



13 March 2023

Draft Quality Framework for the Disability Employment Services Program – Submission of Feedback

Dear Department of Social Services,

Inclusion Australia is the national Disability Representative Organisation representing the rights and interests of Australians with an intellectual disability and their families. Founded in 1954, our mission is to work to make sure people with an intellectual disability have the same opportunities as people without disability. We have state members in New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia.

Since September 2021 we have had a Northern Territory team based in Darwin. Our work in the Northern Territory is informed by a Local Steering Group that includes representatives from advocacy and other territory-based organisations.

We thank the Department of Social Services (DSS) for the opportunity to provide feedback on the draft Quality Framework for the Disability Employment Services (DES) Program.

A note on accessibility

While we are pleased that the final Quality Framework will be available in Easy Read, it is crucial that Easy Read materials are also provided during the consultation period. The draft Quality Framework was not accessible to people with an intellectual disability, which limits the opportunity for our community to provide feedback.

Providing Easy Read materials in future consultations would be very helpful in ensuring the voices and expertise of people with an intellectual disability are included in consultation processes.

Co-design with people with disability who have and do use DES will be a critical part of developing a Quality Framework that is fit-for-purpose and can appropriately meet participants' needs.

Context of this letter

Inclusion Australia has a long history of systemic advocacy for open and self-employment for people with an intellectual disability. In response to the number of reforms the DES program has undergone in recent years, Inclusion Australia has consulted widely to gather the experience, expertise and evidence from people with an intellectual disability and their families, as well as researchers, advocates and other experts.

This has culminated in three recent major submissions, which form the background to this letter:

- What Works: Making Disability Employment Services (DES) work for people with an intellectual disability, December 2021.¹
- DES Reform Submission, February 2022.²
- Joint Submission to the Australian Treasury's Employment White Paper, September 2022.³

As the evidence in these submissions demonstrates, DES is failing people with an intellectual disability. In its current form, DES presents significant barriers to people with an intellectual disability to open, inclusive and equitable employment, including the:

- Exclusionary entry threshold to accessing DES
- Lack of evidence-based supports
- Lack of ongoing support funding
- System complexity
- Lack of training to build the capacity of employers and employment service providers.

As a result, fewer than 10,000 people (3.1% of the DES caseload) supported by DES are people with an intellectual disability.⁴

It is imperative that the proposed Quality Framework be designed to embed principles of evidence-based practice to support the dismantling of these barriers and implement the recommendations outlined in the submissions mentioned above.

These submissions contain an abundance of evidence, stories, and experiences from the people we represent, which demonstrates what works—and what doesn't—when it comes to employment services.

¹ Inclusion Australia. (2021). *What Works: Making Disability Employment Services (DES) work for people with an intellectual disability*. https://www.inclusionaustralia.org.au/wp-content/uploads/2022/02/Our-Submissions_2022_02_What-Works-Final-Report-2021.pdf

² Inclusion Australia. (2022). *DES Reform Submission*. https://www.inclusionaustralia.org.au/wp-content/uploads/2022/03/Our-Submissions_2022_02_Submission-on-Disability-Employment-System-Reform.pdf

³ People with Disability Australia. (2022). *Joint Submission—Employment White Paper: Submission to the Australian Treasury's Employment White Paper*. https://www.inclusionaustralia.org.au/wp-content/uploads/2022/12/FINAL_SUB_Employment-White-Paper_14122022.pdf

⁴ Labour Market Information Portal DES Data 30 November 2021.

Feedback

The discussion paper states that the new Quality Framework is being developed to “ensure the views of DES participants are embedded in the ratings system.”⁵

Yet the proposed design of the Quality Framework is not conducive to this goal as it has not sufficiently prioritised those participants—and especially the potential participants with an intellectual disability who are currently shut out of the system because of the barriers mentioned above.

We are particularly concerned with the design of the Conceptual Map used to develop the five proposed Quality Elements. This is based on the premise that sustained and meaningful quality improvement in the DES space requires:

1. Informed participants to act as a driver of quality.
2. Capable providers calibrated towards meeting those expectations.
3. Active, risk-based monitoring and support from government.

While we are pleased to see proactive work being done to support an increased awareness of participants’ rights, we are concerned that these premises are insufficient and do not guarantee that the expertise, views, and experiences of people with an intellectual disability who use or will use DES is prioritised when measuring program quality and outcomes.

Primarily, this is because:

- The assumption that “informed participants with a good understanding of their rights are likely to have high expectations with respect to service quality”⁶ is untenable. It does not provide a sufficient guarantee that participant’s rights—as well as their expectations when it comes to finding and sustaining meaningful, equitable work—will be met. It also does not sufficiently reflect cognitive diversity and differences in capacity.
- Even with the proposed risk-based Government support and monitoring, relying on participant’s expectations to drive the quality of services risks unduly placing the onus of quality service provision on participants themselves. By this logic, low quality services are also driven by participant’s expectations. That is not fair. Participants deserve an independent, evidence-based model to assure the quality and continued improvement of DES.
- It excludes the expertise, views and experiences of *potential* DES participants who are currently shut out of the system. In order to dismantle the barriers than keep people with an intellectual disability from accessing DES, the Quality Framework must be designed with this cohort in mind.

⁵ Department of Social Services. (2023). *DES Quality Framework Discussion Paper*. p. 1.

