



# Disability Employment Australia

## Discussion Paper Response

Ensuring a strong future for supported employment



Submission from Disability Employment Australia

March 2018



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## About Disability Employment Australia

Disability Employment Australia (DEA) is the peak industry body for Australia's Disability Employment Services (DES). We are recognised internationally as the pre-eminent organisation representing, supporting and resourcing the disability employment sector throughout Australia.

As a membership organisation, we exist to represent the interests of Disability Employment Services at a national level to government and a range of other stakeholders, such as consumer and employer groups. Disability Employment Australia supports the Australian Government to deliver high quality employment support to people with disability in Australia.

We have a unique responsibility to foster innovation and flexibility of service within the Disability Employment Services program. We support our members to achieve best practice service provision in their role to find employment outcomes for people with disability. We advise, advocate, train, inform and undertake events to strengthen and promote the sector.

We believe in the right of every member of society to be included fully in the community, and to have control over their own life choices. Participation in the open labour market is a crucial factor in realising this goal.

We strive to inspire, challenge and celebrate the Disability Employment Services sector.



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## Introduction

Disability Employment Australia (DEA) is the peak body for disability employment, with a membership of over 70 per cent of Disability Employment Services (DES) providers across Australia. We are recognised internationally as the pre-eminent organisation representing, supporting and resourcing the disability employment sector throughout Australia.

As a membership organisation, we exist to represent our members' interests, particularly DES providers, at a national level to the Government. We also represent a range of other stakeholders, such as consumer and employer groups. DEA supports the Australian Government to deliver high quality employment support to people with disability in Australia.

A key responsibility of DEA is to foster innovation and flexibility of service in the DES program, and emerging opportunities in the NDIS, mental health reforms and other government disability employment related initiatives. We support our members to achieve best practice service provision in their role to find employment outcomes for people with disability. We advise, advocate, train, inform and undertake events to strengthen and promote the sector.

We believe in the right of every member of society to be included fully in the community, and to have control over their own life choices. Participation in the open labour market is a crucial factor in realising this goal.

DEA has responded to most questions in this discussion paper.

### 1. Are there other principles, which should guide the Government's policy direction for supported employment?

DEA believes that open employment should be the ultimate goal for all participants who are currently participating in an ADE. The DES program is a direct result of the *Disability Services Act 1986*<sup>1</sup>. One of the main objects of that Act helped establish a network of 'open employment services' to assist people with disability find employment in the community. Prior to the DSA most people with disability were directed to 'sheltered' workshops.<sup>2</sup> The DSA and the Disability Discrimination Act (1992) set up the Disability Service Standards for DES providers to respond to in assisting people with disability find employment. These Standards were more formally recognised through a Quality Accreditation model that all DES providers must achieve and maintain to operate Australian Government DES contracts. The DES sector is well qualified through disability advocacy efforts and Government legislation to be the cornerstone of a model that supports people with disability into employment.

Australia is signatory to the United Nations Convention of the Rights of Persons with Disabilities (UNCRPD) which was ratified by Australia on 18 July 2008. This instrument recognises that people with disability face barriers in fully participating in social and economic life.

<sup>1</sup> <https://www.legislation.gov.au/Details/C2017C00186>, accessed 15 March 2018

<sup>2</sup> DSA, History of Disability (<http://www.dsa.org.au/resources/history-of-disability>, accessed 15 March 2018)



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The purpose of the UNCRPD is to: promote, protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms by people with disabilities and to promote respect for their inherent dignity.<sup>3</sup>

The UNCRPD sets out the rights of people with disability generally and in respect of employment. Article 27 of this Convention protects the right to work for people with disability. This includes:

- The right to work on an equal basis to others;
- The right to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions; and
- The right to effective access to general technical and vocational training.<sup>4</sup>

Linked to the ratification of the UNCRPD was the development of Australia's National Disability Strategy (2010-2020). This was informed through extensive consultations with people with disability and their advocates and carers. The vision of the Strategy is for 'an inclusive Australian society that enables people with disability to fulfil their potential as equal citizens'. The Strategy includes six outcome areas and reflects the principles of the UNCRPD. They are:

1. Inclusive and accessible communities
2. Rights protection, justice and legislation
3. Economic security
4. Personal and community support
5. Learning and skills
6. Health and wellbeing

The second implementation plan of the Strategy titled *Driving Action 2015–2018* builds on the six main actions identified in the Strategy's first. One of these priority actions is *improving employment outcomes for people with disability*.<sup>5</sup> All Australians with disability have the right to work and for a proper working wage.

