organic outcomes, with stakeholder evaluation (inclusive of DES providers), noting that a model like the DFOS provides a ‘soft’ or ‘warm’ entry point to businesses with no associated government connotation,** **a valued role that is unable to be played by DES whose primary obligation is placing people with disability into employment**. This is an important distinction currently missing from the Framework that should be appropriately resourced.

Leading from this, the Framework does not provide clarity as to how employer engagement will be resourced (whether through part re-direction of current program funding which would be fraught as previously outlined) or the allocation of new funding to support employers to become disability confident.

**AFDO Recommendation 22:**

**22.1 AFDO recommends that a budget is allocated (minimum 10% in addition to the current DES envelope) to ensure practical, targeted support to businesses to build confidence and opportunities on the ground.**

Further to this, AFDO broadly supports the recommendation for employer led projects to be funded. Further detail is required as to:

* How the availability of funding will be communicated to businesses of all sizes, including SMEs. This is particularly important taking into account the relatively mixed success of other government campaigns in driving behaviour change in this area.
* Criteria to determine the quality of the strategies proposed, and how chosen strategies will significantly build business confidence and increase the employment of people with disability. AFDO notes that it is imperative that ideas across the breath of the business sector are considered, including strategies suggested by industry and small business directly or in conjunction with other partners, rather than strategies that simply support the activities of a large business already undertaking good practice.
* How strategies will be communicated once implemented
* Partnerships between employers and other stakeholders, such as providers and stakeholders working in the disability, education and employment sectors should be strongly encouraged

In addition to practical support and employer led initiatives, AFDO recommends a number of macro level changes.

**22.2 AFDO recommends:**

* **Eligibility for preferential tendering for government contracts and procurement available to organisations hiring people with disability (based on clearly articulated KPIs), with businesses given preferential weighting in selection processes**
* **Preferential access/recognition when applying for government funding (grants, programs etc), which could be particularly useful in increasing the employment of people with disability within the community and NFP sector which has had relatively less investment and attention**
* **A government-sponsored/funded trial program that covers insurance premiums and disability discrimination insurances, with the collection, analysis and dissemination of reliable data about the true impact of those laws on business**
* **Engagement of State workers compensation authorities in disseminating information and developing disability employment strategies to ensure better alignment between state and federal employment initiatives**
* **A collaborative approach between government, business and industry to obtain genuine commitments from a dedicated number of employers per year to provide job opportunities and on the job experience, including work experience programs, on the job learning, graduate programs and industry based learning initiatives. Participating employer numbers should be expected to grow each year.**

The Paper also makes reference to ‘co-sponsoring an existing disability employment award such as the Australian Ability Awards or the Australian Human Resource Institute (AHRI) Disability Employment Awards’.

While AFDO in principle is supportive of the public recognition of companies who are undertaking good practice in relation to the employment of people with disability, we do not believe that this in and of itself will lead to substantial change in the behaviour of businesses.

AFDO is of the view that recognition of good practice around the inclusion of people with disability should not be separately awarded but should be considered as a component of a business’s holistic performance. This is consistent with the recognition that businesses often work across multiple diversity areas and other issues, such as sustainably, CSR etc.

An example of this is the Geelong Chamber of Commerce, a participating business of the DFOS, who recently announced that all future Geelong Business Excellence Awards, across all categories, will include a question for entrants regarding disability inclusion and employment as part of consideration of the business’ all round excellence.

This approach is far more consistent with the values we should be promoting, although as noted this should be one part of a much larger, holistic strategy.

The volunteering of targets for disability employment by organisations, how these targets are being met and examples of success promoted on the JobAccess website again should be seen as a small part of a much larger, holistic strategy.

**22.3 AFDO supports the recommendation for the Department of Social Services to work with the employment and disability sectors to create and champion a broader employer-driven strategy to promote and increase workplace participation for people with disability**.

To enact these reforms in a way that will resonate with business and connect businesses with appropriate information,

**22.4 AFDO recommends that a partnership approach is adopted between the Australian Government, national, state and territory business and industry bodies and people with disability and family organisations.**

**22.5 Discussions with smaller businesses, particularly those who are unlikely to be represented by industry bodies and have engaged in employment of people with disability should be specifically targeted to be part of preliminary discussions of what could make a difference.**

# Conclusion

As outlined at the very start of this submission, addressing the entrenched unemployment and under-employment of people with disability is a complex, multi-faceted issue. This submission has proposed a range of interconnected measures to address employment disadvantage now and into the future.

It is critical that this extends beyond reform of the DES system alone. With such significant expenditure dedicated to the aim of increasing employment of people with disability, we cannot afford to look solely at one part of the problem.

There are a multitude of approaches needed, with no one approach operating in isolation likely to be successful. Likewise, an approach which brings together people with disability, business and industry, government and other key players will be critical to not only develop strategies, but ensure that these strategies are implemented, monitored and have accountability measures so that people with disability do not fall further behind and can be contributors to Australia’s future economy.

