

NDS Submission in Response to the Department of Social Services' "The Future of Supported Employment" Discussion Paper

Introduction

NDS appreciates the opportunity to provide feedback on the design of the 2023 Federal Budget's supported employment initiatives as detailed in the Future of Supported Employment Discussion Paper.

Since 2021, NDS has been actively working with our members to implement our Industry Vision for Supported Employment. The Vision emphasises the provision of a broader range of sustainable, quality employment options for jobseekers and employees with disability, especially those with more significant disability. In addition, the Vision highlights the need for jobseekers and employees to exercise informed choice and decision making, with a stronger focus on career aspirations and pathways to mainstream employment.

The Vision is driving reform in the sector in several other key areas, including wage reform arising from the Fair Work Commission's (FWC) review of the Supported Employment Services (SES) Award and outcomes arising from the Disability Royal Commission.

The Industry Vision sets out ways for the Government to support the sector through this period of transition, to minimise the risk of service closures and job losses.

On terminology, NDS notes that there are several terms used to describe the organisations that provide disability employment support outside of the Commonwealth's Disability Employment Services (DES) program. There are three key terms used to describe organisations that provide what is known as in Australia as "Supported Employment":

- **Australian Disability Enterprise(s) or ADEs** – the terminology used when these organisations were funded by DSS to provide supported employment services (these organisations are now registered NDIS providers and no longer receive ongoing DSS funding)
- **Supported Employment Services** – the terminology used in the SES Award for organisations covered by that Award which were previously funded as ADEs under the Commonwealth's Disability Services Act 1986
- **Social Enterprises** – the terminology increasingly used by organisations previously funded as ADEs.

In this submission NDS will use the term "supported employment provider(s)" on a general basis and the terms identified above where they are used in a specific context.

Our responses to the Discussion Paper's various questions are below.

1. Structural Adjustment Fund

What objectives should be prioritised in the design of the Fund?

The objectives prioritised in the design of the fund should align with the government's twelve guiding principles for supported employment. In addition, NDS would also strongly emphasise the following goals and objectives are incorporated across the initiatives in the discussion paper, with reference to our Industry vision for Supported employment:

- Increasing the employment rate of people with significant disability
- Increasing the proportion of supported employees who work in inclusive or mainstream settings, while retaining access to supported employment options for those who choose them
- Expanding the provision of training and career pathways to employees with disability
- Innovation that enhances employment opportunities and business sustainability
- Using NDIS employment supports to deliver a wider range of specialised employment options that better enable participant choice and control
- Implementing reforms arising from any recommendations of the Disability Royal Commission adopted by the Australian Government
- Implementing new wage setting arrangements for employees with disability under the revised Supported Employment Services (SES) Award
- Upskilling the support workforce to support the delivery of a wider range of employment options
- Playing a key role in delivering the goals of Australian Government Disability Employment Strategies
- Collecting and publishing data that measures progress in achieving these goals.

How could the grant selection process best foster innovative approaches?

The grant selection process should not only emphasise innovative approaches, but clearly identify examples of innovative approaches that are more likely to be funded.

These innovative approaches could include the following:

- Provision of employment options and supports in a wider range of settings
- Projects that ensure the support workforce can assist supported employees and jobseekers to access a wider range of employment options and supports
- Approaches that not only emphasise individual choice and control, but which focus on career development reflecting an individual's aspirations
- Expansion into new business lines and social enterprise models¹ – the latter of which provide a clear alternative to more traditional supported employment settings
- Assisting people with disability to achieve and sustain self employment
- Partnering with mainstream businesses, DES providers, Social Enterprises and government agencies to provide employment options in mainstream settings

¹ For example, the various Work Integrated Social Enterprise (WISE) Models, including [one currently funded by DSS](#).

- Employment options and supports specifically aimed at people with intellectual disability that differ from traditional employment options for that cohort
- Increasing use of the Customised Employment model by supported employment providers for the provision of work opportunities in mainstream settings
- Social Impact Investing approaches.

In addition, DSS should consider using a co-design approach, with both participants and providers, to developing the Fund's final design principles and selection process guidelines.

Do you have any views on the proposed eligibility for Fund applicants?

NDS is of the view that eligibility for Fund applicants should be restricted to organisations formerly funded by DSS as Disability Enterprises. However, there should also be scope for these organisations to be funded for projects that partner with other organisations, such as their existing commercial customers or mainstream employers.

Organisations previously funded as Disability Enterprises are under the most pressure to reform, mainly due to historical service provision and funding arrangements, as well as being directly affected by developments in the SES Award review and the Disability Royal Commission.

These organisations directly employ and support the largest cohort of NDIS participants nationally, including people with the most significant barriers to mainstream employment and the highest ongoing employment support needs.

