

General Purpose Standing Committee No. 2

Inquiry into Changes to Post School Programs for Young Adults with a Disability

Getting a Fair Go

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How to contact the Committee

Members of the General Purpose Standing Committee No. 2 can be contacted through the Committee Secretariat. Written correspondence and enquiries should be directed to:

The Director

General Purpose Standing Committee No. 2

Legislative Council

Parliament House, Macquarie Street

Sydney New South Wales 2000

Internet www.parliament.nsw.gov.au/gpsc2

Email gpscno2@parliament.nsw.gov.au

Telephone 02 9230 3544

Facsimile 02 9230 3416

Terms of Reference

1. That General Purpose Standing Committee No. 2 inquire into and report on the appropriateness of changes to post school programs for young adults with a disability, and in particular:
 - (a) The program structure and policy framework, including eligibility criteria, for the new Transition to Work and Community Participation Programs.
 - (b) The adequacy and appropriateness of funding arrangements for the new programs.
 - (c) The role of advocates both individual and peak groups in the consultation process.
 - (d) The impact of the exclusion of students enrolled or proposing to enrol in post secondary and higher education from eligibility for assistance under the new programs.
 - (e) The appropriateness of the assessment methodology used to identify school leaver support needs and to stream school leavers into the new programs.
 - (f) The adequacy of complaints and appeals mechanisms established in relation to the implementation of the new programs, and particularly with respect to assessment decisions.
 - (g) Whether appropriate and sustainable further education and vocational training and employment outcomes for people with a disability are likely to be achieved as a result of these changes.

These terms of reference were self-referred by the Committee on 20 December 2004.

Committee Membership

| | | |
|---|----------------------------|---------------------|
| Hon Patricia Forsythe MLC | Liberal Party of Australia | <i>Chair</i> |
| Hon Tony Catanzariti MLC | Australian Labor Party | <i>Deputy Chair</i> |
| Hon Dr Arthur Chesterfield-Evans MLC | Australian Democrats | |
| Hon Jon Jenkins MLC* | Outdoor Recreation Party | |
| Hon Christine Robertson MLC | Australian Labor Party | |
| Hon John Ryan MLC** | Liberal Party of Australia | |
| Hon Henry Tsang MLC | Australian Labor Party | |

* Hon Jon Jenkins MLC substituted for the Reverend Hon Dr Gordon Moyes MLC for the duration of the Inquiry

** Hon John Ryan MLC substituted for the Hon Melinda Pavey MLC for the duration of the Inquiry

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Chair's Foreword

I am pleased to present this report on changes to post school programs for young adults with a disability. This Inquiry resulted from the decision to end the ATLAS post school program and replace it with two new programs, Community Participation and Transition to Work. Due to the importance of post school programs in the lives of young people with a disability and their families, these reforms caused an outcry across the disability services sector.

This report examines the evidence on the effects of the recent program reforms, and how the Department of Ageing, Disability and Home Care (DADHC) handled the reform process.

The Committee heard that as a result of these reforms many young adults with a disability had their funding reduced, and experienced significant declines in program quality as well as quantity of program hours. Of particular concern to the Committee is the impact on young people with high support needs. Together with their families, these young people are most in need of support. The Committee recommended that all participants in the Community Participation program receive sufficient funding to attend a post school program on at least four days each week, and that young people with high needs receive more funding so that they can attend a program five days per week.

Much of the evidence was critical of how DADHC has handled the reform process. The Committee heard that there was a lack of consultation prior to announcing the reforms, and a lack of information on the reforms once they were announced. Considering this flawed reform process, DADHC has a lot of work to do to re-engage with the sector.

It would seem sensible to invest money up-front in post school programs, to prevent the need for more expensive solutions. This report shows that the time has passed for band-aid solutions. The Government needs to make a commitment to providing services for people with disabilities, and ensure that funding for disability services gets the priority it deserves.

The Committee would like to thank everyone who made a submission to this Inquiry, but particularly the many parents of young adults with a disability. The Committee also appreciates the efforts of those who spoke at parent forums, the service providers who welcomed the Committee to their organisations, and the officers of DADHC who were involved in this Inquiry.

In particular, the Committee would like to thank the young people with a disability who participated in facilitated consultations. This Inquiry would not have been complete without hearing the voice of the young people most affected by these changes.

Thanks also to my Committee colleagues and the Secretariat for their work on this Inquiry.



Hon Patricia Forsythe MLC

Committee Chair

Plain English Summary

This Plain English Summary is to assist people who have not been involved in an Inquiry before. It explains what happened in this Inquiry and the findings in this report.

This report examines the changes to Government programs for young adults with a disability who have left school. This report looks at why the Government made changes to the ATLAS program. It also looks at whether the new Transition to Work and Community Participation programs will make life better for young people with a disability.

What is General Purpose Standing Committee 2?

Our Committee is made up of seven members of Parliament. We have members from the Opposition, the Government, and small parties. Most of our members are not from the Government. A list of members is on page v.

What is our job?

Our job is to investigate issues that are important to people. We decided to investigate post school programs because many people told us that they were worried about the changes to ATLAS. We have written this report to tell people what we found. We have made recommendations about what we think the Government should do to make post school programs better.

We have given our report to the Government. The Government has 6 months to tell us if they will make the changes that we recommend.

What did we do?

People wrote us letters and submissions to tell us what they thought about the new programs. We used these letters to help us to write our report.

We asked people to come and speak to us at Parliament House at 4 hearings. These included people with a disability, their parents, advocates and people working for the Government.

We held 3 consultations with young people with a disability in post school programs. They told us what they thought about the new programs.

We held two public meetings with parents in Armidale and Wagga Wagga. Parents told us what they thought about the new programs.

We visited many places that provide programs for young people with a disability who have left school. We visited Tamworth, Armidale, Wagga Wagga, Wollongong and Newcastle. We talked to people with a disability and their parents. We also talked to people whose job it is to provide programs.

How can you get a copy of the report?

Anyone can get a copy of our report. Reports are free. You can phone us to ask for a report. The report is also on our website.

Our phone number is:

02 9230 3544

Our website is:

www.parliament.nsw.gov.au/gpsc2

We will send a copy of the report to everyone who has written to us. We will also send copies to everyone who spoke to us at Parliament House, the young people we met in consultations, and the service providers we visited.

What did we want to find out?

Our Inquiry looked at the changes to programs for young adults with a disability who have left school. We looked at how the changes were made. We looked at whether the new programs will make things better for young adults with a disability.

The next part of this summary explains what we found. It also explains what we think the Government should do to make post school programs better.

Recommendations

We have made 17 recommendations. These recommendations tell the Government what we think they should do to make post school programs better. Our recommendations are on page xvii.

Our report has 9 chapters. The next section explains what we found in each chapter.

Chapter 1 – Introduction

This chapter explains what we did in the Inquiry. It also explains the history of programs for people with a disability in Australia.

From page 121 of our report there are lists of the:

- people who wrote to us
- people who spoke at hearings
- young people we met in consultations
- places we went to and the people we met.

Chapter 2 – Impact of reforms

This chapter looks at the impact of the changes on young people with a disability, their parents, families and service providers. We found that because of the changes:

- some young people are getting less program hours
- some young people are getting lower quality programs
- parents and families are more stressed.

We believe that many young people and their families are worse off because of the changes to the ATLAS program.

Chapter 3 – Funding models

This chapter looks at whether block funding is the best type of funding for the new programs. We heard that many service providers think that block funding is the best type of funding. However, many other people think that individual funding is better than block funding. Most young people and their families think that individual funding is better.

We recommend that DADHC develop a funding model that combines parts of block and individual funding. We also recommend that young people and their families should be able to choose to self-manage their funding. Self-managed funding is good for people who want to design their own programs.

Chapter 4 – Program structure and policy framework

This chapter looks at the design of the new programs. We heard that people are concerned about the design of Transition to Work. This is because:

- two years is too short for Transition to Work
- people might not be able to stay in Transition to Work after two years
- people might have trouble moving from Transition to Work to Commonwealth employment programs.

People also told us that it is unfair for young people in Transition to Work to get more funding than young people in Community Participation.

We found that DADHC did not design the new programs properly. We think that DADHC should have used information from previous Transition to Work pilot projects. We also found that many staff left DADHC in the last few years. This meant that DADHC did not have good information to design the new programs.

Chapter 5 – Funding adequacy

This chapter looks at whether young people in the new programs get enough funding. We found that people in Community Participation do not get enough funding. We found that people with high support needs get much less funding than they should.

We recommend that people should get more funding so that everyone in Community Participation can attend a program four days each week. We recommend that people with high needs should attend a program five days each week.

We found that DADHC did not have enough information to decide on the new funding levels. We recommend that DADHC should review funding levels when they have better information. We think that DADHC should use the information from a costing study being done by the University of Wollongong.

People told us that they think that the reforms tried to reduce the amount of money the Government spends on disability programs.

Chapter 6 – Consultation

This chapter looks at whether DADHC consulted with people about the new programs before they were put in place.

We heard that people were not told enough about the new programs. People told us that:

- service providers had to tell young people and their families about the changes
- people did not get information for a long time after the new programs were announced
- the information was difficult to understand and did not answer peoples' questions.

We heard that people do not trust DADHC because of the changes to ATLAS. We hope that this does not cause problems when DADHC wants to consult with people about other changes.

Chapter 7 – Further education

This chapter looks at whether young people in the new programs can study at TAFE and university. We think that young people with a disability should be able to study at TAFE and university. We think that this will help young people to get jobs.

We heard that young people in the new programs have problems studying at university or TAFE because:

- it is not clear if they can study at TAFE
- two years is too short to finish TAFE for people in Transition to Work
- they are not allowed to study at university
- people who are already studying at university are not allowed to start new degrees.

We recommend that young people in the new programs should be allowed to study at TAFE. We think that the Commonwealth and State Governments should work together to fund young people with a disability to study at university.

Chapter 8 – Assessments and appeals

This chapter looks at how people were assessed and whether they could appeal their assessment results. We heard that there were many problems with assessments and appeals. People told us that they:

- got wrong assessment results
- were not told their results for a long time
- did not know if they could appeal wrong decisions
- found it difficult to appeal wrong decisions.

We heard that people with high needs received many wrong assessment results.

We recommend that DADHC should develop an accurate assessment tool. This is important because we think that people with high needs should get the most funding. We will not know who has high needs unless there is an accurate assessment tool. We also recommend that people who get wrong results should be told about the appeals process.

Chapter 9 – Reform outcomes and future directions

This is the last chapter of our report. We look at the need for more cooperation between the Commonwealth and State governments.

We think that disability services are very important. We believe that our society should support people with a disability. We think that the Government should give more funding to disability services.

We hope that the Government will make the changes that we recommend in this report.

Summary of Recommendations

Recommendation 1

Page 30

That DADHC consult widely to develop and implement a funding model which includes:

- block funding for service providers sufficient to enable them reasonable financial stability
- individualised funding, assigned to a named individual, that is transferable with that individual
- self-managed funding that allows people to develop individually tailored support packages, and is available to all participants in post school programs

Individualised funding would involve providing carers and people with disabilities with independent advice for options in using disability packages optimally.

Recommendation 2

Page 36

That DADHC develop and implement a policy to encourage flexible movement between the Community Participation and Transition to Work programs.

Recommendation 3

Page 38

That in relation to the two-year time limit for the Transition to Work program, DADHC adopt a policy of granting extensions of longer than six months, subject to an assessment that the participant has a prospect of entering into employment. The policy should be publicised throughout the sector.

Recommendation 4

Page 41

That the NSW Minister for Disability Services approach the Commonwealth Government with a request that unfilled supported employment places be reallocated on the basis of need and that this issue become part of the current State and Commonwealth negotiations in regard to employment programs for people with disabilities.

Recommendation 5

Page 45

That DADHC incorporate measures that indicate if a service provider is delivering services that meet the needs of multicultural and indigenous participants in its new performance indicators for the Transition to Work and Community Participation programs.

Recommendation 6

Page 46

That DADHC change the eligibility criteria for the Transition to Work and Community Participation programs, to accept students who apply for a Universities Admission Index.

Recommendation 7

Page 48

That DADHC develop, in consultation with relevant academics, service providers, advocacy groups and participants, objective performance indicators for the Transition to Work and Community Participation programs, as a matter of urgency. These indicators should be developed using the previous work done on performance measures by the ATLAS Reform Project.

Recommendation 8

Page 66

That DADHC adopt a policy of providing a minimum of four program days per week for all participants in the Community Participation program.

Participants assessed as having high support needs should receive the most number of program days, namely five program days per week.

Recommendation 9

Page 70

That DADHC work with Wollongong University to finalise the Cost and Classification Study as soon as possible.

Funding levels for the Community Participation program should be revised based on the findings of the Study, to ensure that all participants receive enough funding to have a minimum of four program days per week, and participants with high support needs receive enough funding to have five program days per week.

Recommendation 10

Page 84

That DADHC comply with the consultation requirements of the *Disability Services Act 1993*.

Recommendation 11

Page 89

That DADHC's TAFE policy ensures that participants in both the Transition to Work and Community Participation programs are eligible to study at TAFE.

Recommendation 12

Page 97

That officers of DADHC meet with officers of the Commonwealth Department of Education, Science and Training as soon as possible to resolve issues of funding responsibility for university students with a disability.

Recommendation 13

Page 97

That DADHC develop and implement a policy to provide self-managed funding to:

- young adults with a disability who are eligible to participate in post school programs but who wish to attend university
- university students currently receiving funding through the Adult Training, Learning and Support or Post School Options programs, to support them to undertake postgraduate study or commence a second degree.

Recommendation 14

Page 106

That DADHC review the accuracy of the assessment tool. If the assessment tool is not accurate, DADHC should investigate alternatives and implement a replacement assessment tool. The new assessment tool should be used to link funding to levels of support needs.

Recommendation 15

Page 110

That DADHC and the Department of Education and Training start the transition process in Year 10 for students who are likely to enter post school programs. The assessment process should include:

- ongoing assessments in subsequent years
- a final assessment no later than the first term of Year 12.

DADHC should publish and comply with the assessment timetable.

Recommendation 16

Page 114

That DADHC develop and implement a mechanism to appeal assessment decisions. Appeal applications should be simple to complete, and not require extensive supporting documentation.

The Department should raise awareness of the appeal mechanism, including by ensuring that the mechanism is documented.

Recommendation 17

Page 119

That the NSW Minister for Disability Services liaise with the Commonwealth so that programs in the area of disability services work together to support and assist participants in post school programs.

Acronyms

ACES – Access Community Education Services Incorporated (ACES Inc)

ACROD NSW – formerly known as The Australian Council for Rehabilitation of the Disabled, New South Wales Division

ATLAS – Adult Training, Learning and Support program

ATSI – Aboriginal and Torres Strait Islander

CALD – Culturally and Linguistically Diverse

CID – The New South Wales Council for Intellectual Disability

CP – Community Participation program

CRS – Commonwealth Rehabilitation Service

DADHC – Department of Ageing, Disability and Home Care

DEAN – Disability Education Association NSW/ACT

FCRC – Fairfield Community Resource Centre

FRANS – Family Resource and Network Support

HACC – Home and Community Care

MDAA – Multicultural Disability Advocacy Association of New South Wales

NCOSS – Council of Social Service of New South Wales

PSO – Post School Options program

PWD – People With Disability Australia

TAFE – Technical and Further Education

TTW – Transition to Work program

UAI – Universities Admission Index

Chapter 1 Introduction

This chapter provides an overview of the Inquiry process, and outlines the evolution of post school programs in New South Wales.

Terms of reference

- 1.1 The Inquiry terms of reference were adopted on 20 December 2004, under the Committee's power to make a self-reference. They are reproduced on page iv of this report.

Submissions

- 1.2 The Committee called for submissions through advertisements in the *Sydney Morning Herald* and all major regional newspapers in New South Wales. The Committee also wrote to peak bodies and asked them to alert their membership to the Inquiry.
- 1.3 The Committee received a total of 154 submissions. The Committee appreciates the effort and interest shown by those organisations and individuals who made submissions, particularly the many parents who managed to make time in often extremely difficult circumstances to tell the Committee how the changes to post school programs had affected their lives.
- 1.4 The Committee placed all submissions it had published from organisations and agencies on its website, as is the normal practice for committee inquiries. However some parents who made submissions raised concerns about details of the experiences of themselves or their family members being widely available. For that reason the Committee only placed on the website submissions from families or individuals who requested that their submission be made available in this way. If individuals who made submissions wish to have their previously published submission placed on the website they can still do so by contacting the Committee Secretariat on (02) 9230 3544.
- 1.5 A list of submissions is contained in Appendix 1.

Public hearings, parent forums and site visits

- 1.6 The Committee held four public hearings. These were held at Parliament House on 10, 11, and 31 May, with a final hearing on 17 June 2005. The Committee heard evidence from the Department of Ageing, Disability and Home Care (DADHC) as well as from parents, individual participants in programs, peak and advocacy bodies, service providers and other relevant witnesses. Transcripts of these hearings are available on the Committee's website www.parliament.nsw.gov.au/gpsc2.
- 1.7 To enable participation by parents and carers in regional areas the Committee held parent forums at Armidale on 17 May and at Wagga Wagga on 18 May 2005. The Committee advertised the forums through local newspapers and service providers. Participants were able to speak for up to five minutes and both forums were very well attended. The transcripts of both forums are available on the Committee's website.

- 1.8** The Committee conducted a series of site visits at various regional locations to meet with service providers, their clients and parents and to examine the range of programs currently funded by DADHC. The visits consisted of travel to Tamworth and Armidale on 17 May, Wagga Wagga on 18 May, Wollongong on 1 June and Newcastle on 3 June 2005. The Committee is grateful for the time and effort of all those who assisted in making these visits a valuable part of the Inquiry.
- 1.9** Witnesses at hearings and parent forums are listed at Appendix 2. Service providers visited by the Committee are listed at Appendix 3.

Consultation with young people with a disability

- 1.10** The Committee received a large number of submissions from parents, service providers and peak bodies but initially received only two submissions from young people in post school programs. To hear the perspectives of young people with a disability the Committee resolved to employ a consultant with experience in working with people with disabilities. Small group consultations were held with groups of between 5 to 10 program participants with intellectual and/or physical disabilities, contacted through service providers and relevant networks. The consultations were held in locations in Sydney, Wollongong and Newcastle on 31 May, 1 and 3 June 2005. The number of Committee members in attendance was kept to a maximum of three per consultation at the request of the consultant facilitator. Members of the Committee asked questions which were redrafted by the facilitator to ensure effective communication with the young people with a disability. A report was prepared to reflect the views expressed in each consultation and published by the Committee, and is available on the Committee's website. Young people met by the Committee in the consultations are listed at Appendix 2.
- 1.11** Due to the requirement of keeping the number of members in the consultations to a minimum, the Chair successfully moved a motion in the Legislative Council to enable the Committee to appoint sub-committees during its visits to Wollongong and Newcastle. This enabled the members not involved in the consultation at each location to undertake separate visits to service providers as an official committee activity, maximising the Committee's capacity to collect evidence during the visit.¹

History of post school programs

- 1.12** This Inquiry came about as a result of the most recent reforms to post school disability programs in New South Wales. The current disability services model has evolved from initiatives at a national, state and community level in both government and non-government sectors. This section provides a brief overview of the development of disability services in Australia from the 1970s to the present day.

¹ General Purpose Standing Committees are not empowered to form sub-committees under the resolution establishing these committees, hence the need for a resolution of the House to permit this arrangement. See Legislative Council Minutes No. 105, 25 May 2005, p1396.