How does this relate to Australian Disability Enterprises (ADEs)? ADEs primarily offer support to people with moderate to severe disability in a variety of roles in a supported employment environment. These supported employees are paid an average of \$5.61 per hour which is well below an award wage. Over 70 per cent of participants in an ADE have an intellectual disability<sup>6</sup>. At the same time in the DES program, intellectual disability participants make up 4% of the caseload, or approximately 7,700 participants.<sup>7</sup>

As we move towards 2020 we should collectively strive to build clear and supportive pathways to support the 20,000 ADE participants to move into open employment via the DES program, or if eligible for the NDIS then through NDIS Employment Supports. DEA recommends that a

<sup>3</sup> United Nations, <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-27-work-and-employment.html>, accessed 5 March 2018.

<sup>4</sup> United Nations, <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-27-work-and-employment.html> accessed, accessed 26 Feb 2018)

<sup>5</sup> Australian Government, Department of Social Services, <https://www.dss.gov.au/disability-and-carers/programs-services/government-international-national-disability-strategy-second-implementation-plan>, accessed 5 March 2018.

<sup>6</sup> Australian Government, Department of Social Services, Discussion Paper, Ensuring a strong future for supported employment, December 2017, p. 12)

<sup>7</sup> <http://lmip.gov.au/default.aspx?LMIP/Downloads/DisabilityEmploymentServicesData/MonthlyData>, accessed 5 March 2018.



better transition path be developed for current ADE participants into open employment. This can be done. DEA notes that this challenge should absolutely respect the individual's choice.

DEA believes the Government should have targets around the increase in participants successfully moving into open employment and that quotas should be considered for open employment.

There is also a huge cost in supporting ADEs. The average annual cost according to the Department of Social Services (DSS) is \$11,800 per person per year<sup>8</sup>. The Government has already committed another \$1.3 billion to supported employees in ADEs from 2015 to 2020<sup>9</sup>. This is a huge investment to support many of the business enterprises that support these participants. DEA believes that some of these funds would be better placed at supporting ADE participants to transition into the support offered by the DES program (and NDIS Employment Supports) with the core aspiration of lifting workforce participation rates of people with disability (and, in particular, people with intellectual disability).

The ADE program is capped at 20,000 but with the roll-out of the NDIS, this means that more places could potentially become available under NDIS arrangements. DEA does not support the expansion of ADE placements. We pose the following rhetorical questions: Are today's iteration of ADEs a suitable destination for people with disability? And, does the ADE model fit with the core aims of the NDIS?

DEA also believes that the Government's policy should be guided by proven research which consistently supports open employment as a better outcome for participants. For example, in a study by Beyer (2010) exploring the quality of life for adults with intellectual disability across competitive supported employment, employment enterprises, and day services, they found that 'supported employees in competitive employment reported better health, higher productivity and better emotional well-being than the people with intellectual disabilities in employment enterprises or day services'.<sup>10</sup> Migliore, Mank, Grossi and Rogan (2007) in their literature review summarise the advantages of competitive employment over employment enterprises which include the following:

- (a) Better financial outcomes for people with disabilities;
- (b) Increased opportunities for personal growth for people with disabilities;
- (c) Compliance with the paradigm shift from fitting people into programs to adapting services to people's needs;
- (d) Fulfilment of the preferences of people with disabilities;
- (e) Satisfaction of families' preferences; and

<sup>8</sup> Australian Government, Department of Social Services, Discussion Paper, Ensuring a strong future for supported employment, December 2017, p. 12.

<sup>9</sup> Australian Government, Department of Social Services, Discussion Paper, Ensuring a strong future for supported employment, December 2017, p. 13.

<sup>10</sup> Beyer, et al (2010), A comparison of quality of life outcomes for people with intellectual disabilities in supported employment, day services and employment enterprises', *Journal of Applied Research in Intellectual Disabilities*, 23 (3), p. 295.



