



New Disability Employment Services from 2018 - Submission



Midlas

Building Resilient Communities

Our Mission:

We partner with individuals and organisations to promote independence, strength and wellbeing in our community through support, advocacy and education.

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**Response to Discussion Paper
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Midlas Submission**

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Introduction

Midland Information Debt and Legal Advocacy Service Inc. (Midlas) is a not-for-profit community organisation based in Midland, Western Australia. Midlas provides individual disability advocacy for people with disabilities living in the City of Swan, Town of Bassendean, Shire of Mundaring and Shire of Kalamunda. We assist clients with disabilities, carers and guardians to ensure they understand their rights and responsibilities and can participate fully in their community.

Midlas assists people with disabilities in relation to accessing disability and mainstream services, providing linkages and referrals, support through the National Disability Insurance Scheme (NDIS) and assistance going through the appeal processes, assisting clients to access income support payments and communicate with Centrelink.

Below is the response to the questions raised in the Discussion Paper.

Discussion Point 1: More Choice for Participants

There may be little point in imposing Employment Service Areas (ESA) restrictions, such as region and/or distance, as long as Disability Employment Service (DES) are able to meet the Participant demand. Relaxing the restrictions may be beneficial for Participants who have been engaging effectively with a DES but have required a transfer if they moved out of their ESA. Assessment consideration for DES' who decide to cover wider geographic areas would require monitoring to ensure Participants are supported appropriately.

A client stated that he had tried to change providers in the past but encountered barriers as "no one would accept the transfer." This client supported the proposal to expand ESAs as he felt there was limited choice if a participant had engaged with the available local services and had no other options for DES providers.

Midlas supports the proposed frequency in which Participants can change/transfer DES providers, that is, the ability to transfer up to three times within the first 12 months to a new provider as this is appropriate especially for Participants recently assessed as requiring DES assistance in order to meet their mutual obligations. These Participants may not immediately have the skills to be able to ascertain what a quality DES provider should encompass. DES providers and Centrelink should inform Participants of their right to transfer/change including the pathway to do this.

The additional criteria should be available to all DES Participants who have met their threshold for transferring/changing providers.

Through Job Capacity Assessments (JCA) and Employment Services Assessment tool (ESAt), Centrelink are expected to work with a participant to determine what type of DES would be suitable to meet their needs. However the amount of information that Centrelink is providing to assist Participant's in making a decision is often limited. A client stated that the only way that she obtains information about DES organisations is through Centrelink. She was unsure how to gauge what a quality DES was and had no knowledge of the jobsearch website. In addition, this Participant had experienced barriers in engaging with DES'

because she “did not have the right disability” and was told that she would not take her on as a Participant.

It should also be a consideration that many DES Participants have intermittent/extended periods of medical exemptions from looking for work and should still be engaged by quality DES providers without this provider having to be concerned about their Star Ratings. This needs to be a consideration when looking at choice and control for Participants to ensure that this does not limit their options.

Discussions should include whether a Participant is more suited to a specialist employment service and whether the participant has had poor service/bad experience with a DES provider. Although this may take more time, it would hopefully reduce the chances of Participants being referred to a DES not suitable/appropriate to their circumstances. Participants should be informed of their mutual obligations when engaging with Centrelink so they are aware of their expectations prior to engaging with a DES.

Although not related to ESA coverage, it should be noted that Participants can have limited choice regarding the length of time engaging with a DES provider. Once a Participant has been linked with a DES provider through Employment Assistance (EA) for 78 weeks, there are two potential outcomes - the Participant is exited from the service (meaning that the Participant will be referred to another provider) or the provider lodges an extension meaning the Participant engages for another 78 week period. Given that DES providers may be working intensively with a Participant to address long-term barriers to employment, it may be counterproductive for the Participant to have to engage with a new DES simply because they reached their maximum time allowed to engage with that DES.

Discussion Point 2: Provider/Participant Contacts

The frequency of face-to-face contact that Participants must meet through their mutual obligations can be unnecessary/overwhelming. However, face-to-face meetings are a way for a DES staff member to build rapport with a Participant and identify the barriers that need to be addressed prior to job placement. It can also be crucial in the development of trust between staff and client. This is particularly important for the long term unemployed who need to trust in the service in order to engage with other job-ready programs that are offered as part of the service or externally. As it is part of the role of DES organisations to address vocational barriers, this may be difficult, without some form of compulsory face-to-face appointments beyond the initial “meet and greet”. This method may be beneficial for Participants who are independent job seekers who require limited face-to-face contact to allow DES staff to work intensively with harder to place Participants.

