



A submission to the Australian Government
Department of Social Services

Ensuring a strong future for supported employment

March 2018



Further information

Further information regarding this submission can be obtained by contacting DSA's Chief Executive Officer, Mr Mark Spurr.

Disability Services Australia Ltd

76 Harley Cres

Condell Park NSW 2200

P: 1300 372 121

E: mspurr@dsa.org.au



Introduction

Disability Services Australia (DSA) has a long, and proud history of employing people with a disability in supported employment.

From our humble beginnings in 1957 as a group of parents employing their sons and daughters, we have grown to an organisation that now directly employs 500 people with a disability at our 4 sites in Mascot, Condell Park, Seven Hills and Braemar in the southern highlands.

Supported employment plays a vital role in the lives of not only our employees but also their family members and carers. Just as important is the significant contribution supported employment in Australian Disability Enterprises (ADEs) makes to local communities and the Australian economy.

Over the past sixty years DSA has encountered, and overcome, numerous challenges including changes in government and the subsequent philosophical and policy shifts, and external economic events such as the recession of the early 90's and the recent global financial crisis. However, the impact the NDIS has had on the entry of people with disability into supported employment poses a greater threat than any we have faced before.

Not only does the lack of employment focus of the NDIS threaten the viability of the supported employment sector, it also, and more disturbingly, is ignoring the choice of people with a disability and preventing them from accessing employment.

DSA welcomes this timely opportunity to comment on future policy settings for supported employment.

If the supported employment sector is to continue providing the multitude of benefits to people with disability into the future, immediate and decisive action needs to be taken to ensure policy settings support and promote both supported and open employment under the NDIS.



Response to the discussion paper

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

Principle 1:

People with disability have the right to choose to work in the supported employment sector as a valid employment outcome

An additional guiding principle that should be at the core of policy direction for supported employment is the recognition of supported employment as a valid employment outcome. An outcome in which people with a disability earn a wage, undertake real work that contributes to the economy and provides social opportunities in an environment that has been designed to meet their individual needs.

Supported employment has been subject to criticism from an ideological perspective in recent times. Largely this criticism is based on the view that supported employment is a form of segregation and that it prevents people with disability progressing into mainstream/open employment.

Whilst arguably noble in its intent, this view completely ignores or overrides the choice of people with a disability. It is a view that is predicated on the premise that the choice of people with disability regarding the life they want to live, in this case, the workplace in which they wish to work, is somehow invalid. It is tantamount to saying that their choice is invalid because they don't know any better.

Unfortunately this ideology and lack of recognition of supported employment as a valid outcome appears to be affecting the planning process under the NDIS – DSA has seen a 75% drop in new starters since the NDIS roll-out began. This is largely due to poor awareness of supported employment amongst planners, but we have also had a number of examples of prospective and existing employees being told directly by LACs that they “should be going to open employment”.

Supported employment can, and will, play an important role in providing an employment pathway for future participants of the NDIS. For people who wish to progress to open employment, many valuable foundation work skills can be obtained working in supported employment.

Open employment is a positive goal and outcome for many people with disability – but it is not suited for all people with disability. This is evidenced by the fact only 4% of DES participants have an intellectual disability.



Whilst many gains have been made in employment for people with disability in mainstream employment, it remains the fact that there are limits to the private sector's ability and willingness to employ people with disability, particularly people with an intellectual disability. Until such time that this is addressed, supported employment needs to be recognised for what it is and does – employing people who, in most cases, would otherwise not be working. ADEs traditionally employ people who do not “have” to work – they do not have mandatory workforce participation requirements and have been assessed as having little to no capacity for work.

Supported employment is a unique sector or industry of its own, separate (whilst still linked) to the broader disability services sector. It is the only business model that exists in the employment landscape that expressly exists to employ people with disability i.e. the business model *is* employing people with disability. It is the only service in the disability services sector in which a participant is paid as a consequence of accessing the service.