Recommendations List  
  
**The big ticket items that need to be considered**

## AFDO Recommendation 1: State clearly what success looks like - A measurable increase in the employment of people with disability

## AFDO Recommendation 2: The Framework does not incentivise or support providers to work holistically with other providers to address barriers

## AFDO Recommendation 3: Clarifying the relationship between the National Disability Insurance Scheme and the Employment Framework

## AFDO Recommendation 4: Resource a transition strategy from ADEs to open employment

**AFDO recommends that:**

* 1. **The Framework put forward to the Australian Government includes a transition framework, and gradually increasing indexed year on year investment to assist people with disability to transition from ADEs to open employment**
  2. **A timetable for transition is developed in conjunction with national people with disability and family organisations, with a commitment to an overall number reduction of people in ADEs over a ten year period**
  3. **Current funding is significantly expanded (minimum of a six fold expansion) in the 2017-18 Budget to increase the numbers of people transitioning into genuine alternatives from ADEs, including open employment commensurate with the person’s interests and capacity, and/or volunteering and community participation, where this aligns with the interests and capacity of the individual.**

## AFDO Recommendation 5: Address the funding envelope - funding envelope is anticipated to remain the same, while seeking considerably better outcomes

**AFDO Recommendation 6:   
Undertake a comprehensive analysis of best practice providers to determine characteristics of success**

**AFDO Recommendation 7:   
Develop a ‘clearinghouse’ of employment related pilots, programs and learning which span disability and other groups experiencing disadvantage**

**Responses to the DES Reform proposed**

**AFDO Recommendation 8:  
8.1 AFDO recommends that a range of solutions should be open to people with disability and business to purchase in addition to DES providers.**

* 1. **Jobseekers and business should be able to receive support from a provider of their choice, rather than an arbitrary provider in an ESA.**
  2. **AFDO recognises that there will be some regions, particularly rural and remote, where genuine choice of providers may be more limited. AFDO supports the recommendation that a more interventionist approach may be required in these circumstances.**
  3. **Other arrangements to support choice, such as permitting remote servicing of clients via technology, and providing greater choice to consumers to select non-DES providers for employment support, such as generalist recruitment agencies, should be explored and encouraged.**

**AFDO Recommendation 9:**

**AFDO supports the principles that jobseekers should have the capacity to change providers as per the outline of a maximum of three providers in year 1 and two providers in year 2.**

**AFDO Recommendation 10:**

**AFDO recommends that jobseekers are provided with a list of provider options taking into account the performance of providers; the industry or roles the jobseeker is interesting in pursuing; where the person is seeking employment (which may be well outside of nearby ESAs) and factors relating to their disability (i.e. ongoing support, whether the person would prefer a specialist or mainstream provider).**  
  
**AFDO Recommendation 11:**

**AFDO recommends that the ‘how’ of how a meeting is conducted is not mandated, but rather negotiated between the jobseeker’s preferred provider and the jobseeker.**

**AFDO Recommendation 12:**

**AFDO recommends**

* 1. **Inclusions within Job Plans should be negotiated between the jobseeker and the provider.**
  2. **Once developed, a Job Plan should be portable.**
  3. **Independent support, as outlined in Discussion Point 4, should be available to assist jobseekers to determine what they may wish to include in their plan, seek advice on plan inclusions recommended by their provider, and to understand their rights and responsibilities as a participant.**
  4. **AFDO recommends the development of satisfaction metrics to enable informed choice of both consumers and providers. The need for additional accountability measures, if at all, should be considered as the Framework is rolled out, in conjunction with national people with disability and family led organisations and employer representatives.**

**AFDO Recommendation 13:   
AFDO recommends that**:

* 1. **Information that is developed in transitioning to a new framework is multi-layered, taking into account the complexity that comes with choosing the right provider based on an individual’s circumstances.**
  2. **Information for jobseekers must be underpinned by universal design principles**
  3. **Dissemination of information should be wider than government sites, with arrangements negotiated with national people with disability and family led organisations, provider bodies, industry and government**
  4. **Resourcing of independent advisory channels to assist jobseekers to make more informed decisions and build employment readiness**
  5. **Initial pilot funding of $6 million is included in the 2017/2018 Budget to people with disability and family led organisations to provide independent information and build employment readiness of people with disability, with evaluation built into delivery.**

**AFDO Recommendation 14:**

**AFDO recommends that**:

* 1. **A jobseeker’s funding allocation should be able to be used for a wider range of employment related activities that may not be currently provided for in the program that build capability, including employment focused services, training and supports for people with disability to start their own business.**
  2. **Agrees with the principle that funding should follow the participant rather than be allocated to a provider, enabling a consumer to transition between providers as necessary**
  3. **The total pool of funding available to the jobseeker is advised up front, including the portion held by a DES.**
  4. **A minimum of 50% of total funding is provided for spending by the jobseeker at their discretion on employment related supports which is broader and outside of what can be offered currently by the DES system**
  5. **Consumers are provided with the choice of self management (with the availability of this choice well communicated) or assisted management through the nominated provider**
  6. **Jobseekers should be provided with details of independent organisations, as per recommendation 13.4, that can provide a sounding board for decisions.**
  7. **Where remaining funding is held by a nominated DES provider (which is not AFDO’s preferred position), AFDO recommends that DES have a requirement that the budget is spent on the jobseeker within the financial year, signed off by the jobseeker, with scope to carry over residual funding to the following year where larger purchases have been identified (such as a training course) within the job plan.**
  8. **Guidelines are established outlining the expectations of DES providers in relation to what is deemed core employment supports that are funded outside of a jobseeker’s funding allocation.**

