Enabled Employment
Real work. Real jobs. Real people.

SUBMISSION

TO THE AUSTRALIAN GOVERNMENT

Disability Employment Services Reform

ENABLED EMPLOYMENT

EXECUTIVE SUMMARY

Enabled Employment is Australia's, and possibly the world's, only privately owned and operated disability employment service which operates without government subsidies.

Enabled Employment CEO Jessica May is a member of the National Disability and Carers Advisory Council, and attended the first meeting of the Council on 14 December 2016.

Enabled Employment Media Liaison and Communications Manager Sharon Kelley attended the Ministerial roundtable discussion held in Canberra Thursday 30 June 2017, by the Australian Capital Territory (ACT) Disability Expert Panel to:

1. Identify the barriers to people with disability gaining employment and discuss why these barriers continue to exist.

2. Gain an understanding of the current disability employment landscape in the ACT, and policies and programs that are currently in place.

3. Identify one or two key policy drivers and practical solutions which might help to overcome these barriers.

The results of this roundtable discussion were submitted to Minister Bourke on 29 August 2016.

We conduct our business as people with a disability, and are competing against DES providers who are subsidised to provide employment services to people with a disability – a costly exercise for the taxpayer, and an ineffective solution for the majority of people with a disability.

The idea of a private recruitment company specialising in marginalised and groups which are discriminated against is not covered, at all, in the discussion paper on disability employment reform, which is disappointing, as our placement rate for people with a disability is, and has been over the last two years, higher than the placement rate of either DES providers or mainstream recruitment agencies.

Enabled Employment does not receive government funding, but operates as a private specialist provider in the mainstream market – without offering subsidies to employers.

It is our view that the provision of subsidies to employers devalues the contribution, skills and performance of a person with a disability, and contributes to their expectation of underperformance.

The DES System, however, does need reform. The Australian Government pays millions of dollars to DES providers to subsidise their operations, and yet we still have an unemployment rate for people with a disability that is one of the lowest in the OECD.

Anecdotally, Enabled Employment has received hundreds of messages, emails and phone calls regarding the failure of DES providers to provide any service at all to a person with a disability once the subsidy has been received, or when the employer subsidy runs out – so does the 'job' the person with the disability was 'placed' into.

Enabled Employment would like to open the market to make it competitive, reduce the cost of subsidisation, and suggest major changes to the DES system, and the attitude change needed for employers in this submission.

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

The overwhelming feedback from our candidates is that they are incredibly frustrated at having no choice in the provision of services in the market by DES providers. They are able to join Enabled Employment regardless of whether or not they have a DES provider – many are considered by Centrelink as 'not disabled enough' to have access to a DES provider, and others are dissatisfied with the lack of service provision and employment gained through their current provider – but can't change providers.

For those who need supported employment, there are many successful government subsidised programs. For the 75% of people with a disability in the population not supported by the government, there aren't any.

There are government policy barriers to access a DES provider. A person with a disability has to be assessed as having a capacity to work at least 8 hours per week to be eligible for Disability Employment Services.

So to qualify to receive services from a DES provider, you must be able to work 8 hours a week, but 75% of people with a disability in the population who are able to work 8 hours a week or more are not eligible to receive support because they are 'not disabled enough'.

This is incredibly disempowering to an individual with a disability. The United Nations definition of people with a disability is as follows:

"Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others."[1]

The Australian Bureau of Statistics uses a definition of a person with a disability taken from the Survey of Disability, Ageing and Carers:

"The Survey of Disability, Ageing and Carers (SDAC) defines disability as any limitation, restriction or impairment which restricts everyday activities and has lasted or is likely to last for at least six months."[2]

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[1] *United Nations Convention on the Rights of Persons with Disabilities*

[2] http://www.abs.gov.au/ausstats/abs@.nsf/mf/4430.0

Recommendation:

The definition of disability should be standardised across the Australian Government to ensure adequate access to services. The recommended definition is that taken from the Survey of Disability, Ageing and Carers – namely – *any limitation, restriction or impairment which restricts everyday activities and has lasted, or is likely to last for at least six months.*

It is fundamentally inequitable to divide the population of people with a disability – nearly 4.5 million Australians, into 'too disabled', and 'not disabled enough' to receive DES support.

People with a disability deserve access, dignity, equity, self determination and choice in the provision of services.

2. Driving greater competition and contestability in DES

Competition between DES providers for service provision should be implemented as soon as possible to ensure people with a disability have choice and control over their futures, and the service provision given to them.

It is advisable to immediately open the market to choice among DES providers, ensuring better service provision through competition. Where no competition exists because a person with a disability is unable to change service providers, there is both a lack of improvement in services, and despair in the population of people with a disability that leads to non-participation in the workforce.

Recommendation:

Immediately ensure people with a disability using the services of a DES provider are informed of all the service providers they can access – including in the private sector unsubsidised sector – and give them the freedom to choose their service provider.

Reform options mentioned in the discussion paper do not include privately owned and funded companies such as ours providing services to people with a disability. We would like to see the DES system opened up to private providers who do not accept government funding – and reporting be based on placement success and fill rates rather than acquittal of government funding grants. If there is to be a 'DES Provider Panel', under the provisions of the discussion paper - Enabled Employment will have no access to it – which fundamentally locks our initiative out of the employment market for people with a disability, and also the 75% of Australians 'not disabled enough' to be allowed access to a DES provider.

Recommendation:

If a panel of providers is to be established for DES providers, the one and only company providing employment to people with a disability in Australia without government funding should be included. We are part of the market, and we are competing with DES providers at no cost to the government. We would like the same access rights as DES providers to people with a disability to provide choice in the market, and self determination in job seeking. We would also seek to be mentioned to that 75% of people with a disability who are not able to access DES providers due to limitations on the definition of disability.

3. Aligning incentives to support better outcomes

Enabled Employment operates on the fundamental principle that providing employers with subsidies to employ a person with a disability devalues that person's skills, abilities and contribution to the workforce.

Educating employers about the contribution that people with a disability make to the workforce and to the profitability of a business is a far better investment than paying employers to 'take on' a person with a disability.

DES providers are paid high rates to provide services to people with a disability, which we are proving by employing people with a disability without government funding, isn't necessary.

What *is* necessary is attitude change and reasonable adjustment brokering in the workplace, flexible work and results only work environments.

Government funding would be better spent on educating employers about different ways of employing people – and the advantages of employing people who are differently abled. Phasing out the DES system over time would be a certain outcome of a successful campaign with employers and business chambers.

At present, business chambers see philanthropy as the answer to the employment of people with a disability. Throwing money at someone else to solve the problem rather than taking responsibility as a business owner for thinking globally and acting locally to employ a person with a disability isn't working. Contributions to not-for-profits to create employment schemes only enhances the view that people with a disability have nothing to contribute, and is a continuation of the 'sheltered workshop' idea, where people with a disability, despite having academic qualifications and skills, are excluded from the employment market.

Enabled Employment has undertaken a process of education with employers about subsidisation, the skills and qualifications of people with a disability, their ability in lateral thinking, and their need for accessible work including results only work environments, flexible working and reasonable adjustments which include home based work.

Our employers accept that responsibility, and all our candidates who are successfully placed have a process of accessibility brokering that we undertake at the workplace prior to commencement. We partnered with Enable Development to undertake training in disability awareness in the workplace for employers who felt their workforce needed more tolerance and understanding of the attributes and skills of the person they are employing through us.