The commercial activities that each ADE undertakes is a secondary consequence of the primary objective of employing people with disability. Even with that being the case, the supported employment sector services many industries and makes a significant contribution to the Australian economy.

People with disability have the right to work in an environment in which they feel safe, supported, and is socially accessible. Of particular importance is the concept of social accessibility. It is DSA's experience that our supported employees derive numerous vocational benefits from working in supported employment e.g. wages, access to training/qualifications etc. However a major theme of the feedback we receive from our employees is that they develop social networks, friendships and relationships with their peers.

If we truly uphold the rights of people with disability to have choice and control in their life, we are obliged to respect their choice to work in supported employment.

It is not the place of people without disability to judge that choice. Indeed, to do so is hypocritical to say the least given people without disability seek exactly the same things in regard to employment.

Principle 2:

People with disability have immediate access to supported employment

Since the roll-out of the NDIS, ADEs have seen a noticeable drop in the number of people with disability accessing supported employment.

The root cause of this decline has been the inability of NDIS participants to obtain the relevant employment supports in their plan – whether it be due to deficient planning, ideological opposition or lack of awareness of supported employment options.



Since the roll-out of the NDIS, DSA has been approached by a number of people with a disability wishing to enter the workforce via supported employment.

In many of these cases it has become apparent that the applicant did not have the appropriate line item in their NDIS plan. In each these instances DSA staff have assisted the applicant and relevant family/carers to understand the need request that that line item be included in their plan at the time of their planning meeting. DSA staff have personally, in an unfunded capacity, assisted people to contact relevant NDIA, LAC or support coordinators to assist with the process of trying to obtain the relevant line item "Finding and keeping a job" in their plan. Despite these efforts we have a number of applicants who have not been able to commence employment due to lack of funding.

This is obviously unacceptable and a denial of choice for people with a disability. Far from the NDIS assisting people to access employment, it is in fact preventing people who have been offered employment, entering the workforce.

Prior to the implementation of the NDIS any person with a diagnosed disability and who was eligible for Disability Employment Assistance was able to commence work immediately upon being offered employment with an ADE. That is, the trigger for funding to be apportioned to an ADE was the fact a person had been employed. What we now have under an NDIS is a situation whereby people with a disability are being forced to wait, in some cases for over 6 months, to commence employment.

The NDIS should be an enabler of employment not an inhibitor of employment.

It is beholden on the NDIA, DSS and the government as a whole to implement a mechanism by which people who are eligible are able to access supported employment immediately upon being offered a position, regardless of whether they have the required supports in their plan.



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

A good participation or employment outcome is similar to what would be considered a good outcome for a person without a disability.

Traditional *qualitative* measures used to measure positive employment outcomes such as Belonging, Purpose, Achievement, Happiness etc. are very applicable measures for supported employment. ADEs, certainly in DSA’s case, repeatedly receive feedback from our employees rating these measures very highly. In fact, the overwhelming majority of employees cite belonging, purpose and sense of achievement as the primary benefits of supported employment.

There are many ways such outcomes can be measured via employee engagement surveys, survey mechanisms utilised by the NDIA, longitudinal tracking of plans with recurrent supported employment supports etc.

Quantitative measures can also be applied, for example, average income, hours worked, length of service, skill development and formal qualifications attained.

However, any measure of what is considered a ‘good’ outcome should be informed by what people with a disability consider to be a good outcome for them.

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

The following points are supported by employee feedback data we obtain on a yearly basis from our existing employees:

Support and security – an environment that is constructed to accommodate for the myriad support needs of people with disability. Many employees report they feel secure in their job and don’t have to worry about losing their job because they can’t do all jobs. Many also highly rate the support they receive in the workplace.