(f) Greater social integration of people with disabilities.<sup>11</sup>

I've been dealt a pretty bad card on paper, a card that nobody would want to be dealt. [But] I've looked at the positive and negative aspects of my life to become the best version of myself, and for me that is a Paralympic and world champion, which is lucky. And not everybody's going to be [where I am]. But everybody can look at the positive and the negative aspects of their life and put a positive spin on them, and really change the way that your life's going to be lived.

– Dylan Alcott

## 2. What is a 'good' participation outcome for a supported employee and how can good outcomes be measured?

The Productivity Commission report that led to the development of the NDIS included some key expected outcomes for people with disability. This included much improved economic and social participation outcomes.<sup>12</sup>

International best practice argues that a 'good' participation goal should include skill development, self-confidence, independence via open employment, and community participation. This should be the aspiration, context and standard for people with disability at each stage of their development through schooling, part time work, further education, and into their future career path. We have to ask whether this ideal can be realised through ADEs. DEA believes that all Australians should be able to fully participate in their communities – both socially and economically.

The Australian Government previously released a report into the future of ADEs in 2012. In this report, the former Department of Families, Community Services and Indigenous Affairs stated the following goals by 2022:

- People with disability in supported employment will have higher wage outcomes and higher average hours of work;
- There will be increased community awareness and inclusion of people with disability;
- There will be higher levels of employment of people with disability in both the public and the private sector; and
- There will still be specialised organisations that have their origins in Australian Disability Enterprises, but they will have adapted to be more responsive to the demands of their employees with disability.

<sup>11</sup> Migliore, A., Mank, D., Grossi, T., & Rogan, P. (2007). Integrated employment or sheltered workshops: Preferences of adults with intellectual disabilities, their families, and staff. *Journal of Vocational Rehabilitation*, 26(1), pp 18-19.

<sup>12</sup> Productivity Commission, *Disability and Care Inquiry Report*, 10 August 2011, Available from: <http://www.pc.gov.au/inquiries/completed/disability-support/report>, accessed 26 February 2018.



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Furthermore, the report stated a longer term vision for employment outcomes for workers with disability by 2022:

- Average hourly wage rate and hours of work per week comparable to those without disability; and
- Successful pathways between ‘supported’ and ‘open employment’<sup>13</sup>

If that was a vision set forth in 2012 to improve wages and working conditions for people with disability then it can be quite easily argued that in 2018 we can and should enlarge that vision. The NDIS, in sync with contemporary disability policy, the National Disability Strategy and the UNCRPD (Article 27), and the new DES, provides not just a vision but the context to support people with disability in real terms and real time. The critical link must be the significant increase in number of people with disability gaining and sustaining employment in the open employment market.

Research studies also support the concept that an open employment outcome is better for a participant than continued participation in an ADE. Akkerman (2016) in a literature review found that ‘the majority of people in competitive employment, who had previously worked in an employment enterprise, preferred their job in competitive employment’<sup>14</sup>

Camira (2011) found that supported employees with intellectual disabilities employed in a competitive employment setting earned significantly more, worked more hours, and had fewer support costs than employees with intellectual disabilities in an employment enterprise employment setting.<sup>15</sup>

### 3. What do supported employees most value about working in an ADE?

Work is considered a standard measure of self-worth and meaningful endeavour is an inherent desire for all of us. Rhonda Galbally AO, NDIS Board member, in her keynote address to a DEA conference, made a critical observation that in 40 years of advocacy she had never met a person with disability who did not want to work. Research studies consistently show that higher quality outcomes are achieved by people with disability working in the labour force.

There are also benefits for the broader family when participants gain and keep open employment. Research shows that families have a higher quality of life when children work in open employment:

We found that families of young people participating in open employment reported better family quality of life than those in sheltered employment regardless of the personal factors... We also found that families of young people who were functioning better in activities of daily living were more likely to report higher family quality of life.<sup>16</sup>

<sup>13</sup> Australian Government, [https://www.dss.gov.au/sites/default/files/files/disability-and-carers/policy\\_research/aust\\_govt\\_vision\\_inclusive\\_employment.pdf](https://www.dss.gov.au/sites/default/files/files/disability-and-carers/policy_research/aust_govt_vision_inclusive_employment.pdf), accessed 26 February 2018.

<sup>14</sup> Akkerman et al (2016), ‘Job satisfaction of people with intellectual disabilities in integrated and sheltered employment: an exploration of the literature’. *Journal of Policy and Practice in Intellectual Disabilities*, 13(3), pp 205-16.