Development of disability services in Australia

- 1.13** In the 1960s and 1970s there was growing international interest in human rights. Out of this interest grew an awareness of the right of people with a disability to participate fully in society.
- 1.14** From the 1970s Australia made significant changes in the provision of services to young people with a disability. Under the *Commonwealth Handicapped Persons Assistance Act 1974* day programs were established in New South Wales. These programs provided access to either employment through Sheltered Workshops, or to pre-vocational training through Activity Therapy Centres. The 1970s to 1980s was marked by a move away from housing people with a disability in large residential centres toward providing services in community-based settings. Interest in disability services remained high and 1981 was declared the International Year of the Disabled.
- 1.15** In 1985 the *Commonwealth Handicapped Person's Review* found that there was dissatisfaction with the operation of Activity Therapy Centres, expressed by both service users and providers. As a result a new service, Independent Living Training, was developed under the provisions of the *Commonwealth Disability Services Act 1986*.² Thus began the focus on consumer outcomes and the introduction of new service models intended to be community-based and consumer driven.³

NSW post school programs

- 1.16** Post school programs were first introduced in Western Australia in 1990. All states and territories across Australia have subsequently established post school programs to assist young people with a disability to make the transition from school to life in the wider community. These programs recognise that leaving school is a key transition point in life and young people need assistance to make the transition.
- 1.17** According to the Commonwealth State Territory Disability Agreement (CSTDA), which allocates responsibility for disability services between states/territories and the Commonwealth, all post school programs are a state responsibility. The last CSTDA assigned responsibility to the Commonwealth for employment services, and responsibility to states/territories for most other disability services.
- 1.18** In New South Wales the Post School Options (PSO) program was introduced in 1993 for young people with a disability. The program was designed to facilitate access to work and education during the transition from school to adult life. It focused on school leavers with mid to high-level disability facing significant barriers to full participation in society. In 1997 an evaluation of the PSO program found that the program duplicated Commonwealth employment services and that although the PSO program was intended as a short-term transitional program it was being called upon to provide long-term services.
- 1.19** Consequently, in 1998 the PSO program was replaced with the Adult Training, Learning and Support (ATLAS) program. The ATLAS program provided the same individualised funding

² Submission 144, DADHC p2

³ *Australia's Welfare 1995: Services and Assistance*. www.aihw.gov.au/publications/welfare/aw95/aw95-c06.html (accessed 2 August 2005)

and services as the PSO program but for a set two-year period. It was established with the intention that the young person with a disability would then be capable of entering the workforce or an existing day program. As there were few opportunities for program participants to enter the workforce DADHC continued funding past the two-year period initially intended.⁴

- 1.20** In New South Wales day programs continue to run alongside post school programs. Day programs mainly provide services to those who left school prior to the establishment of PSO in 1993.

Recent developments in NSW post school programs

- 1.21** In July 2004 the then Minister for Disability Services announced reforms to the ATLAS program. The ATLAS and PSO programs were to be replaced by two new programs, Transition to Work and Community Participation.
- 1.22** The Government gave two main reasons for reforming the ATLAS program. First, to improve employment outcomes for school leavers with a disability; and second, to provide certainty of long term support for people who are not able to participate in the workforce.⁵
- 1.23** In August 2004 PSO participants were exempted from the reforms.⁶ They continue to receive funding under the PSO program.
- 1.24** The new programs were implemented in 2005. These are:
- Transition to Work (TTW) program – a time-limited program designed to improve employment outcomes for school leavers who could move to paid employment within one to two years.
 - Community Participation (CP) program – a longer-term program designed to improve skills and community participation for school leavers who require an alternative to paid employment.
- 1.25** In 2005 the TTW and CP programs are providing services to approximately 2,330 young people with a disability through 120 non-government organisations.⁷

⁴ Submission 79, Council of Social Service of NSW, p2

⁵ Submission 144, DADHC, p7

⁶ Submission 144, DADHC, p7

⁷ Submission 144, DADHC, p1

Key program changes

- 1.26** There are several key differences between the new TTW and CP programs and the previous ATLAS program. The key changes are the:
- creation of two separate streams of post school programs, namely vocational and non-vocational programs
 - introduction of a two-year time limit for TTW participants to enter the workforce
 - shift from individual to block funding, involving a shift from consumer to provider-based funding
 - introduction of tiered funding, with TTW participants receiving higher funding than those in the CP program
 - introduction of a new funding level for CP participants, which is lower than previous ATLAS funding.
- 1.27** The revised funding level for the CP program has had the most pressing immediate impact of all the changes. Program participants and their families claim that the new funding level is impacting on program quality and quantity of hours, particularly for those with high support needs. This claim is discussed in detail in coming chapters.

Report outline

- 1.28** There are nine chapters to this report. The next chapter, Chapter 2, examines one of the central claims of this Inquiry: that the recent reforms to post school programs have led to a decline in program quality, and a reduction in the number of program hours delivered each week. This chapter describes the personal impact of the program changes, and their impact on the wider disability service system.
- 1.29** Chapter 3 discusses block funding, one of the most controversial elements of the new policy framework. In this chapter the Committee considers the extensive evidence debating the merits of block as opposed to individual funding.
- 1.30** Chapter 4 considers other elements of the new policy framework and program design, especially in relation to the TTW program. This chapter questions whether DADHC's development of the new policy framework reflects the absence of a 'culture of learning' within the Department.
- 1.31** Chapter 5 investigates the adequacy of the new funding levels, including for young adults with high support needs. This is an area of particular concern to the Committee. In this chapter the Committee considers if linking funding to levels of support needs could ensure adequate funding for people with high needs.
- 1.32** Chapter 6 describes the Department's consultation process after the new programs were announced, and examines how the lack of information provided to the disability sector affected the transition to the new programs.

- 1.33** Chapter 7 examines whether the new programs exclude young people studying at TAFE and university, and considers the best way to provide support for young people with a disability who want to study at university.
- 1.34** Chapter 8 concerns the assessment and appeals mechanisms. In this chapter the Committee discusses the problems caused by late assessments and inaccurate assessment results, as well as difficulties in appealing incorrect assessment outcomes.
- 1.35** Chapter 9 is the final chapter of this report. In this chapter the Committee addresses its last term of reference, relating to the employment, educational and vocational training outcomes of the new programs. For the future of disability services, the Committee looks to improved Commonwealth-State cooperation and a renewed focus on disability services in New South Wales.

Chapter 2 Impact of reforms

Post school programs are of vital importance to young people with a disability and their families. Many Inquiry participants told the Committee that the recent program reforms threaten access to quality post school programs that have sufficient hours of program activity each week. This chapter examines their claims. It begins with a brief discussion of the role of post school programs in the lives of young people with a disability and their families.

Importance of post school programs

- 2.1** The Committee heard that post school programs make a crucial contribution to the well-being of young adults with a disability and their families. Young adults with a disability depend on post school programs to increase their independence by socialising with other young people, and venturing out in the community without mum or dad. These programs support them to learn new skills, and perhaps even to get a job. Parents depend on these programs to provide much-needed respite, which allows them to work and recuperate. The Committee heard that without this time out, parents and other family members quickly reach breaking point, both financially and emotionally.
- 2.2** The vital role played by these programs explains why parents were so concerned about program reforms, that they saw as having the potential to reduce program quantity and quality.

Role of post school programs

- 2.3** Time and again the Committee heard that parents want to support their children in the family home, but that they need the support of post school programs to do so. Mr Bernie Benson, parent of Katie, told the Committee:

Along with the fact that we have a child with a disability, we do not complain. We understand that we will have to look after our child for all of our lives until we are no longer capable of providing adequate care ...⁸

- 2.4** Ms Robyn Deacon also expressed the need for support to care for her daughter Rebecca:

She spends every hour of every day with her mother unless she is at CASS ... We care for her because we love her dearly and she is our beautiful daughter. The State Government should be helping us in every way to keep our daughter in our home.⁹

- 2.5** The enormous impact of caring for a family member means that parents and families depend on the support provided by post school programs. According to Ms Joan Hughes, CEO of Carers NSW:

From the studies we have done across Australia regarding issues for carers, we know that caring comes at a significant financial and non-financial cost to family carers.

⁸ Mr Benson, Evidence, 18 May 2005, p2

⁹ Submission 16, Ms Deacon, p2

Carers have reported extra financial costs associated with illness and disability. Carers report deteriorating physical health, as well as worsening mental and/or emotional wellbeing. Carers often neglect their own health and welfare.¹⁰

2.6 Parents and families caring for young adults with high support needs are in greatest need of the respite provided by post school programs. It is these young adults, particularly those streamed into the new Community Participation (CP) program, who have experienced the biggest reductions in hours (this is discussed in Chapter 5).

2.7 The financial costs of caring increase the importance of any work that parents can undertake while their children are being cared for outside the home. The submission from Ms Kate Thomas explained the importance to her family of her earnings from part-time work:

The little bit of extra money that this has brought in has very nearly lifted us out of the poverty cycle and allowed me to provide those little extras like music lessons for my daughter and a weekly horse ride for Edward.¹¹

2.8 Parents of children with a disability contrasted their continuing caring responsibilities with the lessening responsibility of other parents whose children are becoming independent and moving on to work, study or travel. According to Ms Lynne Lynch, parent of Erin:

You raise your children to adulthood and then they get a job, move out, support themselves and have their own lives. This is not the scene playing out in our lives. We love Erin more than anything, but she will never be able to do any of these things...¹²

2.9 In their submissions, parents stressed that their children have the same right as all young adults to branch out of the family unit, get out of the house and experience life standing on their own two feet. According to Mr and Mrs Don and Lynn Ringland, parents of Alex:

At an age where, at 18, Alex should be about to spread his wings and head off to new ventures and challenges like his older brother did, his experiences, adventures and challenges will be limited.¹³

2.10 Mrs Glenn Fisher, parent of Mandy, stressed the importance of a post school program in her daughter's life:

We believe that Mandy deserves to have the best quality of life that she can. She has had to deal with so much in her life, and constantly struggles to keep going. The benefits she gains from attending her program gives her life some meaning and worth. PLEASE don't take this away from her.¹⁴

¹⁰ Ms Hughes, Evidence, 11 May 2005, p73

¹¹ Submission 60, Ms Thomas, p6

¹² Ms Lynch, Evidence, 18 May 2005, p5

¹³ Submission 30, Mr and Mrs Ringland, p1

¹⁴ Submission 42, Mrs Fisher, p2

- 2.11** Research commissioned by Carers NSW noted that unpaid carers meet an estimated 74% of care needs, which equates to a monetary value of \$5.4 billion in New South Wales.¹⁵ Carers NSW used this to demonstrate the value of relatively small investments in supporting carers, such as through post school programs, compared with the significant savings that carers deliver to government.
- 2.12** Given the indisputable importance of post school programs, families of young adults with a disability are highly attuned to any possibility of reductions in program quantity or quality.

Implications of reforms for program quantity and quality

- 2.13** Some Inquiry participants claimed that the introduction of the new Transition to Work (ITW) and CP programs led to reductions in the number of program hours for many young adults. For those participants whose hours did not decline, the Committee heard claims that the quality of their programs had been adversely affected. The Department of Ageing, Disability and Home Care (DADHC) disputed this evidence, arguing that declines in program hours and quality are partly attributable to service providers increasing their hourly charges.

Reduction in program hours

- 2.14** The Committee was told that some participants have experienced substantial reductions in program hours in the wake of the funding changes, while others have had their program hours maintained for the time being. This is only because their service providers are willing to subsidise the decreased funding for the short term. Service providers are often maintaining program hours by depleting their financial reserves, while others are putting off essential expenditure items such as maintenance. Providers indicated that these subsidies cannot be sustained in the long term.
- 2.15** There was universal agreement among parents that a reduction in program hours would have a deleterious effect on their children. According to Mr and Mrs Ian and Anna Johnson:

Claire is extremely happy at Centacare and enjoys the various activities and outings ... With the funding changes however Claire will now (from April 2005) be only able to attend Centacare on a 2 day a week basis. This will be very upsetting to Claire as she will not understand why she is not at Centacare as much.¹⁶

- 2.16** Ms Rhonda Hodges wrote in her submission that her daughter Emma's program was cut from four to two days per week. Ms Hodges resigned from her position as manager of a regional health service and applied for a Carers pension. Aside from this significant life change:

More important was the change to Emma. She became withdrawn, angry, depressed, antisocial, and displayed bullying behaviour to me and our pets. I became quite frightened of her potential to damage me, our home and its environs.¹⁷

¹⁵ Disability Studies and Research Institute for Carers NSW, *The Way Forward – Supporting Parent Carers Across NSW: Strengthening Partnerships with the Disability Sector*, October 2003, p14

¹⁶ Submission 22, Mr and Mrs Johnson, p2

¹⁷ Submission 7, Ms Hodges, p1

- 2.17** Ms Cheryl Godfrey's family has also felt the impact of reduced program hours. Ms Godfrey's daughter Sarah has severe intellectual, physical and medical disabilities. Sarah's program has been cut to a single six-hour day per week. The Godfrey family is funding the other four days per week at great financial hardship, charged at \$6,000 for a 24-week term.¹⁸
- 2.18** Ms Robin Backhouse anticipated that her two sons' programs would be reduced from two days to one day per week. Ms Backhouse wrote that this would result in her sons returning to 'home, TV, music, Mum and Dad – a very small world indeed.'¹⁹
- 2.19** The Committee heard evidence that the following organisations had not cut program hours: Challenge Tamworth, Challenge Armidale, Kurrajong Waratah, Essential Personnel, Greenacres Association, Mai-Wel, Wesley Disability Support Services, Windgap Foundation, The Spastic Centre of NSW and The Leisure Company. These organisations emphasised that they could only subsidise the programs for a limited time, some until 1 July 2005, others until the end of the calendar year.
- 2.20** Many of the organisations that maintained program hours are multi-service organisations, which provide many other services in addition to post school programs. A prime example is Kurrajong Waratah, which has a timber manufacturing business, several small businesses including catering, ironing and maintenance, a recycling plant, an employment placement and training agency, accommodation support, early childhood intervention, and a retirement village.²⁰ Such multi-service organisations are using their other, more profitable services to subsidise post school programs in the short term.
- 2.21** Typically, organisations that have reduced the number of program hours have refused to change program content, for fear that this will compromise the quality of their service. These organisations include The Junction Works and Flintwood Disability Services.
- 2.22** The Minister for Disability Services, the Hon John Della Bosca MLC has repeatedly stated that far from reducing hours, many providers not only maintained but increased program hours in 2005. The Minister told the Parliament: 'I congratulate those providers – and there a number of them – who increased their hours of support this year.'²¹
- 2.23** In support of this claim, DADHC provided the Committee with a list of 34 organisations (out of a total of 138) that have increased average weekly hours for the CP program in 2005.²² This list relies on data submitted by service providers in late 2004 as part of the expression of interest process for the new programs.
- 2.24** The Committee is concerned about the current accuracy of this list, given that Mai-Wel is shown to be providing an increased number of hours. The Committee visited this organisation during the course of the Inquiry. Mai-Wel told the Committee that they were maintaining

¹⁸ Submission 55, Ms Godfrey, p2

¹⁹ Submission 17, Ms Backhouse, p3

²⁰ www.kurrajongwaratah.org.au, accessed 18 July 2005

²¹ Hon John Della Bosca MLC, Legislative Council, New South Wales, *Hansard*, 25 May 2005, p16042

²² Answers to questions on notice taken during evidence 17 June 2005, Mr Brendan O'Reilly, Director General, DADHC, Question 2.5

participants' number of days, but reducing program hours by half an hour a day. The DADHC list shows Mai-Wel's average hours increasing substantially from 16.9 in 2004 to 22.4 in 2005.

- 2.25** The Committee considers that DADHC cannot claim with any accuracy that some organisations are increasing hours on the new funding levels, as this claim is based on data gathered before the new programs were implemented.

Decline in program quality

- 2.26** While Inquiry participants said that many organisations are maintaining program hours, the Committee was told that this was at the expense of program quality. For example, service providers are decreasing the amount of one-to-one service, increasing the number of centre-based activities, and cancelling more expensive activities such as music therapy.

- 2.27** The Committee heard of several instances of a decline in program quality as a result of the introduction of the new TTW and CP programs. Ms Margaret Shearer said her son's service provider was maintaining program hours by including her son in more group activities. This was problematic because:

My son has particular problems with being in groups or in settings where there is too much activity, as he cannot tolerate the over-stimulation. His behaviour in response can become both verbally and physically aggressive.²³

- 2.28** In its Newcastle consultation with young adults with a disability, the Committee heard from school leaver Z who is receiving a program that is not suitable for her needs:

Z is a school leaver with physical disability who attends a CP program ... This year, she has been granted funding of 8 hours per week of 1-to-1 support, which she uses in two blocks (five and a half hours equivalent over two days: one day of individual support, the other in group activities). These group activities, however, do not meet her needs appropriately as they are focused on the needs of clients with intellectual disability.²⁴

- 2.29** Ms Robyn Backhouse noted a similar decline in the quality of her two sons' programs as a result of the reforms. Ms Robyn Backhouse outlined how her sons' programs changed from a mixture of one-to-one and community-based activities to centre-based group activities.²⁵

- 2.30** Parents told the Committee that they should not be forced to choose between program quality and quantity. However, some parents gave evidence that when forced to choose between quality and quantity, they refused to accept declines in program quality, even though this resulted in a reduction in program hours.

²³ Submission 128, Ms Margaret Shearer, p1

²⁴ For confidentiality reasons, consultation participants are identified with a random letter. People with Disability Australia, *Report on Consultations with People with Disability*, June 2005, p18 (prepared for GPSC 2 Inquiry into Post School Programs for Young Adults with a Disability)

²⁵ Submission 17, Ms Robyn Backhouse

2.31 For example, Mr Jim Murphy told the Committee that he supported the decision of his son's service provider to maintain program quality at the expense of program hours, even though his family had been forced to leave his son Daniel in the permanent care of a respite service. Mr Murphy's story is discussed in Chapter 5. Mr Murphy emphasised that he would not be happy with a solution that would give his son a lesser-quality, high-hours program: 'we need five days a week care for him, and quality care.'²⁶

Increased hourly charges

2.32 In response to clear evidence of a decline in program quality and quantity, DADHC suggested that one of the contributing factors to these reductions was increased hourly charges. This was one of the most contentious claims raised during the Inquiry. While some service providers acknowledged that they increased their hourly charges in 2005, they universally rejected the claim that they opportunistically increased their charges in an effort to take advantage of the current reform process and undermine the new programs.

2.33 DADHC's Director General, Mr Brendan O'Reilly gave evidence that:

There are examples where hourly costs of delivery have increased by percentages that are far and away above the Consumer Price Index [CPI]. In a number of cases, these increases have been well over 30 per cent which, as far as we can ascertain, is completely outside the reform process.²⁷

2.34 The Minister for Disability Services told Parliament: 'I suspect that such increases were not only unsustainable but perhaps even unfair.'²⁸

2.35 Throughout this Inquiry, the experiences of Ms Debbie Matthews and her daughter Leanne have been used to support DADHC's claim that service providers have capitalised on the opportunity offered by the recent program changes to inflate their hourly prices. Ms Matthews' story is discussed in the following case study.²⁹

Leanne and Debbie Matthews

Leanne Matthews is a young woman with Downs Syndrome. Her mother, Debbie, believes Leanne has blossomed since commencing at The Junction Works in Liverpool, three years ago:

When it came for Leanne to leave school, she was very scared at what lay ahead. She was unsure of herself and very hesitant. Through the dedication of the staff and the funding ... she has grown into a confident young woman, who is learning skills to enable her to become a productive member of society.

²⁶ Mr Murphy, Evidence, 10 May 2005, p27

²⁷ Mr O'Reilly, Evidence, 11 May 2005, p3

²⁸ Hon John Della Bosca MLC, Legislative Council, New South Wales, *Hansard*, 25 May 2005, p16042

²⁹ Submission 46, Ms Matthews, and Ms Matthews, Evidence, 10 May 2005, pp21-27

As a result of the recent program changes, Leanne's program hours were cut from 30 hours to 18 hours per week, or from five to three days. While Debbie is determined to protect her daughter's access to quality post school programs, as a single parent with a full time job, the changes pose a tremendous challenge:

Giving up my job, which I have been at for 14 years, brings with it not only the socio-economic problems, but also the question of who will teach Leanne on the days she is not going to be able to attend her program? I am a mum not a qualified worker or teacher who can teach Leanne what she needs to know.

Taking out a loan to cover the cost of the funding shortfall between Leanne's previous ATLAS funding and her new funding under the CP program – about \$3,500 – is an equally unsatisfactory solution, as it has placed an enormous strain on Debbie's finances. Debbie originally calculated that \$3,500 would subsidise Leanne's program for a whole year, based on The Junction's hourly charges in 2004. Debbie subsequently found that \$3,500 would only subsidise her daughter's program hours for 14 weeks, as The Junction increased their hourly charges in 2005. Debbie does not blame The Junction for increasing their charges in 2005:

I have spoken with The Junction and I believe they are trying to provide the best quality service they can. I just do not understand how someone can say, "We will take money off you," and still expect the same service. It is just not possible.

Debbie is particularly frustrated that the funding changes were implemented with so little forethought or consultation. "There was no consultation with anybody. It just seemed like it was a decision made and implemented straightaway". While Debbie and Leanne have experienced considerable stress over the past several months Debbie remains 'passionate' about the right of young adults such as her daughter, to become productive members of the community:

... I have fought for everything Leanne has achieved, such as the right to attend a preschool to completing a TAFE course, so I will not back down on this, the biggest struggle of all.