If we can do this, why not DES providers?

Why provide subsidies to both DES providers and employers, if the right information and training, and accessibility brokering is provided by the DES system? It is advisable to reduce the unemployment of people with a disability by persuading employers that we have a contribution to make, rather than devaluing our skills and abilities by paying someone a subsidy to employ us.

If accessibility brokering is a part of the DES provision, *rather than the employer being offered money,* then the funding for employer subsidies can be diverted into training and education programs for business, business chambers, industry bodies, and relevant employer groups – including the Australian Government and State and Territory Governments, and local councils.

Recommendation

That the options in the discussion paper for aligning incentives to support better outcomes be broadened to include educating employers, including Federal, State, and local government, industry and business chambers and chambers of commerce on the skills and positive contributions of people with a disability, rather than offering an employer subsidy.

4. Improving the gateway and assessment process for DES participants

As mentioned previously in this submission, the definition of disability differs across government agencies and with the United Nations Convention on the Rights of People with a Disability.

Without the introduction of an education program for employers on flexible working, results only work environments, home-based working and disability itself, no system, including the DES system, has a chance of improvement.

Centrelink assessments are conducted inconsistently, better training and awareness of disability in those who assess unemployed people with a disability may be an appropriate avenue for the government to consider.

Tying levels of funding to a perceived 'level' of disability excludes some, and over funds others. The system needs more equity, and flexibility in determining a person's capacity to work. Disability is a fact of life, and up to 60% of older Australians will have at least one disability. Whether a person is referred to Job Access or DES seems – from the feedback we have received – to be based on a very rigid, inflexible model of funding which does not take into account that disability can be episodic, such as in mental health.

An assessment may be done when a person with a mental health disability is in somewhat good health, and therefore they do not receive the correct assistance from the system as their work capacity may be quite high – at the time of the assessment. That can change. People can undergo episodic illness, and periods of recovery, which changes their ability to participate in the workforce and improve their economic circumstances.

Again, 75% of Australians with a disability are unable to access any support under the present DES system. This is inequitable and leads to higher levels of non-participation in the workforce – preferring to be supported by family or a spouse – rather than trying to have a disability recognised by the assessment process or during episodic illnesses trying to comply with Centrelink requirements which are beyond their capacity.

Recommendation

Assessments of people with a disability should be made at an appropriate time, and people with the capacity to work have the security of financial support from the DSP without penalty (such as having no access for two years because they have worked in the previous period) for episodic illness.

Recommendation

Appropriate levels of service provision will be needed at different times during people's working lives, and the government needs a responsive system which recognises that episodic illness is a feature of all disabilities, and put in place a flexible assessment system that can respond appropriately to quickly support a person through that episodic illness, and support them to return to work when their treating professionals recommend.

Recommendation

People with an episodic disability be immediately put on the Disability Support Pension during an episode of their illness, having been primarily assessed by Centrelink as having an episodic disability, and only removed from it when their health returns to the point where they are able to seek work.

5. Assistance in the workplace

While some people with a disability require ongoing support in the workplace, the requirement for this support would be much reduced by educating employers about proper support in the workplace, flexible working, home based work and a results only work environment.

There are stereotypes still to overcome in nearly every workplace in Australia about the abilities and skills of people with a disability as employees – and in particular – about *how much it will cost to employ them because of physical changes to the workplace.*

It is not an expensive exercise to employ a person with a disability with the right reasonable adjustments in the workplace. If – as our employers do – you consider reasonable adjustment not just as a physical access issue – there are relatively few costs associated with employing a person with a disability.

Again, it is a matter of accessibility brokering. Employers need to consider that they are expecting a person with a disability to make the changes to adapt to a workplace, not a workplace adapting to an employee with a disability.

While in some cases (less than 10%) physical modifications must be made to ensure accessibility, 90% require no physical modifications to a workplace at all. What we do need is access to home based work, flexible working hours – outside 9 to 5 – and changes to the attitudes of employers and co-workers.

Example:

An office kitchen – a basic facility for any office – is protected by heavy fire doors. Glass ones, but heavy. There is a person in the office who has difficulty accessing the kitchen because of the weight of the doors. He has a walking cane, and cannot open the door of the kitchen because he has no free hand if he is carrying either his lunch or his coffee cup.

Employer's initial reaction:

The employer's initial reaction is that the reasonable adjustment needed is to automate the fire doors to open. This is an expensive adjustment, and the office can't afford it.

The actual reasonable adjustment needed:

If the employer had asked the person with the walking cane how to solve the problem, they would have advised a shelf set on the wall beside the door, 10 x 20 cm, would be sufficient to allow him to put his lunch or coffee cup down on the shelf, freeing up a hand to open the door to the kitchen. Solution cost: $10-20.

Example

A woman has been diagnosed with Multiple Sclerosis. This disability can be episodic, or progressive. When she is having symptoms – which include fatigue – driving to work in the commute traffic exhausts her, and she is only able to work a four hour day.

Employer's reaction:

The employer sees the woman working only four hours a day and begins preparing to send her to a specialist to assess her capacity for working for the company. The employer wants at least a seven hour a day contribution from her, as she is a highly paid and qualified staff member, but he does need to consider business and he does need her there for seven hours a day. The only option is to invalid her out on medical grounds, and replace her.

The actual reasonable adjustment needed:

Home based work and flexible working hours enable this woman to do seven hours a day for her employer. While she is not in the office, modern computing allows Skype and video conferencing, and she is able to be present in meetings via these methods. She is also – importantly – not exhausted by the commute to work, and able to minimise her symptoms by reducing her fatigue, while continuing to make a contribution to her work that meets her employer's needs.

These are the stereotypical problems we encounter when we undertake accessibility brokering in workplaces. The solutions are a lot cheaper and simpler than people expect, and a lot easier to resolve.

Recommendation:

That the Australian government establish an Accessibility Brokering Office to advise business, industry and governments at all levels on reasonable adjustments in the workplace. Representatives should be state based to ensure that they are available to present to business chambers, chambers of commerce, industry groups, employer groups, governments, and councils.

Recommendation:

That the Australian government assist in breaking the stereotypes associated with 'reasonable adjustment' and ensure that employers and potential co-workers are aware that reasonable adjustments under accessibility brokering arrangements include flexible working hours, home based work, results only work environments, an consultation on the easiest way to solve a problem by *asking the person with the disability* what the solution is, and implementing a broader technology based understanding of reasonable adjustment.

Engaging Employers

Educating and engaging employers is *not* the mammoth task people think it to be. We do it every day – without offering them money to employ a person with a disability.

Given social change is needed to ensure we minimise the expenditure of government and taxpayer funds on support for employing people with a disability, we cannot stress enough the importance of the need for change in the social dialogue around disability with employers.

An employer *gains* a valuable employee in a person with a disability. The dialogue around disability for DES providers is very much around subsidisation for employers.

We do not offer subsidies to employers to employ our candidates with disability. In fact, we ask them to pay us for the privilege of having a differently abled person in their workplace – *and they do.*

This is because we have changed the conversations we have with employers to the positive attributes and lateral thinking abilities people with a disability bring to a business – and their skills and qualifications and experience.