<sup>15</sup> Cimeria, R.E. (2011), ‘Does being in sheltered workshops improve the employment outcomes of supported employees with intellectual disabilities?’, *Journal of Vocational Rehabilitation*, 35(1), pp 21-27.

<sup>16</sup> Foley, KR, et al. ‘Relationship between family quality of life and day occupations of young people with Down syndrome’, <https://www.ncbi.nlm.nih.gov/pubmed/24414088>, accessed 21 February 2018.



Studies also show that young people working in open employment report better functioning:

Those who reported better functioning in self-care, community and communication skills were more likely to be in open employment and/or attending Technical and Further Education compared with those attending sheltered employment and/or ATE after adjusting for age, gender and rural/metropolitan regions.<sup>17</sup>

#### 4. Why do most supported employees transition back to supported employment from open employment?

According to the Department of Social Services (DSS), ‘program experience suggests that less than 1 per cent of supported employees transition to open employment in any given year’. This very low figure (1%) suggests that the issues go well beyond communication or administrative. DSS could review the concurrent programs supporting document, making this more flexible to offer transitional support to participants while being in both programs.

The requirement to have an ESA or JCA recommending DES would infer that ADEs need to be more active in assessing their participants. Although the current guideline allows concurrency, it does not infer a supportive transition of co-support until a participant is fully ready to be in open employment. DEA believes the guideline should be more flexible and should document ‘preparation activities to become ready for open employment’. The following excerpt infers the participant is ready for open employment where in fact they may still require transition support from ADE to a DES service and then open employment.

From 1 January 2016, ADE employees can be commenced in DES and participate concurrently in both programmes. With the exception of ESA/JCA exempt jobseekers, ADE employees must have a Valid Employment Services Assessment (ESA) or Job Capacity Assessment (JCA) recommending DES and meet all other eligibility requirements for DES.<sup>18</sup>

DEA would like to see further data released by the Department of Social Services about the number of participants transitioning ‘back’ from open employment to supported employment and vice versa. It would be beneficial if this data was also investigated through a qualitative lens.

Participants require strong job preparation and job match when moving into open employment, as well as the access and utilisation of ongoing support. DEA strongly believes there needs to be better supports to transition effectively to open employment.

There are significant funds invested into ADEs which could potentially be channelled into the ongoing support component of the DES program for ADE transitioned participants. DEA would like to see a new category of ongoing support created for ADE workers who are transitioning.

<sup>17</sup> Foley, KR, et al. ‘Functioning and post-school transition outcomes for young people with Down Syndrome’, <https://www.ncbi.nlm.nih.gov/pubmed/23294187>, accessed 26 February 2018.

<sup>18</sup> Concurrent programs supporting document, <https://ecsnaccess.gov.au/sites/SecureSitePortal/DES/Documents/Current/Concurrent Programmes Supporting Document.pdf>, accessed 23 February 2018.





However, it should be noted that DEA is concerned that the suggestions above might be akin to applying a Band-Aid to the issue. The issue is more likely systemic. Consider this hypothetical scenario: An ADE employs 50 people with disability. At any given time 10 of the employees are team leaders, based on their confidence, skills, productivity and general engagement. These employees are ideally suited for transitioning into open employment (taking into account research findings cited in this paper). Would an employer willingly support the transition and exit of her ten ‘best’ employees? It is the system itself that requires a considered and serious reappraisal.

## 5. How can more supported employees be provided the opportunity to choose open employment?

One of the goals of supported employment is to ‘act as a link, helping people with moderate to severe disability gain training and experience to confidently step into open employment or to continue in supported employment if they choose.’<sup>19</sup>

ADE participants need be provided with informed choice when considering open employment as a next step. That could be provided independently of both ADEs and DES providers. Informed choice should include, but not be limited to, what a DES open employment service can do for them and what independence looks like with a job in open employment. This process should in no way put the individual at undue risk but it needs to allow the individual the right to the ‘dignity of risk’.

The paper also states that a supported employee will often receive daily access to employment and personal care supports by support staff embedded within the ADE.<sup>20</sup> Again, an open employment service may be able to offer the required support via ongoing support – but would also need to include personal care where necessary.

DEA strongly believes that self-efficacy or belief in one’s ability to success is very important. Aiming for open employment is a better outcome for participants. Participants in an ADE require communication of the value of employment and better job preparation and job match.

