

Minister Brendan O' Connor
Minister for Workforce Participation
Parliament House
Canberra 2600

Dear Minister O' Connor

Thank you for the invitation to provide feedback to your office to assist in policy development in the lead up to the consideration of arrangements for employment services contracts after June 2009. We see the election of the Rudd government as a great opportunity to work in developing your governments "Social Inclusion" goals.

About the organisation

Ability Tasmania Group Inc began as an Individual Jobs Service in 1994. These services were designed to support people with high and ongoing support needs.

We now have four offices, 235 clients in our voluntary program, 46 FTE staff and a budgeted turn over of \$3.5 million.

We secured 50% and 40% respectively of 'uncapped' business over 2 ESA's and are now assisting 48 people in that program.

The client mix still reflects our desire to support people with high and ongoing support needs and is reflected in our response to your request for feedback.

Of our 235 clients, 60% of clients receive level 3 and 4 funding (The highest of the 4 bands of funding).

We have 46% of our clients recorded as being on maintenance funding in December 2007. Our support for some of these clients is long term, going back over 10 years.

Response to the issues

I begin my response by stating that the policy and procedures developed over the last 2 years by the previous government have made that period some of the most difficult I have experienced in my 16 years working in this sector. There have never been more barriers to get people with significant and ongoing disabilities (that do not have a mutual obligation to seek employment) into work and

help maintain them there. I believe this has come about through a lack of knowledge of the people we support by policy and operational staff of DEEWR and a desire by the previous government and senior DEEWR staff to have a generalist service model that applies the same principles and processes regardless of the clients' needs. This has created systems and procedures based on incorrect assumptions and has excluded and penalized people with high and ongoing support needs.

This organisation would also like to place on record our support of your government's decision to retain the program that defines people as being able to work 15 hour plus a week as having a mutual obligation to seek work in return for income support payment.

We see the voluntary clients as being a different cohort with different needs to those with mutual obligations and this response to your letter will focus on this group.

To overcome these issues I suggest the following:

1. The DEN program for voluntary clients must remain a separate specialist program and that its specialist skills set are recognized.

This outcome is critical because the client base (and especially the clients we support) is unlike any other job seeker that the other range of PAGES assists. Social participation is often as dominant a theme as economic participation for most voluntary program clients and it should be recognized.

In many ways clients in the Voluntary DEN program at Ability Employment have a closer affinity to their peers in Business Services than those in other mainstream labour market programs. The requirements needed in a program that supports them are quite different, even when compared to the 'mutual obligation' program. This is a central and fundamental issue.

The need to recognize that people with significant disabilities require different and specialist responses have been recognized not only in Australia but also overseas.

Susan Scott Parker, CEO of the UK Employer Forum on Disability noted in her address to employers at a business breakfast in Melbourne in August 2007 that people with disabilities needed to be treated differently to be treated fairly.

Dr. William Kiernan, Director of the Institute for Community Inclusion, University of Massachusetts in Boston USA told the author during a visit to the University in 2006 of the vital need to maintain specialized and consistent supports and that the US experience was that blended or generic programs have a history of failure, especially for people with higher support needs. He noted the more significant the impairment, the greater the exclusion from generic labour market services.

Dan O'Brien, University of North Texas has noted the failure in the USA of mainstreaming specialist employment programs for people with disabilities within generic government labour market programs.

The DEN Voluntary program **must** be immune from current DEEWR thinking that you can 'fix' the client and move on. For the clients in our voluntary program, the previous Minister's statement (Undated letter received by Senator Richard Colbeck 2/03/2007) of 'supporting the nexus between a DEN service user and a Vocational Rehabilitation Service' user is redundant as there simply is no nexus. They will not '*get better*' and their support needs remain long term in nature, for some required for all of their working lives. Long term maintenance (over years) that is stable and predictable for the business and the client needs to be seen as vital and valid by government.

We recommend that the voluntary program should be the responsibility a specialized and discrete program within DEEWR or returned to a government department that focuses on social as well as economic inclusion (such as FaCSIA).

This is in recognition of:

- The voluntary nature of the program.
- The requirements for long term support.
- The need for that support to have stability.
- The specialized skills sets required by program staff and by program administrators.
- The requirement for extensive and long term linkages with other support agencies that may be funded by the state governments. These linkages need to operate at policy and service level.

