



Inquiry into Long Term Disability Care and Support

ACE National Network Inc

**Submission
to the**

Productivity Commission

August 2010

About this Submission

ACE welcomes the opportunity to contribute to the inquiry into a long term care and support scheme for people with disability and congratulates the work undertaken by Australian Government - particularly the Hon Jenny Macklin, Minister for Families, Housing, Community Services and Indigenous Affairs and the Hon Bill Shorten, Parliamentary Secretary for Disability and Children's Services in raising the profile of disability and the issues faced by people with disability within the Australian community.

While ACE will not seek to respond to all matters raised in the paper, we will focus on issues that have the potential to impact upon employment opportunities and pathways for people with disability and the specialist employment services that support them – and believe it is important to acknowledge the difference that a scheme such as this will make to the lives of people with disability and their carers if implemented.

Primarily ACE will look to respond to the question of *“how services could be structured to increase the likelihood of participation in work”* and the possible interface of a long term care and support scheme with the existing Disability Employment Services funded by the Australian Government.

Over the past three years the Australian Government has done much consultation and review in the area of Disability and Employment culminating in the release on March 1st 2010 of the new model of Disability Employment Services (DES). The positions outlined in this document as drawn from the many responses and submissions that ACE has developed over this period – particularly our response to the National Mental Health and Disability Employment Strategy paper in July 2008.

Key Statements

- ACE fully supports the introduction of a Long Term Care and Support Scheme to provide a whole of life approach to planning care for people with significant disability
- ACE sees significant potential for such scheme to increase workforce participation rates of people with disability by addressing the cost of participation
- ACE believes that Disability Employment Services should continue to be separately funded by the Australian Government and stand alongside the scheme as a complimentary service
- The cost of participation in Disability Employment Services for participants with access to a long term care and support package should remain free
- Manifest eligibility for participants assessed as eligible for a long term care and support package for Disability Employment Services would reduce “over assessment” and duplication

About ACE

ACE National Network Inc is the peak industry body for Australia's Disability Employment Services (DES).

ACE exists to represent the interests of our members at a national level to government and other stakeholders. We advise, lobby, advocate, provide training, information, events and promote the sector.

We have a particular focus on:

- government policy in relation to disability employment;
- issues impacting on the viability of the industry;
- barriers to workforce participation for people with disability; *and*
- better ways to get people with disability real jobs

In terms of the wider community, ACE identifies opportunities to get a “better deal” for people with disability participating in the workforce and educates the public about issues related to disability employment.

DES providers are funded by the Department of Education, Employment and Workplace Relations (DEEWR) to deliver a range of disability employment services to jobseekers with disabilities. They provide proactive, specialised, flexible and sustained support to people with disability through an articulated set of client focused and tailored interventions.

These services to jobseekers with disabilities include;

- Vocational guidance and support
- An active, individualised approach to jobsearch
- Support in managing whole-of-life issues before and after starting work
- On-the-job support to assist to establish people in the job and additional ongoing support to maintain that job in the longer term – a key defining aspect of the program

- Off-site support for those who do not disclose their disability

They also provide a range of services to employers including;

- Recruitment and selection assistance
- On-the-job training with new employees
- Technical assistance with job redesign and workplace adjustments
- Information about available government programs or funding
- Follow-up and back-up support
- Re-training of employees should they move from one duty to another or if a new skill is required
- Advice and training to co-workers about issues related to employing people with disability

The Disability Employment Services are an integral part of a continuum of support and services necessary to ensure that people with disability are able to play active, integrated and valued roles in the Australian community.

There are currently over 220 DES organisations spanning approximately 1999 sites across Australia.

Background & Context

The Disability Employment Services program was founded in 1986 on an 'aspirational' rationale for employment for people with disability, particularly for people with intellectual and developmental disabilities, including those with substantial support needs. It asserts that any person with disability who wants to work should be supported to do so.

This rationale fundamentally promotes the value of employment as a way of achieving social inclusion. Not only does it create participation opportunities for people with disability, but it creates opportunities for the community to see people with disability as positive and contributing citizens in their community

Recent statistics from the Organisation for Economic Cooperation & Development (OECD) show that Australia performs very poorly in the employment rates for people with disability – ranking 13th out of 19 counterparts. This poor performance continues despite significant reform over the last decade to both employment services and income support policy.

The barriers to employment (and broader community) participation by people with disability are entrenched and systemic. Overcoming the ongoing disadvantage of disability, particularly that which involves such complex and interrelated barriers is a significant undertaking. An efficient and effective system that is designed to provide a whole-of-life approach to dealing with disability and its resulting barriers would make a significant difference to the lives of people with disability.

Where do Disability Employment Services fit?

ACE believes that the current nationally funded Disability Employment Services should be considered a “complimentary” program to packages of service which may be designed under the scheme and should continue to be funded outside of any scheme.

It is important to recognise what support and infrastructure *are already in place* to support the increased participation of people with disability in the workforce. The ACE position continues to be that the building blocks of a really good system are in place in many ways, but better co-ordination of supports is required.

It is also important that access to Disability Employment Services remains cost free for all participants that require the support of these specialist services to engage in the labour market. We would strongly advocate against a situation where the cost of DES services for individual who are eligible for a package of support under the long term care and support scheme would be required to be funded out of that package as it has the potential to require participants choose between funding to assist with employment instead of other possible care supports.

Currently under Disability Employment Services – Disability Management Services (previously known as Vocational Rehabilitation Services) – participants who acquire a disability that would/has entitle them to compensation are required to reimburse the Federal Government for the costs of services provided to help them find and maintain employment. While in cases where their compensation is determined after assistance is commenced the cost is added into the compensation payout, in many instances individuals who have already received compensation choose not to participate because of the cost.