ADE participants need more information about open employment and have the opportunity to meet with open employment DES providers. Participants could undertake paid work trials in open employment. An incentive payment could be made to an ADE who is able to transition a participant into open employment via DES support.

Transition should also start during school years before participants become entrenched in an ADE. Young people need to be involved in planning for this transition:

A study by Wehmeyer into young people with Down Syndrome showed that a “young adults’ personal involvement in transition planning has been reported as an important element when transitioning from school to post-school and a factor which helps young

<sup>19</sup> Australian Government, Department of Social Services, Discussion Paper, Ensuring a strong future for supported employment, December 2017, p. 17.

<sup>20</sup> Ibid, p. 17.



people achieve their desired outcomes and is associated with positive outcomes such as better quality of life.”<sup>21</sup>

Research by Foley at Curtin University also found that there is a “strong relationship between young people’s involvement in decision making during the transition process and their participation in open employment and/or training even after adjusting for age, gender, functioning in ADL and behaviour.”<sup>22</sup> (KR Foley, et al, p, 797, Journal).

A study by Delia Hendrie indicates that many employees with autism will require ongoing support to maintain employment. She states that ‘job-matching work task to the employee’s skills and strengths, willingness and flexibility to provide workplace modifications, supportive co-workers and supervisors and on-the-job support’ have meant that participants are able to maintain open employment.<sup>23</sup>

Hendrie also describes the levels of support that are required for successful employment of people with autism and this includes external and internal support as well giving employers the time to ‘work it out’ themselves and giving participants an understanding of the job expectations. She also described in her study that ‘employers viewed having a designated Disability Employment Service provider as a key factor for the successful employment of employees with ASD’.<sup>24</sup>

## 6. Why is participant access to concurrent DES and ADE support services so low?

There is poor promotion to people with disability who are currently engaged in an ADE about open employment services. There is also a perception amongst many ADEs that what they offer is the best outcome for participants and that participants feel more comfortable in an ADE rather than the ‘realities of open employment’. Again, DEA believes that open employment is a better long-term outcome for a participant and their families.

There is also poor promotion with participants and families about the ability to be concurrently in both programs. The current DES guidelines do support a participant being in both ADE and DES. The only contingency is having a JCA or ESA that recommends DES. DEA believes that some flexibility is required around this, including wording around transition support. There needs to be better information and resources available about referring between the two programs. The DES guideline around ‘enclaves’ is a discouragement for open employment participation for some families and participants in an ADE (i.e. they prefer to work in a group environment).

Some potential participants may not have the required eight hour per week benchmark for DES. However, they are likely to get to this level with the support of DES, especially considering that

<sup>21</sup> Wehmeyer, M. 1998, Self-Determination and Individuals with Severe Disabilities: Re-Examining Meanings and Misinterpretations, <http://journals.sagepub.com/doi/pdf/10.2511/rpsd.30.3.113>, accessed 5 March 2018

<sup>22</sup> Foley, KR et al, ‘Young People with Intellectual Disability Transitioning to Adulthood’, <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0157667>, accessed 23 February 2018.

<sup>23</sup> Hendrie, D et al. “Autism in the Workplace”, p.4. <http://bcc.edu.au/assets/bcec-autism-in-the-workplace-report.pdf>

<sup>24</sup> Hendrie, et al, ‘Autism in the Workplace’, p. 12. <http://bcc.edu.au/assets/bcec-autism-in-the-workplace-report.pdf>



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current data indicates that ADE participants work an average of 23 hours per week<sup>25</sup>. The concurrency guideline should be seen as a pathway to open employment from ADE support.

There are a number of supports that are available via open employment services such as workplace modifications and ongoing support that may not be known to those in ADE.

DEA believes there needs to be much better school to work transition from an earlier age. These interventions should commence in Year 10 and not Year 12. DEA has argued consistently, based on its members' advice, that there are real benefits to providing employment assistance and supports at an earlier point than Year 12 and to find part-time work for students.

We also believe that any student who is eligible for DSP or is receiving additional assistance from the school would benefit from a program of support in DES. It can be clearly argued, with evidence and research, to be a better pathway than the 'referral to an ADE approach'.