Disabilities can be acquired at any point in life. By anyone. You may have a couple of degrees, fifteen years of work experience in your field, and be a successful employee. But you may be involved in an accident, or diagnosed with an illness, which labels you as a person with a disability from that point onwards. Apart from the psychological blow as well as the physical, you now have to negotiate your way back into the workforce, but you just can't find an employer willing to recognise your skills and abilities and experience. It's tough – once you disclose your disability, which – if you're with a DES provider, you obviously have, you don't get the job. Nobody wants to end up selling *The Big Issue* with two degrees and fifteen years of experience, it's humiliating, and really cold or hot out there in the elements. You become invisible to potential employers. All you can do is volunteer at charities to do something with your still very active and intelligent brain.

This is the story we hear from our 6000+ candidates who have signed up to our website.

Changing employer attitudes means changing the conversation around people with a disability entirely. That includes DES providers.

Recommendation

That DES providers be given training in positive conversations about people with a disability, their skills, qualifications and abilities, and in accessibility brokering including the expansion of reasonable adjustment, and the principle that the workplace can be flexible to accommodate a person with a disability rather than the person themselves being expected to conform to the non-disabled workforce requirements, and we also recommend the employer subsidies be removed altogether to fund it, thus creating an environment where it is *not* an act of charity to employ a person with a disability, but rather, a matter of embracing and implementing reasonable adjustments.

Measuring success

At present, the reporting requirements of the DES system appear to be (anecdotally) inadequate to account for the services provided and paid for by the government in the form of grants and subsidies.

We have many candidates who have had no interaction at all with their provider apart from their initial consultation, and subsequent payment of government funding to assist the jobseeker to find suitable work.

We have also had candidates who have cited being placed into factory hand roles, when they possess academic qualifications at PhD level. One of our candidates has a PhD – and a guide dog. She attended over 300 interviews for positions at all levels over a year, and remained unemployed.

How do you measure success in the mainstream industry? DES providers should be benchmarked against private sector recruitment agencies, and required to report on the suitability of the roles they have found for their clients – academically and skills based assessments – and also required to report on *exactly* what government funding has been spent on – for each and every candidate signed up. Greater accountability is required in order to prevent under-servicing clients with higher support needs, and to ensure candidates with high skills sets are not placed into roles which do not match their qualifications and skills.

Recommendation

DES providers are to report every quarter on:

- Expenditure of government funds on each client
- Placement in employment commensurate with the skills, qualifications and experience of the client (including de-identified Curriculum vitae's if necessary)
- Fill rate – how many candidates have they placed into suitable employment, against how many candidates have not been placed into suitable employment.
- Industry based benchmarking be implemented for the DES providers, against each other, so that consumers have some insight into who will be the best fit, and provider, for them when they do have a choice.

To do otherwise is to continue to support a system which is fundamentally expensive, and which is not matched to any industry standards, and therefore unaccountable to consumers – the people with a disability they are supposed to help.

Streamlining Administrative Requirements

Any streamlining of administrative requirements (which we are not subject to and therefore cannot make specific recommendations) should not detract from accountability for government funding received to provide services to people with a disability.

Given the above, the only request/recommendation we have, is not to exclude the possibility of online reporting for faster processing, for both DES providers and employers.

If a panel is to be established to ensure a preferred provider panel for DES providers, we ask that private sector companies such as ours not be excluded from access to employment opportunities by being excluded from the panel.

As a business owned by people with disability, we already have an Australian Government Department of Finance Department ruling which exempts us from tendering for government employment preferred provider panels. However – we'd like to see this type of circular extended to include not only businesses owned and operated by people with a disability, but to the entire DES provider system. Good housekeeping starts at home, and the Australian Government's employment participation rate for people with a disability is still under 3 per cent from 10% a decade ago.

To truly meet our United Nations obligations, as we are signatories to the Convention on the Rights of People with a Disability, the Australian Government is obliged to ensure access to skilled jobs in it's own ranks are available to people with a disability – more than the current effort to ensure interviews are given *if a disability is disclosed.* If you are a person with an invisible disability, you often do not want to disclose, and therefore don't access the opportunity to present at interview. What we like to see in addition to this initiative by the Australian Public Service Commission is a service-wide commitment to educating employers both in the APS and in State, Territory and local governments about flexible working and results only work environments, and see such working conditions for people with a disability enshrined in employment legislation for all governments.

RECOMMENDATION

When negotiating industrial agreements such as enterprise bargains and service wide agreements, flexible working conditions, including home based work, results only work environments, and a broadened definition of reasonable adjustment be enshrined in every agreement.

RECOMMENDATION

DES providers and private sector companies such as Enabled Employment be exempted from tendering for employment panels in the APS, to ensure access for skilled workers to appropriate job levels and reasonable adjustment for every position advertised service wide.

Response Chapter 2: The case for change

The rationale set out in the first few paragraphs for the case for change are relevant and well cited. However, this paragraph:

"People with disability are less likely to be participating in the labour force, and they are more likely to be identified as unemployed and looking for work. For people with disability that do have a job, that job is more likely to be part-time rather than a full-time."

has no citation, and it is not necessarily the case. All figures should be referenced, to avoid further stereotyping of people with a disability. Many of us hold full-time jobs – or would if we could – given the *right reasonable adjustment and flexible working conditions.*

The case for change is obvious, but what is not referenced is how the government policy might change in order to reach those who have been so disenfranchised and disappointed by the current system that they have withdrawn from participating at all in the DES or mainstream recruitment systems.

The discussion paper also does not reference the culture change needed if people with a disability are to be genuinely included in the workforce – including that of the APS.

An information and education campaign is needed for employers, business chambers, chambers of commerce, local, state and territory governments to ensure the stereotypes and the narrative around the employment of people with a disability – including our ex-ADF veterans who have been injured during their service – have skills, abilities and experience, and that 90% of people with a disability have an invisible disability or episodic illness which they often don't disclose through fear of stigma or not getting a job.

Recommendation

The Australian Government immediately convene a panel of experts in disability and media to create a media campaign with a full marketing stack to ensure an ongoing and public challenge is made to the stereotypical image of a person with a disability as an employee or potential employee.

We challenge the paragraph asserting that:

"Another barrier people with disability face in finding a job is that they only have a partial capacity to work…"

Given the right reasonable adjustments and flexible work arrangements – this fallacy is nothing but that, a fallacy. There are hundreds of people on our database as candidates that would work full-time if they could achieve flexible working arrangements, a results only work environment and home based work. Particularly for people with a disability who live in regional and rural communities. We would like to make the point here that if employers embrace a broader definition of reasonable adjustment – many more people with skills and qualifications would work full-time – given the *right reasonable adjustments.*

This assertion by DES-DMS (we can only imagine, as there's no citation) reflects the fact that the narrative around employment for people with a disability still focuses on the person with the disability adapting to the workplace – rather than the workplace embracing reasonable adjustment and flexible working conditions which *enable* people to work full time. It also focuses on the 10% of people with a disability who qualify for NDIS support, not the 90% who have an invisible disability.

As for education outcomes, we are not in a position to comment on the support, or lack of support, for students with a disability in the Australian education system. However, if the same attitude applies – that the student is expected to conform to the school system rather than the school system providing flexible study options – then the outcome will of course be the same. Disempowering, and disenfranchising.