2. Support best practice but recognize the need for stability

There is no doubt that working with clients with significant disabilities as represented in the voluntary client group requires a stable environment for it to be successful. This is the experience of this service over its 14 years of operation and in every country that operates similar specialist programs. Services should be supported to be best practice and those that do should be rewarded.

The Job Network system of withdrawing business from non performers based on a star rating system that uses a relative scoring model has the potential to inflict long term damage to the program and more importantly on the people who use it. This would occur through the disruptive changes and uncertainty brought about by the current business allocation system that flows from the star ratings.

It is our belief that the Job Network style removal of business from underperforming services as evidenced on the Job Network Star Ratings will not work for the voluntary DEN sector.

We strongly support, at a minimum, a move to an absolute model where services that consistently fall below a set point over an extended period of time face sanctions rather than the proposed model which is based on a relative approach.

It has been suggested that a way to support quality and determine who 'got business' would be to uncap the program and give clients the right to decide on which service supports them. This free market approach would remove the complexity and expense that the current model has with its significant use of government resources. This organisation sees significant merit in the following system of business allocation;

- Issuing organizations with a license to provide services across any ESA with a set of licensing requirements to be met including accreditation against the Disability services standards
- Publishing a 'health check' style report each month.
- Lifting the cap and letting clients decide where they will go based upon that data.

The market is the determinate on how successful a service is and by removing the cap, all who wish to work can receive assistance in a service that best suits them.

Further, high level technical assistance, similar to the model employed in the USA would assist services and government officers to maximize outcomes through the employment of latest “best practice”. This would be important for the whole sector but especially for agencies in regional areas where linkages to other services may be more limited. Such a Technical Assistance Unit may be linked to a university or other research body/ organisation which in turn would have linkages to other programs throughout the world.

Further rationales for point 1 and 2

The DEN Voluntary program relies on successes to continue. It does this by making and meeting commitments that support will be ongoing and delivering on those commitments to employers, clients their families and to other professionals. Support systems are often quite complex, involving family members, other technical staff, and co- workers, employees from external agencies (both government and non government) and so on. Most, if not all of these support systems, are based on relationships, carefully matching the employer, support worker and external support professionals to the individual needs of the clients. These support arrangements are not just needed during establishment phase but are ongoing, built upon many years of engagement.

Support cannot be easily withdrawn and replanted in another service. The new service may have different priorities as to who they would take on as a client, not cover that geographical area, or have no desire at all to support such individuals. The end result is that no agency would be able to assure an employer that support would be ongoing beyond the contract period.

Individual differences in the disability of individuals will mean that how an intellectual disability manifests itself in one person will be different from another person with an intellectual disability. How that is responded to takes time to learn. This is even more so with disabilities which may be episodic or combined with others. For example if you tie the fluctuating disability of mental health with Down’s Syndrome, then you have a very complex set of issues. These will need an understanding of the history of that that person to develop and maintain effective strategies. This is knowledge that is almost impossible to transfer in short business cycles. The belief that internal management processes can replicate a sophisticated support strategy is false.

It will only take one or two such support arrangements to ‘fall over’ and businesses and clients to be unsupported to lead to parents,

other referral agencies and the employers withdrawing from the program. This is especially so in regional areas where there is a close knit business community. We know from 14 years experience that this would lead to not only the old service being unable to re-engage the sector if and when it regained a contract but also the new agency facing resistance as we are seen as a collective by the business community.

It is our experience with the business community that the change over in Job Network providers brings considerable frustration to employers. Given the added difficulties of the client group voluntary DEN providers support, the frustration caused by program dislocation would be compounded and lead to withdraw of employers from participating in the program.

High level technical skills

To provide support to Voluntary DEN clients requires an understanding by workers of technical skills such as;

- Different models of service provision and the suitability of them to specific clients.
- Specific disabilities.
- Job Support/ training techniques such as
 - Job carving.
 - Task analysis.
 - Chaining instructions.
 - Non verbal communication and/ or adjustments to communication methods.
 - Addressing challenging behavior
 - Fading and so on.

These are not required in more mainstream PAGES where the client is assumed to have a range of skills that with some fine tuning, can be quickly developed to enable independence. The specific skills sets required by voluntary DEN staff often take many years to learn, often to tertiary level. These skills are not easily transportable to generalist agencies as they require a working environment that is supportive of those skills being employed.

