**Developing a National Disability Employment Strategy**

The Department of Social Services (DSS) is supposed to monitor and is responsible for the oversight of the DES model of service delivery. DSS does not see that there are serious problems: it is not just about reviewing but also what is needed in terms of change. What works and what has not worked must be considered for the benefit of people with disability including their mental health.

It seems ineffective systems are in place. An independent body should be responsible for oversight - not DES providers, Services Australia or the National Panel of Assessors. The creation of an **Employment Advocate** in the system to provide oversight, to protect and promote the interests of vulnerable people with disability in the employment space. The Employment Advocate would make sure that all necessary protocols, policies and procedures of service delivery are in place. This would entail enforcing compliance as well as ensuring the quality of the job being offered and provide supports. That is, to make sure the job offer fits the clients’ aspiration, their goals, skills and talents. Experts in the industry and those with lived experience of disability should have input. We need to have the best system in place that is user-friendly and supportive.

I found from the experience of my daughter, who has intellectual disability and Prader Willi Syndrome who gained open employment, encountered various barriers and was faced with life threatening situations. Please refer to her case study for the recommendations. I would like to see change, so this type of incident does not happen again.

* Recommendations and key focuses on the issues that matter most to the community and how well designed to achieve positives outcomes and measure success.
* School Leaver Employment Supports (SLES), two-year program funded by the National Disability Insurance Scheme (NDIS) fails to deliver a service. It is cut short with participants finishing up within 14 months. The participants should have enough funding to provide them with appropriate supervision.
* Training and supports in work experience to develop hands on skills. The Certificate I in Workplace Education does not reflect real life situations, when things get unstuck, and the participants have to use their voice to speak up or be left by themselves.
* In the case of the first and second years of the SLES program, the PWD needs to be support to develop an individual vocational plan, which includes their contribution to work health and safety of self and others, participation in vocational activities, development of personal management skills for work, participation in practical support placement with support in order to prepare for employment.
* Development of interpersonal communication skills for the workplace, participation in job-seeking activities, work with numbers and money in simple familiar situations and skills in working effectively with others. Work with DES to develop an individual plan and attend individual planning meetings. There is inadequate time to learn this set of skills and the DES providers should make a schedule date in line with funding. Unfortunately, most such courses are time wasters. Real experience happens in real life situations in the workplace.

It is a waste of taxpayers’ money when the participants are rushed into a process that usually ends up mismatched to their skills, interest, abilities, just to tick the boxes to show the government that there are doing their jobs.

* After the SLES program is finished, the participants have very little say and no ‘choice and control’ or an informed decision-making process, of what are the best options for them when signing up with the DES providers. In my daughter’s case the process was so rushed through that I did not know how the systems and supports work and had very little understanding or knowledge about what supports should have been in place. Therefore, I did not know what I could ask for on behalf of my daughter, as English is my second language and we come from a Culturally and Linguistically diverse (CALD) background. I expected that my daughter would be in good safe hands.
* A DES provider that is already pre-determined on behalf of my daughter because she was on DSP, she would fit the criteria the for a Supported Wage System (SWS). Therefore, an application was made on her part regardless of how she felt.
* Under the SWS, there are requirements set separately under the Grant Agreement Disability Employment Services that are required to provide contacts as deemed appropriate by the provider (see Clause 93 re: contact services).
* Minimum number of contacts, as deemed appropriate by the provider for participants receiving Post Placement Support needs reform. This is where my daughter was put in an unsafe workplace environment. Cutting corners resulted in important information being missed.

Why wasn’t the Employment Services Assessment (ESAT) not done properly before Post Placement Support information gathering? And why was it not well coordinated and linked with DES provider? Why do we have two different assessments? It is a systematic failure and there needs to be a complete overhaul. The reporting system is too technical and contributes to preventing clients accessing the right supports.

Why have we not been given more details about the ESAT process? Greater clarity regarding the process is needed for people those from CALD or non-English speaking backgrounds.

ESATs are done by Services Australia via phone and assessors lack medical file assessments of functional impairment assessment. This is inadequate and should be improved to include change of circumstances, the history of the job-seeker’s support requirements and their health barriers.