"Another barrier people with disability face in finding a job is that they only have a partial capacity to work."

As there's no citation for this statement in the discussion paper, again, we assume it is an assertion of DES providers. Again, it is untrue and a generalised statement which paints all people with a disability with the same brush, and disregards those of us who achieve full time, long term work with the right reasonable adjustment and flexible working conditions.

Chapter 3: Improving Participant Choice and Control

Discussion Point 1.

1. What, if any, restrictions should there be (for example, region or distance) on participants choosing to attend a provider?

There should be no restriction on choice of service provider for people with a disability. To restrict the choice in service provider is to treat people with a disability as children, not as adults who are job seeking.

Self determination and control as a consumer of government funded services must not be restricted. Given there are areas in Australia where distance is already a problem for people with a disability accessing their – or any – DES provider is unreasonable, when Skype and video conferencing are available, email and phonecalls. However, if a DES provider is unable to provide viable opportunities for work in the area a person is seeking work, perhaps some thought could be given to the establishment of offices in rural and regional locations.

If a consumer in Brisbane, for example wants to use a well-rated DES provision service operating in Sydney, there should be no reason why they should not. Equally, if a DES provider in Melbourne wishes to provide services to clients in remote areas of Victoria, there should also be no reason they cannot. Opening the market Australia wide will only benefit consumers, and ensure DES providers compete in an open and fair market without a monopoly in small towns and regional areas.

2. How often should participants be allowed to voluntarily transfer or switch providers?

As often as they like. They're consumers, who need assistance. If they feel they are not receiving assistance from a DES provider then they should be allowed to switch as often as they want – considering their funding will now travel with them. It is going to take *years* for the DES providers to accustom themselves to competition in the market and consumers actually having a choice, they need to plan for it and enact their business planning processes to meet the inevitable changes that must happen. In the meantime, don't *penalise* the person with the disability by denying them a choice of provider if they aren't happy – this will drive the reform process in the DES sector.

3. What should be the basis of referral by Centrelink for participants who do not choose a provider?

It depends on the reason they do not choose a provider. This is a not a question that can be generalised. Centrelink is a punitive agency which can with hold payment for non-compliance, and I'm sure if a person with a disability does not choose a provider their payments will be withheld.

More flexibility in the mode of service delivery

Discussion Point 2: Provider/Participant Contacts

1. Should face-to-face requirements remain as part of the DES service delivery?

Face to face meetings are an important indicator for the person with a disability – as they reassure them that their provider is actually performing their job and seeking work opportunities. Enabled Employment has many candidates who have never heard from their DES provider again after their initial meeting, and never had a job interview or opportunity, nor any other service delivery. Whether meetings take place in person or over Skype or video conferencing facility doesn't matter, in fact, the use of technology may be a better option for *all* people with a disability, but the meetings should continue as a means of monitoring the performance of the DES provider for the consumer.

2. How often should participants and providers be required to meet, either face-to-face or by other means?

If providers are given the option to determine how often they meet with a jobseeker with a disability, there is a danger that they will over-service those they identify as more easily employable, and under-service those that they see as 'difficult' to accommodate.

Hand the decision making to the consumer – they have a right to meet with their service provider as often as they want to if they are seeking work. This puts the obligation onto the DES provider to perform for every client.

More say in setting directions through enhanced Job Plans

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?

A Job Plan should be a *mutually* agreed *plan for preparing for work*. It should contain the support necessary from, and to be given by, the DES provider, and it should also include the provision of professional resume writing services. If the person with a disability has no job experience, then the plan should contain mutually agreed ways in which they can gain experience through volunteering, part time work, or training and development with appropriately registered and accredited vocational education providers **not** related in *any way* to the DES provider – who it seems - also run 'training courses' for people with a disability that are unaccredited.

Regulation is desperately needed here. DES providers are to be held accountable for the tax payer funding they receive – which is provided to them to give right and proper support to the person with a disability, not give them a pro-forma stating their mutual obligations and never seeing them again.

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?

Regulate, regulate regulate. By this point in time, it should be obvious if there are practices in the DES industry that exist such as the example you've given of a Job Plan only containing mutual obligations, then it's obvious you need more accountability from DES providers on the service provision they are giving – or not giving – people with a disability.

Why is there no acquittal process for the provision of services for the amount of taxpayer funding in the DES System? Why are DES providers able to 'get away' with the thousands of dollars the Australian taxpayer provides to them without actually assisting a person with a disability? If these practices – and the ones we hear about – are not stopped, there will be a need for a Royal Commission into the expenditure of government funding on bogus providers ripping off people with a disability.

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?

Any government funding provided to a DES service *must* be accounted for. Audits should be undertaken, and client surveys conducted as part of that audit. The ability of participants to change providers is *not sufficient.*

This is a *taxpayer funded service.*

There must be open and accountable service provision to those people in our society who are vulnerable, and anyone using government funding must be held accountable for how it is spent, down to the last dollar. The not-for-profit sector's accountability for delivering services on behalf of the government is next to non-existent when it comes to employment services for people with a disability.

The DES system is essentially run by not-for-profits, it is not enough to just 'trust' them because they are a well intentioned charity, they must acquit themselves financially to the beneficiaries of their services, and admit their shortfalls. There is a distinct lack of transparency in the not-for-profit sector when it comes to taxpayer funded services, and this must stop. If the government was outsourcing this service to the private sector, every cent would be accounted for in a tender process, audit and final report. Extra costs would be fully documented with the rationale behind them – so why isn't the not-for-profit and DES sector doing this? It's still taxpayer funding – so it should have the same stringent reporting requirements and audits as any other taxpayer expenditure – annual reports must contain industry benchmarked indicators of how the DES provider is performing, how many hours were spent with job seekers, how many accredited training providers and other costs accrued per person and what the successful fill rate is for jobseekers. A five star rating system for consumers does *not* account for the millions and millions of dollars these people receive.

A senate committee should be established to examine the financial reporting on taxpayer expenditure for every single DES provider – as happens with every federal government department. Scrutiny and accountability and transparency *must* be provided to the taxpayer to avoid corruption, as seen in some not-for-profits over the years. The cost of a Senate Committee is minimal compared to the millions and millions of taxpayer dollars that are unaccounted for, and it would pay for itself within 12 months.

Better information to improve decision making

Discussion Point 4: Better Information for Participants

1. What information should be available to participants, providers and employers?

All participants should be provided with information in a form that is accessible to them – for a start. All participants should be appraised of their rights and responsibilities. All participants should be appraised of the complaints process, and the right to change providers at any time. All participants need to be informed of the 'star rating' system, and have access to a network of independent advocates who can advise them if they are having trouble making a decision on the DES provider of their choice, or want to change DES providers.

More information is necessary to provide people with a disability with easier ways to ensure they are receiving the service they need, because people with a disability sometimes rarely have the energy or health to undergo a stressful, time consuming complaint process, and given that, the Australian Government may not be receiving accurate information about the DES System.

Independent surveys of DES participants should be undertaken and that information made available to government to undertake investigations into DES providers who are in receipt of government funding but under servicing their clients.

DES providers themselves should be *fully* informed about their responsibilities and the acquittal of expenditure of government funding. Full information from the government should be given on penalties for fraud, and there should be a set of minimum service standards given to them for adherence in the provision of services.