Social accessibility/Social acceptance – an overwhelming theme that emerges from our employee feedback is the social aspect of working in supported employment. Many employees state that they have made numerous friends at work. These friendships often extend beyond the workplace. For many supported employees, work is the only opportunity they have to interact with people they consider peers and with whom they identify i.e. other people with a disability. With the rise in average wages in recent years and the ability to purchase additional supports under the NDIS, we now see quite a number of our employees partake in a range of social activities together outside of work such as vacations, weekends away etc.

In addition to this, many ADEs conduct workplace functions and social events, providing further social opportunities for employees.



Income – current wage setting arrangements now see most ADEs paying a broad range of wage levels up to full award wages. This provides a level of disposable income that would otherwise not be available if they were not working. Many employees report having this additional income provides them a degree of independence and ability to make choices regarding how they spend their money.

Sense of achievement and pride – our employees gain a sense of achievement from being part of the workforce. In DSA’s case we perform work for many household brands and well known national/international companies. Our employees recognise the work they do is meaningful and that they are active members of the workforce.

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

There are several reasons supported employees transition back to supported employment – both voluntarily and involuntarily.

Voluntarily:

- Social isolation – many employees who have tried open employment and return to supported employment report that they “did not feel like part of the workplace” in open employment. Many report that they were not treated the same as other people in the workplace and that they were the only person there that had a disability. Examples include having lunch by themselves, not being included in social events, not being invited to after-hours gatherings etc. In some cases people report that they were treated unfairly and/or bullied on occasions.
- Workload – some employees state they were unable to keep up with the work they were being given or unable to meet the quality standard required of them with minimal support. Some report that they felt anxious or stressed as a result and did not enjoy going to work.

Involuntarily:

- Unable to meet the requirements of the role – most open employers seem to genuinely want to support an employee with a disability however there are occasions they feel unable to continue the role. In particular this seems to happen when the employee requires an excessive amount of support, supervision or re-training that impacts on the time of other employees (without disability).
- Behavioural issues – on some occasions people exhibit particular behaviours that open employers consider inappropriate which ultimately lead to the employee being terminated.

It is important at this point to address the ideological perspective that a person choosing to return to supported employment because they actually prefer it is in some way a failure – a failure of the system, a failure of society to be inclusive etc.



This is an ill-informed, patronising view that ignores the choice of the person with a disability. It ignores the broad range of attributes of supported employment that people with a disability value. It is a view that presumes people with disability are not capable of identifying their own preferences.

For anyone who has worked with or supported people with disability one thing is clear – regardless of the level of someone’s disability, all are capable of knowing what they like and don’t like.

It is not a “failure” for a person with a disability to choose to work in an environment that they like and feel is best for them.

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

Access to both supported and open employment concurrently. Not just during job-search phase in open employment – but also whilst employed in open employment (if not employed full-time).

As previously discussed, when people transition from supported to open employment they often lose contact with the social network they have developed. By allowing somebody who is working in open employment to retain employment in an ADE (on days they are not working in open employment) it may assist maintaining contact with their social network. It would also allow them to supplement their income if only working part-time in open employment.

Dual access such as this also provides a safety net for an employee in the event that their open employment position ceases. In such a situation it ensures the employee continues working and does not lose important skills and work habits that will assist them to obtain another open employment position in the future (if so desired).

Employees may require support to acquire the skills and confidence to transition into open employment. The requirements under the DES contract requires minimal interaction and support. Being funded through the NDIS to provide a more intensive support, in a similar manner to SLES, would allow people the opportunity to transition from Supported Employment to Open Employment. This could be a gradual transition allowing the person to continue to maintain employment in a supported environment until they had gained the confidence and skills.

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

Primarily lack of awareness. Most services, employees and parents/carers are unaware of what is required to access both supports. From what we’ve seen, most planners and LACs are also unaware.

The choice presented to participants is also largely an ‘either or’ approach.



It appears most participants who may have a perceived ability to participate in open employment are channelled in that direction. This is largely based on the idea that someone is 'underachieving' if they access supported employment.

If supported employment is recognised for the important role it can play in preparing people for open employment, the pathway between both will be more fully utilised.