In my daughter’s case, her respiratory disorders, Prader Willi Syndrome and sleep apnea impact upon her history, goals and support requirements. Assessors need to know what conditions to look for and their impact on work placement. A knowledge of neurological and cognitive symptoms as well as an understanding of Prader Willi Syndrome is useful.

It seems an assessment was done without my or my daughters knowledge at all, and we were not informed about the outcome. No evidence of the process and procedures of the ESAT was provided. How do you hold people accountable in different departments with different people giving information? It becomes very confusing because no one is communicating with each other and assessors are not trained properly in disability awareness. Carers and people with disability should have a transcript of what was discussed.

What qualifications do ESAT assessors have? This is information people using employment services need to know.

It is important not to use terminology that does not mean anything to ordinary people ie: jargon. A clear guided and easy to read explanation of what an ESAT is about. Information on barriers at work, capacity to work due to disability, illness or injury, the most appropriate type of employment service provider should be included.

In my daughter’s case it did not seem to matter or apply to her. This is completely unacceptable.

The next issue would be how the SWS has been delivered unfairly and poorly implemented. The scheme is put together to work but it has failed to deliver appropriate services and DES providers can cut corners to meet their KPIs. It is not an example of a best practice and human-centred approach. It is more a production line to get people with disability into work that allows an employer to pay less than the award wage. In regard to the SWS, those deemed eligible can access a reliable process of productivity-based wage assessments to a determined rate of fair pay for fair work. The Australian Government funds qualified assessors to determine a worker’s productivity with the resultant wage being paid by the employer. An assessor is supposed to come out and observe you working to calculate how much you will be paid following the completion of your 12-week trial and then annually. None of these measures were in place in my daughter’s situation.