Minimum face-to-face appointments should be expected to allow the Participant to understand the role of the DES organisation, the obligations that the Participant must meet to receive their income support payment and to allow for barriers to be identified prior to job placement. Following this, the frequency should be determined on the needs of the Participant and the type of support that they require.

Voluntary job seekers in receipt of the Pension should remain free of any compulsory contacts, if they are under 35 years of age.

Discussion Point 3: Job Plans

Job Plans should serve as a living document reflecting the current actions, progress and barriers that need to be addressed during job searching and to sustain employment. Job Plans should be constantly modified, updated and commented on over the course of the relationship between the parties. This should include both positive changes/engagement as well as comments on why a certain action did not work or have the desired result (for example – client’s mental health deteriorated and had to be exited from group program – see

medical exemption note attached). Outside of mutual obligations, Job Plans should be developed collaboratively with the Participant to ensure that the document is relevant to their individual circumstances. It is likely that the more involvement a Participant has in the creation of their Job Plan, the less likely they will need to transfer DES organisations. A focus on supported decision making should be adopted to empower Participant's to make choices and increase their independence when finding employment. The Job Plan should reflect exactly where the Participant is at upon entry to the DES program and where they want to be – with the specific actions and “stepping stones” agreed upon to get there. This document could then be used for internal and external quality assurance auditing purposes.

It is typical for DES organisations to input generic description of the type of support they will provide for Participant's Job Plans. It may be more appropriate/beneficial to tailor the services that the DES is going to deliver to the Participant's needs. For example, a Participant who has previous experience driving forklifts may have let their forklift license lapse due to being unable to afford the cost of renewal. That Participant's Job Plan should detail the specific kind of assistance that a DES could provide in assisting that Participant in working towards getting his forklift license again – support to go through the training materials with the client or assistance with practice tests. In this way, it is a lot clearer to the Participant their obligations and also, the expectations of the DES they have engaged with.

Auditing measures need to be undertaken to ensure that DES' are providing the type of support stated in Participant's Job Plan. There could be the potential expectation for Participants to provide feedback anonymously/externally when transferring DES' organisations to ensure current issues/trends can be monitored and if necessary, intervention for underperforming providers.

One client said that he felt that as a person with a disability, he could be involved more in the development of his Job Plan. He said that DES providers need to be clearer in informing Participants of what assistance they can provide. He suggested reviewing the Job Plan more frequently to reflect changes and to highlight achievements, for example when someone has completed a course/obtained a new trade's certificate.

Barriers identified on assessments tools like JCA/ESAt needs to be explored with the Participants. For example Participants who have a psychosocial disability may need assistance with booking in an appointment with a GP to access a Mental Health Care Plan for counselling. Wider attention should be placed on addressing non-vocational barriers, like accessing mental health/medical supports or referral to a financial counsellor as otherwise the DES supports provided may only be addressing superficial barriers. The process for applying for DSP relies on someone with the ability to read and understand forms and gather the right kind of information. One client said that for people who have “memory issues” or trouble reading, they found this a barrier to applying and engaging with the Assessor.

Discussion Point 4: Better Information for Participants

As reflected in feedback from many Participants the pathway in choosing a DES is often through Centrelink/DHS' information or through word-of-mouth. The search ability on the Job Search website (<https://jobsearch.gov.au/ServiceProviders>) does not reflect useful information relating to employer and job seeker feedback of DES organisations. Although this website does inform Participants of the DES' Star Rating this information is limited. This method does not allow for wider accessibility for Participants who are blind/vision impaired; who may lack the literacy skills to interpret the available information; or for Participants who cannot afford internet access or have a computer. Many Midlas clients stated that they were not aware of the website or had access to the internet in order to use the website.