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

Supported employment builds employee capacity in many different ways.

For employees who have never worked before, supported employment plays a vital role in establishing fundamental or foundation work skills. These range from learning how to work as part of a team, following and interpreting directions, punctuality and workplace communication through to self-advocacy, maintaining workplace relationships and following workplace procedures. At DSA we also provide opportunities to obtain formal qualifications for those interested.

In essence, supported employment assists employees to learn how to participate and function in a workplace.

Supported employers also play a vital role in terms of employment planning. In regard to open employment, this can include setting and working toward a goal of working in open employment, undertaking training to work towards that goal.

Supported employment also builds the confidence of employees, it demonstrates to the employee that they are in fact capable of working. This forms a platform for the employee to build from and further develop the confidence they may need to attempt open employment.

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

Awareness of employment opportunities is the primary factor that will attract future NDIS participants. If people are not aware of what is available they cannot ask for it to be included in their plan. (This issue is addressed in another section of this submission).

Beyond that it largely depends on individual preferences. Common factors such as adequate support, engaging work and environments, fair remuneration etc. will continue to be important factors for people wishing to explore employment opportunities.

It is foreseeable that people will be looking for flexibility and career opportunities that may be made possible with creative NDIS packages. As the NDIS matures and people have experience utilising a mix of supports people will look for employment opportunities tailored to their individual needs.



The yearly planning process naturally lends itself to a progressive model of employment that allows participants to review their circumstances on a regular basis and aim to improve their circumstances whether it be in terms of career progression, higher remuneration or a variety of experiences.

The key to all of this is for the NDIS planning process to be responsive and flexible to demand for new and creative ways that people can explore their employment potential.



Strategies to support employer/providers to offer effective employment opportunities

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

ADEs are marketing their services in many of the traditional ways e.g. media, social media, expos, forums, network meetings etc. In the cases where these approaches are successful however, a distinct roadblock is met when a potential applicant has an existing plan without employment supports in the plan.

In these cases many applicants are informed there will be significant delays until their plan can be reviewed to include employment supports.

This often forces applicants to consider alternative non-employment supports e.g. day options, community participation etc. which serves to divert people away from employment opportunities.

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

Apart from the obvious employment/vocational supports, ADEs have historically provided a large range of supports that do not specifically fit under the 'employment support' banner. Often our employees require assistance with a broad range of issues, for example:

- Liaising with Centrelink/Department of Housing and various other support services
- Informal support coordination
- Making and attending appointments
- Social activities
- Assistance with transport
- Ancillary training – healthy eating, protective behaviours, managing relationships, conflict management, communication
- Crisis management/informal counselling

Obviously many of these supports fit under distinct NDIS line items – for which other services are funded.

ADEs are aware we are not funded to provide such support. And we are patently aware we have limited resources to provide such support. However, in many instances our employees require immediate assistance with such matters that cannot be addressed by other parties in a timely manner. It is also the case for employees who work full time, or a significant part of the week, that they have limited time to access external supports.

Ironically, ADEs are very poorly funded compared to other services. For example, DSA's current average funding level is \$11,436 per annum per person.



In the case of an employee who works a 38 hour week this equates to \$6.29 per hour of support (based on 48 work weeks).

Under the NDIS, ADEs have the potential to diversify support offerings to enable them to claim for supports that have hitherto been unfunded – in essence to be actually funded for the supports we provide. For this to occur the NDIA needs to recognise that ADEs provide such supports and remove the limitation we currently have to only claim under the one line item “Finding and keeping a job”.

Another option is for the NDIA to recognise the range of supports provided in supported employment and increase pricing of employment support. As previously mentioned, supported employment is poorly funded compared to other services.

For example, based on average hours worked in supported employment (23 hours) and the average level of funding DSA receives for new employees funded by NDIS (\$11,486), our average hourly rate of funding is \$10.40 per hour. This is compared to, as an example, \$22.35 per hour in Day Options.