* When my daughter tried to achieve her job outcomes, there was no job description and specialist training supports were not in the place. To be assessed under these harsh workplace conditions was demonstrably unfair. A job description should indicate clearly what your tasks are and what you supposed to do. It must be transparent and set out specific expectations.
* A risk assessment on my daughter’s behalf wasn’t done at the workplace. If an ESAT assessment was in fact completed, why did it not reference my daughter disability support needs as related to respiratory and temperature vulnerabilities?
* Important information was left out regarding her health and barriers she may face during her employment.
* Who was responsible to get us connected with the right place to get an ESAT? Providers must follow correct steps. Why did my daughter not get an ESAT before signing up for a SWS?
* Where was the exercise her right for inclusion and participation as well as choice and control?
* There was no dignity or respect for my daughter.
* There was discrimination, poorly treatment and lack of access supports. My daughter’s her feedback was not taken on seriously on board regarding the issues we kept raising.
* DES provider did not inform us or offer to apply for Jobactive supports.
* There were a few incidents when my daughter had to sign off on the Worker Contact Report at the end of her shift. I was not aware of this until afterwards.
* How do you ask questions as carers and people when you do not know what to ask for? It makes it impossible to navigate the system.
* Where is the appropriate trade union for people with disability if they do not know their rights in the workplace?
* In my daughter’s case, the SWS is invalid as it did not perform what is supposed to do. Her trial period was for eight weeks without pay. Assessment started in September-October. Why did it take until after November to support my daughter?
* Where was the DES provider NOVA in the negotiating process?
* When measuring outcomes that are supposed to be inclusive and fair, you need to consider as integral to KPIs, engagement with people with disability and all key stakeholders (support workers, disability organisations, advocates, carers and families). This will close the gap in terms of service delivery and stronger job outcomes for clients with disability.
* There was no consideration of the set of skills my daughter has to offer, and it was already pre-determined that the SWS was the best option for her. Many people with disability are able to work at full productivity and earning the award wage. It is unlawful discrimination not to provide choice and control over the decision-making process.
* DES did not provide clear communications.
* How is it fair and equitable this is not a person-centred approach? People with disability are not just a number or objects on a production line. An employee’s freedom of choice and preferences should always be an integral part of the process.
* There was no opportunity to contribute to the decision-making process, to express our views, and to raise work or safety information.
* Never propose changes that may affect health or safety. This could be all avoidable and preventable if NOVA identified hazards and assessing risks to health and safety arising from work carried out.
* The DES did not monitor or supervise the health of my daughter not once monitoring the conditions at work under the management.
* Requests for assistance on behalf of my daughter were not acted upon. Issues were not acknowledged although I repeatedly raised them.
* There was a failure and reckless conduct in regard to compliance with work health and safety. That is, a failure to prevent the exposure of an individual to a risk or illness, or injury.
* DES provider did not carry out work health and safety compliance but instead ticked off the boxes on their Worker Contact Report.
* During the 12-week trial period, tasks, and duties were unclear, supports were not in place and there is no evidence of file notes.
* I believe in transparency which means documentation on what has been discussed.
* Language and literacy can present barriers as people with disability and carers from a CALD background find it difficult to process information.
* There are too many communication breakdowns in the system and information can be written up incorrectly – not to mention errors in judgement and assumptions.
* DES providers are in the habit of not communicating important information to people with disability, their carers and families.
* We need to shift a newer DES model.
* In response to CRRS Complaints Resolution & Referral Service and NOVA (DES), they did not answer the question of how SWS came to be imposed on my daughter and they did not explain why it was considered appropriate for her. There was no attempt to consult with me as her mother.
* Just because my daughter has an impairment and on the DSP the DES provider does not have the right to make assumptions based on that information. There was no support for decision-making processes or real choice here.
* By not knowing the participant’s strengths and weaknesses, how did a DES conclude that someone such as my daughter should get a minimum wage?
* The DES could not provide us with my daughter’s list of duties of the position and describe the major tasks for each day.
* The beginning and end of the trial period was unclear.
* How do you make a pre-determined finding during the pre-assessment process, and agree to a wage rate way before the trial period took place? How is this possible? How could take effect? This should happen towards the end of trial period. Then all parties would agree on an award wage.
* No reports on my daughter’s progress were documented. No information on where to go if unhappy with the results. Where can people with disability go to get justice such as the Fair work Ombudsman? Why were we not told of our rights?
* My daughter’s benchmark I was told verbally was recorded at 50 percent low and that she would have to remain SWS minimum wage.
* DES provider appeared to leave it up to the employer to give the employee support ie: do the job of the DES.
* Where an employee with disability is employed on a SWS productivity base wage, the employee’s productivity rights should be reviewed but there is no evidence this happened.
* DES provider did not recognise my daughter strengths, weaknesses and barriers with objective indicators.
* Why was not the DES that after all, is funded to support the person at work, involved in making a job plan assessment process?
* Why weren’t the term and conditions of the employment of SWS explained from beginning and end? Why was this processed so rushed in signing up?
* NOVA did not have the competency to supervise my daughter in the way she required and in such a way as to apply the job description.
* There was no transparency or accountability on the part of the employer and the DES. It was harshly unfair to prejudge my daughter’s capacity. There was no sense of clear directions to reach her employment goals.
* The DES was effectively cutting corners on safety.
* There are too many DES providers duplicating one another but not delivering of sustainable job opportunities.
* Why weren’t any job-related conditions that need to be in place before or after the assessment applied?
* A DES provider must have an agreement on a work performance standard for each duty and task a client had to do. This is so they can successfully complete a satisfactory job performance. How could any client have done that when this was not put place?
* How can the task in my daughter’s case be observable, measurable and replicable when there was no beginning and end?

There should be the development of a template that is designed so that taxpayers’ money is well spent, that acknowledges everyone is different and that a person cannot be put in the same class simply because you have a disability. It should be recognised that each person comes with unique characteristics and challenges. They cannot be handled the same way.

A series of questions the employer and DES job coach must use as a reporting tool. It would have a person-centred approach and highlight the client’s requirements. DES providers would familiarise themselves with the tool and be competent enough to apply it. If progress is not happening then the tool would highlight areas that need to be worked and include strategies, training and other ways to improve the situation. For example the tool would include:

a) Conditions of task performance.

b) Instructional strategies.

c) Environmental conditions.

d) Supervisory strategies.

e) Conditions to be avoided.

f) Activities participants engages in without being expected to do so.

g) Physical health restrictions.

h) Recognising skills and training.

i) Habits, routines and transportation issues.

j) Identifification of how the area(s) of concerns impacts upon both developing and maintain employment. Describe possible future strategies to minimize areas of concern or impact on outcome.

k) Job customization in joint program with Imagine More’s ‘discovery approach’ we do not re event the wheel put that in use.