Studies show that young people introduced to work from school age develop better employability skills for the transition into lifelong work. In their 2012 report, *Young people entering work: A review of the research*, Oxenbridge and Evesson came to the conclusion that, "Student part-time working, vocational education and vocational work placements were all found to lead to better outcomes for young people transitioning from study to full-time work, in part through the development of these soft employability skills"<sup>26</sup>.

There are also social participation reasons for work that effect transition into open employment. Some families genuinely believe that participation in an ADE is the best outcome for their children. However studies have shown that participation in open employment is a better outcome for both participants and their families.<sup>27</sup>

The employment support model for people with disability should be 'open employment as the first option' with labour paid at award levels – which can include utilisation of the Supported Wage System (SWS).

## 7. What is the role a supported employer can play in building employee capacity for transition to open employment?

A core objective for ADEs should be to prepare participants for open employment. They can transition into enterprises that offer non-employment supports for participants with NDIS plans. They could create links with open employment services and then, working together with and for the benefit of the ADE employee, transition when job ready. ADEs build the skills and confidence of their employees. In doing so their employees are better prepared to move into open employment.

DEA believes that ADEs should be committed to open employment as the ultimate goal for all of their participants.

<sup>25</sup> Australian Government, Department of Social Services, Discussion Paper, Ensuring a strong future for supported employment, December 2017, p. 12.

<sup>26</sup> Oxenbridge, S & Evesson, J. 2012. *Young People Entering Work: A Review of the Research* (p. 42). Available at: <http://www.acas.org.uk/media/pdf/5/2/Young-people-entering-work-a-review-of-the-research-accessible-version.pdf>, accessed 5 March 2018.

<sup>27</sup> Foley, KR, et al. 'Relationship between family quality of life and day occupations of young people with Down syndrome', <https://www.ncbi.nlm.nih.gov/pubmed/24414088>, accessed 21 February 2018.



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## 8. What will attract NDIS participants to employment opportunities in the future?

The 2012 Productivity Report also stated that the NDIS would fund specialised ‘job readiness’ programs with a clear focus on lifting employment outcomes. At the same time, the Australian Government should initiate further measures to achieve improved employment outcomes for people with disabilities, many of whom languish on the Disability Support Pension’.<sup>28</sup>

Currently NDIS support plans should include supports for participants that allow them to

- Pursue their goals, objectives and aspirations;
- Increase their independence;
- Increase social and economic participation; and
- Develop their capacity to actively take part in the community.

This means that the arc of a participant’s plan ultimately bends towards employment (and a career). Employment may not be achieved in the first or second plan, but over time, a participant’s plan would build their capacity and confidence to enter the workforce. Therefore participants need clear information about open employment and access to prevocational supports, skills development, paid work trials, and access to ongoing support when they get a job.

The NDIA developing a shared and agreed understanding about the value of employment, employer supports, and access to DES would reinforce why employment supports can play a critical role in participant’s planning. At a recent consultation held by DSS to consider this paper the facilitators conducted an exercise. In small groups we brain-stormed a range of themes and issues as they relate to the future of supported employment. Numerous butcher’s paper filled with ideas written in many different coloured textas were blu-tacked to the walls. Then we were all asked to place a sticker next to the eight ideas that appealed to us most. Employment first in a participant’s plan, as an idea, appeared a number of times on different butcher’s paper. It also gained the most stickers, representing the idea most attendees favoured. DEA notes that the NDIA is building a strong framework to support staff understanding of the value of employment and this is to be commended.

Referral to an ADE shouldn’t be the first option presented to a participant. DEA believes that employment in social enterprises could be appropriate for some participants assuming they are meaningful jobs paying award wages. DEA also supports the use of the SWS for employment in a social enterprise where appropriate.

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<sup>28</sup> Productivity Commission, *ibid.*



### 9. How are ADEs marketing their services to an expanded market of potential NDIS participants?

DEA cannot comment on this question. This question would be best answered for ADEs.

### 10. What is the range of NDIS supports that ADEs currently offer?

Again, DEA cannot comment on this.

### 11. What costs would be involved for ADEs that choose to: a) reform to more open employment models? b) redevelop as service providers offering other NDIS supports? c) specialise in the provision of employment support as a non-employer?

DEA believes that the best solution is encouraging some current ADEs into the open employment area. Some of the funds currently invested in ADEs could be used to support these services into one of the three options above. Some of the current cost in supporting ADEs could be moved to support ADE participants' transition into an open employment setting.