There are also additional financial benefits for Government if people with a disability access supported employment:

Reduction in Disability Support Pension payments:

Current data from NDS' Buyability tool estimates the following reduction in DSP payments for supported employees nationally - resulting from income earned via their employment with ADEs:

“\$27,777,500 recovered from 20,550 employees 2015-16”

Contribution to Australian economy:

Supported employment provides a significant return on investment for the government due to the combination of factors such as reduction in DSP as described, tax paid by ADE employees, commercial activities, contribution to national productivity etc.

In DSA's case we represent a return of \$3.30 for every \$1 of funding received (*as per NDS Buyability tool).

All of these factors form a strong argument for an increase in the quantum of funding attributed to supported employment under the NDIS. Whatever future changes are made to the mechanism by which funding is apportioned e.g. weekly, daily etc. – it is undeniable that the funding disparity needs to be addressed if supported employment is to continue providing the high quality and high value support it currently provides.



15. How can wage supplementation be better targeted?

There is still much uncertainty regarding the future of wage setting policy in supported employment. However, it is broadly acknowledged by ADEs that the current supplementation program is limited in duration and essentially just pushes the issue further down the track i.e. delaying the inevitable. For that reason it is unlikely ADEs will access the available funding, as a transition to the SWS for many ADEs is untenable.

An alternative approach could be taken by redirecting some of the funds set aside for wage supplementation to support industry transition to NDIS, education programs that promote awareness of supported employment amongst NDIA staff, LACs and the broader community.

Whilst the industrial unrest and associated potential threats to viability in this area is very real, the threat posed by the NDIS and extremely poor support for employment outcomes by the NDIA pose a far greater threat. As previously mentioned, DSA has seen a 75% drop in new starters since the roll-out of the NDIS. This is quite obviously not sustainable and needs to be addressed as a matter of urgency.



Strategies to facilitate greater choice and control for NDIS participants

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

Firstly, there are several changes that the NDIS can make to existing planning processes that will promote an employment first approach.

- Incorporate a basic assessment element in the plan process that prompts and allows planners to assess a participant's realistic ability to participate in employment. This could be a truncated version of existing vocational assessments.

Depending on the resulting assessment, a corresponding generic "employment" line item could be assigned to the person's plan.

This will facilitate immediate entry to supported employment in the event the participant pursues an employment opportunity at an ADE, SLES or in open employment.

- A more radical approach could be including a generic employment line item in the plans of all NDIS participants that could be used to access employment services. If the participant utilises the employment line item it will be ultimately less costly than other supports. And if they don't utilise it – the funding is reabsorbed.

For people with an existing plan:

- Any person with an existing NDIS plan, and who is offered employment by an ADE, then supplies proof of offer of employment to the relevant LAC/Planner.
- The person's plan is then amended, without the need to have a review meeting, to include "Finding and keeping a job" including the corresponding funding level specific to the organisation making the offer of employment.
- Dates of the plan are not changed to ensure no impact on other line items in the existing plan.
- Plan then continues normal cycle of review as per dates of existing plan.

Education and awareness – LACs and Planners

- Education and awareness program targeting Planners and LACs – needs to highlight social and economic benefit of supported employment for people with a disability, also needs to explain nature of supported employment's contemporary operations (as opposed to outdated "sheltered workshop" view).



General

- Implement a review mechanism for SLES participants who do not achieve an employment outcome – could be a trigger to instigate conversation re Supported Employment as an option. Largely this is to address the situation where SLES participants move to open employment or an education outcome but fail to achieve an employment outcome in the long-term.
- Greater engagement with specialist schools and Support Teachers Transition (STTs) to foster better awareness of Supported Employment and benefit for people with a disability as a pathway or employment outcome.
- Supported Employment to be considered as an employment outcome for DES participants who do not achieve an employment outcome after a specified time.
- Allow DES/SLES participants to access Supported Employment in some capacity i.e. work whilst looking for a job in Open Employment.