Do you have any views on the kind of projects which should be eligible under the Fund?

As per the NDS Industry Vision, the Fund should enable organisations to undertake the following projects:

- Change management planning to ensure the ongoing financial viability of supported employment providers
- Increased provision of innovative business and service models that have a sound record of producing results
- The adoption of measures that enhance business productivity, including the application of technology
- New business and service models that demonstrate collaboration with other supported employment providers and mainstream businesses
- Building the capacity and skills of the support workforce to provide a wider range of employment options
- Existing supported employment providers working with accelerator firms to develop feasible new business ideas and workable business plans
- Extension of service provision options in rural and regional areas, especially those not currently adequately serviced.

The current Payments by Outcomes Trials funded by DSS could be also expanded to include more supported employment providers, assisting with their transition to Social Enterprise models.

In addition, projects should be funded which have an emphasis on developing of suitable models of training and support for people with disability who are currently in or seeking self-employment. This is an area of employment support provision which has been largely neglected in Australia, although there are an increasing number of examples of this model providing high quality outcomes for people with disability, especially when suitable models of support have been provided.

What should be the upper funding amount for individual projects? Would it be better to provide fewer, high value grants or more low value grants?

NDS would recommend an upper limit for the grants of \$200,000. Apart from that upper limit, NDS considers that the grants should be allocated based on a proposal's merits and be of sufficient value to enable change. Allocating a large number of small grants that are of insufficient value for any one provider is unlikely to achieve the Fund's intended outcomes.

Should the two grants rounds be open, competitive processes? Or should the second round be restricted to building on successful projects from the first round?

NDS recommends that both grant rounds be open competitive processes, with the capacity to prioritise projects from the first round that have demonstrated successful outcomes, such as an increase in sustainable employment opportunities for people with high support needs. However, there should be scope in both grant rounds for both proposed and current projects to be considered on their merits.

2. Transition to the revised SES Award

NDS notes that the Discussion Paper includes detail on the matters raised below in the section on "Disability Employment Advocacy and Information Supports for Supported Employees and their Families and Carers". The points raised below relate specifically to the information required by the sector (including employees and their families/carers) to ensure successful transition to the revised SES Award.

What information would best assist the sector to successfully transition to the revised Award?

In addition to the types of information provided by NDS on the practical application of the new wages structure, (i.e. guides on the classification process and the application of the SWS in supported employment) the provision of information on Industrial Relations (IR) matters is essential.

This information is difficult to obtain and interpret and often requires employers to seek formal industrial advice, which can be costly and given the complex and specialised nature of the subject matter, possibly incorrect. NDS recommends the department, in partnership with the relevant industrial authorities (i.e. the FWC and FWO) and experienced industrial relations advisor(s), develop and provide

supported employment services with a series of plain English guides on IR matters. The establishment of a dedicated helpdesk for queries on IR related matters could also be considered.

This information should build on the IR resources already developed by DSS and the FWO and cover topics such as Dispute Resolution and interpreting SES Award clauses that affect employees' pay and conditions (e.g. SWS assessment reviews, and changes in employee wage rates during the three year transition period).

Plain English resources must also be developed that clearly set out for employees with disability and their parents/carers the impacts of increased wages on the DSP and related welfare benefits.

The DSP income test and the possible loss of related welfare benefits are a clear disincentive for employees with disability increasing their work hours and seeking other jobs and may discourage NDIS participants of workforce age entering the workforce.

It is also imperative that clear direction be provided by the government about the eligibility of other types of employers to use the SES Award. While SES Award coverage is clear for organisations previously funded by DSS as supported employment services, it is not clear if other disability employment providers can use the Award.

Supported employment services were previously defined in the SES Award as being funded under the Disability Services Act (DSA) 1986. That definition has been replaced by one which does not refer to the DSA. The repeal of the DSA and its replacement by the Commonwealth Disability Services and Inclusion Bill has created further uncertainty.

3. Consultation on a disability business procurement initiative

What outcome should a procurement policy be seeking to achieve (e.g. increased employment for all people with disability or specific to those working in ADEs)?

NDS is of the view that the key outcomes of any procurement policy should include the following:

- An increase in the number of people with disability in employment nationally
- More commercially viable supported employment providers due to stable income derived from government procurement
- A formal commitment to procurement of goods and services from supported employment providers by government agencies, including identifying a minimum level of purchasing.

There are many examples of successful disability business procurement initiatives both locally and overseas that the Australian Government could consider. Some examples are set out below.

Among overseas government procurement models, the United States Government's [AbilityOne](#) Program employs over 36,000 people with disability in around 1,000 locations in every state, representing 40 government agencies, with almost \$4 billion of AbilityOne products and services procured by the federal government in 2022.