The Persistence of Barriers & the Cost of Participation

A series of reports from the 1980s to the present on disability employment issues¹, ending with HREOC's December 2005 WORKAbility II: Solutions document, have outlined major attitudinal and structural barriers to employment participation for people with disability. While many changes have been made to the system/model of Employment Services over the period – many of those structural barriers still exist.

For example, for participants with significant support needs who require personal care during the hours of their employment currently have to rely on the minimal hours of care available to them under the Work-Based Personal Assistance (WBPA) program within Disability Employment Services – a maximum of 10 hours per week. Anything over this depends on the availability of state based funding or the cost must in work do so at reduced to hours that the cost can be met by the WBPA as the alternative is financial disadvantage.

Peter is a 24 year old Youth Worker. As quadriplegic he requires personal assistance to enable him to work. He has been employed on a part-time basis for the last 3 years – and the cost of the assistance is approximately \$60, 000 a year – however only about a quarter of this is funded through the WBPA program, the rest of the cost is covered privately – something which can no longer be afforded. Ironically – if Peter was unemployed he would have access to funding for personal care for recreation and social activities

¹ For example: 1985 New Directions (Review of Handicapped Assistance Program); 1990/1991 Ronalds Reports (National Employment Initiatives for People with Disabilities), 1996 Baume Report (Strategic Review of Commonwealth Disability Services Program)

Recently, both the Disability Investment Group (DIG) report – The Way Forward, and The National Disability Strategy consultation report - Shut Out: The Experience of People with Disability and their Families, focused largely on the failure of the current “suite of assistance” and the significant impact that failure has on disability disadvantage.

What is needed, and what ACE believes the long term care and support scheme would provide - is a complete rethink of how services are being delivered and coordinated, and how the disability support system can be radically overhauled in relation to people with disability and their costs of participation (transport, medication, aids/equipment, support/attendant care, housing etc) can be better provided for.

People with disability face a constant struggle in terms of weighing up the cost benefits of participation. While the benefit to society goes far beyond the simple reduction in income support costs to government and additional tax revenue when workforce participation rates are increased, the potential cost to the individual in terms of reduction of benefits attached to income support/low income is significant and a direct disincentive to engaging in employment.

As outlined in the issues paper, individuals with complex needs require a variety of services which address needs in a coherent way, and without adverse effects in the way these services interact with each other. Appropriate access to services relating to for example housing, transport and education are often a precursor to being able to successfully explore the options of employment. Without access to such services, or when access is difficult or complex in itself the cost of participating (both financially and personally) often becomes too great.

From ACE's perspective, an environment where costs of participation are addressed by a singular system which meets the individuals care and support needs and coordinates packages of care services to meet those precursory barriers to employment; and which, as mentioned above, services such Disability Employment Services sit beside as complimentary programs would increase rates of workforce engagement for people with disability.

Assessment & Duplication

The issues paper asks the question of how get rid of wasteful paper burdens, overlapping assessments (the run around) and reduce duplication in the system. In relation to the interface of the potential scheme and Disability Employment Services, ACE considers it crucial to ensure that the system does reduce duplication and overlapping assessments.

Currently to participate in Disability Employment Services the majority of participants are required to go through a Job Capacity Assessment (JCA) to determine eligibility, appropriate service type and work capacity.

ACE and its members have consistently expressed their concern about the effectiveness of the Job Capacity Assessment process (JCA) and its potential as a barrier to employment participation for people with disability. The JCA process is an additional assessment for individuals whom have been what we often hear referred to as “assessed to death”.

ACE’s main concerns about the JCA have been that the assessment makes two decisions – service referral and the work capacity of an individual; and quite often makes them out of context of the aspirations of the individual or the support of the service provider. Inconsistent quality of work capacity and service referral decisions by JCA’s has created significant costs and delays for both DES providers and people with disability looking to access services. In many cases the process has proved “too hard” and acted as a barrier to individuals wanting to look for work.

ACE attributes the inconsistent quality of JCA referral decisions to a mismatch between the specialist skills of JCA’s and the diverse profile of people with disability, the complexity of the current disability employment programs and an inconsistent understanding of these programs by JCA’s. ACE recognises and supports the significant diversity in the skill set of JCA, however, we are concerned that a poor match between the often specialist skills of a particular JCA and the specific needs of an individual job seeker can have a significant impact on the quality and accuracy of the assessment and the resulting referral decisions.

In order to provide the services needed under a long term care and support scheme it is clear to ACE that people with disability will undergo significant - and we would expect quite holistic - assessment. We would advocate that being eligible for a support package under the scheme, particularly if the scheme is targeted at individuals with significant support needs as a result of their disability, should result in manifest eligibility for Disability Employment Services – Employment Support Services – without the need for additional assessment.

It would also be critical that information captured as a result of the schemes assessment process is made available to complimentary programs such as Disability Employment Services, to prevent participants needing to tell their “story” again and again as they seek assistance from different service providers. This would reduce the administration burden not only on service providers but also on people with disability and the carers.

Conclusion

While ACE has responded to only a small component of the inquiry's issues paper, we thoroughly believe that a long term care and support scheme where services for people with disability are assessed and packaged in a way which addressed whole-of-life issues and plans for the changing phases of an individual's life will support the work that Disability Employment Services currently do to increase workforce participation rates in Australia.

It is important that people with disability and their carers have certainty and clarity about services that are available to meet their individual need. Each person with disability should be entitled to suite of services that will - as outlined in the DIG report *“facilitate independence and maximise potential”*.

We look forward to the next stage of the inquiry and having the opportunity to respond to a draft report in the coming months.