DEA suggests that the NDIA and expert stakeholders review current NDIS employment supports with an understanding to refresh the supports and set them up to be a pathway into open employment opportunities. As we have stated, participants should be informed on the value of work and career and social and economic engagement in their communities.

### 12. Should the Government have a role in supporting new market entrants and start-ups in the short-term?

DEA would be concerned if the Government viewed new market entrants and start-ups into the ADE sector as a way to improve the trajectory of ADEs as a destination for people with disability wanting to work and build a career. The Government should be supporting current ADE's transition to another form of support, whether that be offering employment supports, transitioning to become a DES, becoming a social enterprise, or becoming a self-sustaining commercial entity. An incentive payment could also be paid to ADEs for each participant who successfully transitions into open employment.

As stated above, another real opportunity for ADEs is to consider registering as a DES open employment service under the next panel refresh of that program. ADEs do have vast experience in supporting people with disability so they would bring another level of expertise to the open employment service sector. DEA notes that there are already organisations that operate both DES and ADEs.



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### 13. What investment, or industry adjustment will promote viable expansion in the employer/provider market?

Currently the Government supports each ADE placement for approximately \$12,000<sup>29</sup>. Funding restructured into an investment that promotes open employment as a viable and real option for people with disability is one consideration. Likewise, current ADE on-the-job supports could be adjusted into a program similar to DES ongoing support.

DEA does recognise that ADEs are there to improve the lives of people with disability. Currently 75 per cent of participants in ADEs have an intellectual disability but only make up 4% of the current DES caseload. International research (and programs like Customised Employment <http://www.griffinhammis.com/customizedemployment.html>) demonstrates that with the right support, people with intellectual disability do maintain employment. DEA encourages DSS and the NDIA to turn its policy and practice to these proven ideas.

### 14. How could employer/providers share learnings of their success and failures within a competitive market?

DEA would like to see a network of employers and intermediary support services, advocates and people with disability create a platform of success stories that are based on recognising the social model of disability and align with the expected outcomes of the UNCRPD. That is, employers talking about how they have improved their practices because of barriers they have removed for people with disability to access and engage with them. A competitive market can still have a narrative of success. For example, you can't get much more of a competitive market than the AFL (or NRL), yet they still manage to share best practice and success stories.

### 15. How can wage supplementation be better targeted?

DEA does not have a comment on this.

### 16. How can the NDIS enable an employment first approach in planning?

DEA believes that the NDIS and their staff need a better understanding of 'what is employment'. This means being educated about the different roles that people have in open employment. They should also be active in finding out what DES providers do and the supports that are offered under this program. They could also better utilise the expert knowledge of DES providers.

The NDIS should develop a strategy of how they implement employment first into plans. The NDIS appears to have some issues with having plans approved due to things like a change of circumstances which appears to have a negative impact on participants.

The NDIS needs to better develop their own organisational messaging. The NDIA and Local Area Coordinators (LACs) should hold information sessions for participants about open employment where suitable. This will lead to building better employment supports into plans. If

<sup>29</sup> Australian Government, Department of Social Services, Discussion Paper, Ensuring a strong future for supported employment, December 2017, p. 12.



an ADE is to be utilised, then it should be as a transitional point with the long term goal of open employment.

The NDIA, LACs and DES sector can support each other with building a structure of understanding the value of employment. That understanding would include the NDIA adopting employment first as a key objective of its strategic plan, with targets and priority actions. It would include responsibility to achieve these targets given to a senior executive. It would see a team given to building the structure via a set of projects that engaged education through to career development. It would see a clear link between NDIA objectives and core expectations in LAC contracts, with key staffing in LACs to reinforce employment first approach and maintain continual improvement. It would see the DES sector brought into both NDIA projects and LAC activities as the subject expert (best-practice employment assistance).

I used to get bullied as a kid. I struggled with the fact that I was in a wheelchair, but if you ask me right now if I could have an operation or stem-cell research, there's not enough money you could ever pay me because my disability has given me part of my opportunity in life. I'm proud to be disabled.  
– Dylan Alcott

### 17. How do current assessment processes drive the inclusion of employment supports in an NDIS participant's plan? a) Are existing employment assessment processes appropriate for NDIS participants?