Among Social Procurement frameworks of Australian state governments, the Victorian Government's [Social Procurement Framework](#) has produced impressive outcomes. The framework has provided large scale commercial opportunities for a significant number of supported employment providers as well as facilitating the participation of others in supply chains and other collaborative arrangements. For example, in 2020-21 the Victorian Government spent \$5.57 Million with 34 Australian Disability Enterprises or social enterprises led by a mission for people with disability.²

The Australian Government's [Supply Nation](#) model should also be considered for supported employment providers, utilising the existing NDS [BuyAbility](#) branding and Social Enterprise Directory infrastructure. Consideration should also be given to funding an accreditation system for new supported employment providers seeking to use the BuyAbility branding and access the BuyAbility Social Enterprises directory. An example of a current accreditation system in Australia is the [Social Traders Certification](#), which has been obtained by an increasing proportion of supported employment providers.

What are the strengths of/opportunities created through the options described above?

The strengths and opportunities include the following:

- Direct support of Australian Government policy and the various government disability strategies – i.e. an increase in the number of Australians with disability in employment
- Higher quality employment outcomes for people with disability
- A wider range of employment options available for people with disability as business and social enterprise models evolve
- Enhanced economic and social impact delivered by supported employment providers and enhanced economic and social participation of people with disability.

Are there any potential risks associated with pursuing a disability procurement policy?

Several risks could be identified, including any targets or mandates for procurement from supported employment providers not being met; or that the policy has not resulted in increased employment of people with disability or prevention of job losses and service closures.

Are there alternate options the department could consider?

Alternative options considered could include the following:

- Mandated employment quotas for people with disability in government agencies with on the job support through DES or supported employment providers

² [Victorian Government Social Procurement Framework Annual Report 2020–21](#), page 18.

- Procurement incentives for commercial businesses purchasing goods or services from supported employment providers, e.g. tax breaks.

4. Evaluation of supported employment initiatives and trials

What success factors should be measured through the evaluation?

Success factors of the initiatives and trials should include the following:

- Increased numbers of people with disability in employment
- Increased numbers of people with disability in mainstream settings
- Evidence of enhanced employment conditions for people with disability, such as higher wages and more work hours, particularly people with high support needs
- Reduced welfare outlays by the Commonwealth (particularly of the DSP)
- Evidence of increased upskilling of employees and jobseekers with disability
- More commercially viable businesses that are significantly less reliant on NDIS employment support funding.

When evaluating the funded projects, it is crucial to measure success factors that directly align with the project's expected outcomes. These may include for example, assessing the evidence of upskilling of the current support workforce and evidence of successful transitions of supported employees to mainstream employment.

Projects should also be able to clearly provide evidence of their sustainability beyond the period of the initial funding.

How can the perspective of people with high support needs be best captured in the evaluation?

Evaluation material such as employee engagement surveys should be designed and distributed to people with disability, their families/carers and employers that is available in suitable formats, including pictorial and plain English.

In person consultations such as onsite group discussions and interviews could also be held in workplaces (or possibly online) with input from employees with disability and their parents/carers. These types of consultations have been held before by DSS and have produced positive results.

5. Disability Employment Expos

NDS supports the proposal for a series of Expos for people with high support needs, and their families/carers, with information on a range of employment pathways and available supports.

What kind of information would people with disability like to receive at these events? Would it be helpful to have presentations on particular topics (perhaps in a separate space to the stalls)?

NDS recommends the following types of information be provided to people with disability and their families/carers at the Expos:

- How to maximise employment supports funded in NDIS plans

- Career advice and options
- Types of employment opportunities available in supported employment and Social Enterprise settings
- Workplace conditions and entitlements and industrial relations information
- Information on the interaction of DSP, welfare benefits and paid employment
- Types of employment opportunities available in mainstream employment settings
- How to access a DES provider
- Assistive technology including “hands on” demonstrations
- Maximising opportunities that can arise in a changing employment environment

NDS agrees that it would be useful to provide presentations on particular topics at the Expos. The presentations should also be recorded and transcribed in various accessible formats.

Do you have suggestions for exhibitors who could be invited?

NDS would suggest the following exhibitors be invited to the Expos:

- Supported Employment and Social Enterprise providers
- Disability Employment Services
- Youth employment transition support providers
- Vocational options and career advice providers
- JobAccess representatives
- The NDIA
- DSS, Services Australia and JobAccess representatives
- Mainstream employers that have demonstrated a commitment to disability employment
- Family advocacy bodies
- NDAP services.

How can we best attract mainstream employers to these events? Do you have suggestions for disability confident employers that could be invited?