2.36 ACROD NSW is the peak body representing disability service providers in New South Wales. ACROD NSW rejected any claim that providers used the program reforms as an excuse to increase their charges. Mr Patrick Maher, Executive Officer of ACROD NSW, gave evidence that ACROD advised their members to cost their services realistically, but did not push for across the board price hikes:

... we are always advising our service providers, our members, that they should adopt good governance practice. Good governance practice would require them to make sure that they are covering all their obligations ... We certainly gave that advice, very openly: that you should cost your services properly. But we did not suggest that everybody should get together and make a push.³⁰

³⁰ Mr Maher, Evidence, 11 May 2005, p45

- 2.37** The Committee understands ACROD's position, and supports any move by the disability sector to accurately cost services. Program costing is discussed in Chapter 5.
- 2.38** From this evidence, it is clear that many young people with a disability have experienced a decline in the quality of their program and the number of program hours provided each week. The Committee concludes that this decline is a direct result of the implementation of the new TTW and CP programs. Although it is clear that some providers increased their hourly charges in 2005, the Committee is unable to determine if these increases are a result of the program reforms.

Impact of reforms on parents, families and service providers

- 2.39** The Committee heard that the evident decline in program quality and quantity had a significant impact on the lives of the parents and families of young adults with a disability. Service providers told the Committee that they had also experienced a substantial impact.

Implications of new programs for parents and families

- 2.40** Ms Cheryl Roberts is the parent of Stacey, who has severe physical and intellectual disabilities. Ms Roberts described what would happen if the new programs resulted in a reduction in her daughter's five-day program:

I would like you to take into consideration ... how important the post school program is to us and so many other families in the same situation. We try and live as normal a life as we can but it just isn't so. We want to keep on caring for Stacey in our home situation but need help to cope. We feel that without this we would be pushed over the edge as much as we try to be strong.³¹

- 2.41** According to Ms Gemma McCarthy, State Manager, Disability Support Services, Wesley Mission, 80% of families at her service had indicated that they would need to seek permanent accommodation places as a result of the reduction in hours:

Parents are saying, "If I cannot pay my mortgage, we are homeless and if we are homeless I have no choice but to leave my child at respite and not pick them up" or "I have no choice but to try and seek an accommodation placement." But accommodation placements are scarce. You have to be virtually homeless to get an accommodation placement... Our families are really quite desperate.³²

- 2.42** The impact on parents and families is demonstrated by the groundswell of political activism in opposition to the changes. Such activism includes the numerous submissions to this Inquiry from parents of young people with a disability. As discussed in Chapter 1, it takes time and effort to make a submission. Time and energy are the two things that parents of children with a disability lack.
- 2.43** Before the commencement of this Inquiry, parents also expressed their opposition to the program reforms by attending protest rallies across the State. For example, approximately

³¹ Submission 15, Ms Roberts, p2

³² Ms McCarthy, Evidence, 11 May 2005, p57

2,000 people attended a protest outside Parliament House on 22 September 2004, while an estimated 500 people attended a protest at Wollongong when the NSW Cabinet met there on 7 September 2004.

- 2.44** The strong reaction from these stressed and time-poor parents shows the importance of post school programs in the lives of people with a disability and their families. The submission from the Council of Social Service of New South Wales (NCOSS) summed up the strength of public feeling:

NCOSS has never before been directly contacted by as many people, families, concerned citizens, and school teachers etc regarding a single issue as over the ATLAS Reforms. The strength of concern and anxiety is undeniable.³³

- 2.45** From the amount and strength of the evidence that it has received, the Committee is of the opinion that the recent changes have had a substantial negative impact on the lives of young people with a disability and their families. The impact appears to be most severe where the young person has high support needs.

Implications of new programs for service providers

- 2.46** The program reforms have also impacted heavily on the non-government organisations and agencies that provide post school programs. There are significant differences among these organisations, including the number of participants in post school programs, the support needs of their target group, if they are multi-service organisations, how long they have been established, if they are in a rural or regional area, and the demographic make-up of their local area. These differences mean that the program reforms have affected each organisation differently.
- 2.47** Despite their differences, it is clear from the evidence to the Committee that all service providers are concerned about at least some aspects of the program reforms. Although service providers are concerned about how the reforms will impact on their organisations, it seems that their greatest concern is the impact that the changes will have on the young people who use their programs and their families.
- 2.48** The impact on service providers is explored through the following case study, which examines the views of two metropolitan service providers in regard to the reforms.³⁴

Uniting Care & Fairfield Community Resource Centre

Service providers expressed serious concerns about the impact of recent reforms to post school programs. Two such organisations, which operate post school programs in the Sydney metropolitan region, are Uniting Care NSW/ACT and Fairfield Community Resource Centre (FCRC).

³³ Submission 79, NCOSS, p14

³⁴ Submission 93, Fairfield Community Resource Centre; Submission 102, Uniting Care NSW/ACT

Uniting Care is the peak body for community services of the Uniting Church in the NSW Synod, including Wesley Mission. Fairfield Community Resource Centre is an independent, non-profit organisation in the Fairfield local government area of Western Sydney.

One of their chief concerns is that an overall reduction in funding will seriously reduce the quality and amount of care they can offer. As Uniting Care told the Committee:

... it will be difficult to achieve the objectives of the reforms and outcomes because of the reduced funding available to individual clients ... This reduction ... has severely curtailed our services' ability to offer individual programs and has resulted in more groupwork being scheduled which is not necessarily in the best interests of clients.

Fairfield Community Resource Centre believe funding shortfalls may force service providers to reduce staff numbers:

The bottom line of the reduction in funding is that disability service providers have been forced to reduce staff in order to accommodate program participants for the number of days necessary to their skill development ...

Another source of frustration for service providers is the apparent lack of information about key aspects of the new programs. According to Fairfield Community Resource Centre these programs are operating without DADHC guidelines. Given that 'interim' guidelines for the ATLAS program were issued five years after the program had commenced, it is likely that many service providers do not expect to see new program guidelines in the near future.

Of particular concern is the lack of information about funding for clients with high support needs. Despite providing details to DADHC in November 2004 about such clients, Uniting Care still has not heard if they will receive any of this funding:

Services are therefore trying to cater for the high support needs of clients without adequate resources, resulting in a substantial limitation in the number of days these clients can attend the service.

Even less is known about clients' appeal rights. According to Uniting Care:

Our services have several clients that they consider have been inappropriately assessed for either CP or TTW and have appealed to DADHC. However there are no guidelines or mechanisms in place for DADHC to deal with these appeals and these clients remain in inappropriate programs.

One of the most perplexing aspects of the reform process is the apparent lack of consultation by the Department, prior to announcing the changes.

Fairfield Community Resource Centre can not understand why decisions which have potentially devastating effect on clients and their families appear to have been made 'behind closed doors:'

As a disability service provider with an intimate knowledge of community needs and operating in one of the most disadvantaged Local Government Areas in NSW, it is unfortunate that FCRC was not directly consulted by DADHC throughout the process of the development of the reforms.

Impact of reforms on wider disability service system

2.49 The Committee was told that the flow-on effects of the changes to post school programs can be seen throughout the disability service system, for example increasing demand for respite services, requests for permanent accommodation places, and the worrying prospect of young adults being surrendered to the care of the State.

Pressure on other DADHC services

2.50 The submission from NCOSS described some of the possible flow-on effects of the changes to post school programs:

Many supported accommodation services ... provide support primarily outside business hours and rely on residents' access to day programs or similar. The reduced hours of service offered by CP will have to be compensated within group homes by extra staff ... Already some respite services are reporting an increase in demand following notice of reduced ATLAS hours ... Many respite services already operate at capacity and existing unmet demand puts heavy pressure on service providers.³⁵

2.51 In response to a question from the Committee on the impact of the program reforms on other DADHC-funded services, DADHC informed the Committee that since the introduction of the program changes there have been:

- 33 requests for additional respite hours
- 15 people in permanent accommodation requiring additional hours of staff support
- 2 blocked respite beds (resulting from program participants remaining in respite care long-term, as they have not been collected by their families).³⁶

2.52 In addition to the known increase in requests for support, other evidence to the Committee reflected the common perception that it is futile to request additional support services, as they will not be forthcoming. This is illustrated by the story of the Gogos family, who are still waiting for an accommodation placement for their son Dean five years after they first applied. Theirs is identified as a priority case.³⁷

³⁵ Submission 79, NCOSS, p6

³⁶ Answers to questions on notice taken during evidence 11 May 2005, Mr Brendan O'Reilly, Director General, DADHC, Question 2.1

³⁷ Submission 87, Western Sydney Intellectual Disability Support Group, pp1-2

2.53 One example of the impact on other parts of the service system is the case of Daniel Murphy, described in Chapter 5, who has been left in the care of a respite centre. The submission from Windgap outlines another similar case:

One family whose adult son attends an ATLAS program at Windgap has been forced to leave their son in a DADHC respite service. They do not believe that they can cope with the reduction in program support ... The mother is also caring for her own mother who has dementia, and her father, who recently has suffered some strokes.³⁸

2.54 These flow-on effects highlight the need to move to deliberate expenditure as opposed to Band-Aid solutions, as suggested by NCOSS:

With deliberate expenditure then we can absolutely avoid or head off the Band-Aid very expensive contingency funding and programs that tend to happen at a crisis. With some deliberate expenditure we can provide opportunities for people to stay healthy, to contribute in their community, to possibly get jobs and to go into employment ...³⁹

2.55 The Disability Council of New South Wales also highlighted the benefits of prevention:

If we spend that little bit more for a short period of time we will get outcomes that will produce hard benefits for us all in the future. More people will be likely to go to work and fewer people will be likely to depend upon other services in the future ...⁴⁰

2.56 DADHC itself recognised that preventative programs are significantly cheaper, with the Director General giving evidence that group homes cost \$100,000 per person per year,⁴¹ compared to the small targeted expenditure involved in post school programs. Mr O'Reilly noted that of the State's \$1.5 billion disability budget:

... 48 percent of the funding goes towards 3 percent of our client numbers, which means that 24/7 care is obviously the highest cost and what we have to do is change that so that we actually put more money into the intervention side ... You will not always prevent people going into 24/7 care but you will actually delay it, and that is better for the client, it is better for the parents, and it also makes a lot of economic sense.⁴²

³⁸ Submission 108, Windgap Foundation, p8

³⁹ Ms Christine Reagan, Senior Policy Officer, Council of Social Service of NSW (NCOSS), Evidence, 10 May 2005, p7

⁴⁰ Mr Douglas Herd, Director, Disability Council of NSW, Evidence, 10 May 2005, p17

⁴¹ Mr O'Reilly, Evidence, 11 May 2005, p13

⁴² Mr O'Reilly, Evidence, 17 June 2005, p7

Conclusion

- 2.57** The evidence in this chapter demonstrates that the program changes have had a substantial impact on young people with a disability, their parents, families and service providers, as well as throughout the disability services system. The impacts include:
- reduced number of program hours
 - decline in program quality (but the same number of program hours)
 - increased stress for parents and families (including as a result of the reduced respite provided by post school programs)
 - additional pressure on other parts of the disability service system (such as respite care).
- 2.58** In addition, there is the issue of increased hourly costs charged by service providers, although it is unclear if these increases are a direct result of the program changes.
- 2.59** The Committee concludes that a significant number of program participants and their families have experienced some or all of these impacts, resulting in a heavy cumulative effect of the program reforms. The following chapters examine whether the program reforms were misconceived from the start, or were poorly implemented.

Chapter 3 Funding models

One of the most contentious elements of the new policy framework is the move from individual to block funding. Some service providers, and their representative body, ACROD NSW, are strongly in favour of block funding, while other service providers, and almost all people with a disability, their parents and peak bodies, are strongly in favour of individual funding. This chapter discusses the evidence on the advantages and disadvantages of block and individual funding, and explores alternative funding models.

Block and individual funding models

3.1 Block funding is a provider-based funding model. The new Transition to Work (TTW) and Community Participation (CP) programs are funded through block funding arrangements. Funding for the new programs is calculated on a per-person basis and allocated directly to service providers. According to the submission from the Department of Ageing, Disability and Home Care (DADHC):

The new funding arrangements for the 2005 post school programs comprise a hybrid funding model, predominantly block grant funding but with some aspects of individualised funding.⁴³

3.2 Funding recipients receive an annual fixed amount per place: \$15,699 for the TTW program and \$13,500 for the CP program. Individuals with high support needs can also be allocated additional supplementary funding. Although this additional high needs funding is allocated directly to service providers, it is allocated to a named individual and is transferable with that individual, if they choose to move to a new service provider.

3.3 Under DADHC's block funding arrangements a service provider's grant income is fixed for the year. That is, the service provider receives funding for the number of people approved for that service at the beginning of the year, irrespective of whether a person leaves the service during that year or whether their place is filled.⁴⁴

3.4 Individual funding is a consumer-based funding model. Individual funding is allocated to a named individual and is transferable with that individual. This Inquiry is interested in two kinds of individual funding: individualised funding allocated to service providers, and individualised funding allocated directly to people with a disability and their families (often called self-managed funding).

3.5 Both the Adult Training, Learning and Support (ATLAS) and Post School Options (PSO) programs were funded through individualised funding arrangements. However, in almost all cases this funding was allocated directly to service providers for the delivery of centre-based programs. In theory, the ATLAS and PSO programs allowed people to self-manage their funding to develop innovative tailored support packages, although very few did. Further on,

⁴³ Submission 144, DADHC, p15

⁴⁴ Submission 144, DADHC, p15

this chapter considers some examples of innovative use of individualised funding in New South Wales, together with interstate examples of direct self-managed funding.

Evidence in favour of block funding

- 3.6** It is argued that block funding promotes capacity building by service providers, as block funding allows long-term planning and increases staff retention. Under the ATLAS program staff were on short-term contracts, which did not support skills development or assist in attracting new people to work in the sector. In its submission DADHC stated:

The change from individualised funding was made to improve client outcomes, by providing certainty of funding support so that staff could be more easily recruited and retained.⁴⁵

- 3.7** Block funding is seen to benefit small providers and those in rural and regional areas. These providers have a smaller funding base and hence there is a greater impact if a program participant leaves their service. According to the DADHC submission, block funding has the potential to:

... improve the viability of service providers, particularly in relation to service provision in rural areas, infrastructure costs and the capacity to provide long term programs. Under individualised funding the annual budget is not definite and can vary significantly during the year as clients choose to enter and leave the service.⁴⁶

- 3.8** The introduction of block funding was strongly supported by ACROD NSW. As the Executive Officer, Mr Patrick Maher told the Committee:

ACROD is very supportive of old block funding on the basis again that we represent the interests of service providers and we are talking about capacity funding and capacity capability.⁴⁷

- 3.9** One of ACROD's arguments in favour of block funding is that individual funding arrangements under ATLAS were an 'active disincentive' for service providers to assist individuals into the work force:

It [individual funding] discouraged service organisations from seeking employment opportunities for service users because success would result in a loss of funding, followed by staff redundancy and eventual closure of the service.⁴⁸

- 3.10** During its visit to Wollongong, the Committee met with two service providers, Greenacres Association and The Disability Trust, who supported block funding. The CEO of Greenacres, Mr Neil Preston, agreed with ACROD, arguing that as ATLAS funding ceased when the program participant found work, this created a disincentive for service providers to locate people in employment quickly. Mr Preston also told the Committee of the problems

⁴⁵ Submission 144, DADHC, p20

⁴⁶ Submission 144, DADHC, p21

⁴⁷ Mr Maher, Evidence, 11 May 2005, p42

⁴⁸ Mr Maher, Evidence, 11 May 2005, p39

experienced by his agency in attracting good staff if they could only offer 12-month contracts.⁴⁹

- 3.11 Similarly, The Disability Trust argued that block funding encouraged organisations to invest in staff training, thus supporting skill and capacity development in the sector.⁵⁰

Evidence in favour of individual funding

- 3.12 Many witnesses argued against block funding and in favour of individual funding. Individual funding is said to empower people with a disability and improve individual choice, by putting decisions in the hands of people with a disability and their carers. Individual funding moves with the person, and is believed to allow young adults to transfer easily between services in accordance with their needs, aims and desires.

- 3.13 There is a strong trend in the Australian disability services sector away from block funding towards individualised funding. All other states/territories, except the Northern Territory, have individualised funding arrangements.⁵¹ In the last five years, Victoria, the Australian Capital Territory and Queensland have replaced block funding with individualised funding arrangements.

- 3.14 In its submission, DADHC explained the reasons that are behind this trend, including the:

- shift towards person-centred values and the principle of self-determination
- focus on achieving measurable outcomes
- demand for greater cost-effectiveness, delivered through individually tailored support and funding arrangements.⁵²

- 3.15 Individual funding was strongly supported by each of the many parents and young adults that the Committee met with during the Inquiry, as well as many service providers and advocacy organisations.⁵³ The Supplementary Elton Report of 2001, commissioned by DADHC, also found that all families supported individual funding that enabled choice and portability.⁵⁴

- 3.16 According to the submission from People with Disability Australia (PWD):

The development of individualised and flexible post school options services for young people with severe disability was one of the greatest innovations and achievements in

⁴⁹ Sub-committee site visit, Greenacres Association, Wollongong, 1 June 2005

⁵⁰ Committee site visit, The Disability Trust, Wollongong, 1 June 2005

⁵¹ Submission 144, DADHC, p18

⁵² Submission 144, DADHC, p20

⁵³ Including Windgap, The Junction Works, The Spastic Centre of NSW, Wesley Mission, Challenge Armidale, Kurrajong Waratah, Family Advocacy, Council of Social Service of NSW, Disability Council of NSW, NSW Council for Intellectual Disability, Carers NSW, People With Disability Australia

⁵⁴ Elton, Brian & Associates, *Day Programs Review: Interim Report on Day Programs and Supplementary Report on Post School Options and ATLAS Service Delivery*, prepared for DADHC, October 2001, piv

disability services across Australia during the 1990s ... This [move to block funding] may meet the needs of service providers, but it is a deeply dis-empowering blow to young people with disability and their families.⁵⁵

3.17 Family Advocacy described the move to block funding as ‘a regressive step that is inconsistent with the principles of choice and flexibility.’⁵⁶ According to Family Advocacy, individualised funding supports portability, choice and flexibility. As the resources ‘belong’ to individuals, this creates an incentive for organisations to be responsive to individual needs.

3.18 Several parents supported individual funding as it allows children of divorced parents to spend time in the homes of both their parents. The Committee was told that the majority of parents of children with disabilities are divorced. In the disability sector it is assumed that the higher rate of divorce is due to the stresses commonly experienced by families of children with a disability. Mr Greg Ricketson, parent of Tess, told the Committee that:

... there does not seem to be any mechanism whatsoever that addresses issues of separated or divorced families where there are two parents who are, in fact, dedicated and wanted to look after their child.⁵⁷

3.19 Many parents also noted that individual funding allowed their children to change service providers when their families moved. For example, Ms Judy Scrivener, parent of Michael, told the Committee that individual funding had allowed her to move towns with her son in order to study.⁵⁸

Examples of innovative use of individual funding in NSW

3.20 Under the ATLAS scheme, there are some rare examples of people with a disability and their families who used their individual funding in innovative ways to develop tailored support packages. Three examples of this are provided below.⁵⁹

David

David is 20 years old and received ATLAS funding in 2003. David works as a volunteer for three organisations: a school, a non-government community organisation and a church office. His main responsibilities are delivering and collecting mail, accompanied by a support worker.

⁵⁵ Submission 146, PWD, p4

⁵⁶ Submission 113, Family Advocacy, p29

⁵⁷ Evidence, Mr Ricketson, 10 May 2005, p29

⁵⁸ Committee site visit, Challenge Armidale, Armidale, 17 May 2005

⁵⁹ For the case studies on David and Mark, see answer to question on notice taken during evidence 11 May 2005, Ms Belinda Epstein-Frisch, Advocate, Family Advocacy, for the case study on Freya, see answer to question on notice taken during evidence 10 May 2005, Ms Alana Clohesy, A/Executive Director, People with Disability Australia

Currently, the service provider subcontracts to a for-profit organisation that delegates a range of responsibilities to David's family, including finding suitable work for David; negotiation of David's roles and responsibilities at work sites; and recruitment, training, and management of support staff. Prior to the ATLAS changes, the service provider took 10% of David's funding to provide payroll.

David's family is re-negotiating these administrative arrangements. David's family has formed a not-for-profit partnership with its own ABN number and registration for GST. In the near future, the service provider will contract directly with the family partnership, eliminating the for-profit company that has acted as an intermediary.