DEA is wary of some of the current assessment processes that can be based on a deficit model and benchmark hours are usually used for employment services assessment.

Access to an ADE also requires the ability to be able to work at least eight hours per week. “Supported employees must be able to work a minimum of eight hours of work per week as determined by employer, employee and family and carers. The average hours worked are 23 per week.”<sup>30</sup> This is different for referral to a DES provider where frequently an ESA or JCA is required to establish a benchmark.

With any assessment, DEA believes *there should be a focus on what a participant can do* rather than a deficit-based model.

The ADE model assumes that productivity is lower for their participants and therefore need more support. There should be more emphasis on an ability to work rather than benchmark hours. There is also the risk of over assessment. Many participants are assessed from an early age – and an employment assessment adds to this and stress for the individual and family. There are many good news stories regarding participants with intellectual disability that have successfully transitioned to open employment. There are also DES providers across Australia that specialise in finding ongoing work for people with intellectual disability.

<sup>30</sup> Australian Government, Department of Social Services, Discussion Paper, Ensuring a strong future for supported employment, December 2017, p. 12

**18. Are there different approaches to planning that could be explored for different groups of supported employees (e.g. younger workers, established workers, retirement transition)? a) How could SLES better support school leavers to build skills and confidence in order to move from school to employment?**

SLES could be better targeted as a pathway to open employment and include better links to DES.

A better pathway needs to be developed for young people at an earlier age. This can include support for work into part-time jobs. The big pressure here is that by doing nothing or little at an early age, becomes harder for people with disability to transition into life employment at a later age. Making young people part of their planning process is also integral to successful transition.

**19. What role could or should an NDIA Local Area Coordinator or planner have in linking participants to an employment opportunity?**

Better collaboration between NDIA Local Area Coordinators (LACs) and DES providers should improve the links to employment services for participants. Some current LACs are also DES providers but may need a better understanding of ‘what is employment’. They need to explore more options than continued referral and placement to an ADE.

This also means that a LAC needs to have knowledge about the different roles that people have in open employment. They should also be active in finding out what DES providers are available in the local area and if they are specialist DES providers. DES providers could also educate LACs about employers that employ people with disability into open employment. The key to this is LACs making links with DES providers and vice versa. This is something that DEA could facilitate.

**20. What role could or should NDIA market stewardship have in developing a market with a range of employment, other support, or participation options for existing supported employees?**

As a market steward, the NDIA has a significant responsibility to promote the value of employment.

The NDIA should be promoting DES model as a real option for participants. Many DES providers have been around since the 1980s and have huge levels of experience in getting people with disability into real jobs with real wages. This is weighted by Disability Services Act and National Disability Standards. DEA would like to stress that DES is a national network with over 100 providers across Australia.



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## Conclusion

DEA's response to the DSS *A Strong Future for Supported Employment* consultation and paper should not come as much of a surprise to the Government and DSS. We are the essence of the DES program, from its origins in 1988. The first set of providers granted licences and trials to explore a brand new, dare I say innovative model (for its time), established a support network to ensure that they were represented. From that small start the peak body, initially a set of state associations, galvanised into a national representative body speaking on behalf of DES (or DEN or DOES or CETPs) providers. The providers who ventured forth from the Disability Services Act to assist people with disability find work in open employment.

Many of our members operate ADEs. DEA acknowledges that ADEs have served a needed and useful purpose for many decades. However, as stated in our response, DEA does wonder if the ADE model is a fit for purpose program heading past 2020 to 2025 and beyond. That was our core question reading the paper, attending the consultations and writing our response. We don't think it is a modern and contemporary policy and practice. However, DEA does not think the government should simply shut down ADEs. That would leave thousands of people with disability, many who are ageing and have worked in their ADE for years, stranded. That is not a reasonable solution.

A blueprint to change would include managing a long transition, that:

- Respects people with disability in ADEs;
- Allows ADEs to restructure as commercial entities or social enterprises and can compete to sell their goods and services; and,
- Identifies DES and best practice employment assistance models to work with participants to transition into participating in open employment.

DEA does want to contribute to a future that sees workforce participation rates for people with disability (all cohorts) rise and correlate with workforce participation rates for people without disability. We trust we have presented a candid argument with strong evidence to support our position and suggestions. We look forward to being part of any further work on this subject.

**Rick Kane**

CEO, Disability Employment Australia



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