An online mechanism is a good basis for allowing information about DES providers. However the Department of Human Services (DHS) needs to focus on upskilling staff on how to enable people with disability to make informed choices about DES or referring to advocacy bodies to provide additional support. This could be as simple as ensuring all DHS staff – from frontline to phone - have up-to-date information to give to job seekers on the available DES that may meet their needs in a variety of formats including verbal and in Easy English. Consideration for feedback to be provided by complaints bodies like Health and Disability Services Complaints Office (HaDSCO) who monitor complaints relating to DES' providers.

Discussion Point 5: Participant Controlled Funding

The NDIS has allowed for some Participants to have greater choice and control as to how they want their funding spent. Self-managed Participants often have greater ownership of their funds as the responsibility is placed on them to be a “savvy shopper.” Midlas supports a review on how DES providers receive their service fees because for a participant it is often unclear how the service fees are spent and the benefit to the Participant.

However, similar to the ability to self-manage, there are associated risks that need to be addressed with Participant controlled funding. Many of Midlas' NDIS Participants attend information sessions prior to deciding whether they will take on this additional responsibility. These type of sessions may be beneficial for DES Participants who are going to be controlling a portion of their funding. If determined that Participants will have some degree of flexibility for individualised funding, there should be established guidelines on how to use the funding with examples on appropriate expenditure of the funds. Funding should be monitored to ensure that Participants are utilising the funds in a way that is maximising their employability, and not for personal use. Any funding being allocated should be directly linked to their Job plan (much like funding in the NDIS is directly related to a person's goals). This would also give additional incentive for Participants to be actively engaged in the creation, formulation and execution of their Job Plan. Such measures could include provision of CabCharges or Transperth travel cards to assist with the attendance at training or job interviews or direct funding being provided to training providers such as TAFE for courses relating to the Participant getting work ready.

DES providers should also be able to continue to support people with disability who are employed but not meeting their benchmark hours or where they are employed in a relatively unskilled position and their abilities are not capitalised upon. Support should be in continuing to upskill Participants as needed to improve prospects of working towards a fulfilling career and this could include support with training, applying for alternate employment and making connections in community that may lead to career development.

Discussion Point 6: Entering the DES Market

The current state of the DES market often encourages larger DES organisations to thrive with smaller organisations suffering/not able to compete on the same level. Midlas supports the proposal to introduce a provider panel to allow for high performing DES to be able to increase their ESA coverage. For DES providers, consideration needs to be taken to address barriers to promoting engagement. High caseloads, unsustainable performance indicators and bureaucratic requirements make it difficult for DES providers to spend quality time assisting a Participant to find employment – which should be the primary focus. There needs to be consideration for setting a maximum caseload taking into consideration the complexity/relative difficulty of placing that Participant in employment (reflected in paper section proposing risk-adjusted outcome fees).

It may be worthwhile investigating the effectiveness of DES organisations whose staff deliver a dual role - both job search support and on-the-job support. There are benefits to delivering support in this way as one staff member delivers support throughout the Participant's engagement with the Provider. However, on the other hand it limits the time a DES' staff member can spend with a Participant providing on-the-job and ongoing support.

Consideration of the value of employing people with disability within DES organisations would enable Providers to have a greater understanding/empathy for Participants along with the benefits of having an employee with shared/lived experience of the systemic barriers to employment.

Discussion Point 7: A Single DES Contract

Midlas supports the proposal of a combined Disability Employment Service – Employment Support Service (ESS) and Disability Management Service (DMS).

Longstanding providers who only provide ESS or DMS may require upskilling because although the two programmes are similar, the type of support and the focus of each programme is different. Allowing for DMS to be combined with ESS may highlight Participants who are more appropriate to be linked with an ESS programme for ongoing support as well as enabling inter-staff training and upskilling on overcoming barriers to employment from the simple (such as assisting Participant to formulate a contemporary resume) to the more complex.

It is important to note that through the JCA process through DHS, many Participants have voiced that it is difficult to be referred to DES-ESS services, and will often be referred to jobactive providers. Normally this is when DHS have determined someone's impairment as not fully diagnosed, treated and/or stabilised. However this can be limiting to a Participant's placement in employment as jobactive seem to focus on employment outcomes, without necessarily focusing on any vocational barriers to employment that may be identified.

Discussion Point 8: Removing Market Share Restrictions

The removal of market share restrictions may drive DES providers to ensure that the services they provide to people with disability are of a higher standard and responsive to individual needs. It also ensures that those providers who are working to a high standard are able to assist more Participants and that word-of-mouth referrals from "happy customers" can be acted on either independently by Participants or with assistance from Advocates/Centrelink staff as needed.

