



Physical Disability Council of NSW
Ordinary People Ordinary Lives

Submission for Department of Social Services
Ensuring a strong future for supported employment

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Who is the Physical Disability Council of NSW?

The Physical Disability Council of NSW (PDCN) is the peak body representing people with physical disabilities across New South Wales. This includes people with a range of physical disability issues, from young children and their representatives to aged people, who are from a wide range of socio-economic circumstances and live in metropolitan, rural and regional areas of NSW.

Our core function is to influence and advocate for the achievement of systemic change to ensure the rights of all people with a physical disability are improved and upheld.

The objectives of PDCN are:

- To educate, inform and assist people with physical disabilities in NSW about the range of services, structure and programs available that enable their full participation, equality of opportunity and equality of citizenship.
- To develop the capacity of people with physical disability in NSW to identify their own goals, and the confidence to develop a pathway to achieving their goals (i.e: self-advocate).
- To educate and inform stakeholders (ie: about the needs of people with a physical disability) so they are able to achieve and maintain full participation, equality of opportunity and equality of citizenship.

Introduction:

The Physical Disability Council of NSW (PDCN) appreciates the opportunity to provide feedback to the Department of Social Services (DSS) to assist in the development of the government's supported employment policy. We will provide comment on relevant questions raised in the discussion paper 'Ensuring a strong future for supported employment'.

Discussion

As outlined in the discussion paper 'Ensuring a strong future for supported employment', a productive working life can have an enormous positive impact on an individual's quality of life, including positive health and social outcomes for people with disabilities. The right to employment is provided in the United Nations Convention on the rights of People with Disabilities (CRPD) to which Australia is a signatory. Article 27 guarantees the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and a work environment that is open, inclusive and accessible to persons with disabilities¹.

Currently the labour force participation rates of people with disabilities are significantly lower than the general population; 53.4% of the 2.1 million Australians with disability of working age were in the workplace or actively seeking work, compared to 83.2% for people with no disability². People

¹ United Nations Convention of the Rights of People with Disabilities (CRPD), page 19.

² ABS, Survey of Disability, Ageing and Carers, 2015

with disabilities, including those participating in the workforce, experience higher levels of economic disadvantage and are frequently employed in precarious or casual employment. PDCN supports reforms to Australian disability enterprises (ADEs) that will improve employment outcomes for people with disabilities, particularly encouraging more individuals to transition to open employment and supporting long term job retention in open employment.

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

PDCN supports the better incorporation of principles that recognise people with disabilities individual autonomy and independence, including the freedom to make their own choices and to be actively involved in the decision-making policies and processes directly concerning them³. PDCN believes the government must ensure the ethos underpinning supported employment and the disability employment services landscape reflects the United Nations Convention of the Rights of People with Disabilities (UNCRPD) and promotes an empowered view of people with disability. PDCN would like to see an emphasis on ensuring individuals' decision-making capacity is respected within supported employment, and supported employees are offered greater choice and control in their employment, with access to appropriate support for decision making if required.

PDCN believes the roll out of the National Disability Insurance Scheme (NDIS) nationally and the diversification of ADEs to provide other services will present new opportunities for participants including training and more diverse job positions. PDCN considers employment prospects for people with disabilities won't be improved until Australian society has higher, more positive expectations for people with disabilities, rather than the entrenched low expectations of the past.

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

PDCN acknowledges that supported workplaces play an essential role in providing employment for some individuals with disabilities who would be unable to work in open employment. PDCN is supportive of policy changes that will ensure ADEs remain financially viable as we feel the foundation for positive participation outcomes is job security for supported employees. The ongoing profitability of ADEs is vital to enable these enterprises to provide choice for individuals regarding the hours they work, and to guarantee a fair wage is paid to supported employees so they do not experience a position of economic disadvantage despite their participation in the workforce.

Although PDCN believes it is difficult to quantify a 'good' participation outcome as each supported employee's individual support needs and capacity for participating in employment will vary significantly, we feel that good outcomes can be measured through comprehensive and genuinely

³ CRDP, page 2

person-centred job plans that outline attainable goals. Job plans should be developed with the input of the supported employee's wider social network and include a timeline for regular review and making revisions. Other positive outcomes which are harder to quantify such as level of job satisfaction, increased social connections and health and well-being should also be recorded, as even if this is completed in a more qualitative fashion it will ensure that achieving positive social outcomes for employees is valued by ADEs.

Good participation outcomes will also include supported employees feeling a sense of purpose and achievement through their participation at an ADE. Supported employees, like any other individual in employment, should receive recognition for their work and be provided opportunities for growth and development for example: management opportunities, such as becoming a supervisor.