DES providers need to be benchmarked against industry, both mainstream and private disability employment services – on cost of each placement and best practice, and fill rates.

2. Should there be mechanisms to ensure no false or misleading claims are made against DES providers?

There should be complaint handling mechanisms that are adequate, and there are very rarely false complaints against any service providers in any industry. If such a situation arises, it can be dealt with in the usual manner – through the courts like any other business. Otherwise the government will be setting up mechanisms for inappropriate claims by DES providers – it works both ways. This is a minefield better dealt with by the courts, who are, under our legal system, the appropriate way to deal with such allegations or claims. To put in place further mechanisms is a duplication of services and a waste of taxpayer funds.

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)?

Both. By all means develop excellence within the industry for accessibility – if you're operating a DES service which does not have accessible information and facilities, then there's something fundamentally wrong and competition should improve accessibility.

Where providers are unable to give information to consumers due to cost of implementing change, there should be provision for them to apply to the department for assistance in giving information in an appropriately accessible way. Disabilities are varied – some consumers may need information in Braille, some may not be able to read due to conditions such as dyslexia, some consumers may not comprehend complicated documents and need a 'plain-English' approach. The variations in accessibility are endless. If a DES provider is able to apply to the department to provide information in an accessible format to a client, this ensures accountability, rather than a carte blanche do-it-yourself approach, which puts the DES provider's effort and money into duplication of effort and inconsistent materials across the industry (such as a plain-English forms of information).

For example, if a client can use a screen reader for vision impairment but the DES provider's information technology platforms and network do not support the screen reader software, or their website or information is incompatible and not W3C compliant, the provider may apply to the department for financial support to implement systems which are, so that they can better service *all* vision impaired clients.

More control through some funding provided to the participant

"There are currently no checks and balances in place on how service fees are spent, as service fees are paid quarterly in advance."

"There is also no monitoring to determine what proportion of service fees are spent on addressing participant needs, nor any contractually mandated level of expenditure on participants. Their use is entirely at the discretion of the provider, which also needs to meet at least some of its own costs from the fees."

The Australian Government should immediately rectify the lack of accountability of DES providers in acquitting ALL monies provided to them. This explains why so many DES participants are sent on unaccredited 'training' courses, which are charged back to the DES provider who sets up an unaccredited training arm.

There should be no *profit* off the payment of monies given to ensure each DES participant receives *appropriate* training – which should be with an accredited vocational education and training provider.

It beggars belief that the Australian Government would allow taxpayer funding to be spent without any indication of what it's spent on. This would lead any unscrupulous providers to provide the cheapest, minimal support to a person with a disability – if any at all – and pocket the difference to profit off the misery of the unacceptably unemployed people with a disability it's meant to assist!

As for paying these monies in advance, this funding should be part of the allocation a person with a disability can 'take with them' to another service provider should they be dissatisfied with their DES provider. The money should be paid when needed, after the provision of quotes for audit purposes, and the time taken to spend the funding on the individual participant should be recorded for audit purposes as well.

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?

With the advent of the NDIS, participant controlled funding is not only a moral obligation, it is a mandatory and basic human right which should be fully implemented immediately.

The United Nations Convention on the Rights of Persons with Disabilities states:

> (m) Recognizing the valued existing and potential contributions made by persons with disabilities to the overall well-being and diversity of their communities, and that the promotion of the full enjoyment by persons with disabilities of their human rights and fundamental freedoms and of full participation by persons with disabilities will result in their enhanced sense of belonging and in significant advances in the human, social and economic development of society and the eradication of poverty,
>
> (n) Recognizing the importance for persons with disabilities of their individual autonomy and independence, including the freedom to make their own choices,
>
> (o) Considering that persons with disabilities should have the opportunity to be actively involved in decision-making processes

It follows that people with a disability should have the right of control over the funding of their path towards work, equipment and aids necessary to work, and the right to have the *freedom to make their own choices.*

Give the control of the funding to people with a disability. We are the ones who know best what we need in order to work, and the funding we need to do it. The Australian Government will find it cheaper to implement because nobody will be making a profit from it, for a start.

This is fundamental to the principles of self determination, choice and equality for people with a disability.

In terms of evidence, the government will need to examine the implementation of the NDIS packages for people with a disability, personal care packages, health and aged care plans, and best practice across governments.

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?

All the funding should be quarantined for job seekers. They can choose a DES provider, and if unhappy with the service provision, move on with their pro-rata amount. Simple clarity is to take the provider controlled funds away completely and leave choice to the person with the disability. As unemployed people with a disability are genuinely financially disadvantaged, funding can be made available to participants in the same way the NDIS packages are. Their choices can be implemented and equipment purchased, and training providers chosen by themselves, giving them the universal freedom to take control of their own circumstances, rather than having a DES provider make profit and not provide services. Where a person is unable to undertake expenditure on their own, an independent party should be made available to assist them, such as a relative with power of attorney or a carer or friend or any other significant other with whom a relationship of trust exists. Costs can be accounted for by provision of receipts for services – including those of a DES provider. A swipe card could be provided for a certain value of DES provided services, including preparation for work, and training at a registered and accredited vocational education and training provider.

3. What principles should guide the appropriate expenditure of any individualised funding?

The same principles contained within the UN Convention on the Rights of People with a Disability. Freedom and choice, with provision of receipts for expenditure. If the expenditure is made by a DES provider, it should be in a form which is able to be audited. If the expenditure is made by a participant with control over their own funding package, then it should be accounted for in terms of their Job Plan, and receipts provided.

4. What restrictions should apply to the use of the funds by participants?

Funding packages should be restricted to the purchase of equipment and accredited and registered vocational education and training providers and directly related to the person's job seeking, such as the provision of a professionally written resume, and any other work-related need which the person with a disability may need to find, and sustain, work.

5. How can participants who are unwilling or unable to use individualised funding be supported during the decision making process?

This is an individual based question asking for a generalised response. Each person needs to be assessed on a regular basis on what they will need for participation in the workforce. If a person needs, for example, to obtain a forklift driver's licence, but has dyslexia, they may need an oral test provided instead of a written test. There may be costs associated with that which the person is unaware of. They may even be unaware that they can request funding for an oral test rather than a written test. If a person with multiple sclerosis has a worsening of their condition requiring supportive aids and equipment during the process, they will need extra funding to purchase those. If, at first, a person is unable to spend allocated funding, then they will need access to independent advice on how they might progress their aspirations towards working – including studying. Independent advice and assessment must be given to the person in order for them to be able to make a decision on spending their funding in a manner which assists them to enter or rejoin the workforce. This assessment process can be undertaken in a similar way to the NDIS.

And, if a participant's needs change during their job seeking, they will need further assessment and advice. The system needs to innovate and acquire flexibility to match the freedom of choice that participants will have.

6. What restrictions should apply to the expenditure of the funds on services from a participant’s provider or an associated organisation?

There is an obvious conflict of interest where a participant’s funds are spent entirely on a service provider’s products – including non-accredited vocational training and development courses.

‘Hard sell’ techniques should be disallowed, and regulated out of the industry if participants are given the human right of having a choice about where to spend their funding, and what on.