Many jobs sourced by DES providers for Participants are in retail or administration fields which are often minimum wage and have limited opportunities for career development. Many people with disability hold qualifications and/or want employment within a specialised field. Provision should be made within the DES reforms to ensure suitable, sustainable long term employment is a focus for those that are wanting a career. Further discrimination may be encountered for people with disability as only limited opportunities may be afforded by DES providers to explore employment areas of choice.

Discussion Point 9: ESAs

Midlas has no further points to add.

Discussion Point 10: Preventing Market Failure

Midlas has no further points to add.

Discussion Point 11: Ratio between service fees and outcome fees

Both voluntary and compulsory Participants have voiced to Midlas that they often experience pressure from DES agencies to apply for jobs that they are not ready for or have little to no chance of securing due to barriers being experienced at that time. Little time was spent developing a trusting relationship between the Participant and the DES provider beyond initial engagement. Barriers to employment were addressed on a superficial level (if at all) by DES providers where Participants often felt like their DES were “ticking the box” by meeting them each fortnight with very little personalised service/engagement.

An example of this is a Participant who engaged with Midlas. She had multiple barriers to employment including mental health issues, poor literacy levels, and low self-esteem/confidence and was from a culturally and linguistically diverse background. This Participant was told that although she was voluntary (due to an exemption), the DES could only work with her for a few short weeks before they would be focusing on job search. This Participant would have benefited from support like participation in the Skills for Education and Employment (SEE) course, information on a Mental Health Care Plan and how to access psychology and some capacity building around confidence/job-readiness. DES providers should focus greater attention on building Participant’s skills prior to job placement. However the service fees need to be incentivised for Providers and make greater allowances for time spent addressing the barriers to work - not solely on job placements.

Discussion 12: 4 week and 52 week Outcome Payments

The risk-adjusted outcomes fees should take into consideration additional factors which may impact on employability including tenancy status, financial security, mental health and caring/family responsibilities. The funding level tool should be evaluated on a yearly basis to determine whether that Participant still fits into the corresponding fee level; or a change in circumstances has increased needs which have reduced probability of employment or decreased needs due to the support being provided by the DES to overcome barriers so have increased probability of employment.

For short-term placements, Participants may require multiple, intensive periods of support when transitioning from one placement to another and this needs to be taken into consideration when the outcome fees are determined. Additionally, many employers utilise incentives like the wage subsidy as a ‘revolving door’ payment where once a Participant has meet the 26 week outcome, they are replaced by a new Participant creating significant impact on the Participants’ self-esteem and self-perception as a worker and contributor to society – adding further barriers to employment rather than removing them. Allowing for 52 weeks to be completed prior to an employment outcome being paid, creates a higher expectation on DES’ to provide effective ongoing support and enables a greater chance of being exited as an independent worker.

In regards to incorporating short term/part time roles within the DES funding model, many people enjoy diversity in their work and may flourish with the opportunity to work in 2 or 3 placements rather than just one with an opportunity to develop a broad range of skills, networks and an increased likelihood of a Participant securing a future career of their choosing rather than a job that pays the bills.

Discussion Point 13: Service Fees

Midlas has no further points to add.

Discussion Point 14: Pro-rata Service and Outcome Fees

Midlas has no further points to add.

Discussion Point 15: Determining Eligibility and Employment Outcomes for ESLs?

Midlas would like clarification as to how this links in with NDIS initiatives and supports for this age group to ensure any programs are complementary.

Discussion Point 16: Improving the Gateway

Midlas supports a review of ESATs/JCAs to ensure they fit the purpose for which they were designed. Midlas clients have experienced extensive wait times to have assessments completed and JCAs are often completed over the phone rather than in person. ESATs are often seen as ‘ticking the box’ with many recommendations being more generic in nature rather than personalised to the individual circumstance, giving little direction to DES who must formulate Job Plans based on ESATs and JCAs and often exclude the Participant who is not actively engaged in the process.