Education and Awareness – people with disability and broader community

It is also crucial that employment providers, and possibly government/NDIA, promote success stories that help people with a disability understand the range of employment opportunities that exist. This is largely because, unfortunately, many people with a disability and their carers have been conditioned not to even consider that they can work – albeit for some people in a reduced capacity – but work nonetheless. Employment is often seen as unattainable for many people with a disability therefore it is not front of mind when going into an NDIS planning process.

Far more work needs to be done to raise awareness of supported employment, for example, to help people with a disability understand that there are employment options for them – either supported employment in its own right, or as a pathway to further opportunities e.g. open employment. As awareness of such options grow, it naturally follows that people will actively pursue employment and ask for supports to be included in their plan that will facilitate their employment goals.

17. How do current assessment processes drive inclusion of employment supports in an NDIS plan?

The short answer is they don't – highlighted by the extremely low number of plans containing employment.

As mentioned previously in this submission, employment is not at the forefront of the mind of many participants when they are making their plan. The planning process needs to be rectified to include prompts during the planning process to instigate a conversation regarding employment goals.



a) Are existing employment assessment processes appropriate for NDIS participants?

Given the predominant cohort accessing supported employment have been assessed as having little or no capacity to work, it is hard to see benefit in applying pre –employment assessment processes in order to ascertain eligibility.

However, there is some merit in utilising post-employment assessment processes to ascertain the level of support a person may require in the workplace. This would provide the opportunity for individuals to receive an appropriate level of support funding in their plan. It may also assist to identify what non-vocational supports an employee may require – and subsequently claimed by the ADE.

18. How could SLES better support school leavers to build skills and confidence in order to move from school to employment?

The intention of SLES is that it builds the skills and confidence of young people to help them transition into employment. The very clear bias in the guidelines is that it is intended to support people into Open Employment.

Supported employment can, and does, play an important role in providing SLES participants with work experience and acquisition of work skills.

The current problem however is this is done on an “experience” basis rather than as a paid employee.

Greater flexibility of SLES/supported employment funding could potentially allow SLES participants to access both SLES and supported employment concurrently, similar to DES and in the last 6 months of their program.

This arrangement would allow participants to be employed (earn income) and obtain workplace skills and training whilst pursuing other employment opportunities via SLES.

In the case of SLES participants who continue to pursue other employment opportunities e.g. open employment, their ability to obtain open employment is greatly enhanced by the fact they are already working or participating in employment.

Supported Employment needs to be as valued in the SLES guidelines as Open Employment, DES and Further Education. All need to be viewed equally as a valued choice and pathways to long term careers.



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

For many people with a disability, employment is either seen as unattainable or extremely difficult to obtain or participate in. Certainly, many people with a disability are not aware of supported employment and the associated benefits. In essence, employment is not seen as a necessity when compared to other supports e.g. accommodation, health supports, daily living etc. Accordingly, employment is not front of mind for a participant when undertaking the NDIS planning process.

For this reason LACs and planners have a vital role in ensuring participants are aware of the employment opportunities available to them under an NDIS. It would assist participants to utilise the NDIS to achieve, or at least strive for, an employment outcome – one of the primary objectives of the NDIS in the first place.

As a minimum, LACs and planners should be discussing employment options during the plan process, explaining what each option entails and the process by which they can access these services. It is a basic principle to ensure participants are able to make an informed choice.

20. The role of NDIA market stewardship.

First and foremost any role that the NDIA plays in developing employment or other markets should be influenced and informed by supported employees themselves.

For this to occur much greater effort is required of the NDIA to engage with supported employees, associated parents/carers and relevant stakeholders to ensure any supports funded by the NDIS are likely to be utilised by participants to access employment outcomes.

It also needs to be suggested that the NDIA get the planning processes right in regard to existing employment options for participants before contemplating exploring new and innovative options.