If a case arises where a participant chooses to spend their entire funding amount at one provider, then there should be a process in place to ensure the validity of the provider’s services, and they should be made to account for the services provided by cost, in comparison with other providers, and in comparison – for example in vocational education and training courses – with that industry’s standards. Benchmarking in the industry against mainstream providers should be undertaken, to ensure services are provided at a reasonable, market based cost.

There will be no point in introducing the ability for people to change providers unless the providers are regulated in some form, and held accountable for the taxpayer funding they receive.

At present, the funding system encourages profit taking from people who can least afford it, and who need every cent of assistance given to them to be put to the best and most market competitive use possible.

Discussion Point 6: Entering the DES Market

1. How often should the Panel be open to entry by new providers?

The panel should have an assessment process and provide continuous access to new providers to maximise innovation in the industry, and maximise market competitiveness.

2. How often should panellists be reviewed and what criteria should they be reviewed against?

Panellists should be reviewed annually. Criteria to be reviewed against should included:

- industry benchmarking
- complaints made and resolved
- corporate governance
- an annual audit of expenditure of public money

- market share
- innovation
- accessibility
- annual client satisfaction survey
- declaration of conflicts of interest in the expenditure of public funding.

3. What should the basic criteria be for joining the Panel?

The basic criteria for joining the panel should be:

- compliance with all regulations with procedures in place to:
    - acquit public funding
    - ensure annual auditing of publicly funded services
    - ensure accessibility
    - ensure no conflicts of interest are present
    - ensure compliance
    - ensure complaints handling mechanisms are in place.

- accreditation with the peak industry body the Australian Human Resources Institute

- Membership of the peak industry body for disability the Australian Network on Disability

4. How much time do providers need before entering into a market to set up their operations?

It depends on the market. And the competition. And the location of the service provider. An innovative provider may take three months to set up operations, others may take longer.

5. In order to supply DES in a specific ESA what should the requirements be for:

a. a minimum caseload?

Because of a lack of services in regional and remote areas, a minimum caseload could be as low as one or two cases.

b. ESA coverage?

If there is to be a specific, geographically based ESA, which is resource intensive and expensive, rather than using innovation and technology to service remote and regional clients, then it should be appropriate to the population density – keeping in mind that we have an ageing population and 60% of Australians over 55 will have an acquired disability.

We think ESA coverage should not be restricted, given that the use of technology and innovation could mean that one provider could operate nationally – using technology that is available and which can ensure that rural, regional and remote areas can be covered. Given that market forces are to come into play, room should be given for specialised providers to service regional and remote areas with the use of technology and ensure that not all DES services are confined to major population centres.

Discussion Point 7: A Single DES Contract 1.

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

This would disadvantage those providers who provide DES and Ongoing Support in non-metro areas. There should be some room left for smaller business operators in rural areas and remote regions to remain as they are, without the obligation to deliver all services. While reducing the ‘administrative load’ sounds like a great idea, it doesn’t appear the administrative load is actually that high, since there is no accountability for the expenditure of government funding, nor audits, nor client surveys, nor accreditation process, nor industry benchmarking.

If anything, the industry has a lack of corporate governance which is already reducing any administrative load.

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?

There must be service provision to all who need assistance, and to ensure that happens, there should be monitoring of the expenditure on individuals and compliance to a new range of service delivery standards benchmarked against mainstream industry service delivery.

2. How should provider diversity be maintained to ensure participants have adequate choice of provider?

Encouragement to small business and startups as part of the government's innovation agenda should be considered as a way to maintain the diversity in service provision. Market 'share' can be regulated via the proposed panel of providers being kept open to new businesses continually, and consumer law applied to unfair business practices to ensure larger, more established businesses do not monopolise the market in ESA's. Australian Competition and Consumer Commission laws should apply to DES providers, and greater accountability for public funding needs to be in place, and audits of DES providers undertaken annually.

Anti-competitive behaviour should be addressed through the ACCC, as it is in any industry.

Accessible complaints handling mechanisms should be in place at the Department of Social Services to ensure both consumers and small businesses are able to draw attention to anti-competitive business practices.

Discussion Point 9: ESAs

1. Should there be ESAs, if so, how many ESAs should there be?

With the application of innovation and technology, there may not be any need for ESAs. Geographically based DES provision may not be appropriate for new businesses, who use technology in innovative ways. To think into the future, cloud based technology and innovative service delivery may mean that ESAs are no longer relevant. However, ESAs may still be required to ensure service provision to isolated areas

2. Should the number of ESAs be reduced if market share is removed?

Not immediately. The industry will need time to reform, and adapt to the new market arrangements. This process, if undertaken, will need time to implement, and continue to ensure service delivery to regional, rural and remote areas.

Discussion Point 10: Preventing Market Failure 1.

What specific circumstances should be recognised as market failure warranting intervention?

a. A lack of service provision to consumers in any region

b. A monopolisation of any region by a single provider
c. An over dependency on government funding when benchmarked against industry
d. Evidence of inappropriate expenditure of funds on a large scale basis
e. Audit failure in multiple providers
f. Failure of DES industry to benchmark adequately against mainstream recruitment
g. A low placement rate with no long term outcomes
h. High percentage of customer complaints

2. If market share is continued in some areas, how should the level of market share be determined?

There should be no market share. As per our previous statements, the market should be competitive and encourage providers who are providing the best outcomes the opportunity to expand their services. To continue to prop up providers who are not performing is not a cost effective use of taxpayers money.

3. What interventions should be used to address market failure and ensure service availability?

The only area where market failure is likely to occur is in regional and rural locations where there is not a high incentive for large scale businesses to enter the market. As we have outlined previously, some of these shortcomings can be resolved with the use of innovative services and technology, however for those areas that are particularly isolated their needs to be greater incentive from Government for small scale providers to remain and continue to service the locality. Rural and regional providers should have loading applied to reflect the more face to face nature of their work and also account for their increased workload and minimised likelihood of job placements.

Discussion Point 11: Ratio between service fees and outcome fees

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

In business, nobody gets paid until services are received and completed. Given that a total application of this principle to DES provision could lead to people with a disability being pressured to work in jobs which are inappropriate to their skills and abilities, there has been a ratio payment system operating, which has caused profiteering – as stated in the discussion paper – from signing up caseload and receiving funding in advance, then ‘parking’ that caseload and delivering no services.

In any other industry this would be called corruption.

In order to ensure services are genuinely delivered to people with a disability – who are powerless and vulnerable in this situation – and who are financially excluded, DES providers should only be paid *at the time of service delivery* by the person with the disability – who should have control over the funding for their assistance. We do not pay mechanics in advance for mechanical services, we provide payment at the time of service. This could be easily facilitated through the Medicare card, where clients are able to swipe their Medicare card *at the time of service provision*, through the HICAPS service, for example. Use of technology would ensure that provision of payment can be controlled by the person who is eligible for the funding, rather than the government pre-paying for services that are never delivered, and never accounted for.

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

1. What should constitute an employment outcome under DES in a modern Australian economy?

The definition of an employment outcome should be that a person with a disability acquires a long-term, or permanent job paid at award rates or above which is appropriate to their skills, qualifications and abilities, and in which they have the right flexible working conditions and reasonable adjustments. Long term should mean a permanent and durable placement in an organisation. If there is a focus on educating employers on the myths and stigma surrounding people with a disability and also more of an emphasis on finding the right candidate for the role, the placement of a person into a permanent role should mean longevity. The issue of placements not meeting this requirement is not a result of tying payments to a timeframe for employment, the issue systematically starts with culture of fear, stigma and discrimination surrounding people with a disability and this needs to be addressed with a marketing and training campaign as outlined previously in our submission.