Mark

Mark is 32 years old with very high support needs. Mark used DADHC capacity building money allocated in 2003 to establish a home-based business. Mark's family were very unhappy with the outcomes achieved for their son in the 12 years he spent in a centre-based day program. For a considerable time, the family had been thinking about ways (using person centred planning) to enable Mark to develop his skills in areas of interest.

One of his friends invited Mark to join him in a small home-based business raising and selling plants to nurseries and through local markets. The business has now been going for two years. On two days per week Mark tends the plants. Once a month he and his business partner sell at the markets. A new role for Mark will be taking money from customers with assistance from his support worker.

DADHC allocates the funds to a non-government organisation that has delegated some of the staffing responsibilities to Mark's family, including choosing and training suitable workers.

Freya

Freya is a university student nearing the end of her degree. Freya uses her ATLAS funding to undertake tasks that she finds physically difficult and time consuming, so that she can concentrate solely on her studies.

Freya's ATLAS service provider organises:

- accessible transport, including taxis to the university, library, some social activities, work experience and therapeutic activities
- personal assistance, including toileting, library research, opening doors and making phone calls

- social support, including personal assistance to go shopping, run errands, see friends and go to the movies
- therapeutic and physical support, including hydrotherapy, physiotherapy, massage, gym and horse riding.

Freya feels that her success at university depends on her post school funding being used to address her 'whole of life' needs. This allows her life to run smoothly so that she can focus on participating at university.

Examples of innovative use of individual funding outside NSW

3.21 There are several examples of schemes in other states/territories that support people with a disability and their families to use individual funding in innovative ways to develop tailored support packages. Examples from Western Australia and South Australia are discussed below.

Western Australia⁶⁰

3.22 As the first state to introduce post school programs, Western Australia is sometimes referred to as having the best post school programs in Australia. Western Australia has two funding mechanisms:

- individualised funding which is directed to service providers to deliver services for specific, named individuals
- direct consumer funding which is managed by an individual and their family and is granted and acquitted through Local Area Coordinators.

3.23 People with a disability and their families can decide whether to access their funding through a Local Area Coordinator or a service provider. Local Area Coordinators must decide whether an individual has the capacity to self-manage their funding, and whether their family meets certain criteria. Approximately 10% of people accepted into post school programs each year choose to self-manage their funds.

3.24 Local Area Coordinators are based in suburbs and towns throughout Western Australia. They assist people with a disability and their families to plan, select and receive the support and services they need. The Local Area Coordination network began as a pilot project to assist people with a disability living in rural and regional areas. The network now covers all of Western Australia.

⁶⁰ Information in this section was provided by the Western Australia Disability Services Commission: Emails from Ms Helen McMahon, Manager, Alternatives to Employment Program, Service Purchasing and Development, WA Disability Services Commission, to Principal Council Officer, 13 June 2005, 5 July 2005 & 6 July 2005; Email from Ms Natasha Miller, Local Area Coordinator for Cambridge, WA Disability Services Commission, to Principal Council Officer, 19 July 2005; Telephone conversation between Ms Miller and Principal Council Officer, 18 July 2005.

- 3.25** Individuals who self-manage their funding through Local Area Coordinators receive comparable levels of funding to those accessing post school programs delivered by service providers. Funding levels are determined based on levels of need (these funding levels are outlined in Chapter 5, paragraph 5.39). Funding is allocated directly to families in monthly payments. Typically families directly engage and train one or more support workers.
- 3.26** People accessing their funds through Local Area Coordinators tend to be able to purchase significantly more support hours than those accessing their funds through centre-based programs. This is because self-managed funding is typically only used to pay the direct staffing costs of the support worker/s, plus a limited annual OH&S component. Those accessing centre-based programs have to subsidise the centre's overheads such as rent.
- 3.27** Funding accessed through Local Area Coordinators is used to purchase supports so that the individual can develop skills, strengthen ties to the local community, and gain access to community facilities. Each person with self-managed funding has an individual plan, based on their interests and goals, which outlines how the funding will be spent. Plans are reviewed annually by staff from the Disability Services Commission.
- 3.28** The following case study demonstrates how self-managed funding can be used.⁶¹

Janet - Western Australia

Janet is a 22 year old woman who lives with her family in Perth. Janet works 10 hours a week as a veterinary assistant in a local veterinary clinic. Janet has some training and support from an employment agency to assist her to learn and develop her skills in this job. Janet lives close to the vet clinic and is able to catch the bus to and from work after specific transport training.

Janet runs with her personal trainer two sessions per week and works out at a gym for one hour per week under the guidance of a gym instructor. Janet is a member at her local gym. Janet thoroughly enjoys her gym sessions and is independent with many aspects of her gym program. Her regular attendance at the gym and training program has created opportunities for Janet to develop some important connections and friendships. Janet along with her personal trainer has successfully run three Fun Runs, and is participating in the Fun Run circuit season again in 2005.

Janet receives art instruction to develop her creative talents particularly in ceramics and textiles. Janet's focus on art has led to her success in being awarded a scholarship to extend her ceramic studies. From the mentorship program she has gained further independence and direction with her art. She has had her work exhibited in three local art exhibitions.

⁶¹ For the case study on Janet, see previous footnote; for the case study on Philippa, see answer to question taken on notice during evidence 11 May 2005, Ms Epstein-Frisch, Family Advocacy

Individual support requirements

Janet requires significant support to achieve maximum independence as Janet has an intellectual disability and acquired hearing loss. Janet requires assistance or support in most settings outside the family home. At home Janet can be left for up to three hours by herself. Janet is able to dress herself but requires assistance with meal preparation and other self-maintenance activities. Janet continues to learn and develop many of her independent living skills, however she needs ongoing structure, support and opportunities to practice these skills.

Family goals and strategies

Janet's parents have worked very hard to assist Janet to maximise her independence. Janet's mother continues to oversee and coordinate a meaningful and challenging program for her daughter that has a strong values base. Her parents believe it is essential that Janet is given the opportunity to be a valued and contributing member of the community and to be involved in regular work, recreational and social settings, and take on valued roles. They believe that in this way Janet will achieve the most meaning, enjoyment and independence in her life. The encouragement of Janet's artistic and sporting talents assists her to develop strong relationships with others based on her strengths and interests.

Outline of support plan

This plan is reviewed regularly and changes are made in accordance with Janet's needs and goals.

Funding is used to engage appropriate supports for Janet to:

- develop her artistic abilities through involvement in art instruction and being part of the culture and arts community (involvement in exhibitions, local events, activities, membership and groups). 5 hours/week
- to work on her personal fitness through personal training and an integrated fitness program at the local gym. The aim of her running program is to develop her running skills so that she will be able to join in a generic running club. 4 hours/week
- to continue to develop her life skills and therefore her independence by skills training in the family home and community. 1 hour/week
- Approximate cost: Funding for 10 hours/week @ \$14/hr = \$7280 p.a.

Philippa - South Australia

Philippa is 30 years old with very high support needs and lives in Adelaide. After Philippa finished school she attended a centre-based day program. As a result of being grouped with large numbers of people with challenging behaviour, Philippa's behaviour deteriorated. She was ultimately expelled from the program. Philippa was allocated funding through the Moving On Program and her funding was auspiced by an agency that tailored the support to Philippa's interests. They used person centred planning to look at Philippa's strengths and interests.

Philippa ‘audits’ subjects at the local university two mornings per week. ‘Auditing’ means that people with an intellectual disability such as Philippa can attend university lectures, thus providing an opportunity to access the university environment, develop social networks and advance their education. Philippa has taken a wide range of subjects including Science Education and Afro American music. Philippa is involved in a home-based business selling flowers and herb baskets to local restaurants and offices. Her program also includes exercising at the local gym.

Philippa’s individual funding is allocated to a non government organisation to provide her support. The funding allows her to receive support five days per week.

Arguments against block and individual funding

3.29 From the above discussion, it is evident that block funding is criticised for being restrictive, and placing the needs of service providers above the needs of the people they are funded to serve. On the other hand, individual funding is criticised for creating uncertainty for providers and hampering the development of a quality disability services sector.

3.30 Evidence to the Committee does not reflect ACROD NSW’s position that block funding is supported by a majority of service providers. The submission from Fairfield Community Resource Centre stated:

FCRC finds it astonishing that ACROD, the National Industry Association for Disability Services, openly supported the decision concerning block funding, when it is FCRC’s experience, from participation in regional forums and those held by other lobby groups ... that most service providers are opposed to block funding arrangements for the detrimental effect this will have on service provision to clients.⁶²

3.31 Service providers who supported individual funding gave evidence that they were confident that the quality of their service would allow them to attract clients to their service. These service providers argued that they did not need block funding to secure a sufficient funding base.⁶³ In addition, such service providers felt that the benefits from a happy clientele, who could move at will, outweighed any benefits from block funding.

3.32 Despite the argument that block funding would be of particular benefit to small organisations in rural and regional areas, several organisations visited by the Committee in the Riverina and the Northern Tablelands did not support block funding.⁶⁴

⁶² Submission 93, FCRC, p9

⁶³ Ms Kate Johnston, Service Manager, Kalparrin Inc, Evidence, 18 May 2005, p13; Mr Robert White, CEO, The Spastic Centre of NSW, Evidence, 11 May 2005, p56;

⁶⁴ Service managers noted their personal support for individual funding, including Ms Kate Johnston, Service Manager, Kalparrin Inc; Ms Elizabeth Clohessy, Service Manager, The Leisure Company; Ms Carolyn Eckersall, Service Manager, Kurrajong Waratah; and Ms Ann Baker, Service Manager, Wagga Community Access Support Services (CASS), quoted in evidence 18 May 2005, pp13-14; Submission 41, ACES Inc and IDAFE, p4

- 3.33** On the other hand, the experience of individual funding arrangements under the ATLAS and PSO programs does not support the argument that individual funding improves service responsiveness and increases participant mobility. While the Committee heard of some examples of innovative use of individual funding, in the manner of self-managed funding, it seems that almost all participants accessed centre-based programs that offered largely similar programs (although there was variation in service quality). The Committee also heard anecdotal evidence that there was little movement between service providers, perhaps due to the limited number of service providers in any geographic area. While there have been limited examples of innovative use of such funding, it may well be that a more widespread use of such funding will increase the amount of innovative use.
- 3.34** Some service providers saw problems with self-managed funding. Ms Pennie Kearney, CEO of Mai-Wel, told the Committee of her concern that families may spend self-managed funding as part of the family budget, for example on a new car which may be needed to transport the person with disability.⁶⁵ Carers NSW had a similar concern: while supporting individual funding, they were concerned that some carers would have difficulty with self-managed funding.⁶⁶ The Committee would like to see an education and advisory role for consumer groups in this area and believes that it is likely such an initiative would be likely to be cost-effective.

Alternatives to block and individual funding

- 3.35** The Director General, Mr O'Reilly, acknowledged that when DADHC made the decision to move to block funding, it did not have the data needed to support its decision:

To be honest, as I said at the first hearing, we did not have the data with regards to what each provider provides within their service and how they did it, what days they were providing the service, and that sort of thing. As this data is coming through now we will be in a stronger position to say what model will solve 90 percent of the problem, but will still have 10 percent of an issue for people who have particular issues. Somehow I will have to work through that over the next few months.⁶⁷

- 3.36** The Committee welcomes this acknowledgement that changes are needed to the funding model. Considering the strength of views on the merits of individual versus block funding, the Committee supports the development of a hybrid funding model. The Committee's view is similar to that expressed by Mr O'Reilly:

What we actually need to do ... is look at whether there is a possibility of some sort of hybrid arrangement where the organisation needs to be funded for the issues that they are confronting about certainty of infrastructure and that sort of thing. But the client also needs to have mobility arrangements through individual funding.⁶⁸

- 3.37** ACROD NSW supported investigation of hybrid funding models. Mr Maher gave evidence that he would like to see a model somewhere between block and individual funding:

⁶⁵ Sub-committee site visit, Mai-Wel, Maitland, 3 June 2005

⁶⁶ Ms Hughes, Evidence, 11 May 2005, p75

⁶⁷ Mr O'Reilly, Evidence, 17 June 2005, p17

⁶⁸ Mr O'Reilly, Evidence, 17 June 2005, p16

We would be very receptive to participating in something that looked at whether there might be some middle ground.⁶⁹

- 3.38** The Committee is of the opinion that hybrid funding should include block and individual funding. Block funding would allay service provider concerns about long-term certainty and promote sector development, while individual funding would recognise the place of people with a disability and their families at the heart of the disability service system.
- 3.39** In addition to hybrid funding, the Committee supports the introduction of self-managed funding. The Committee envisages that the majority of people with a disability and their families would still choose to access centre-based programs through a service provider, as currently occurs. Not all individuals and their families will have the desire, or the capacity, to self-manage funding to develop an individually tailored package of supports. However, as Mr O'Reilly pointed out, there will always be exceptions to the model that works best for most people. Therefore it is important for people with a disability and their families to have the option to choose self-managed funding if they want to develop innovative support packages.
- 3.40** Some providers who strongly support block funding have recommended a hybrid model for those with high support needs. Mr Preston of Greenacres argued that this model should be based on block funding for the majority of participants, but with individualised packages attached to those with the highest needs.⁷⁰
- 3.41** However, the Committee considers that a genuine hybrid model should have an individual funding component for all participants. Such a model would have an individualised funding component, assigned to a named individual and transferable with that individual.
- 3.42** The Committee recognises that development of a hybrid model depends on completion of work to accurately capture the cost of service provision, such as the Cost and Classification Study being done by the University of Wollongong. This Study is discussed in Chapter 5. Such work is needed to determine a reasonable level of block funding to give certainty to service providers, coupled with adequate individual funding to create an incentive for providers to improve services and be responsive to individual needs.
-

Recommendation 1

That DADHC consult widely to develop and implement a funding model which includes:

- block funding for service providers sufficient to enable them reasonable financial stability
- individualised funding, assigned to a named individual, that is transferable with that individual
- self-managed funding that allows people to develop individually tailored support packages, and is available to all participants in post school programs.

Individualised funding would involve providing carers and people with disabilities with independent advice for options in using disability packages optimally.

⁶⁹ Mr Maher, Evidence, 11 May, p45

⁷⁰ Report of the sub-committee, site visit to Greenacres Association, Wollongong, 1 June 2005

Conclusion

- 3.43** From the evidence in this chapter it is clear that no single funding model is favoured by all people with a disability, their families, service providers and peak bodies.
- 3.44** Most of the evidence debates the merits of two funding models, block and individual funding. It is argued that block funding will:
- improve the viability of service providers
 - attract quality staff to the sector and encourage staff training
 - provide an incentive to quickly place people with disability in work.
- 3.45** On the other hand, individual funding is seen to:
- improve individual choice
 - empower people with a disability and their families
 - encourage the development of responsive, individualised services.
- 3.46** A third funding model, self-managed individual funding, is seen to have the greatest benefits in terms of developing an individually tailored program that meets participants' needs in innovative ways.
- 3.47** Given the strong views on block and individual funding, the Committee concludes that a hybrid model is the best solution, as hybrid funding incorporates benefits of both block and individual funding models. The Committee concludes that people with a disability should also have the option to choose to self-manage their funding, if they and their families have the will and capacity to develop an innovative tailored program.

Chapter 4 Program structure and policy framework

Many of the problems with the reforms relate to the structure of the new programs and the policy framework in which they sit. Committee members have repeatedly heard expressions of concern about ‘policy making on the run, with no real consideration for the upset and hardship that results.’⁷¹ The preceding chapter discussed block funding, one of the most controversial elements of the new policy framework. This chapter considers several other problems with the design of the new programs, especially the Transition to Work (ITW) program, culminating in a discussion of the need to develop a culture of learning within the Department of Ageing, Disability and Home Care (DADHC).

Reasons for reform

- 4.1 In evidence, the majority of parents, service providers and peak bodies supported the need for reform of the Adult Training, Learning and Support (ATLAS) program, although some individuals expressed reservations about the capacity of the Department to implement such reforms.

Evidence in favour of and against reform

- 4.2 Many Inquiry participants argued that the ATLAS program lacked clarity about intended outcomes, and instead supported a separate stream designed specifically to prepare young people for employment.

- 4.3 In announcing the new programs in 2004, the then Minister for Disability Services, the Hon Carmel Tebbutt MLC, provided her rationale for the changes:

The previous programs were one-size-fits-all and had a very low success rate in assisting school leavers into employment – with a less than 3% outcome over the past 10 years.⁷²

- 4.4 In its submission, DADHC argued that program changes were needed due to:

- growing numbers of school leavers with a disability entering post school programs
- lower than expected numbers moving straight from school to employment
- low numbers exiting post school programs (particularly to employment)
- the need to improve performance reporting.⁷³

- 4.5 Many people with a disability and their families supported the changes, especially as they put a greater focus on helping people with a disability to get jobs.

⁷¹ Submission 49, Mr and Mrs Brian and Margaret Bruce, p2

⁷² Hon Carmel Tebbutt MLC, Minister for Disability Services, ‘New programs to meet the needs of school leavers with a disability,’ *Media Release*, 8 July 2004

⁷³ Submission 144, DADHC, p7

- 4.6 Other parents with children in the ATLAS program considered the program to be of a high quality, and wanted the ATLAS program to continue as it was. According to Mr Jim Murphy, parent of Daniel: ‘We could not understand why they wanted to change it ...’⁷⁴
- 4.7 The view expressed by Mr Murphy and other parents was encapsulated in evidence from Ms Maree Mullins, CEO of The Junction Works, who told the Committee that ATLAS failed those aiming to transition to work, but worked well for those requiring long-term support.⁷⁵
- 4.8 It was suggested during the Inquiry that the recent changes did not go far enough to address previous anomalies. In addition to the ATLAS program (for school leavers 1998-2003) and its precursor the Post School Options (PSO) program (for school leavers 1993-1997), there are a number of other day programs operating under different funding arrangements for people with a disability who left school prior to 1993. As the Council of Social Service of New South Wales (NCOSS) pointed out, the current reforms have done nothing to address ‘historical inequities’ between programs.⁷⁶ According to People with Disability Australia (PWD):
- The two new programs have been developed without reference to the need for reform required in the spectrum of day program for people with disability administered or provided by DADHC. This results in an unfair 4-tiered system (PSO – Transition to Work – Community Participation – day programs) ...⁷⁷
- 4.9 In summary, it seems that there was some agreement in the sector on the need for changes to the ATLAS program, and indeed post school and day programs in general, although a number of parents feared that the changes could disadvantage their children. It appears that for many these fears became a reality when the changes were announced.

Implications of separate TTW and CP programs

- 4.10 The new program structure has created two streams of post school programs: a time-limited employment preparation stream, namely the TTW program, and an ongoing non-vocational stream to provide community-based support, namely the Community Participation (CP) program.
- 4.11 The TTW program is designed for school leavers assessed as having the capacity to enter the workforce within a limited time period of up to two years. The TTW program provides participants with intensive support over this period, to assist them to develop the skills necessary to find a job and participate in the workforce.
- 4.12 The primary objective of the CP program is to provide people with a disability who have moderate to high support needs and require an alternative to paid employment or education with opportunities for continued learning and life skill development and participation which increase their independence and ability to meet their life goals.

⁷⁴ Mr Murphy, Evidence, 10 May 2005, p24

⁷⁵ Ms Mullins, Evidence, 11 May 2005, p68

⁷⁶ Ms Christine Reagan, Senior Policy Officer, NCOSS, Evidence, 10 May 2005, pp8-9

⁷⁷ Submission 146, PWD, p2

- 4.13** The following section discusses the benefits of a separate employment preparation program, as well as structural problems in the design of the new TTW and CP programs.

Benefits of separate TTW and CP

- 4.14** As noted above, there was support for changes to the ATLAS program, and in particular the decision to create a separate employment preparation program. DADHC argued that changes were necessary to the ATLAS program because only 3% of school leavers moved through the program to employment. DADHC estimated that the changes will increase the total throughput to employment from 3% to 60% (40% of people moving through the TTW program to work, and 20% moving directly from school to work).⁷⁸ However, service providers disputed the cited 3% employment success rate under ATLAS and the basis on which it was calculated.⁷⁹
- 4.15** The Committee has seen first-hand evidence that the introduction of the separate TTW program is attracting new providers to the sector. The Committee visited Newtrain in Tamworth, a branch of a large organisation servicing disadvantaged populations from the Hunter Valley to the Tweed.⁸⁰ Newtrain is a new player in the disability services sector. Newtrain delivers a focused employment program that is linked to many other community services. Newtrain's TTW program is clearly differentiated from the sort of activities provided under the CP program.
- 4.16** According to DADHC, a key benefit from creating a separate CP program is the certainty it provides to people with a disability and their families. The previous ATLAS program was an interim program, initially offering support for two years. The ATLAS program was rolled over in subsequent years, although it was never designed to provide ongoing support to people with a disability. In contrast, the new CP program guarantees life-long support for young people who cannot enter the workforce.
- 4.17** While evidence to the Committee acknowledged the key benefits of the greater focus on employment outcomes and guaranteed support for those with high needs, the Committee was also told of many concerns about the design of the new programs.