An example of a tool to assess the performance of the DES provider:

Questions to be asked of PWD

* How regularly did you see the DES trainer who was looking after you? At least once an hour, About every two hours. Once a day. Every few days. About every 4 hours.
* How often was this done? For instance, supervision, monitoring, training and coaching or task breakdown.
* During the training did you understand your job task and description?
* Did they listen to you ie: both employer and DES provider?
* Did they acknowledge your challenges and barriers you face each day?
* Was it carried out when clients addressed issues?
* How often did clients and provider employer engage when dealing with barriers, communication and training?
* How can you stay on task if employers keep changing task?
* Where you informed as much as you wanted about progress so you can achieve your goals?
* Keeping progress notes from all parties (there needs to be greater transparency).
* How often clients ask questions related to their work?
* Asking permission.
* Asking for help.
* Work skills coaching.
* Does employer and DES provide offer help regarding directions and instructions?
* General attitude.
* Completion of duties.
* Work behaviours (regarding time, breaks, pay etc).
* Workplace health and safety
* Meeting employers’ expectations – they must be reasonable and necessary.
* Hours put in from the DES provider and support mentors.
* What skills your provided as employers/DES engagement officer that have been achieved?

The above questions will introduce and implement a more robust framework and report summary of DES. It would outline what a client has learned and achieved. DES contracts should be conditional on the basis of how many clients actually hold onto ongoing employment, whether it is casual, permanent part-time or disability apprenticeships/traineeships to upskill vocational training providing ample of opportunities, and questions should be asked as to why employment ceased. There should be flexibility and patience to make sure the right set of skills are matched with their interest and abilities to empower them. This implementation will give the Australian taxpayers value for their money in the long term.

* Financial independance is crucial for PWD. Success comes with patience and getting to know their strengths and weaknesses, and actively listening a slow process that takes time to get right.
* People should not rush into conclusion because we have no details.
* Have SMART goals.Be specific in developing priorities.
* The client should be asked if the DES and employer meet his or her needs and concerns.
* The client should be asked what he or she wants to see implemented at work which would promote and understanding and recognition of his or her disability?
* Were the needs and concerns of the DES client followed up in a timely manner?
* Was good cultural practice applied with dignity and respect? Client feedback must be applied with their supports then evaluated by the Employment Advocate to ensure that everyone is doing their job.
* How well the process was implemented, and proper procedures were in place.
* Information sharing is important to assist carers to build capacity to be able to self-advocate.
* How well were you as a client treated by employer and staff?
* Disability DES coaches, mentor, staff disability service providers need to be more adaptable in training on the work premises.
* There needs to be greater adaptability re: styles of learning when teaching and giving instructions. What kind of tools do they need to support a person with disability? Staff have must qualifications, access to additional training and support in bi-monthly team meetings.
* When delivering training, language must be straightforward and accessible.
* Cultural sensitivity training is crucial.
* How does it show participants what progress has been achieved by the DES provider/employer engagement? Better clarity is required in this regard.
* How do DES job coaches, support workers to apply training and liaise with the employer so that people with disability benefit? There needs to be greater levels of training, reskilling of staff, and employer-employee engagement.
* Employers must be educated to comply with WH&S laws - especially small businesses and family-operated businesses.
* Employers must work collaboratively with the service providers to have a checklist and requirements for workplace inclusivity.
* More disability awareness is required given employers often have very little understanding people with disability.
* Participants who are assessed by NPA within the 12 weeks are not ready or satisfactorily prepared. They require additional time (maybe 24 to 48 weeks to 6 months) to develop their skills. They need an extended stay on the minimum SWS so that the award wage can then be applied after 24 to 48 weeks. The actual 26-week post placement period should be moved back in 48 weeks to 8 hours or more hours per week as per the ESAT. This would mean people with disability can gain enough time to develop and achieve skills in the workforce for permanent employment opportunities. That is, to allow people with disability to be fully included in the community.
* People do not have enough skills to support and train people with disability.

My recommendations reflect on the lessons we need the Australian Government to learn from my daughter’s negative experience, so it is not repeated. Within this strategy, the Australian Government must put in place 15 effective regulators and auditing. It is not just about funding - it is investing in the economy, so people with disability have opportunities and positive employment outcomes.