2. How should the DES funding model incorporate the growing number of short term jobs available in the economy?

The DES funding model, we think, is fundamentally flawed to begin with. Payment to providers will need to adapt to be flexible, and identify participants who are appropriate for short term contract work, such as those with fluctuating health conditions such as multiple sclerosis, chronic fatigue or mental health conditions who require short term work arrangements in order to manage their disability, while having access to economic inclusion.

A new category of payment can be introduced which ensures that those people with a disability who need to manage their condition by working for shorter periods of time have access to short term work opportunities, building their resumes and managing their disability. This category can be flexible, providing long term support – but acknowledging that there *are* disabilities which are more easily managed with either part time or short term work opportunities. There should also be, for participants, an opportunity to access short term work *without penalty* – when the short term work ends, they should have immediate access to income support rather than enduring a waiting period which will financially disadvantage them and deny full economic inclusion.

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?

As above, a new and flexible category may be introduced which recognises that jobseekers who accept short term work may need to manage work and their disability, payments should be via a model such as Medicare where control of the payment for services remains with the participant.

4. How should job seekers be supported in the period between the 26-week outcome and the 52-week outcome?

An assessment of reasonable adjustments should be made during the 26 week outcome, and implemented before the 26 week point.

This would improve the likelihood that a 52 week outcome will be achieved. Reasonable adjustments and accessibility brokering should be assessed on an ongoing basis, until both employee and employer are satisfied with the reasonable adjustment arrangements. Recognition that definition of reasonable adjustment must move into the 21st century as technology continues to make working more accessible by both employers and DES providers must occur.

5. What level of payment should be attached to the 52-week outcome while keeping total DES expenditure within the current funding envelope?

The 52-week outcome payment should be based on the cost of service provision during the 52 weeks benchmarked against industry standards. Service provision should be monitored, to ensure it occurs, greater accountability is called for given the increasingly poor outcomes of cited in the discussion paper of DES providers in sourcing and maintaining suitable employment for people with a disability.

Greater scrutiny of the actual cost of service provision is needed before any payment level is attached to a 52-week outcome. Given it costs Enabled Employment much less than the proposed fees and current fees for service provision to place a person with a disability into work, perhaps the entire fee system needs re-examination, and the costly practices associated with DES provision revised to encourage innovation and the use of technology (both in DES providers and government systems) to reduce the costs associated with assisting a person with a disability in gaining employment.

Discussion Point 13: Service Fees

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

Service fees being based on several factors, could be reduced if the government convenes a panel of experts in disability and media to change the stereotypes around disability amongst employers. While delegating responsibility for changing the narrative around disability employment may seem cheaper to the government, it results in a number of different narratives being created around the idea of employing a person with a disability. Given the general and pervasive nature of the stereotyping around disability and the cost to employers of having an employee with a disability, the less expensive arrangement is to develop materials that are consistent, and which are positive around the contribution to profit for businesses and the minimal cost associated with employing a person with a disability.

Again, no provider should be paid for service until the service has been undertaken. If payment up front is required, audits on what that funding is spent on in each individual case should be required. ‘Bonus’ payments post servicing, after successful 52 week placement shouldn’t be needed. If DES provision is to remain a profit making exercise, then minimal funding will be spent on assisting a person with a disability into work, and maximum funding will be dragged into profit. This is fundamentally why the DES system is underperforming.

Discussion Point 14: Pro-rata service and outcome fees

1. How should pro-rata service and outcome fees be calculated?

If funding is allocated at initial assessment per person, then the funding should be appropriate to that person’s need for assistance to enter the workforce. Research across industries should be undertaken to ascertain a fee amount for:

- Development of a curriculum vitae
- Training at an accredited vocational education and training provider

- Work ready items such as clothing and transport (bus, train passes)
- Assistive technology, aids or equipment necessary to ensure a person can work in an appropriate environment with appropriate assistive equipment.
- Any other items necessary.

That funding should then be transferable, along with any assistive technology, aids or equipment, to any provider chosen by the person with a disability should they choose to change providers.

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

If a provider ceases to be a member of the Panel, they should cease receiving fees. Disaccreditation from the Panel should immediately ensure they are no longer eligible or fit to provide services to people with a disability and penalties should apply for any continuing service provision post 30-days of disacreditation. The only funding that should be paid is for services already provided.

Service providers who cease to be a member of the Panel should immediately cease to be entitled to any further payment, including post 52-week payments. Otherwise the government is risking payment to an insolvent organisation, an unfit organisation or in some possible scenarios, paying the post 52-week payment to an organisation subject to investigation for fraud.

The post 52-week payment is due to the organisation who successfully provides ongoing support to the person with a disability to maintain their employment to the 52 week point – ie the subsequent provider chosen by the person with a disability once the previous provider ceases to be a member of the Panel.

Discussion Point 15: Determining Eligibility and Employment Outcomes for ESLs

1. Who should be able to qualify under revised assessment criteria for ESL?

“DES currently provides support to a limited group of students with disability to make the transition to work, but there is scope and a desire from the sector to expand this support to more people.”

This funding should not be extended to DES providers. This funding should be extended to the Disability Support Offices within school environments to provide better services to students with a disability – including those graduating from universities. They are better placed to know the student’s capabilities and strengths, having access to their academic record and careers planning.

They are also starved of funding to provide support to graduating students, and could expand their services if they benefitted from funding support to provide job opportunities to students that are graduating.

Enabled Employment works with graduating students to ensure they have reasonable adjustment and flexible working conditions on the job and has had success placing students with government graduate programs, and works with them to ensure students accepted into the graduate entry programs are given reasonable adjustment and flexible working conditions. We do this at no cost to the Australian Government. Again, a focus on reasonable adjustment and the expansion of the definition of reasonable adjustment to include flexible working conditions and a

results only working environment ensures a successful applicant has the right working conditions to succeed as a graduate in government graduate programs.

Employers could also benefit from funding in this instance to establish paid internships for graduating students with a disability. Rather than hand the money to a DES provider and risking profit taking, hand the money to the employer to establish internship programs and help break the stereotypes around disability by placing students and people with a disability into paid employment via internship programs.

2. How could the level of disadvantage and work capacity be assessed for secondary school students?

This is also best achieved by the school/tertiary institution if necessary, and the assessment should be portable into the DES system. Funding to conduct the assessments should be given to the school/tertiary institution to provide a clear picture of each individual student’s capabilities and academic achievements. This assessment should be portable, either to a DES provider or an accredited tertiary or vocational education provider’s disability support office.

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?

Establish a single point of contact for people with a disability for gateway arrangements. Having an assessment done by one department and passed to another, then to a DES provider is not timely, or effective, and there is duplication in the process – delaying the outcome for the person with a disability.

Using MyGov, the initial assessment can be made portable, and stay with the person with a disability. Better transportability is available using a single portal, and innovation and the use of technology in improving the timeliness and accuracy of any ‘gateway’ can definitely be made.