To attract such people services have to be able to offer higher levels of security of tenure than mainstream PAGES where skills are generally at a lower level and much more transportable. For these PAGES their work could be as summarized by an ex Job Network employee looking for work in our organisation as “Selling real estate one day, selling people the next”.

The Stars system discriminates against the most difficult clients.

Ability Employment has reviewed its intake procedure since the development of the stars. It now seeks clients who are likely to gain employment and therefore become an outcome for the organisation. Interestingly, these may be people with significant disabilities.

The organisation has become careful about taking on people who live in boarding homes or community housing with little or no support and who have drug and alcohol problems combined with a psychiatric disability. These people most often fall out of employment or never get into it in the first place. The high level of throughput with no outcome being recorded penalizes services under the star system.

As General Manager I will not place the ongoing operations of the organisation under threat by assisting this group. This means the most disenfranchised group of Australians never get the opportunity to work and break the welfare cycle.

Recognition of long term maintenance as a valid service delivery model.

This agency is concerned that DEEWR continues to hold reservations around the maintenance model, despite comments to the contrary. We have experienced Contract Managers openly questioning the value of maintenance since DEEWR assumed responsibility for the Voluntary DEN program. This agency has experienced audit procedures to determine the validity of maintenance that have grown increasingly administratively and overly intrusive into clients workplaces. Currently this organisation is photocopying 10 files of clients in maintenance for verification after passing a DEEWR audit on DMI evidence in October 2007.

The need to maintain and possibly enhance the maintenance model is critical for the programs ongoing success. The clients assisted by Voluntary DEN providers and especially this agency will not be able to be rehabilitated and to obstruct any access to maintenance would mean people's employment would fail. The message to employers would be that people with disabilities are not able to do the work and that businesses are left with the hard choice of terminating a client as support drops away. The residual anger at government and the agency would be palpable.

Further, this organisation believes that the maintenance measurement tool is inadequate and suggests as one response that services are offered the option of being able to claim a percentage of the Employment Assistance fee and this is paid on a regular basis until the client leaves the service. The current model encourages over servicing ensuring that the client remains eligible to maintenance payments to cover the times when they may need extensive support.

4. That the support assessment tools are 'scrapped'

Ability Employment now issues DEEWR with 2820 invoices a year through the funding tools system.

It has employed three additional administration staff to maintain the paper trail connected to the funding tools.

The DPI/ DPI assessment tools need to be reviewed as they;

- Reward support given, not what is needed
- Have no inter rater reliability
- They encourage over servicing
- It doesn't reward services that work towards maximizing workplace fit.
- They are managed and assessed for veracity by DEEWR staff with little or no disability training

5. That access is not impeded by the assessment system

Ability Employment has made a number of representations to the ex Minister, politicians of both parties and senior DEEWR staff on the inadequacies of the current assessment system. Ability Employment is supportive of a gate- keeper to determine eligibility but fears the JCA process is impeding access rather than encouraging it.

The current assessment system is an incredibly complex and cumbersome one that takes at **least** 3 weeks (DEEWR's statement) for someone who just wants a job to move through. This is exacerbated in regional Australia where the client may wait for some time for access to specialists.

For clients with an intellectual disability the assessment system is fathomless. There are now 5 distinct steps a self referral has to go through compared to the 2 that existed under the previous system.

Senate estimate hearings findings highlight the problems. Ms Golightly (ex Deputy Secretary DEEWR) stated in Senate estimates in 2007 that 5867 people were referred to the 'uncapped' program in February with 5013 commencing.

She stated the voluntary program saw 20,050 people referred in February 2007 with only 12,020 commencing. 8030 people dropped out in that process. Based on our experience one reason is that many could not understand what to do, become frustrated and just withdrew.

The current system also medicalizes intellectual disability, taking the operational parameters back to the 1960's. The need for a Treating Doctors Report has lead to many doctors making comment on areas they have no expertise in and in light of this personal biases are often masquerading as professional comment.

At NO TIME should the eligibility for service provision be linked to assessment for income support

We recommend that people in receipt of Disability Support Pension are automatically deemed eligible for the voluntary program without an assessment being made.