Movement between TTW and CP

- 4.18** The Committee heard repeated evidence that there is no mechanism to move between the TTW and CP programs, and that people are fearful they will be 'locked into' a particular program.⁸¹ The submission from the Disability Council of New South Wales claimed that this

⁷⁸ *DADHC Regional Service Providers Powerpoint Presentation*, www.dadhc.nsw.gov.au, p11, accessed 24 February 2005; Mr Brendan O'Reilly, Director General, DADHC, Evidence, 11 May 2005, p19

⁷⁹ Submission 52, Challenge Armidale, p8; Submission 148, The Junction Works, p4

⁸⁰ Committee site visit, Newtrain, Tamworth, 17 May 2005

⁸¹ Ms Helena O'Connell, Executive Officer, NSW Council for Intellectual Disability, Evidence, 31 May 2005, p3

is a significant structural weakness: ‘... the policy framework must detail how people with disability can transfer seamlessly between the two programs as their needs and skills change.’⁸²

- 4.19** Flexible movement between the two programs is especially important for those assessed for entry to the CP program. Given the lower funding levels for the CP program, participants fear that they will never be able to receive the individual support to reach the level necessary to be accepted into the TTW program. In addition, there does not seem to be a process for people in the CP program to apply to enter the TTW program. According to the submission from Family Advocacy:

It [the new structure] makes life limiting decisions at age 18 by channelling school leavers into one pathway and making it virtually impossible to access the others.⁸³

- 4.20** Lack of mobility also affects people assessed for entry to the TTW program, who do not feel they are work-ready but would like to get a job later on. These people are fearful that they may never get a second chance to enter the TTW program. For example, in a group consultation in Wollongong, the Committee heard from a young man A who did not feel ready to enter the TTW program, but would like to in future. A was subsequently placed in the CP program, but is concerned that he may not be able to access TTW later on.⁸⁴

- 4.21** Lack of mobility also impacts on people who complete the TTW program but who are not successful in obtaining employment and move back into the CP program. NCOSS expressed concern for these people, as well as all participants in the CP program:

... we are concerned about what will happen to enable graduates to Transition to Work to maintain their skills. We are also concerned for those Community Participation people who leave school and are not ready for pre-vocational skills but might in a couple of years then become ready. How do they get access to Transition to Work?⁸⁵

- 4.22** The Committee is of the opinion that inflexible program structures should be avoided because it is extremely difficult to categorise a young adult with a disability as ‘can’ or ‘cannot’ work. By streaming a young adult into either the TTW or CP programs, the Department fails to recognise the large grey area, where a young adult could move into employment, given the right opportunities and support. PWD gave evidence that:

It seems that they are being labelled from the outset that they will never achieve those skills, when they are not even being put in a position to have the opportunities that would gradually build those skills up over the time they require...⁸⁶

⁸² Submission 75, Disability Council of NSW, p3

⁸³ Submission 113, Family Advocacy, p22

⁸⁴ For confidentiality reasons, consultation participants are identified with a random letter. People with Disability Australia, *Report on Consultations with People with Disability*, June 2005, p14 (prepared for GPSC 2 Inquiry into Post School Programs for Young Adults with a Disability)

⁸⁵ Ms Regan, NCOSS, Evidence, 10 may 2005, pp4-5

⁸⁶ Ms Therese Sands, Senior Policy Officer, PWD, Evidence, 10 May 2005, p38

- 4.23** As with many other aspects of the changes to the ATLAS program, the Committee believes that a policy on movement between the two programs should have been developed before the changes were implemented. The Committee supports the priority development of such a policy.

Recommendation 2

That DADHC develop and implement a policy to encourage flexible movement between the Community Participation and Transition to Work programs.

Two-year time limit for TTW

- 4.24** Many service providers, people with a disability and their families were critical of the two-year time limit for the TTW program. According to Ms Suzanne Becker, General Manager of Windgap:

... that [transition to work] is not necessarily feasibly done in the two years that have been set by the Government. Some people might take five years to learn how to go to work.⁸⁷

- 4.25** Ms Deborah Hoffman, General Manager of Organisational Planning for The Spastic Centre of New South Wales, emphasised the need for a flexible time limit:

We have a number of people who in two years will achieve an outcome, but from past experience we know that for some two years will not be enough. My understanding is there will be some flexibility ... I would hate to see that not becoming part of the guidelines.⁸⁸

- 4.26** Ms Gemma McCarthy, State Manager, Disability Services, Wesley Mission, supported the need for a flexible attitude to extending the TTW program:

... people learn at different rates and, therefore, somebody may be able to achieve an outcome to employment in less than two years but others may just be starting to get to that point at 1 ½ to 2 years and may need an additional year of Transition To Work without having to come back to Community Participation ... That, in itself, would cause major delays and could cause some remission in learning ...⁸⁹

- 4.27** Witnesses also raised the problem of exiting people from the TTW program after two years if there were no jobs for them to go to. Ms Mullins from The Junction Works described the 'uphill battle' her organisation experiences in getting people into work in its local Liverpool area, which has the highest unemployment rate in the State.⁹⁰ Rural areas with high unemployment also expected to experience problems. The submission from the Mid North Coast Area Disability Committee stated:

⁸⁷ Ms Becker, Evidence, 11 May 2005, p64

⁸⁸ Ms Hoffman, Evidence, 11 May 2005, p53

⁸⁹ Ms McCarthy, Evidence, 11 May 2005, p55

⁹⁰ Ms Mullins, Evidence, 11 May 2005, p64

In the case of the Transition to Work program the forecast outcomes are far too ambitious. In rural areas especially unemployment is at very high levels and people with a disability are more disadvantaged when it comes to seeking work.⁹¹

- 4.28** The submission from Crowle Employment Services argued that the two-year time limit is an attempt by DADHC to shift costs to the Commonwealth by forcing unprepared people into open or supported employment.⁹²
- 4.29** Parents also criticised the two-year timeframe. Ms Lynne Gould told the Committee that her son Nathan was assessed for entry to the TTW program, but that he was unlikely to succeed within two years, as ‘the staff ratio would have to be nearly one to one ...’.⁹³
- 4.30** Parents gave evidence that the two-year time limit prevented them from requesting that their child enter the TTW program. Mr and Mrs Brian and Margaret Bruce wrote in their submission:
- Many people who expected to receive Transition To Work assistance were disappointed when they were allocated the Community Participation Program, as was our son. Those who questioned this decision were offered TTW, but due to uncertainties and a lack of information regarding the nature and conditions surrounding TTW we chose to remain with CP.⁹⁴
- 4.31** In its three group consultations with young adults with a disability, in Sydney, Wollongong and Newcastle, the Committee heard repeatedly from young people that two years was not long enough to develop work skills. For example, participant P in Sydney was in the TTW program. He has severe physical disabilities and is studying computers at TAFE. P wishes to eventually set up an ISP (Internet Service Provider) for people with a disability. P believes that he needs five years to develop the skills required for independent work.⁹⁵
- 4.32** The Committee also heard from several participants in the group consultations that they were reluctant to enter the TTW program due to uncertainty about whether they would be eligible to use post school programs if they failed to enter employment after two years.⁹⁶
- 4.33** In contrast, the Committee heard evidence in support of the two-year timeframe from Greenacres Association, which claims to offer the most successful TTW program in New South Wales with a success rate of 80%.⁹⁷ Greenacres told the Committee that they work on an 18-month time frame, with a six-month safety net, but that only three people to date have required the safety net.

⁹¹ Submission 74, Mid North Coast Area Disability Committee, p3

⁹² Submission 70, Crowle Employment Services, p4

⁹³ Ms Gould, Evidence, 10 May 2005, p31

⁹⁴ Submission 49, Mr & Mrs Bruce, p1

⁹⁵ For confidentiality reasons, consultation participants are identified with a random letter. People with Disability Australia, *Report on Consultations with People with Disability*, June 2005, p11 (prepared for GPSC 2 Inquiry into Post School Programs for Young Adults with a Disability)

⁹⁶ People with Disability Australia, *Report on Consultations with People with Disability*, June 2005, p21 (prepared for GPSC 2 Inquiry into Post School Programs for Young Adults with a Disability)

⁹⁷ Committee site visit, Greenacres Association, Wollongong, 1 June 2005

- 4.34** DADHC recognised the need to be flexible with the two year TTW time limit, but only for extensions of up to six months. According to Ms Alison Wannan, Director of Community Access at DADHC:

... 18 months is probably an important time in terms of looking at what might be seen as a good exit plan. We are also looking at whether an extra three months or six months makes a difference for an individual in achieving an outcome that would not be achieved if we simply set a calendar date and that was it.⁹⁸

- 4.35** The Committee supports DADHC's move towards granting time-limited extensions to the two-year timeframe for the TTW program. The Committee is of the opinion that DADHC should grant extensions for substantially longer than the six months proposed by the Department. The evidence demonstrates that for people with high needs in particular, two years will be far too short to develop the skills necessary to enter the workforce. The Department should ensure that there is universal awareness in the sector of the ability to apply for extensions to the two-year TTW time limit.

Recommendation 3

That in relation to the two-year time limit for the Transition to Work program, DADHC adopt a policy of granting extensions of longer than six months, subject to an assessment that the participant has a prospect of entering into employment. The policy should be publicised throughout the sector.

Duplication between TTW and the school curriculum

- 4.36** The Committee met with a group of teachers in Newcastle. The group included principals of Schools for Specific Purposes (SSPs) as well as Support Teachers – Transition, the specialist teachers who support students to make the transition to post school life.⁹⁹ The teachers gave evidence that the content of the TTW program duplicates the school curriculum. According to the teachers both the TTW program and schools provide access to TAFE, work experience and volunteer work.
- 4.37** The teachers told the Committee that the Board of Studies curriculum is an excellent basis to prepare students with a disability for employment.¹⁰⁰ They praised the Board's eight two-unit Life Skills subjects, designed for students with an intellectual disability. In particular, the teachers recommended that all students study the 'Work and Community Life Skills' subject, as it covers many pre-employment skills such as transport training and grooming. The teachers considered it possible that students in mainstream schools could miss out on this subject, as many mainstream schools do not have the resources to offer Life Skills subjects.
- 4.38** The Department of Education and Training provided the Committee with information on the many other ways schools assist students with a disability to make the transition from school to

⁹⁸ Ms Wannan, Evidence, 17 June 2005, pp26-27

⁹⁹ Committee site visit, The Hunter Orthopaedic School, Newcastle, 3 June 2005

¹⁰⁰ Committee site visit, The Hunter Orthopaedic School, Newcastle, 3 June 2005

work.¹⁰¹ For example, in Years 7 – 10 students can participate in the School to Work program to develop employment related skills. In Years 11 and 12 schools offer a range of courses developed by the Board that are part of the national VET framework. Since 2000 an increasing number of students with disabilities have studied these courses, such as Business Services, Construction, Hospitality or Retail. An accredited VET teacher delivers these courses in either schools or TAFE colleges. Students with a disability can also study Board Endorsed VET courses, such as Automotive, Butchery or Hairdressing, which are delivered at TAFE.

4.39 The teachers argued that far from making young adults more work ready, the two-year TTW program will lead to a decline in skills and make young adults with a disability less employable. The teachers claimed that as fully qualified professionals, they were in a better position to prepare young adults with a disability for work than staff in the disability services sector, many of whom do not have formal qualifications.

4.40 During the Committee's visit to Wollongong, The Disability Trust took a similar view to the teachers that the two-year TTW program may make young people with a disability less employable. Staff of the Trust suggested that students accepted into the TTW program should instead go directly into employment with the provision of on-the-job training.¹⁰²

4.41 ACROD NSW also suggested that a more practically-focused school curriculum that prepared students for employment could remove the need for the TTW program:

It is likely that a greater emphasis on practical and focused life-skills development by schools and curriculum authorities would reduce the need for a program such as the TTW.¹⁰³

4.42 In its submission, Crowle Employment Services refuted the claim that the TTW program was unnecessary, asserting: 'The school system does not prepare people for work.'¹⁰⁴ ACROD NSW also questioned whether schools prepare students for a direct transition to work:

The [school] courses stress the importance of a broad general education that has intrinsic value for the individual. They are not specifically geared to provide the skills necessary for social or economic participation, including employment.¹⁰⁵

4.43 The Committee supports communication between DADHC and the Department of Education and Training to determine if there is any duplication of activity between the TTW program and the Board of Studies curriculum. If there is duplication, the Departments should work together to ensure coordination between the TTW program and the school curriculum. DADHC should also work with the Department of Education and Training to ensure that the school curriculum prepares students to enter the workforce, and provides students with direct pathways to employment.

¹⁰¹ Correspondence from Hon Carmel Tebbutt MLC, Minister for Education and Training, to Chair, received 8 July 2005

¹⁰² Committee site visit, The Disability Trust, Wollongong, 1 June 2005

¹⁰³ Submission 105, ACROD NSW, p16

¹⁰⁴ Submission 70, Crowle Employment Services, p3

¹⁰⁵ Submission 105, ACROD NSW, p7

Linkages between TTW and Commonwealth employment programs

- 4.44** The NSW Council for Intellectual Disability (CID) gave evidence that there is a lack of integration between Commonwealth and State-funded disability services, and that the poor integration was exemplified by the lack of consultation between New South Wales and the Commonwealth in developing the TTW program. According to Ms O'Connell from CID:

I think the difficulty, though, is the linkages or the interfaces between the State programs and the Australian Government programs, or the planning for that. I do not know if DADHC sat down with the Department of Family and Community Services, which funds business services, or the Department of Employment and Workplace Relations, which funds around open employment agencies. For me, that would be an obvious place for them to be consulting ...¹⁰⁶

- 4.45** Witnesses raised the difficulty of people exiting from the TTW program, given the shortage of Commonwealth-funded supported employment places. According to a presentation from Challenge Armidale:

Although the State would like to move as many people as possible into work, the Commonwealth has not provided any new places in Supported Employment. In the May 2005 Commonwealth Budget no increased allocations were made for Supported Employment places in Business Services.¹⁰⁷

- 4.46** Ms Carol Mills, Deputy Director General of DADHC, acknowledged the shortage of places in New South Wales. According to Ms Mills the State has:

... proportionately received fewer places per capita than we should have on the national distribution ... Both a senior officers group and working party are working towards getting equal access in the number of places.¹⁰⁸

- 4.47** The shortage of supported employment places is illustrated by the case of Mai-Wel. Mai-Wel is a large and multi-faceted service provider with a successful supported employment service. During the Committee's visit to Mai-Wel, the Committee heard from CEO Ms Pennie Kearney that Mai-Wel is currently 'carrying' 16 people in supported employment, without any funding, because the Commonwealth has not released any additional supported employment places.¹⁰⁹ According to Ms Kearney the Commonwealth currently has 500 places nationally that have not been filled, but refuses to re-allocate these places to areas of need. Ms Kearney told the Committee that this stops people exiting from State-funded post-school programs and moving to Commonwealth-funded employment programs.

¹⁰⁶ Ms O'Connell, Evidence, 31 May 2005, p4

¹⁰⁷ Tabled Document 2, Powerpoint presentation by Challenge Armidale, 17 May 2005, p1

¹⁰⁸ Ms Mills, Evidence, 11 May 2005, p12

¹⁰⁹ Sub-committee site visit, Mai-Wel, Maitland, 3 June 2005

4.48 DADHC anticipates that the new TTW and CP programs will have increased success in moving people into employment. The submission from NCOSS expressed concern that this will create additional demand for places in Commonwealth-funded employment programs, which cannot be met:

DADHC has reported that it is pursuing negotiations with the Australian Government regarding increased access to Commonwealth employment programs. NCOSS is concerned that these negotiations should have been completed during the reform process and before the implementation of the new programs.¹¹⁰

4.49 In addition to lack of places, difficulty exiting from the TTW program to employment programs could be exacerbated by a lack of coordination between the TTW exit criteria and entry criteria for Commonwealth programs. The NCOSS submission stated:

If completed well in advance of implementation, these prior negotiations could have settled the issues of increased number of applicants and the synchronising of eligibility criteria to avoid people falling through the cracks thereby leaving people unsupported by either Commonwealth or State programs.¹¹¹

4.50 The Committee shares the concerns expressed by service providers and by DADHC about the need for the Commonwealth Government to provide additional supported employment places in New South Wales. The Committee is also concerned that the current lack of flexibility in allocating supported employment places has left vacancies in some areas while there is unmet need elsewhere. Unless these issues are resolved, many participants in TTW programs will be unable to find work after they have successfully completed their training.

4.51 Ms Mills from DADHC gave evidence that the Department is now starting to work on coordination between its TTW program and the Commonwealth's supported employment programs, for example matching up the location of Commonwealth employment places with the location of the State's TTW programs.¹¹²

4.52 The Committee supports DADHC in their negotiations with the Commonwealth Government aimed at securing additional supported employment places for New South Wales in New South Wales.

Recommendation 4

That the NSW Minister for Disability Services approach the Commonwealth Government with a request that unfilled supported employment places be reallocated on the basis of need and that this issue become part of the current State and Commonwealth negotiations in regard to employment programs for people with disabilities.

¹¹⁰ Submission 79, NCOSS, p6

¹¹¹ Submission 79, NCOSS, p6

¹¹² Ms Mills, Evidence, 17 June 2005, p14

Funding responsibility for TTW

- 4.53** The Commonwealth State/Territory Disability Agreement assigns responsibility for specialist disability employment services to the Commonwealth.¹¹³ In light of this division of responsibility, the Committee heard evidence that funding for pre-vocational programs like the TTW program is a Commonwealth responsibility.
- 4.54** The teachers that the Committee met in Newcastle told the Committee that by funding the TTW program, DADHC is now supporting school leavers who should be the responsibility of Commonwealth employment services.¹¹⁴ These teachers argued that the TTW program is not DADHC core business and should be returned to the Commonwealth.
- 4.55** Similarly, The Disability Trust in the Illawarra region asserted that funding for pre-vocational programs like the TTW program is a Commonwealth responsibility.¹¹⁵ The Trust argued that this is a clear example of the lack of demarcation between Commonwealth and state responsibilities. According to The Disability Trust, funding for the TTW program is at the expense of funding for people with high needs in the CP program (inadequate funding for young people with high needs is discussed in the next chapter).
- 4.56** The Committee considers that the unclear division of responsibility between the states/territories and the Commonwealth regarding employment preparation is an example of the need for greater coordination between the states/territories and the Commonwealth. The Committee supports consultation between DADHC and the Commonwealth to determine where pre-employment skills sit in the Commonwealth-state/territory division of responsibilities. If pre-employment programs are found to be the responsibility of states/territories, DADHC must determine the relative priority of providing pre-employment programs as opposed to funding programs for young people with high support needs.
- 4.57** The Committee believes that programs such as TTW are a state Government responsibility and that funding them adequately is the responsibility of the NSW Government.

Access for people from multicultural and indigenous communities

- 4.58** Evidence has indicated that post school programs are unable to deliver services that meet the needs of people from culturally and linguistically diverse (CALD) and Aboriginal and Torres Strait Islander (ATSI) communities. The policy framework and program design for the new TTW and CP programs has done nothing to address this failing. This section discusses this deficiency, together with the lack of reliable evidence on participation rates for people from CALD and ATSI communities.