⁶ Department of Social Services. (2023). *DES Quality Framework Discussion Paper*. p. 7.

- DES users and potential DES users deserve greater assurance that their rights, expectations, support needs and aspirations for work will be met, especially when there is growing evidence about the efficacy of other models and mechanisms for quality assurance, which will be discussed below.

Greater structural reform to the Quality Framework is needed.

The recommendations below detail actionable solutions that would significantly strengthen the new Quality Framework in line with current evidence and best-practice for employment services. There is a growing body of evidence internationally that these practices lead to better outcomes for people with an intellectual disability in securing and sustaining work.⁷

Recommendations

Inclusion Australia, along with other Disability Representative Organisations, have long recommended the DSS should prioritise and heavily weight the expertise, views and experiences of people using employment services when measuring program quality and outcomes.

Recent consultation with Inclusion Australia's Northern Territory policy team, which includes people with an intellectual disability, has further substantiated what we know about what people with an intellectual disability want from their employment services, including:

- Listening to what people with an intellectual disability want and not making assumptions
- Information about and support for making complaints and asking questions that is widely available and accessible
- Having the right supports at every stage of the process of getting and sustaining employment
- More education and training for DSS and DES providers about work readiness and how to support people with an intellectual disability in employment.

⁷ See for example: Kregel, J. et al. (2020). *A Comprehensive Review of Evidence-Based Employment Practices for Youth and Adults with Intellectual and Other Developmental Disabilities: Final report*. Rehabilitation Research and Training Center at Virginia Commonwealth University in Richmond, Virginia and Centre for Disability Studies, affiliated with the University of Sydney, Australia;
Wilson, E. and Campain, R. *Fostering employment for people with intellectual disability: the evidence to date*, Hawthorn, Centre for Social Impact, Swinburne University of Technology, 2020.

In our view, this could be achieved by implementing the following key Recommendations:

1. Fully and sustainably resource a publicly delivered, central agency to drive changes that will remove barriers to employment for people with an intellectual disability: a Workplace Disability Equality Agency (WDEA)^{8,9}
2. Establish independent and impartial oversight of DES by an employment services ombudsman
3. Establish specialist DES providers in each state and territory that will be open to all people with an intellectual disability regardless of location, which would model evidence-based practice by employing people with an intellectual disability
4. Significant investment in independent capacity-building information and resources—especially Supported Decision Making resources—for current and future DES participants and DES providers.

The WDEA would have several functions that would significantly improve oversight and quality of DES, which have been discussed in detail in our recent major submissions. Broadly, these include:

- Data collection and reporting to fix the lack of coordinated data about employment for people with an intellectual disability
- Fixing complexity by supporting a more seamless interface bringing together different agencies and departments that are currently siloed and present barriers to accessibility
- Increased accountability
- Provision of information and research through a Knowledge Hub that provides resources and evidence about what works to support a person with an intellectual disability in employment.

Establishing the WDEA, and particularly its Knowledge Hub, would provide a stronger framework for quality and oversight of DES because it would ensure the views of current and future DES participants are embedded in the rating system for service providers.

Having this kind of centralised, independent agency to support and continuously improve the quality of DES would subsequently strengthen the intended outcomes of the Quality Elements listed in the

⁸ This has previously been referred to as a Centre for Excellence.

⁹ A National Agency focused on diversity in employment was also a key recommendation from the Australian Human Rights Commission's Willing to Work Inquiry in 2016. The Inquiry recommended that "an expanded and adequately resources agency would, over time, collect data, publicly report on progress against voluntary targets, and engage collaboratively with employers and business to reduce employment discrimination." See: Australian Human Rights Commission. (2016). *Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability*. <https://humanrights.gov.au/our-work/disability-rights/publications/willing-work-national-inquiry-employment-discrimination>

discussion paper, particularly in regard to meeting participant rights; ensuring quality of employment services; building capacity within the workforce and DES providers by providing training and evidence-based resources on best practice; and establishing an independent and accessible channel for feedback and complaints.

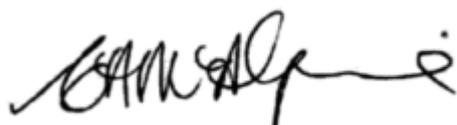
The impact of this level of structural change would be immense and far-reaching. As well as providing a stronger framework for the guarantee for service quality and continued improvement, it would allow for the implementation of a number of important evidence-based practices such as the embedding of Supported Decision Making in DES¹⁰ and the inclusion of potential DES users who live in rural and remote areas.

Stronger structural reform is needed to ensure a new Quality Framework prioritises the expertise, views and experiences of people who use and will use employment services. The voices of people with an intellectual disability must be included and valued to ensure program quality, outcomes and continued improvement.

Implementing the recommendations in this letter will ensure DES meets the rights and expectations of its users.

We thank you for the invitation to provide feedback on the draft Quality Framework and welcome any opportunity to consult further on the issues raised in this letter or to discuss opportunities to engage people with an intellectual disability inclusively in this development process.

Kind regards,



Catherine McAlpine
Chief Executive Officer

¹⁰ For more detail on embedding Supported Decision Making in DES please see: Inclusion Australia. (2022). *DES Reform Submission*. p. 41-42. https://www.inclusionaustralia.org.au/wp-content/uploads/2022/03/Our-Submissions_2022_02_Submission-on-Disability-Employment-System-Reform.pdf