Given the information needed to the person with a disability, it’s *their* private information and they should have choice and control about privacy, and who they share that information with. Double handling by two different federal government departments should be eliminated. An initial assessment should be made by a single office, with rights of appeal and change of the assessment, clear information in an accessible format, and that information belong to the person with a disability, not the federal government. It can be supplied to a provider of their choice once appraised of the providers who are accredited and available to them.

The establishment of a single office specifically to co-ordinate the transition arrangements rather than two different departments being required to acquire an assessment simplifies the system for people with a disability, and for providers.

Discussion Point 17: Assessments Review

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

“Concerns were raised about the reliability of assessments by generalist assessors of participants with particular disabilities. For example, in some cases a physiotherapist may be determining the support needs of a person with a mental health condition, while a psychologist may be assessing someone with a physical disability.”

This is fundamentally a sign of a very flawed system, either due to the inflexibility of the expenditure of funding – ie. it is cheaper to pay for a physiotherapist to make an assessment than a qualified specialist psychiatrist – or due to a lack of knowledge from case workers of the requirements of what an assessment is!

There needs to be a set of standards for assessment which are appropriate to the person with a disability’s particular capabilities – not deficits. Why a set of standard procedures does not exist when using taxpayer funding defies belief. This is a fundamental insult to the rights of a person with a disability, and ultimately leads to an inappropriate assessment leading to a lack of outcomes in seeking work.

The fundamental principle that should be followed in establishing a set of standard procedures for *all* providers doing assessments is that *the person with the disability is the prime source of information about what they need to get, keep and thrive* in a job. The standard procedures should include a conversation with the person with a disability about what *they* need to be properly assessed – whether their concern is physical or mental health. If they are being treated by a general practitioner, or a specialist – advice should be sought from those treating practitioners about the course of advice sought on their support to seek work, and succeed in employment. Somewhere along the line, the rights of the individual and the knowledge they can impart about their own capabilities and strengths, and support needs, have been completely lost.

2. Should there be: a. greater separation of ESAts and provider's own assessments, with ESAts focused on eligibility, work capacity and appropriate referral within DES and not extending to suggested interventions? OR b. should ESAts be developed and extended to provide more and better information on which providers could base their assistance, with less need to perform their own assessments?

There should be a single pathway.

The validity and usefulness of any assessment is going to be based on several factors:

- The treating practitioners reports
- The knowledge and information from the person with a disability themselves
- Transportable and accurate information from educational institutions or previous providers
- Assessment by a qualified occupational therapist
- Specialist reports.

DES providers have a conflict of interest in undertaking assessments. They are able to make judgements based on the maximisation of profit rather than appropriate assistance to the person with a disability, which makes the system more costly, and minimises the positive attributes and abilities of the person being assessed.

This process should be totally separated from service provision and undertaken by an independent authority.

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

This process should be incorruptible. It is the basis upon which a person is damned from ever entering the workforce, or given some sort of support to successfully gain work.

In terms of accountability and corporate governance, this process should be separated from the DES provision service completely.

In terms of the person with a disability being assessed, they should have the right to provide their own specialists reports, and have the right of appeal to the outcome of any assessment.

If an inappropriate assessment is made, a review process should be available and a complaints handling mechanism independent of DES provision should also be available.

Discussion Point 18: Ongoing Support

1. Should the fee-for-service funding model specify minimum contacts and hours of support?

Yes.

2. What minimum servicing requirements should there be for each level of support?

Minimum servicing requirements should be set as a standard for the industry. Funding should not be paid for services not received – this is an urgent and necessary measure to prevent profiteering from people with a disability who need support.

A minimum number of contact hours and reporting should be set for each client.

A minimum number of outcomes should be reported on and achieved for each client.

A minimum reporting standard and audit procedures should be in place for every provider.

This applies to all levels of support.

3. How should payments be determined for each level of support?

A realistic assessment of the cost of support for clients needs to be undertaken urgently by an independent source such as an auditor, Deloitte Access Economics or PwC, or KPMG. There is a mythology around the cost of supporting people with a disability, to maximise profit in the industry. This is part of the cause of demonisation of people with a disability in the mainstream media, who only see the $800 million cost of disability support in the Budget papers, and assume that people with a disability are receiving pensions worth that amount. The real costs are associated with support to enter the workforce, and they are inflated.

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?

There's no honesty from employers around this issue. Stop paying employers subsidies to employ a person with a disability, because when the subsidy runs out – so does the job.

The better option is to maintain good communications between the ongoing support provider and the employer, to identify if further accessibility brokering is warranted, or further training and development, or a change in hours, or any other support the person with a disability needs – including conflict resolution, disability awareness training for the organisation.

Identifying when a person's job is at risk is the role of the ongoing support provider. The definition of a job in jeopardy must be defined by consultation with employer groups, employer peak industry bodies, unions and employee representatives including disability support officers within an organisation which employs a person with a disability.

Further consultation with peak industry bodies, employer groups and unions is warranted to define a job in jeopardy.

2. How can we increase employer awareness of JiJ?

As mentioned before in this submission, a panel of media and disability experts should be convened and funded to challenge employer held stereotypes of people with a disability. Without an extended and effective marketing campaign which addresses stereotypes, raises awareness of programs in a positive manner which can assist employers and employer groups, they will continue to sack people with a disability because of a lack of awareness of any assistance available, and a narrow interpretation of the principles of reasonable adjustment in the light of new technology, flexible working and results only work environments.

3. Does the current fee structure reflect the services being provided and outcomes being achieved?

NO.

4. What is a more appropriate name for Job-in-Jeopardy?

It doesn't matter what the name is. The effectiveness of the program is the key criteria for success. Branding of the program – whatever it may be – will be irrelevant without the proper dissemination of information and awareness of the program. This could be remedied by the establishment and funding of a panel of media and disability experts to build a full marketing stack of products for employers and the public to build awareness of the brand, the dispelling of stereotypes, and the positive contributions of people with a disability to the workforce and to the profits of business.

5. If a JiJ participant chooses not to disclose their disability to an employer, how should providers assist them in the workforce?

Privacy is fundamental to the rights of all people – particularly those with a disability. There have been and still are thousands of people who's disability is being disclosed without permission. Until the person with a disability has ultimate ownership over their right to disclose or not disclose, there is no equality as demanded under the UN Convention on the Rights of People with a Disability.

If a person chooses not to disclose their disability, they should be assisted to seek support in whatever manner they see fit. 'Parenting' a person with a disability through a difficult time in the workplace, and intervening without permission is unacceptable.

The person with a disability will often know how to solve the problem, just not how to approach the employer. They should have immediate assistance to seek alternative work if they choose, or self-identify as needing assistance from a service provider to maintain their employment.

Education of employers and the challenging of the stereotypes around disability would go a long way towards prevention of job loss, reducing the stigma associated with disclosing a disability – further reason to establish a panel of media and disability experts.

Disability awareness training for employers should be freely available.

At the end of the day, if the person chooses not to disclose, that is their choice. That is a fundamental human right, and cannot be removed.

6. Should the JiJ service be integrated with Ongoing Support?

Yes.

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?

Given the information in the bulk of the discussion paper, it would seem that DES providers currently do not provide quality services at all.

Payment at the time of service provision would go a long way towards ensuring that quality services are maintained, via Medicare swipe cards and HICAPS, or a similar system.

As stated previously in this submission, no business is paid for services before the services have been provided. It should be no different for DES providers.

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