¹¹³ Commonwealth State/Territory Disability Agreement 2002-07, section 6(2), p14

¹¹⁴ Committee site visit, The Hunter Orthopaedic School, Newcastle, 3 June 2005

¹¹⁵ Committee site visit, The Disability Trust, Wollongong, 1 June 2005

Multicultural participation

- 4.59** The Committee heard anecdotal evidence that people from CALD communities are under-represented in the disability service system. The submission from the Multicultural Disability Advocacy Association (MDAA) estimated that people from CALD communities make up 10% of participants in post school programs, well below the 25% of students from CALD communities in the total school enrolment.¹¹⁶
- 4.60** However, MDAA could not substantiate the assertion that young people from CALD communities are under-represented:
- MDAA has no access to any data concerning service utilisation rates for young adults from a NESB (Non English Speaking Background) with disability in post school programs. We are uncertain that DADHC has the data available ...¹¹⁷
- 4.61** In evidence Ms Barbel Winter, Executive Officer of MDAA, described a breakdown in the transition from school to post school programs for young adults from CALD communities.¹¹⁸ Ms Winter believed that many of these young people simply stay at home after school. While Ms Winter could not explain why this was happening, she did suggest that schools may be failing to provide information to CALD communities in culturally appropriate ways, leading to a lack of knowledge of the availability of post school programs.
- 4.62** In its group consultations with young adults with a disability in Sydney, Wollongong and Newcastle, the Committee met with a number of young adults from CALD communities who were attending post school programs. The Committee notes that young adults from CALD communities were well-represented in these consultations. However, the participation of young adults from CALD communities was a requirement stated in the Committee's tender specifications for the consultations. Hence the Committee is unable to determine whether the representation of young adults from CALD communities is indicative of their participation in the total program population.

Indigenous participation

- 4.63** As the Committee was not presented with evidence on whether people from ATSI communities participate in post school programs, the Committee was unable to explore whether young adults from ATSI communities are under-represented in these programs. However, while the Committee has not been able to explore this issue, the Committee recognises that indigenous access is an important area that needs to be addressed.
- 4.64** The DADHC submission listed improving access to post school programs for young people from ATSI backgrounds as a future policy direction.¹¹⁹ The Committee recommends that DADHC progress this as a priority issue.

¹¹⁶ Submission 82, MDAA, pp2 & 4

¹¹⁷ Submission 82, MDAA, p3

¹¹⁸ Ms Winter, Evidence, 31 May 2005, p13

¹¹⁹ Submission 144, DADHC, p13

Cultural appropriateness of program design

4.65 The Committee heard evidence from Ms Winter of MDAA that the creation of the new TTW and CP programs has done nothing to address the historical exclusion of people from CALD communities from post school programs:

We provided ample advice on how to achieve greater equity for people. It appears that none of that advice has made it into the two new programs ...¹²⁰

4.66 To improve access rates by CALD communities, Ms Winter emphasised the need for DADHC to do two things: one, redesign post school programs to ensure they address the needs of people from CALD communities; and two, communicate what post school programs have to offer to people from CALD communities in culturally appropriate ways.¹²¹

4.67 In evidence, Ms Alison Wannan from DADHC described a number of ways in which the Department will try to increase access rates by young adults from CALD communities, and improve the cultural appropriateness of post school programs, including:

- produce information sheets in community languages that explain the purpose of post school programs
- develop strategies on how to incorporate feedback from CALD communities into program design
- invite CALD community organisations to partner with service providers, to assist providers to improve the cultural appropriateness of their programs.¹²²

4.68 While these strategies are commendable, the Committee is critical of DADHC's delayed approach to meeting the needs of CALD communities, namely DADHC's admission that improving cultural appropriateness is part of the 'next phase' of policy development.¹²³ The Committee is of the opinion that cultural appropriateness should be a core consideration in program design and policy development, rather than being addressed as a supplementary issue. The needs of CALD participants should not be considered separately to the needs of the mainstream client group; rather, the needs of CALD participants are part of the needs of the mainstream client group.

4.69 The Legislative Council Standing Committee on Social Issues made several recommendations to make disability services culturally appropriate in its *Making it Happen* report in 2002. Although DADHC developed a CALD Action Plan to address these recommendations, DADHC has advised the Committee that it is still in the process of implementing these recommendations, two and a half years after the report was tabled. The Department is still:

- developing a website in community languages
- reviewing advocacy and information systems

¹²⁰ Ms Winter, Evidence, 31 May 2005, p10

¹²¹ Ms Winter, Evidence, 31 May 2005, pp10-19

¹²² Ms Wannan, Evidence, 17 June 2005, p21

¹²³ Submission 144, DADHC, p13

- developing a strategy to consult with CALD communities.¹²⁴

- 4.70** In addition, the Department has not taken up the recommendation to establish targets for equitable access by people from CALD communities. The Committee calls on DADHC to progress the implementation of these recommendations as a priority issue.
- 4.71** In reference to young adults with a disability from ATSI backgrounds, the Committee again has no evidence on whether post school programs provide services that meet the needs of ATSI participants. The Committee considers that issues of cultural appropriateness apply to young adults from both CALD and ATSI communities, and again recommends that DADHC progress this as a priority issue.

Recommendation 5

That DADHC incorporate measures that indicate if a service provider is delivering services that meet the needs of multicultural and indigenous participants in its new performance indicators for the Transition to Work and Community Participation programs.

Eligibility

- 4.72** Some problems with the new policy framework relate to eligibility criteria. The eligibility criteria for the TTW and CP programs exclude young adults with a disability who apply for a Universities Admission Index (UAI), as well as students who leave school early.

Exclusion of students who apply for a UAI

- 4.73** When applying for admission to the TTW and CP programs, applicants must tick a box on the front of their application, noting that they do not intend to apply for a UAI. Students cannot apply for a UAI to see what mark they might have got, as they are considered ineligible for entry to post school programs even if they do not intend to attend university.
- 4.74** When asked to comment on the policy of excluding everyone who applies for a UAI from post school programs, one witness stated that ‘it boggles the mind.’¹²⁵
- 4.75** In one of its group consultations with young adults with a disability, the Committee heard from a 2004 school leaver who applied for a UAI and was consequently considered ineligible for entry to post school programs:

When W applied for a post school program last year with the assistance of a special education consultant, he indicated on the form that he wished to obtain his UAI ranking. He was not aware, however, that a tick in this box would make him ineligible for post school program funding; he was not intending to apply for university – he

¹²⁴ Correspondence from Mr Brendan O’Reilly, Director General, DADHC, to Principal Council Officer, received 17 June 2005, p1

¹²⁵ Mr Geoff Maddox, Disability Education Association NSW/ACT, Evidence, 31 May 2005, p30

had simply wanted to find out his UAI score. But a letter arrived from DADHC informing him that his application was unsuccessful ...¹²⁶

- 4.76** The Committee considers it desirable to encourage young adults with a disability to develop their academic potential. The Committee believes that DADHC should encourage academic ambition among its target group, rather than assuming that obtaining an UAI is irrelevant to young people who are eligible for entry to post school programs. The issue of access to further education is discussed in Chapter 7. Considering the absence of arguments in support of excluding students who apply for a UAI, the Committee supports DADHC revising its eligibility criteria to allow applicants for post school programs to apply for a UAI.
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Recommendation 6

That DADHC change the eligibility criteria for the Transition to Work and Community Participation programs, to accept students who apply for a Universities Admission Index.

Exclusion of students who leave school early

- 4.77** The Committee heard that as with the ATLAS program, the eligibility criteria for the new programs require applicants to be in Year 12, or 18 years of age. According to the submission from Wilson Park Public School:

The eligibility criteria for these post school programs disadvantage students with a disability who leave school early, because the criteria require applicants to be in Year 12. This criteria specifically discriminates against many students who will not continue to Year 12 because of their special needs.¹²⁷

- 4.78** The Supplementary Elton Report of 2001 stated that ‘the point was made by a number of services that Aboriginal students with a disability commonly do not stay at school till 18 years and so are ineligible for packages.’¹²⁸
- 4.79** In addition, students with high level behavioural needs may not adjust well to the school environment, resulting in them leaving early.
- 4.80** The Committee considers the requirement for applicants to be 18 years of age to be unnecessarily restrictive. The Committee can understand that some students, such as those from indigenous backgrounds or with behavioural difficulties, may not wish to continue to attend school past Year 10. The Committee considers that while students should be encouraged to complete Year 12, DADHC should consider making students who leave school early eligible for entry to post school programs.

¹²⁶ For confidentiality reasons, consultation participants are identified with a random letter. People with Disability Australia, *Report on Consultations with People with Disability*, June 2005, p11 (prepared for GPSC 2 Inquiry into Post School Programs for Young Adults with a Disability)

¹²⁷ Submission 40, Wilson Park Public School, p2

¹²⁸ Elton, Brian & Associates, *Day Programs Review: Interim Report on Day Programs and Supplementary Report on Post School Options and ATLAS Service Delivery*, prepared for DADHC, October 2001, p13

Performance monitoring

4.81 The development of a performance monitoring framework is essential to the development of quality post school programs. Performance monitoring should have been an integral part of policy development for the new programs. This section discusses the Department's plans for introducing performance monitoring mechanisms.

Ensuring service quality and promoting innovation

4.82 DADHC explained that the aim of the new programs is to improve outcomes. However, there will be no evidence that this has been achieved without performance monitoring. Performance monitoring is needed to ensure that all service providers maintain the quality of their programs, and achieve minimum standards. Performance indicators also need to be flexible enough to encourage innovation, and support the move away from a restrictive, one-size-fits-all approach.

4.83 Mr O'Reilly acknowledged DADHC's past weakness in performance monitoring:

... in the past DADHC as a department has not been very good at monitoring. We have done a great deal of work in the past 12 months on setting up proper monitoring systems. We still have a fair way to go.¹²⁹

4.84 DADHC's Ms Wannan recognised the need to build performance monitoring into the system to improve future program design and policy development:

We will be sharing that [information collected through performance monitoring] so that we can understand – across the board, both in the department and with our colleagues in the non-government sector – what works, what does not work and where we have to put our effort in terms of improving, so that we do learn from the experiences of many people and do not just respond to anecdotes.¹³⁰

4.85 The Disability Council of New South Wales supported the need for performance monitoring:

While the reformed model appears more focused, Council cautions that unless there is clear and ongoing monitoring of service quality similar poor outcomes could eventuate under the new program structure and policy framework.¹³¹

4.86 Several organisations visited by the Committee, such as Greenacres Association and Challenge Armidale, expressed their support for a strong performance monitoring system.¹³² They talked of the need to ensure that minimum standards were met.

4.87 Ms Mills from DADHC gave evidence that performance indicators for the CP program are being negotiated with a range of organisations.¹³³ These 'comprehensive indicators' were due

¹²⁹ Mr O'Reilly, Evidence, 11 May 2005, p22

¹³⁰ Ms Wannan, Evidence, 17 June 2005, p11

¹³¹ Submission 75, Disability Council of NSW, p2

¹³² Sub-committee site visit, Greenacres Association, Wollongong, 1 June 2005; Committee site visit, Challenge Armidale, Armidale, 17 May 2005

to be developed by 1 August 2005. The Department is also developing comprehensive indicators for the TTW program, which will be informed by the outcomes of the transition to work pilot projects that occurred from 2002-2004, once these projects are evaluated.¹³⁴

- 4.88** This timing is problematic for service providers. In April to May 2005 providers were asked to sign funding agreements, which contained a clause requiring them to meet key performance indicators. The preliminary indicators were specified but the comprehensive indicators were not,¹³⁵ given that they have not yet been developed. According to Ms Becker of Windgap:

We actually had to sign that we agreed for key performance indicators ... 'yet to be developed', so we were being expected to sign off on a funding agreement for unspecified items ...¹³⁶

- 4.89** It is extremely difficult for service providers to deliver outcomes if they do not know what the performance indicators are. The Committee believes that, despite the consultation process, no performance indicators have been delivered, which has hindered the development of consistent high quality programs. Currently it would seem that the funding decisions are being made without adequate performance data.
- 4.90** The Committee believes that performance monitoring could be given to a non-government or academic organisation. It is not necessary that it be performed by government, indeed, in the interests of transparency, it is desirable that it is not.

Recommendation 7

That DADHC develop, in consultation with relevant academics, service providers, advocacy groups and participants, objective performance indicators for the Transition to Work and Community Participation programs, as a matter of urgency. These indicators should be developed using the previous work done on performance measures by the ATLAS Reform Project.

Developing a culture of learning

- 4.91** So far, this chapter has raised a long list of concerns with the program structure and policy framework for the new TTW program. The main problem with the CP program is inadequate funding levels, particularly for those with high support needs. This is discussed in the following chapter.

¹³³ Ms Mills, Evidence, 11 May 2005, p22

¹³⁴ Answers to questions on notice taken during evidence 17 June 2005, Mr Brendan O'Reilly, Director General, DADHC, Question 2.2

¹³⁵ Answers to questions on notice taken during evidence 17 June 2005, Mr Brendan O'Reilly, Director General, DADHC, Question 2.3, *Service Description Schedule: Transition to Work*, p4 & *Service Description Schedule: Community Participation*, p5

¹³⁶ Ms Becker, Evidence, 11 May 2005, p67

4.92 The Committee believes that the design and implementation of the new programs would have been better if DADHC had a learning culture. A learning culture encourages program design based on corporate knowledge, and outcomes of previous research and consultation. Indeed, many witnesses noted that it is a waste of everyone's time and money to conduct research and consultation and then ignore the results. It has been suggested that the absence of a learning culture could explain such behaviour.

Previous consultations and pilot projects

4.93 In 1999, the first school leavers were streamed into an interim two-year post school program provided under the banner of the ATLAS Reform Project. The idea was that in the next two years, DADHC would conduct a significant reform project to develop a new post school program. Once the initial two-year funding expired, funding for ATLAS participants was subsequently rolled over each year, until the sudden announcement of the new TTW and CP programs in July 2004.

4.94 At the time of the ATLAS Reform Project, DADHC seemed committed to engaging with the disability sector to find out what the sector wanted in future post school programs. According to the submission from Macarthur Disability Services:

The review into the program was widely accepted by the service providers as necessary and a number of trials and assessments were conducted. Generally service providers and service participants gave full and enthusiastic cooperation.¹³⁷

4.95 As part of the ATLAS Reform Project DADHC instigated a number of research activities:

- six transition to work pilot projects, run by Greenacres Association, Valmar Support Services, Sunnyfield Association, On-Q, Job Support Inc, and The Spastic Centre of New South Wales
- two other pilot projects, the Southern ATLAS Autism Pilot, examining the high and complex needs of people with autism, and the New England Training Pilot, to develop training infrastructure in the New England region
- three working groups on the Assessment and Systems Framework, Community Access and High Support Needs, and Transitional Pathways, with members from government agencies and peak bodies
- three focus groups on University, Transition to Employment and Training, with service provider members
- the University of Wollongong Cost and Classification Study.¹³⁸

4.96 The aim of the six transition to work pilot projects was to trial flexible and innovative service delivery options to assist individuals to make the transition to work. The pilots were conducted over two years, from December 2002 to December 2004. Pilot organisations were identified on the basis of previous success in assisting participants to enter the workforce.

¹³⁷ Submission 135, Macarthur Disability Services, p2

¹³⁸ Correspondence from Ms Alison Wannan, Director, Community Access, DADHC, to Principal Council Officer, received 10 August 2005

However, from information the Department supplied to the Committee, it seems that the pilots may have been hampered by a lack of support from within DADHC. For example, DADHC advised that at one point there were 'no staff resources to support these pilots.'¹³⁹

4.97 It seems that the transition to work pilot projects did not have any bearing on the design of the new programs announced in July 2004. The submission from PWD stated:

These projects could have informed the development of the program structure and policy framework. As it is, the framework has been developed in a vacuum and is not grounded in evidence-based research.¹⁴⁰

4.98 Many people have expressed their frustration at the Department's failure to incorporate the outcomes of productive consultation. According to evidence from CID:

I think the working groups were a good idea. There is a lot of value in them. But if nothing comes of them, then they are just a significant waste of everyone's time and the Department's resources.¹⁴¹

4.99 This opinion was supported by the submission from PWD. PWD informed the Committee that it participated in each of the three working groups, but nothing came of this process:

... at no stage were any of the measures announced recommended by working groups, nor did DADHC inform any working group of these proposals, or seek working group advice in relation to them. Had advice been sought, we are confident that the proposals would have been universally rejected.¹⁴²

4.100 Ms Mullins from The Junction Works also sat on one of the working groups:

... the working party that I was on looked at key performance indicators and I thought that it was a really good cross-section of what was needed. But I have never actually seen that put into place.¹⁴³

4.101 ACROD NSW suggested that hasty implementation of the new programs resulted in a weak evidentiary base:

We are also concerned that the development of the new programs is occurring in isolation of substantial policy work on these issues that was carried out between 2002 and 2004 ... We are consequently concerned that transition to work pilot projects established in 2002 to identify what works were never evaluated and have not to date been revisited ...¹⁴⁴

¹³⁹ Answers to questions on notice taken during evidence 11 May 2005, Mr Brendan O'Reilly, Director General, DADHC, Tab C, p1

¹⁴⁰ Submission 146, PWD, p4

¹⁴¹ Ms O'Connell, Evidence, 31 May 2005, p3

¹⁴² Submission 146, PWD, p5

¹⁴³ Ms Mullins, Evidence, 11 May 2005, p70

¹⁴⁴ Mr Maher, Evidence, 11 May 2005, p40

- 4.102** In evidence, Ms Wannan from DADHC acknowledged that the TTW program was developed before the transition to work pilot projects were evaluated.¹⁴⁵ Ms Wannan later told the Committee that DADHC did not organise an evaluation of the pilot projects until May 2005, but has now committed to conduct a retrospective review of the pilots.¹⁴⁶ The Committee was told that the Department would incorporate the pilot outcomes into the program guidelines, which are currently being developed.¹⁴⁷ The Committee is critical of the Department for developing the guidelines several months after the implementation of the new programs.
- 4.103** The Committee is of the opinion that it is extremely poor policy practice to ignore the outcomes of substantial research and consultation, as well as pilot projects, in the design of new programs and policy development. The Committee encourages DADHC to make use of such information in future, to improve the quality of program design and policy development. In particular, the Committee supports DADHC's moves to review the TTW program after the TTW pilot projects are evaluated.

Learning from experience

- 4.104** The Committee heard evidence that attributed some of the flaws in the program structure and policy framework to the absence of a 'learning culture' within the Department. Professor Kathy Eagar, Director of the Centre for Health Service Development at the University of Wollongong, gave evidence that:

In New South Wales we work across several government departments. I think it is fair to say in general that the research and development culture is not well developed in DADHC in general. That is quite noticeable to me when I compare our experience in health, which has, of course, a strong research and development tradition. DADHC has tended to have a focus much more on working groups and consultancies, rather than a research program.¹⁴⁸

- 4.105** The Director General told the Committee that DADHC does not fund an independent centre of excellence to undertake academic research to advise it on program and policy development.¹⁴⁹ DADHC does, however, consult with a number of peak bodies, as well as accessing information from academics as necessary.¹⁵⁰ In response to a request from the Committee, DADHC provided an overview of its 2004-2005 research agenda. A number of the 31 projects commissioned across the DADHC portfolio relate to disability services, but only two seem to directly relate to the provision of post school programs.¹⁵¹

¹⁴⁵ Ms Wannan, Evidence, 11 May 2005, p8

¹⁴⁶ Ms Wannan, Evidence, 17 June 2005, p10

¹⁴⁷ Ms Wannan, Evidence, 11 May 2005, p8

¹⁴⁸ Professor Eagar, Evidence, 17 June 2005, p35

¹⁴⁹ Mr O'Reilly, Evidence, 17 June 2005, p13

¹⁵⁰ Ms Mills, Evidence, 17 June 2005, p14

¹⁵¹ Answers to questions on notice taken during evidence 17 June 2005, Mr Brendan O'Reilly, Director General, DADHC, Question 2.4, in correspondence to Principal Council Officer, received 8 July 2005

- 4.106** In Professor Eagar's opinion, longitudinal studies (long term studies tracking individual outcomes) would have been helpful in designing the new programs.¹⁵² According to Professor Eagar 'there were so many changes [in DADHC] in 2004 that a lot of corporate memory was lost' about the importance of conducting such long-term work.¹⁵³
- 4.107** The loss of corporate memory is a key element in the Department's failure to develop a learning culture. In the last few years the Department has experienced a very high turnover of personnel, including at senior levels, which has led to a loss of corporate knowledge. For example, the Director General Mr Brendan O'Reilly was not in the Department at the time of the program reforms. Mr O'Reilly gave evidence that he did not know whether the changes were initiated by DADHC or Treasury, because he did not have access to the key people involved in the negotiations as they had all left the Department by the time he took over.¹⁵⁴
- 4.108** Evidence from ACROD NSW emphasised the problems created by a loss of corporate knowledge:
- While we are now seeing some staff stability at the executive level of the Department, a previous lack of staff continuity and the need for detailed knowledge of the programs have impeded the Department's capacity to build on previous work.¹⁵⁵
- 4.109** Other witnesses, such as Ms Mullins of The Junction Works, also noted the Department's past problems:
- They need to get their act together. I think they have made some progress in trying to do that but I think for a couple of years they were a bit out of control.¹⁵⁶
- 4.110** Professor Eagar supported the view that the Department had moved forward: 'The department appears to be stabilising again now ...'¹⁵⁷
- 4.111** In short, the Committee considers that there are three main reasons for the poor quality evidentiary base of the new programs, including the:
- haste with which the policy framework was developed and the program changes were implemented
 - high turnover in DADHC personnel leading to a loss of corporate knowledge
 - absence of a learning culture that values past experience and implements the lessons learned in future policy development and the implementation of program change.
- 4.112** Properly researched policy development, that allowed sufficient time to consider possible impacts, could have avoided many of the problems with the new programs, and a great deal of the anguish experienced by young adults with a disability and their families. This clearly

¹⁵² Professor Eagar, Evidence, 17 June 2005, p35

¹⁵³ Professor Eagar, Evidence, 17 June 2005, p36

¹⁵⁴ Mr O'Reilly, Evidence, 11 May 2005, pp5-7

¹⁵⁵ Mr Patrick Maher, Executive Officer, ACROD NSW Division, Evidence, 11 May 2005, p40

¹⁵⁶ Ms Mullins, CEO, The Junction Works, Evidence, 11 May 2005, p66

¹⁵⁷ Professor Eagar, Evidence, 17 June 2005, p38

demonstrates the need for cultural change within DADHC. The Department needs to develop a learning culture, that will learn the lessons of past experiences, absorb them into the corporate memory, and act on them in the development of future policy.