In addition, from PDCN's perspective a successful transition into open employment or fostering the ability to move into open employment in the future, through training and acquisition of new job skills would be a good participation outcome. PDCN believes supported employment is not appropriate for all people with disabilities, particularly those with physical disabilities who with tailored supports would encounter no barriers to thriving in mainstream employment.

PDCN would like to see individuals with disabilities where possible not employed in ADEs as true social inclusion for people with disabilities will not be achieved until employees with support needs are no longer segregated in employment. PDCN strongly supports ADEs establishing more links with the community to ensure ADEs do not function like the sheltered workshops, common from the 1950s to the 1970's in Australia, with individuals separated from the community.

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

PDCN has observed the transition of the employee back to supported employment after a short period in open employment being a common occurrence amongst people with disabilities for several reasons, predominantly related to the provision of disability employment services (DES).

In our experience these failed attempts may stem from poor placement by a DES provider of an individual with a disability into a role for which they are not equipped, a lack of ongoing support (particularly when there is a change in the job description as individuals with disabilities may require greater support to acquire new skills for their changed role) and an absence of individual funding or inadequate funding for support workers to assist the employee in the open employment environment.

In addition, low expectations of the employment prospects of people with disabilities can lead DES providers to place individuals in unfulfilling menial work that does not meet their needs and occurs without any constructive discussions around their skills and capabilities.

Furthermore, there may be inadequate communication between the DES provider and the employer leading to an inadequate understanding of the job role and the skills required by a suitable candidate. This has the consequent effect where employers, after having a bad experience with an inadequately placed individual are not open to providing further opportunities for employees with disabilities. Within the open employment market PDCN believes there are still stereotypes and misconceptions, and low expectations about people with disabilities that prevent their inclusion in the workforce. This is compounded by a lack of knowledge by employers about government programs such as Job Access which could provide supports and assist with practical accessibility.

Due to current funding arrangements it has been frequently reported to PDCN that some DES providers will have a greater focus on finding a position rather than it being a 'good fit' and the individual retaining that position in the long-term. PDCN has concerns about the marketisation of DES services, particularly with DES providers placing individuals in employment, as creating an employment environment that operates competitively and efficiently may be in opposition to the level of resources that could be necessary to deliver meaningful employment placements for people with disabilities, particularly for those jobseekers who may be difficult to place and require greater investment of resources.

Incidents of abuse, bullying and discrimination in open employment also contribute to the return of many individuals with disabilities to ADEs. PDCN members have described ADEs as being a safe space within which they feel a sense of community and inclusion, many having experienced significant social isolation or bullying while in education.

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

PDCN recommends DES providers continue building relationships with businesses within the open employment sector to increase the number of 'disability friendly' employers. Negative attitudes are held by many employers, and throughout the community, about the productivity and capabilities of people with disabilities and perceptions that they present a higher work health and safety risk⁴. PDCN believes greater education for employers and promotion of employment of people with disabilities would assist in dispelling the negative assumptions and attitudes about people with disabilities. Employers need to be provided with the knowledge and skills to develop more inclusive workplaces and implement recruitment and retention strategies that support people with disabilities. Better promotion of the government programs and supports available to employers would also foster a more inclusive employment market, creating an environment where more supported employees could successfully transition into open employment.

PDCN recommends improving communication and building stronger relationships between ADEs, people with disabilities in supported employment, DES providers and employers in the

⁴ Australian Human Rights Commission, Willing to work: national enquiry into employment discrimination against older Australians and Australians with disabilities, 2016, page 12

open market as it will lead to more suitable and permanent job placements. The more person centred the process and detailed the information available about the jobseeker during the employment placement, the less likely an individual is to drop out of open employment. In addition, DES employees supporting individuals with disabilities to find and maintain open employment need to have the appropriate skills and experience to understand the individual's needs.

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

PDCN agrees with the suggestion in the discussion paper that these numbers reflect a lack of awareness of the options available to eligible supported employees. PDCN believes improving the promotion of these services and targeting to suitable employees could significantly increase the numbers concurrently accessing DES and ADE support services.

PDCN fully supports the establishment of transitional options to enable individuals with disabilities who are interested in open employment to explore this while still having the security of maintaining their ADE employment. PDCN feels this will be positively facilitated by the removal of the cap restricting the number of ADE places. Previously ADEs may have had concerns with assisting supported employees to trial open employment as they would be left in a state of suspension, holding a place for an individual who may return to supported employment and therefore unable to take on another individual seeking employment from the ADE.