6. No one is deemed unemployable and all get the support they need.

Ability Employment remains concerned that a number of senior DEEWR staff are now openly discussing the 'employability' of clients who need ongoing support and the 'return on investment'. It is aware that this means some clients are being seen as unemployable. These comments highlight the limited experience of such officers in assisting people with high support needs.

Overseas experience has shown again and again that people with high support needs can work effectively in open employment and that the economic benefits cannot be solely determined by the reduction in the individuals income support. Flow on effects to the client's family such as reduction in the end to expensive day support and respite must be factored in. DEEWR currently doesn't have a culture that recognizes the validity of evaluating cross program and government benefits. However it is imperative that such a culture is developed to allow for integrated service delivery.

We cite the following to exemplify why it is critical all people are able to be assisted into employment.

Dylan came to us from his special school. He has a significant intellectual disability and Downs Syndrome. His teacher was reluctant to put him forward as he had low expectation of him. His assessments by school psychologists were damning of his capacity to maintain work. He was headed off to day support but mum was insistent

He has held a 20 hour a week job for 11 years and his now buying a house near his work. He lives independently with some assistance. His work colleagues have been shown how to support him. We continue to provide monitoring support. Under the current system he most probably would have been streamed to a day support service, remained dependant on the welfare system and never have been able to live independently.



The relationship with Clients who have a mutual obligation and other PAGES

As noted above Ability Tasmania Group Inc has secured 'Uncapped' business in two ESA's. From its experience it takes the view that there is commonality in this labour market program and other PAGES such as Vocational Rehabilitation Services. It has seen evidence that the client base is made up of people who can be rehabilitated back into the workforce, either as a result of active medical intervention or as a result of modifications to duties and environment. Therefore Ability Tasmania Group Inc does not have the same responses to this program as it does the DEN voluntary program. However it does support the PAGES wide concerns around the punitive basis of DEEWR's work and culture, the

inconsistent micro management by contract managers, the exorbitant compliance costs and the short term business cycle that no other business sector would countenance.

Summary

Ability Employment has stated that at no time in its 14 years of operation has it been more difficult to assist DEN voluntary program clients to find and maintain work. It sees this as a manifestation of the previous governments desire to create a generalist suite of labour market programs, developing systems and structures that assume commonality of need across all jobseekers.

Ability Employment recommends:

That all DEN services (and other PAGES where applicable) are offered a 12 month variation to contract (from July 2009/ 2010) to allow the suggested model, its ancillary components and procedures to be developed and then rolled out. We are concerned that our suggested changes are so significant that unless the Minister authorizes an extension of contract there is every possibility systemic problems will occur.

- The DEN program for voluntary clients is removed from the mainstream PAGES system with the program becoming the responsibility of a specialist sub program inside DEEWR or a return to FaCSIA.
 - That this program is maintained/ monitored and supported by specialist government staff solely responsible for the voluntary clients.
 - That KPI's are developed for these program staff that reflect and support the assistance towards clients with complex or high needs and long term maintenance including the development of linkages between state funded programs and business services
- That the cap is removed from the voluntary program and market share is determined by client choice.
- Organizations receive a license to operate within any ESA with the license being conditional on meeting funding guidelines which would include the accreditation against the Disability Services Act. 1986.
- The procedures for the voluntary program reflect the following:
 - The need to provide easy access to the system. The JCA process for clients deemed eligible for the DEN

Voluntary program is streamlined to remove the complexity.

- That people in receipt of DSP are deemed manifestly eligible for the voluntary DEN program without having to undertake a full assessment
 - That the JCA assessment process ceases to combine assessment for services with eligibility for the Disability Support Pension.
 - Recognition that all people can work if given the right support. No potential client is deemed unemployable and services are able to decide who they will and will not support.
 - Stability of support for providers with a less punitive response to performance. Any re- allocation of business is seen as a last resort and comes about through significant breaches of license conditions
 - An understanding that social as well as economic participation is valid.
 - That long term, including very long term maintenance, is critical.
 - That interdepartmental and across government liaisons are critical.
- That services are assisted by the establishment of a high level Technical Assistance Unit, linked to a university or other research organisation

Appendix 1

An option for a Model of support

I am more than willing to assist any departmental officer or member of your staff with further details. Again I thank you for the opportunity to have input into the direction of the sector.

Yours sincerely

Peter Symonds
General Manager
Ability Tasmania Group
01/02/2008