Conclusion

- 4.113** The evidence in this chapter demonstrates that there are numerous concerns about the design of the new TTW program. These concerns include:
- two-year time limit (insufficient to prepare those with high needs for work)
 - inflexible attitude to extending the two-year time limit
 - perception of duplication between the school curriculum and the skills developed in the TTW program
 - lack of structural linkages to Commonwealth employment programs
- 4.114** While there are less concerns surrounding the design of the new CP program, given its perceived similarity to the previous ATLAS program, there is concern that higher funding for TTW participants disadvantages CP participants relative to their counterparts who are able to enter the workforce. The main concern over the CP program relates to funding adequacy, particularly for those with high needs. This is discussed in the next chapter.
- 4.115** The Committee heard concerns that apply to the design of both the TTW and CP programs:
- neglect of cultural needs (design of TTW and CP does not meet the needs of CALD or ATSI participants)
 - ineligibility of certain students (those who apply for a UAI or leave school early)
 - lack of performance monitoring mechanisms (still being developed).
- 4.116** The Committee concludes that problems with the new TTW and CP programs are partly attributable to the poor-quality evidentiary basis for program design. For example, in designing the new programs, DADHC did not take into account the outcomes of its own pilot projects or working groups. The Committee also finds that high staff turnover within the Department contributed to a poor knowledge of previous research activities, and that this problem was exacerbated by the absence of a culture that encouraged DADHC officers to learn from and build on previous experience.

Chapter 5 Funding adequacy

This chapter looks at the adequacy and appropriateness of funding arrangements for the new programs. As noted earlier, the program reforms had a significant impact on the lives of people with a disability and their families. This is particularly so for young people with high support needs. The adequacy of support provided to these young people with high needs is one of the Committee's main concerns. This chapter examines how the supplementary high needs funding and the Minister's announcement of additional funding may address the inadequacy of funding, as well as the inequity between the new programs and the Post School Options (PSO) program. Lastly, this chapter investigates how the Department arrived at the funding levels for the new programs.

Funding for TTW and CP

- 5.1 There have been many claims and counter-claims regarding the size of the disability budget. This section begins with an examination of these claims, moving on to examine the adequacy of funding levels, particularly in relation to support needs.

Budget for post school programs

- 5.2 The number of children with a disability coming through the education system has increased significantly over the last two decades. The combined figures for primary and secondary students show that in the last 17 years, there has been an increase of 180% in the number of school students identified as having special education needs.¹⁵⁸ This reflects improved identification of students with limited special education needs who have mild disabilities.
- 5.3 The increase in the size of the school population with disabilities is reflected in the rising demand for post school programs. The following table shows this escalating demand, for first the PSO program, then the Adult Training, Learning and Support (ATLAS) program, and finally the new Transition to Work (TTW) and Community Participation (CP) programs.

Participants in post school programs 1997 - 2005¹⁵⁹

| Year | Program | Participants |
|------|---------|--------------|
| 1997 | PSO | 368 |
| 1998 | PSO | 309 |
| 1999 | ATLAS | 340 |
| 2000 | ATLAS | 274 |
| 2001 | ATLAS | 524 |
| 2002 | ATLAS | 493 |

¹⁵⁸ Submission 113, Family Advocacy, p10

¹⁵⁹ DADHC Regional Service Providers Powerpoint Presentation, www.dadhc.nsw.gov.au, p4, accessed 24 February 2005

| | | |
|------|----------|----------------|
| 2003 | ATLAS | 545 |
| 2004 | CP & TTW | 680 **Estimate |
| 2005 | CP & TTW | 800 **Estimate |

5.4 The above table shows that DADHC was expecting growth in demand to continue to escalate, with an expected 25% increase in demand 2003-2004, and an expected 18% increase 2004-2005.

5.5 Government funding for post school programs has also increased significantly. In 2004-2005, DADHC spent approximately \$62 million on post school programs,¹⁶⁰ which reflected large annual increases in the budget in each of the last several years. The Minister for Disability Services, the Hon John Della Bosca MLC emphasised the size of the increases when he stated: 'The Government has increased the Disability budget by a massive 115%, or \$828 million, in the past nine years.'¹⁶¹

5.6 It is argued that although the budget for post school programs has increased significantly, the dramatic increase in school leavers entering post school programs has led to a decline in per person funding. According to Mr Kevin Mead, General Manager of Challenge Armidale:

We hear the statement that more money has gone into the program, and maybe that is true, but there are far more people now entering the program and the program in the future so the methodology is to cut the amount of funding to each individual person.¹⁶²

5.7 The Council of Social Service of New South Wales (NCOSS) agreed that the increases in the budget for post school programs have not kept pace with demand, resulting in decreased per person funding. Ms Christine Reagan, Senior Policy Officer for NCOSS told the Committee that it was incorrect to describe the increasing numbers of people accessing post school programs as an 'explosion' in demand. Ms Reagan argued that the people entering post school programs are a known population, therefore the Government should have anticipated the increased demand and planned for it.¹⁶³

5.8 The Director General disagreed that the new funding levels for the CP and TTW programs should be seen as a decrease in per person funding. Mr O'Reilly told the Committee that the Department created two completely new programs, with different structures and aims to the ATLAS program, therefore it was inaccurate to compare ATLAS funding levels with funding for the TTW and CP programs. However, Mr O'Reilly conceded that if you work on the basis that there had been no change to the ATLAS program, the new funding levels would amount to funding cuts for individuals.¹⁶⁴

¹⁶⁰ Submission 144, DADHC, p10

¹⁶¹ Hon John Della Bosca MLC, Legislative Council, New South Wales, *Hansard*, 25 May 2005, p16042

¹⁶² Mr Mead, Evidence, 17 May 2005, p13

¹⁶³ Ms Reagan, Evidence, 10 May 2005, p6

¹⁶⁴ Mr O'Reilly, Evidence, 11 May 2005, p6

Impact of new TTW and CP funding levels

- 5.9** Under the new CP program, all participants receive a flat rate of \$13,500 p.a., guaranteed for life. CP participants with high support needs may also be eligible to apply for additional funding from the \$1.4 million high support needs pool. Under the new TTW program, all participants receive a flat rate of \$15,699 p.a. for up to two years.
- 5.10** The current level of CP funding has been increased since the initial announcement by Minister Tebbutt. Initially, funding for CP participants was to range from \$9,000 for those with moderate support needs to \$13,500 for those with high support needs.¹⁶⁵ Now all participants receive the same flat rate of \$13,500. The level of funding for the TTW program has remained the same since its initial announcement.
- 5.11** Funding levels for the CP program are lower than average funding levels under ATLAS. Average funding for participants in the ATLAS program in 2003-2004 ranged from \$15,386 p.a. to \$17,897 p.a. depending on the year the person entered the program.¹⁶⁶
- 5.12** In evidence to the Committee, program participants, their families and service providers agreed that funding for the TTW program is adequate. TTW participants have lower support needs and receive higher funding, so their funding covers more program days, often up to five days per week. The debate on funding adequacy has instead focused on the lower funding levels allocated to participants in the CP program.
- 5.13** Many witnesses emphasised the anomaly that individuals with the highest support needs receive the fewest hours of support. This argument is two-fold: first, CP participants receive over \$2,000 less funding than those in the TTW program, even though they have higher needs; second, CP participants with the highest support needs receive fewer program hours than CP participants with lower needs, as they receive the same flat rate of funding. This is anomalous because parents of children with high support needs require the most respite, and also because young adults with high support needs require the most intense teaching to learn new skills and reach their full potential.
- 5.14** The inequity between the TTW and CP programs was outlined in the submission by Macarthur Disability Services:
- While the Transition to Work participants are funded at a rate to recognise the high intensity of training and support they are overall a higher functioning group than Community Participation. CP participants require greater and ongoing support and this has to be achieved on \$2,000 less funding per person per annum.¹⁶⁷
- 5.15** Evidence to the Committee claimed that the higher funding for TTW participants devalues those in the CP program who cannot work. According to the submission from Windgap:
- Such a view that a CP program requires less support than a TTW program evoked a sense of outrage among people, causing many to firm their belief that Government

¹⁶⁵ Hon Carmel Tebbutt MLC, Minister for Disability Services, 'New Programs to Meet the Needs of School Leavers with a Disability,' *Media Release*, 8 July 2004

¹⁶⁶ Submission 144, DADHC, p16

¹⁶⁷ Submission 135, Macarthur Disability Services, p4

valued people less if they were unable to work compared to those who could move into employment.¹⁶⁸

5.16 The Disability Council emphasised that ‘... it is important that the Community Participation program is seen as equally valued.’¹⁶⁹ Related to this is ‘... the very real concern that people will receive the positive label ‘able to work’ or negative label ‘unable to work’ by the program they are assigned to.’¹⁷⁰

5.17 Ms Carol Mills, Deputy Director General of DADHC, denied that lower funding for the CP program devalues those who cannot work:

I would also like to make the comment that we do not see these as better or lesser programs, they are programs tailored to individual needs; they are programs that are designed to give the best possible outcome and to give certainty for those people who require certainty of support over a long period of time.¹⁷¹

5.18 The inequity within the CP program is illustrated by the submission from Mr and Mrs Phil and Ann Verner. Their son David, who has high physical and intellectual disabilities, attends a program two days per week. However, the Verners have noticed that the funding for other participants with lower support needs allows them to attend the service five days per week.¹⁷²

5.19 The submission from People with Disability Australia (PWD) asserted that funding for the CP program was inadequate to provide sufficient program hours:

... funding per person for the new programs has been cut by about a third of the funding provided under the ATLAS program (based on the average ATLAS funding level of \$19,000 per client) ... Even under the original ATLAS program guidelines, which guaranteed a minimum of 21 hours per week, many young people with disability were receiving 10 hours or less of support a week. Reducing funding for the new programs has only resulted in further major reductions in program hours.¹⁷³

5.20 PWD’s assertion that the previous higher funding levels only funded a low number of program hours per week is supported by the findings of the Supplementary Elton Report. The Elton Report was commissioned by DADHC to provide information on the delivery of PSO and ATLAS programs, to inform the broader ATLAS Reform Project. The Elton Report found that in 2001 only half the participants in the PSO and ATLAS programs were receiving between 20 and 35 hours of support per week, as stipulated in the ATLAS program guidelines. On average participants were receiving 18-20 hours of support per week.¹⁷⁴ This was on

¹⁶⁸ Submission 108, Windgap, p12

¹⁶⁹ Submission 75, Disability Council of NSW, p2

¹⁷⁰ Submission 75, Disability Council of NSW, p3

¹⁷¹ Ms Mills, Evidence, 11 May 2005, p11

¹⁷² Submission 57, Mr and Mrs Vermer, p2

¹⁷³ Submission 146, PWD, p4

¹⁷⁴ Elton, Brian & Associates, *Day Programs Review: Interim Report on Day Programs and Supplementary Report on Post School Options and ATLAS Service Delivery*, prepared for DADHC, October 2001, p33

funding packages ranging from \$13,500 to \$19,500, which, given indexation, would have increased significantly in real terms since 2001.¹⁷⁵

- 5.21** In her submission, Mrs Valerie Doel wrote that her son Matthew previously received inadequate program hours with a much higher level of funding. Under the ATLAS program Matthew received funding of \$20,000 p.a. Matthew has intellectual and physical disabilities, and requires a nurse to be in attendance at all times. Funding of \$20,000 provided Matthew with a program three days per week from 9 to 3pm.¹⁷⁶ Mrs Doel was informed by Matthew's service provider that his program hours would be cut due to the program changes.
- 5.22** Many service providers told the Committee that funding for the CP program is inadequate, including Wesley Disability Support Services, Greenacres Association, Mai-Wel, Wagga CASS, Kurrajong Waratah, The Spastic Centre of NSW, ACES Inc and IDAFE, Challenge Armidale, Flintwood Disability Services, Crowle Foundation, Woodville Community Services, Mid North Coast Area Disability Committee, Fairfield Community Resource Centre, Windgap, North West Disability Services, The Leisure Company, Macarthur Disability Services, Coffs Harbour Support Services and The Junction Works.¹⁷⁷
- 5.23** The following case study examines the impact of the reductions in hours on the Murphy family, who care for Daniel, a young man with high support needs.¹⁷⁸

The Murphy family

Daniel Murphy, a young man with significant physical and intellectual disabilities, has attended Flintwood Disability Services since leaving school four years ago. According to his parents, Jim and Maree, Flintwood has had an extremely positive impact on Daniel's social and intellectual development and he 'absolutely loves' attending the service.

¹⁷⁵ Elton, Brian & Associates, *Day Programs Review: Interim Report on Day Programs and Supplementary Report on Post School Options and ATLAS Service Delivery*, prepared for DADHC, October 2001, p3

¹⁷⁶ Submission 5, Mrs Doel, p1

¹⁷⁷ Ms Gemma McCarthy, State Manager, Wesley Disability Support Services, Evidence, 11 May 2005; Mr Neil Preston, CEO of Greenacres Association, Committee visit to Wollongong, 1 June 2005; Ms Pennie Kearney, CEO of Mai-Wel, Committee visit to Newcastle 3 June 2005; Ms Ann Baker, Service Manager, Wagga CASS, Committee visit to Wagga Wagga 18 May 2005; Ms Carolyn Eckersall, Manager of Skills Options, Kurrajong Waratah, Committee visit to Wagga Wagga 18 May 2005; Submission 18, The Spastic Centre of NSW; Submission 41, ACES Inc and IDAFE; Submission 52, Challenge Armidale; Submission 65, Flintwood Disability Services; Submission 69, Crowle Foundation; Submission 73, Woodville Community Services; Submission 74, Mid North Coast Area Disability Committee; Submission 93, Fairfield Community Resource Centre; Submission 108, Windgap; Submission 166, North West Disability Services; Submission 117, The Leisure Company; Submission 135, Macarthur Disability Services; Submission 147, Coffs Harbour Support Services; Submission 148, The Junction Works

¹⁷⁸ Submission 11, Mr and Mrs Jim and Maree Murphy, Submission 92, Mr Grant Murphy; Mr Jim Murphy, Evidence, 10 May 2005, pp pp21-27

Daniel's parents are highly anxious that recent changes to post school programs reduced funding for Daniel's programs by more than \$6,000 per year. In order to maintain the same standard of care, Flintwood reduced his program from 5 days to 2.5 days per week.

With two other children to support, Jim and Maree are unable to cover the funding shortfall needed to maintain Daniel's program hours. Nor are they in a position to reduce their working days to look after their son for an extra two and a half days. Even if they could afford to do so, they do not feel they would be able to offer the positive learning and social environment offered by Flintwood. According to Jim Murphy, Daniel 'would just go crazy' if he has to stay at home for the extra days.

The Murphys' only hope of maintaining Daniel's hours is to secure supplementary funding for people with high support needs. But even this has proven to be a major hurdle. Frustrated by the lack of information provided by DADHC about the funding, the Murphys were even more exasperated when the Department gave them less than two weeks to prepare their application, as Jim Murphy recounted during his evidence:

The papers for that did not come to our service provider until I think 11 April, and we had to have our submission in by 29 April, which left 18 days to get reports from psychologists, neurologists and occupational therapists and various other people. We still have not seen a neurologist. The soonest we could get to see a neurologist was on 7 July.

While the Murphys met the 10 May deadline, they were still awaiting the Department's determination. Adamant that Daniel should continue to receive quality care, five days per week, Jim and Maree Murphy made the 'biggest decision' of their lives when they placed Daniel in full time respite care on 3 April 2005. The Murphys desperately hope to bring their son home once the Department restores his access to a high quality, five day per week program.

The Murphys' other son, Grant, described the impact of this devastating decision on his brother and his family.

He [Daniel] has always been part of our family and he will not understand why things have changed and he can no longer live with us. Daniel is very close and dear to all of us and it is really incomprehensible what this will do not just to him, but all of us.

New funding levels and problems in rural areas

- 5.24** The new funding levels create particular problems in rural and regional areas, where participants experience additional costs and barriers to accessing post school programs. For example, funding is stretched thinner by high transport costs, with participants travelling long distances to and from service providers. Ms Lynne Lynch spoke of her daughter's travel costs:

Leeton to Griffith is approximately 55 kilometres. Travel at the moment is costing between \$500 and \$600 per month, which is a massive amount to pay. This amount of money is supplemented by her mobility allowance of \$69.70 a fortnight.¹⁷⁹

- 5.25** Students living out of town may also need to find accommodation in town during the week in order to attend a post school program. According to Mr Charlie Sheahan:

... regardless of what post school programs are available for our son, it will be extremely difficult to access them. The major problem we have is isolation. To access these programs requires extensive travel as there is no public transport. The appropriate solution to this situation is accommodation in association with the proposed school program. Some service providers have accommodation. We have been told that this limited to the point that there are long waiting lists and positions only become available through the death of a client.¹⁸⁰

- 5.26** Another example of the need for accommodation in town was given in the submission from the Bruce family. Mr and Mrs Kenneth and Kathryn Bruce live 100km west of Albury with their 17 year old daughter Rachael, who is leaving school in 2006. They are concerned that Rachael will not be able to access accommodation in Albury during the week and come home on weekends, as she has done throughout her schooling.¹⁸¹

- 5.27** The problems of families in rural and regional areas do not seem to have been taken into account in the Department's policy development process. The Committee is of the opinion that the additional costs and difficulties of accessing post school programs in rural and regional areas demonstrate again the inadequacy of the new funding levels.

- 5.28** The following case study provides an overview of the reaction of two service providers in rural and regional Australia to the recent program reforms.¹⁸² As with the service providers discussed in Chapter 2, these providers are first and foremost concerned about the impact of the reforms on program participants.

Challenge Armidale and The Leisure Company

Challenge Armidale is a non-government, community-based organisation providing services to people with a disability in the Armidale region. The Leisure Company is a Wagga Wagga-based service linking

¹⁷⁹ Ms Lynch, Evidence, 18 May 2005, p4

¹⁸⁰ Mr Sheahan, Evidence, 18 May 2005, p7

¹⁸¹ Submission 59, Mr and Mrs Bruce, p1

¹⁸² Submission 52, Challenge Armidale; Submission 117, The Leisure Company

people with disabilities to mainstream leisure and recreation activities as well as providing post school programs. Both organisations are extremely concerned about the recent changes to post school programs. As Challenge Armidale told the Committee:

This is an issue that has created a significant amount of stress, worry and concern for our clients, their parents, carers and other family members, as well as the staff and members of the general community.'

Like many other service providers, Challenge Armidale's key objection to the reform package is that it has been accompanied by a significant reduction in funding:

To reduce funds and then to claim a better service outcome is deceitful and does not fool service users or their families ...

The Leisure Company believes there is a fundamental mismatch between the policy goals of the reforms and the level of funding:

The proposed funding reduction will see a decrease in the types of flexible, highly individualised programs and activities The Leisure Company will be able to offer. The level of funding offered for Community Participation program is inadequate and inconsistent with the objectives and outcomes of the proposed project.