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

PDCN believes the supported employer should play a significant role in building the employee's capacity and preparing them for the transition to open employment. As mentioned in our response to Question 2, the quality of job plans, and their regular review is essential to monitor the individuals' growth and skill acquisition, and to ensure that being in a supported workplace still meets the individual's needs. Due to their knowledge of the individual, supported employers and their staff are well placed to identify readiness for open employment, new opportunities for supported employees and to assist in liaising with DES providers to outline the supported employee's capabilities and skills to potential employers in the open market.

PDCN feels ADEs could play an integral role in facilitating a shift in the community's mindset, to recognise the significant value that employees with disabilities can add to a workplace. This could be highlighted through greater links between ADEs and local businesses or establishing new economic enterprises in the community; for example, a café. If well situated a café would facilitate interactions between supported employees and the public. Opportunities to partner with other businesses and secure contracts for more diverse work, rather than warehouse work would also provide supported employees with greater opportunities for upskilling. PDCN believes the transition to open employment will be more successful for some individuals if they are able to gain experience in industries that better mirror or utilise the same skills that would be required to flourish in open employment.

As NDIS providers ADEs could offer a wider range of services to NDIS participants. Although the NDIS will not fund supports that are provided within the DES provider system, PDCN believes ADEs could support more creative approaches to providing employment such as the customised employment approach being trialled through the ticket to work project in Western Australia⁵ or capacity building supports to assist with the establishment of small enterprises.

Customised employment is an individualised approach to vocational supports that tailors “jobs or self-employment to fit with the skills, interests, strengths, and support needs of the individual whilst meeting the needs of business or the market for a service or product”⁶. This approach relies on a discovery process to ensure there is a comprehensive understanding of the individual and their vocational interests, strengths and support needs and that this is the foundation for finding suitable ongoing employment.

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

As discussed in the previous question PDCN believes more diverse job opportunities will be essential in attracting NDIS participants to employment opportunities in the future. Supported employment must not be limited to basic hospitality or warehouse work such as shredding paper and it is essential that there are genuine pathways for individuals to progress from supported to open employment.

In addition, PDCN believes the marketisation and the diversification of DES services including ADEs will see the quality of job plans and supports improve as a mechanism to attract clients. PDCN supports changes to the system that will provide individuals will greater choice and control, allowing them to change providers if they are dissatisfied with inadequate or poor-quality job plans or support staff. In this situation, the NDIS individualised funding model where the funding will follow the participant when they change their provider, has the potential to achieve better outcomes for NDIS participants.

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

PDCN recommends government invest in training and disability awareness programs, for both government and private businesses in the open employment market to ensure workplaces provide an environment that is supportive and inclusive of people with disabilities. This would align with the goals of all government disability inclusion actions plans and would be beneficial in challenging prejudicial attitudes and reducing discrimination in open employment. In addition, PDCN recommends government set mandates for employment of people with disabilities in open employment.

⁵ National Disability Service WA, ticket to work, <http://www.tickettowork.org.au/>

⁶ National disability services Handout 9: Customised Employment process document, page 1

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

PDCN feels the role played by the NDIS local area coordinator (LAC) or planner will be very important in guaranteeing that NDIS participants have access to meaningful employment opportunities. PDCN supports the adoption of the employment first approach but suggests greater training and education for LACs and planners. PDCN has received reports that LACs and planners have a lack of skills and experience working with people with disabilities and planning meetings commonly do not include in depth exploratory discussions to explore the participants goals and aspirations around employment and the mainstream supports available.

During planning conversations PDCN believes LACs and planners should challenge individuals, and in some cases family's ideas and perceptions regarding what employment is possible so NDIS participants will consider career options they may not have previously contemplated. This is necessary to counter the widespread low expectations of employment for people with disabilities that limit individual's opportunities.

This is also a result of NDIS LACs and planners having a lack of time and resources during the face to face engagement phase to explain employment supports provided by the NDIS and the department of social services (DSS) through DES providers. PDCN is optimistic that the recently announced new participant pathway with a stronger focus on the broader systems of support for people with disabilities and a greater emphasis on explaining the links to other mainstream supports will improve this situation.

PDCN would also like to highlight the importance of LACs or planners having conversations with NDIS participants about employment options while they are still in education. Individuals who are 16 or 17 and not yet eligible for DES services should be provided employment supports through the NDIS to find and maintain part time employment if this is one of their goals. This will ensure that jobs skills and capacity are built before individuals leave education and people with disabilities are not disadvantaged compared to their peers, who had this work experience, when they enter the job market as an adult.