**AFDO Recommendation 15:**

* 1. **Co-design is embedded in the ongoing design, refinement and evaluation of the employment framework.**
  2. **People with disability and/or their representatives with knowledge of the disability employment sector are represented on the Panel at a minimum of 20% representation.**
  3. **Encouragement of more dynamic, flexible models of delivery, including providers that are run by and for people with disability.**
  4. **The market should be open and dynamic, allowing providers to succeed or fail based on their relative success of placing people with disability into employment and word of mouth.**
  5. **The criteria for entry include:**
* **Demonstrated experience with assisting people into work - AFDO does not believe that providers must have a background in disability.**
* **Relevant standards, legislation and business requirements are met**
* **A commitment to deliver services for a minimum of two years to ensure continuity of support for jobseekers who join the service and to ongoing support**
* **Employment of people with disability within the provider should be highly desirable in determining providers entering into the scheme.**
  1. **The panel is open to new providers on an ongoing basis throughout the life of the tender.**
  2. **AFDO does not support the requirement of a minimum caseload as this could preclude the potential for smaller, dynamic providers to enter the market.**
  3. **Marketing/inducements criteria is established to ensure that increased market share occurs through the provision of good outcomes, rather than inducements.**

**AFDO Recommendation 16:**

* 1. **AFDO recommends that the Department takes into account Inclusion Australia’s detailed submission on the benefits and risks of a single DES contract.**
  2. **Any changes to provider contracting will need to ensure that jobseekers, including jobseekers that are hard of hearing, are not adversely affected for the benefit of streamlining requirements.**

**AFDO Recommendation 17:**

**17.1 Employment outcomes are measured in terms of a period of placement into a job and incentivised at 4, 13, 26 and 52 week outcomes**

**17.2 The DES system must be flexible enough to respond to casualization of labour and labour trends**

**17.3 AFDO agrees that the job placement fee should be replaced with a 4 week outcome payment.**

**17.4 A balance needs to be struck between over and under supporting jobseekers between 26 and 52 week outcomes.**

**17.5 AFDO recommends that the level of funding for a 52 week outcome should be equal to a 26 week outcome.**

**17.6 Employment benchmarking also requires significant review to ensure that people with disability are not precluded from employment**

**AFDO Recommendation 18:**

* 1. **AFDO agrees that the revised eligibility criteria for ESL should include students in Year 12, but that this should also be extended to students in Years 10 and 11 who would be deemed eligible to receive DSP.**
  2. **Students should be assisted to gain part-time employment to build employment capability longer term. Students should also be able to concurrently access transition and DES programs for a time limited period.**

**AFDO Recommendation 19**

**19.1 AFDO supports the recommendation for a review of the current assessment process.**

**AFDO Recommendation 20:**

* 1. **A workplace assessment and adaptive/assistive technology needs assessment are conducted prior to the commencement of any placement.**
  2. **AFDO believes that incentivising DES to be more responsive in delivering JiJ may reduce the number of jobs that are lost.**
  3. **AFDO recommends that the provision of Jobs in Jeopardy by DES providers should be better financially rewarded.**
  4. **AFDO supports the recommendation that an alternative name to JiJ be undertaken, centring on the concept of job retention such as job maintenance, ongoing support, job support, employment maintenance.**
  5. **AFDO recommends that JIJ should be integrated into Ongoing Support**

**AFDO Recommendation 21:**

**AFDO recommends that more detailed parameters, ones that enable flexibility in delivery for providers and enable jobseekers and employers to understand the changes that are likely to occur, will be necessary.**

**AFDO Recommendation 22:**

**22.1 AFDO recommends that a budget is allocated (minimum 10% in addition to the current DES envelope) to ensure practical, targeted support to businesses to build confidence and opportunities on the ground.**

**22.2 AFDO recommends:**

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1. Australian Federation of Disability Organisations, 2013, *Consumers front and centre: What consumers really think about Disability Employment Services,* AFDO, Melbourne. [↑](#footnote-ref-1)
2. <http://hearingservices.gov.au/wps/portal/hso/site/eligibility/programhelp/disability-employment-services/!ut/p/a0/04_Sj9CPykssy0xPLMnMz0vMAfGjzOK9A03NDD0NjLwtwvzdDBwd_UJ9vNxMjAwcDfULsh0VAav0Y6c!/> [↑](#footnote-ref-2)
3. <http://www.fya.org.au/wp-content/uploads/2015/11/How-young-people-are-faring-report-card-2015-FINAL.pdf>   [↑](#footnote-ref-3)