Mainstream employers could be attracted to these events by being contacted directly by supported employment providers with whom they have existing relationships. These mainstream employers would have already exhibited a commitment to disability employment.

The Expos could also be further publicised through service provider networks, employer bodies and their networks and in mainstream and social media. DSS and the NDIA should also publicise the events as well as the JobAccess website.

What accessibility factors should be considered?

All relevant accessibility factors should be considered including venue access and the provision of information and resources in various accessible formats.

How should these events be promoted?

As noted above there are many options for promoting the Expos. These include service provider networks, employer bodies and their networks and by government through mainstream and social media.

Where could these events be held (both which cities, and any suitable venues)?

The Expos have been limited to eight according to the Discussion Paper, so these would be best held in the state and territory capitals. If they are successful, there may be benefit in holding smaller scale expos in regional centres. Suitable venues would include those that can provide conference and expo style facilities, especially as these are more likely to offer a broad range of accessibility options.

Would there be a benefit in holding one of the Expos online?

NDS would recommend that to ensure maximum impact, the Expos should be in-person events. Government should ideally ensure that the Expo material where possible should be available in online formats through a dedicated website. The website should also be publicised through the channels identified above.

What should be put in place to support people with a disability at the events and after?

Accessible material and supports, with specific opportunities and channels for people with disability and their families/carers to provide feedback and receive any information they may not have been able to obtain at the Expo. As described above, a dedicated website could also be developed (in addition to JobAccess) that directly caters for people with disability and their families/carers assisted through the expos and other related initiatives.

Do you have any suggestions for how these events can be designed to work well for different cohorts of people with disability including:

- *young people transitioning from school to work*
- *First Nations people*
- *LGBTQIA+*
- *women and girls*
- *culturally and linguistically diverse people*
- *residents in regional and remote areas?*

The events should ensure that all relevant disability cohorts are catered for, including the presence of relevant specialist providers, advocacy services and accessible information resources aimed at those cohorts.

6. Disability Employment Advocacy and Information Supports for Supported Employees and their Families and Carers

Comments and recommendations in this section relate to the design and delivery of the proposed disability employment advocacy and information program. Our views on the information needed to increase awareness and understanding of the transition to the revised SES Award have been included in section 2 of this submission.

Do you have any feedback on the proposed approach?

NDS largely agrees with the proposed approach to the delivery of the disability employment advocacy and information program. However, we would caution against an over reliance on National Disability Advocacy Program (NDAP) providers to deliver the advocacy and information program.

Unfortunately, some of the higher profile NDAP providers are strongly opposed to the supported employment model as currently delivered by supported employment providers covered by the SES Award. Consequently, the objectivity and accuracy of the information some NDAP providers have distributed on supported employment has been called into question.

It is imperative that the disability employment advocacy and information program be set up in such a way that a broad and fully representative range of disability advocacy organisations are engaged in its delivery.

How can this program be designed to meet the needs of different cohorts of people with disability including:

- *young people transitioning from school to work*
- *First Nations people*
- *LGBTQIA+*
- *women and girls*
- *culturally and linguistically diverse people*
- *residents in regional and remote areas?*

The disability employment advocacy and information program can ensure that all relevant disability cohorts are catered for through relevant specialist providers, where it is practical to offer these, utilising the existing NDAP network.

Where specialist providers cannot operate directly, clear, targeted information and advice should be available in a diverse range of accessible formats and via different channels. For example, local disability and mainstream employment service providers, health services and support networks could also be engaged in assisting to provide employment advocacy and information and resources.

Conclusion

As the pre-eminent peak Body for Disability Service Providers, NDS is strongly positioned to support the sector and Government to achieve the Structural Adjustment Fund's initiatives and outcomes. NDS can:

- Provide ongoing sector support to transition to the revised SES Award
- Actively engage with and support disability procurement initiatives through our BuyAbility social enterprise website
- Harness our proven data collection capability to assist with sector based initiatives, pilots, trial evaluation and evidence based policy design
- Utilise our recent experience in the delivery of [Disability Employment Expos](#)

- Leverage our reach and extensive NDIS policy and advocacy experience to support and deliver comprehensive information to a broad stakeholder audience, especially jobseekers and employees with disability and their families and carers.

About National Disability Services

National Disability Services (NDS) is the peak body in for non-government disability service providers, with more than 1100 members nationally. We provide information and networking opportunities to our members and policy advice to State, Territory and Commonwealth governments. NDS has a diverse and vibrant membership, comprised of small, medium, and larger service providers that deliver direct and indirect support to people with disabilities. Our members collectively offer the full range of disability services; from supported independent living and specialist disability accommodation services to respite, therapy, community access and employment.

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