If more time was spent at this juncture in formulating ESATs and JCAs – giving clear direction and articulation of what needs to be considered (in consultation with the Participant wherever possible) to both Participant and Provider – better outcomes would be achieved. Participants would have clearer articulation of their needs through the ESATs and could be better matched to Providers who could meet these needs. If Participants are more involved in the assessment process and in the agreed actions that are recommended, they would be more likely to engage in job readiness programs and likely to have DHS viewed as a link in the chain to getting a job, rather than a bureaucratic hurdle to jump.

Discussion Point 17: Assessments Review

Midlas supports the questioning around the appropriateness of certain Assessors when conducting JCAs, especially of concern is Participants who have rare medical conditions/impairments and mental health impairments. Consideration for alternatives methods for information gathering/reporting could be investigated.

Participants are not always informed about the difference between ESATs and JCA and the purpose of each acting as an added frustration to many Participants who may be going through an ESAT but who are of the belief that it is an opportunity to discuss their eligibility for DSP, rather than focusing on what programme they should be engaged with.

Some Participants have voiced that often over-the-telephone JCAs are not as effective. One client said that he felt he had little choice in requesting a face-to-face JCA and felt restricted in giving his answers over the phone. Many Participants may face additional barriers/difficulties during the JCA conducted over the phone including the limited ability to bring a support person/advocate along, difficulty in demonstrating the severity of an individual’s impairment and understanding the information when presented over the phone.

For Participants going through the JCA process, when appropriate, Assessors should be clear about the criteria that a Participant must meet. Often when Participants do not meet the required Impairment points, Assessors/DHS do not explain the additional requirements that Participants may need to address in the future including Program of Support (PoS) criteria. In this way, Participants are further disadvantaged because of a limited understanding of the DSP criteria creating the common occurrence of Participants repeatedly applying for the DSP with no new medical evidence or not addressing the additional criteria.

Although not directly related to DES services it is important to note issues associated with applying for the DSP. As the eligibility requirements for the Disability Support Pension have become much more restrictive, consideration for more intensive support should be available to Participants who no longer meet the Pension requirements. This includes wider systemic recognition of what type of transitional support a Participant may need due to effectively having their income reduced from the Disability Pension to the New Start Allowance. This should include informing Participants of the new expectations required to meet and maintain the New Start Allowance payment. There is also the potentially huge impact of being out of the workforce for an extended period of time without any preparation (mentally as well as educationally/skill development) to re-enter the workforce when taken off the Pension due to a review.

Discussion Point 18: Ongoing Support

Midlas has no further points to add except to say we fully support a minimum benchmark for ongoing support eligibility.

Discussion Point 19: Job-in-Jeopardy

Job-in-Jeopardy (JiJ) needs to develop a crisis prevention style of support, rather than crisis intervention. By the time a Participant engages with JiJ assistance they have been identified as at risk of losing their employment and the damage may have already been done even with intensive support, the likelihood of saving that job may be limited. A targeted awareness raising campaign for employers on DES' services and ways to access support for Participants at risk should be considered. It is preferable that JiJ is included under the Ongoing Support banner as the name may be discouraging for employers with the implications already highlighted in the Discussion paper.

Employers should be made aware of the supports available to ensure the Participant's employment is sustainable and the Participant is a valued member of the team, rather than seen as a potential drain on the workplace. DES Providers that can network and advocate for their clients to ensure that potential employers and Participants are fully versed on what support can be provided are more likely to achieve successful employment outcomes. If employers are aware of the JiJ funding and type of support, Participants who do not wish to disclose their disability will still be able to access support as needed.

Discussion Point 20: Transition Issues

Midlas has no further points to add.

Chapter 8: Building Employer Demand

Although there is no discussion point/option for feedback, Midlas would like to make the suggestion surrounding wider employer engagement. Through "The Willing to Work: National Inquiry into Employment Discrimination for Australians with Disability", the paper highlighted some of the barriers experienced for accessing employment. Included is the perceived attitudes/assumptions about employing people with disability including the perceived difficulty or time involved in employing/training a person with disability and the financial implications/legislative requirements to the organisation often discourage employers recruiting people with disability. DES organisations need to be at the forefront of promoting the value of employing people with disability. Consideration should be given to allocating a small amount of DES' funding to community education and advertising the DES programmes as well as the government, universities and not-for-profit sector organisations leading by

example with employment of people with disability in open employment across a broad range of industries and professions.