Challenge Armidale believes that reduced funding will make it impossible to maintain the current quantity or quality of service levels. Fewer program hours will affect clients and their families, many of whom 'struggle to maintain a semblance of normal life.' Less funding may also threaten Challenge Armidale's ability to offer the high quality innovative programs they have spent much energy developing:

... we fear a return to the inappropriate situations of clients being taken out for "watered down" or ineffective "community access" programs only, and we will no longer be able to achieve the specific and holistic outcomes truly required for each individual.

If they are unable to offer these programs, Challenge Armidale also fear that they may lose highly experienced staff in whom they have invested significant training dollars.

As a small rural community organisation, The Leisure Company fears the impact of funding cuts on its very survival:

... after looking at our current financial liabilities such as rent, insurances and other administration expenses these proposed changes will have a major impact on our financial viability.

While supportive of the Department's recent attempts to improve services' occupational health and safety performance, The Leisure Company believes that funding shortfalls are likely to generate greater health and safety issues, especially in rural areas where appropriate training is harder to access:

The ability of service providers in rural areas to access appropriate protective behaviours training is already extremely difficult and expensive; with a reduction in funding it will become even harder.

A universal criticism of the Department's reform program shared by service providers, families and clients alike is the apparent lack of genuine consultation prior to its inception. Challenge Armidale believes the Department has flouted its own Disability Service Standards by failing to consult families and service providers about its reform program:

The way in which the post-decision consultations were conducted was an example of worst practice ... one of the worst examples of change management possible.

'High needs pool' of \$1.4 million

- 5.29** In designing the CP program, the Department recognised that funding of \$13,500 p.a. would be inadequate for young adults with very high support needs. To address this, DADHC established a pool of \$1.4 million to provide supplementary funding to those with high support needs.
- 5.30** From the information available to the Committee, it is difficult to determine how high someone's needs must be before they are eligible to receive funding from the high needs pool. An indication was given in evidence from Ms Alison Wannan, Director of Community Access at DADHC. When questioned, 'How high will high support needs be?', Ms Wannan responded: 'It is very high.'¹⁸³ From this answer the Committee infers that high support needs funding is only intended to be available to a small number of people.
- 5.31** In addition to lack of information on who would receive funding, those who applied for supplementary funding encountered problems with the application process. As with so many aspects of the program reforms, the application process was put in place after the introduction of the new programs. Ms Mills from DADHC told the Committee that in March 2005 DADHC issued guidelines on who would be eligible for high needs funding. Applications for supplementary funding were due by 29 April.¹⁸⁴ Ms Wannan gave evidence that panels of experts in behaviour support and personal care were then formed to consider these applications.¹⁸⁵ At the hearing on 17 June, Mr O'Reilly indicated that the applications had been assessed, and that applicants would be advised of the outcomes in the next week.¹⁸⁶
- 5.32** The difficulties experienced by Mr Jim Murphy in accessing the pool of \$1.4 million were discussed earlier in this chapter, including the limited time to prepare an application on behalf of his son Daniel. The Committee is critical of the fact that while DADHC gave parents 18

¹⁸³ Ms Wannan, Evidence, 11 May 2005, p19

¹⁸⁴ Ms Mills, Evidence, 11 May 2005, p17

¹⁸⁵ Ms Wannan, Evidence, 11 May 2005, p19

¹⁸⁶ Mr O'Reilly, Evidence, 17 June 2005, p2

days to submit extensive applications, the Department took just under two months to assess the applications. The high needs funding did not come through until approximately two and a half months after existing participants entered the new programs, and four a half months after new school leavers entered the new programs.

- 5.33** Ms Mills gave evidence that the Department calculated the figure of \$1.4 million:
- ... based on a survey that we conducted of service providers in late 2004 to give us an indication of the possible demand for supplementary funding ...¹⁸⁷
- 5.34** The Committee heard from Ms Wannan that DADHC ‘deliberately’ decided not to depend on assessment results to determine who may be eligible for high needs funding.¹⁸⁸ This seems to the Committee to indicate that DADHC is concerned with the reliability of the assessment methodology.
- 5.35** Mr O’Reilly gave evidence that approximately 500 people applied for high needs funding.¹⁸⁹ This is a significant number of applications. Mr O’Reilly estimated that 1 in 3 people from the CP program would be assessed as having high support needs.¹⁹⁰ This high level of demand is supported by the evidence given to the Committee, as a great number of submissions from parents and carers noted that they would apply for high needs funding.
- 5.36** The Committee has given some consideration to the funding that may be available to individuals successful in applying for high needs funding. If all of the 500 applications were successful, this would equate to an average increase of just under \$3,000, taking participants up to funding of \$16,500 p.a. Such increases would reinstate participants to roughly the level of their previous ATLAS funding. Considering the evidence that many ATLAS participants with high support needs were receiving significantly less than three program days per week, the Committee is of the opinion that these funding levels are inadequate.
- 5.37** The Supplementary Elton Report on PSO and ATLAS programs concluded that in 2001: ‘Typically, a high support package of about \$17,000 will enable provision of between 13 and 15 hours per week of support provided all on a 1:1 basis by staff.’¹⁹¹ Given this conclusion that \$17,000 could not provide adequate support to participants with high needs in 2001, the Committee is surprised that DADHC considered similar levels of high needs funding four years later.

¹⁸⁷ Ms Mills, Evidence, 11 May 2005, p17

¹⁸⁸ Ms Wannan, Evidence, 11 May 2005, p19

¹⁸⁹ Mr O’Reilly, Evidence, 17 June 2005, p2

¹⁹⁰ Mr O’Reilly, Evidence, 11 May 2005, p16

¹⁹¹ Elton, Brian & Associates, *Day Programs Review: Interim Report on Day Programs and Supplementary Report on Post School Options and ATLAS Service Delivery*, prepared for DADHC, October 2001, p9

Linking funding to levels of need

- 5.38** Other states/territories have linked funding levels to level of need. This ensures that people with the highest support needs receive the most funding. For example, in Western Australia individuals are assessed as requiring one of four levels of support: low, medium, high or very high.¹⁹² Once their needs are assessed, individuals and their families then decide on the model of service they require, such as one-on-one service or group activities, and the number of program days they need per week. An individual's funding level is determined by the level of support they require and the number of program days they need per week.
- 5.39** Funding levels in Western Australia are currently subject to review. The funding levels set out in the following Funding Matrix will change as a result of this review, but provide an example of a model that links funding to need.

Western Australia Funding Matrix

| Days of service | Individual Level of Support Needs & Funding per annum | | | |
|-----------------|---|--------|--------|-----------|
| | Low | Medium | High | Very High |
| 1 | 1,200 | 1,800 | 2,400 | 3,600 |
| 2 | 2,400 | 3,600 | 4,800 | 7,200 |
| 3 | 3,600 | 5,400 | 7,200 | 10,800 |
| 4 | 4,800 | 7,200 | 9,600 | 14,400 |
| 5 | 6,000 | 9,000 | 12,000 | 18,000 |

- 5.40** The Minister for Disability Services the Hon John Della Bosca MLC advised Parliament that he supported linking funding to levels of need:

... under the former program funding was linked to how long a person had been in the program and not to a person's needs ... I have asked the Department to redesign the program so that it is linked to the needs of particular families and young people with disabilities.¹⁹³

- 5.41** In evidence the Director General discussed the possibility of linking funding to levels of need in the upcoming tender process at the end of 2005:

We may even move to four or five levels of need ... The Commonwealth has done some work on the five levels of need, and we are talking to the Commonwealth now

¹⁹² The information in this section was provided by the WA Disability Services Commission: Emails from Ms Helen McMahon, Manager, Alternatives to Employment Program, Service Purchasing and Development, WA Disability Services Commission, to Principal Council Officer, 13 June 2005, 5 July 2005 & 6 July 2005; Email from Ms Natasha Miller, Local Area Coordinator for Cambridge, WA Disability Services Commission, to Principal Council Officer, 19 July 2005; Telephone conversation between Ms Miller and Principal Council Officer, 18 July 2005.

¹⁹³ Hon John Della Bosca MLC, Legislative Council, New South Wales, *Hansard*, 25 May 2005, p16043

to see whether we can transfer that understanding and those assessments across to our system as we go to tender.¹⁹⁴

- 5.42** The Committee supports the targeted use of funds, to ensure that those with the highest need receive the most support. The Committee recognises the great diversity of individual needs and considers that funding allocations should likewise be differentiated in order to best meet these needs from within available resources.
- 5.43** At this stage it is not possible to link funding to levels of need, because of the absence of an accurate and reliable tool for assessing young people's levels of support needs. The problems with the assessment tool are discussed in Chapter 8.

Announcement of \$6 million additional funding

- 5.44** In May 2005, the Minister for Disability Services announced \$6 million of additional funding for the CP program. The Minister advised that this funding was available as a result of his personal review of the changes, consistent with the undertaking given by the Hon Carmel Tebbutt MLC, the previous Minister for Disability Services. The Minister announced:

I am writing to families informing them that, as a result of this latest funding increase, every person in the Community Participation program will now be guaranteed at least three days support (18 hours) per week.

Young people with a disability who now receive less than three days will have their support increased. New participants will receive at least three days and people currently receiving more than three days will continue to receive this additional support.¹⁹⁵

- 5.45** The \$6 million is a one-off funding supplement for the 2005-2006 financial year.¹⁹⁶
- 5.46** DADHC is treating the \$1.4 million high needs funding as a separate exercise to the allocation of the additional \$6 million.¹⁹⁷ The Committee considers that Minister Della Bosca's announcement of an additional \$6 million for the 2005-2006 financial year demonstrates the inadequacy of the \$1.4 million high needs pool.
- 5.47** The Committee welcomes the Minister's announcement of the additional \$6 million. However, the Committee is concerned that additional funding will not be available to those providers who elected to maintain participants' program hours at their own cost. As of the hearing on 17 June 2005, Mr O'Reilly said that this issue 'is outstanding' from DADHC's consultations with NCOSS, ACROD and PWD on how to allocate the \$6 million.¹⁹⁸ The Committee is also concerned that this is a one-off allocation and will only supplement funding until mid-2006.

¹⁹⁴ Mr O'Reilly, Evidence, 17 June 2005, p3

¹⁹⁵ Hon John Della Bosca MLC, Minister for Disability Services, 'Additional disability funding for post school programs,' *Media Release*, 22 May 2005

¹⁹⁶ Mr O'Reilly, Evidence, 17 June 2005, p2

¹⁹⁷ Mr O'Reilly, Evidence, 17 June 2005, pp1-2

¹⁹⁸ Mr O'Reilly, Evidence, 17 June 2005, p3

- 5.48** The Committee believes that three program days per week is insufficient to support young people with a disability and their families. The Committee considers that young people in post school programs should spend more days each week attending a program than they spend at home. This requires young people to attend a post school program on at least four days each week (compared to three days per week at home).
- 5.49** The Committee is of the opinion that DADHC should guarantee that all young people in post school programs will receive a minimum of four program days per week. Given the additional support required by people with high support needs and their families, the Committee is of the opinion that they should receive more program days per week than participants with lower support needs, namely five program days per week.

Recommendation 8

That DADHC adopt a policy of providing a minimum of four program days per week for all participants in the Community Participation program.

Participants assessed as having high support needs should receive the most number of program days, namely five program days per week.

Funding for PSO program

- 5.50** Many witnesses have argued that anger at the inadequacy of funding for the CP program is compounded by the inequity between funding for the CP program and the previous PSO program. This section discusses this inequity.

Discrepancy between funding for PSO and CP

- 5.51** Students who left school from 1993-1997 entered the PSO program. At the time the ATLAS Reform Project was initiated in 1998 existing PSO participants were exempted from the reforms. It was intended that the PSO program would be incorporated into the new program that evolved from the reform process.
- 5.52** In 2005, DADHC estimated there are 2,330 young people in the new TTW and CP programs.¹⁹⁹ In 2004, DADHC estimated there were 1,400 people receiving PSO funding.²⁰⁰

¹⁹⁹ Submission 144, DADHC, p1

²⁰⁰ *DADHC Regional Service Providers Powerpoint Presentation*, www.dadhc.nsw.gov.au, p6, accessed 24 February 2005

- 5.53** Initially the 2004 reforms were intended to streamline post school programs by incorporating the PSO and ATLAS programs into a single program. However, after announcing in July 2004 that PSO participants would be included in the reforms, a month later Minister Tebbutt announced that the PSO program would be exempted:

Ms Tebbutt said it was clear that the new service models currently being considered were not appropriate for many PSO participants.

“People were accepted into the PSO program between 1993 and 1998. The program was not established with a time limit, and so participants and their families had a reasonable expectation the program would continue,” Ms Tebbutt said.²⁰¹

- 5.54** The rationale for exempting the PSO program was that whereas ATLAS was introduced as a time-limited program there was no such caveat on the PSO. While this may have made a significant difference in the eyes of the former Minister and DADHC, it has little relevance to program participants and their families, who participate side by side in identical programs. During their visits to service providers, Committee members were frequently introduced to program participants with similar disabilities but who received very different levels of funding.

- 5.55** In 2003-2004, average funding for participants in the PSO program ranged from \$18,685 to \$21,428 p.a., depending on the year the person entered the program.²⁰² PSO funding is indexed and will continue to increase throughout a person’s life.

- 5.56** There is little credibility to the argument that PSO participants have different needs to those who were streamed into the ATLAS program, given that the only difference between PSO and CP participants is the year they left school.

- 5.57** The inequity between PSO funding levels and funding under the new programs is difficult to justify. The submission from Mr and Mrs David and Bronwyn Peachey, on behalf of their daughter Emma, stated:

DADHC administers a funding model that discriminates depending on the birth date of the individual.

Despite having the same level of disability, and need, as many of her colleagues Emma is currently funded at a level 27% lower than those who commenced on the PSO programme. The reduction in funding to \$13,500 will increase this disparity to 63%.²⁰³

- 5.58** Similar sentiments were expressed by Mrs and Mr Florence and Rex Chandler:

Post School Options funding, at more than \$20,000 per year, is much more generous than ATLAS funding. It is unjust and inequitable that an individual can receive approximately \$10,000 more, based on when he/she left school, not on level of need.²⁰⁴

²⁰¹ Hon Carmel Tebbutt MLC, Minister for Disability Services, ‘Programs for School-Leavers with a Disability,’ *Media Release*, 13 August 2005

²⁰² Submission 144, DADHC, p16

²⁰³ Submission 35, Mr and Mrs Peachey, p4

²⁰⁴ Submission 127, Mr and Mrs Chandler, p1

- 5.59** While funding for individual PSO participants remains the same, the Committee heard evidence that funding changes for the new programs also affects PSO participants. According to the submission from the Mid North Coast Area Disability Committee:

There is evidence to show that some service providers engaged in post school programs are reducing the hours of their PSO clients because of the massive impact of funding reductions for other clients.²⁰⁵

- 5.60** Mr Tony Wells gave evidence of a noticeable decline in program quality for his son, who receives PSO funding:

My son is a young man of 28. He is in receipt of Post School Options funding. My expectations were that with no reduction in PSO funding that there would be little change in the service provided by the day program. What I have found is that there has been significant deterioration in the quality of the service.²⁰⁶

- 5.61** The Committee considers the distinction between the CP and PSO programs to be inequitable, and to be based on no other difference than the year a person left school. DADHC's distinction between the PSO and CP programs is another example of poor policy development. However, considering the inadequacy of current funding levels for the CP program, the Committee is loathe to recommend the amalgamation of the CP and PSO programs. The Committee would support such streamlining in future, if funding for participants in the CP program is increased to an adequate level. However, the Committee does not support disadvantaging participants in the PSO program by reducing their funding levels, given the sizeable funding reductions that this would entail.

- 5.62** The Committee was struck by the level of aspiration in TTW and CP participants who attended the Committee's consultation groups. Young adults that used to have lives watching TV in institutions now want jobs and opportunities similar to the general population. The Committee recognises the legitimacy of their aspirations and acknowledges that this is a paradigm shift with significant funding implications. The Committee therefore acknowledges that for some years CPI increases will not be able to be considered adequate to include this group in the general population for the first time.

Evidentiary basis for new funding levels

- 5.63** Chapter 4 argued that in developing the structure and policy framework for the TTW and CP programs, DADHC neglected the outcomes of previous research and consultation. One such piece of research is the costing study being undertaken by the University of Wollongong. If completed, this research would have given the Department an evidentiary basis on which to determine the new funding levels. This section begins by discussing the Wollongong University study.

²⁰⁵ Submission 74, Mid North Coast Area Disability Committee, p4

²⁰⁶ Mr Wells, Committee Member, Family Advocacy, Evidence, 11 May 2005, p28

Cost and Classification Study by Wollongong University

5.64 The University of Wollongong was commissioned by DADHC to conduct a Costing and Classification Study. The Study commenced in June 2004. According to Professor Kathy Eagar, Director of the University's Centre for Health Service Development which is conducting the Study, its purpose was to 'understand what drives costs in ATLAS service provision ... and to measure those costs in a consistent way ...'²⁰⁷ The study sampled 836 consumers at 18 service providers, and relied on information from the three following datasets:

- staff activity data, measuring the time in minutes staff spent with each person during the day. The University collected this data in July 2004.
- financial data, costing the services each person received each day. The University collected this data in August and September 2004.
- consumer data, assessing the support needs of each person. DADHC was responsible for collecting this data.

5.65 The University aimed to link the third dataset on consumer needs with the second dataset on service cost, to determine the relationship between an individual's support needs and their program cost. The third set of data needed to be collected as close as possible to the first and second sets, to ensure the accuracy of the link made between need and cost.

5.66 The University has not completed this study, as DADHC failed to provide any consumer data. Professor Eagar gave evidence that:

For reasons that I do not fully understand, this full set of assessments [of consumers being tracked in the study] did not eventuate. We contacted DADHC numerous times in the last half of 2004 chasing up progress on the assessments. However, it became progressively more difficult to find out what was happening due to continual staff turnover in the agency. By late 2004, there was no-one involved in the program who had been there in the beginning.²⁰⁸

5.67 Professor Eagar went on to advise the Committee that she had been contacted by DADHC in the last two weeks to discuss completing the study. The Committee notes that there was no contact between DADHC and Professor Eagar from late 2004 until the two weeks preceding the Professor's appearance before the Committee.

5.68 Professor Eagar gave evidence that if the Study had been completed, it would have given the Department a reasonable idea of the cost of providing post school programs.²⁰⁹

5.69 ACROD NSW agreed that the Study is necessary to determine adequate funding levels:

It is clear that the reforms would have been better received and would stand a better chance of success if appropriate service costing work had been carried out before implementation. ACROD NSW therefore looks forward to the completion and

²⁰⁷ Professor Eagar, Evidence, 17 June 2005, p30

²⁰⁸ Professor Eagar, Evidence, 17 June 2005, p31

²⁰⁹ Professor Eagar, Evidence, 17 June 2005, p32

publication of the University of Wollongong's costing study ... In the absence of this work ... little data about the actual operation of these programs and the adequacy of funding levels is yet available.²¹⁰

- 5.70** The Study was originally due to be completed by the end of 2004. The timing of the announcement of the new funding levels in July 2004 is therefore even more surprising. The fact that the Study has not been completed leads the Committee to question whether the Department wants to know the true cost of providing a post school program.
- 5.71** The Study is now due to be completed by the end of 2005. As DADHC plans to instigate a second tender process at the end of 2005, the Committee is concerned that this important work on costing will again be ignored in favour of more piecemeal information. In its response to a Committee question regarding the upcoming tender process, DADHC stated that it is meeting with service providers to document service delivery costs over a two-week period at the end of July, and will be collecting similar data from the service providers involved in the transition to work pilot projects.²¹¹ DADHC's response notes that this information will be used to inform the tender specifications for the CP program. The Committee is concerned that there is no mention of using the costing work being done by Wollongong University to inform service costing in the tender specifications.
- 5.72** The Committee considers the Department's investment in a costing study to be a clear signal that DADHC recognises the benefits of investing in research. However, the Department fails to do so in a meaningful way: while investing in a mechanism to obtain the data necessary to realistically cost its programs, the Department does not use the outcomes of such research in costing its programs. The Committee is of the opinion that the Study should be completed, and that the results be used to determine new funding levels for participants in the CP program.

Recommendation 9

That DADHC work with Wollongong University to finalise the Cost and Classification Study as soon as possible.

Funding levels for the Community Participation program should be revised based on the findings of the Study, to ensure that all participants receive enough funding to have a minimum of four program days per week, and participants with high support needs receive enough funding to have five program days per week.

²¹⁰ Submission 105, ACROD NSW, p3

²¹¹ Answers to questions on notice taken during evidence 17 June 2005, Mr Brendan O'Reilly, Director General, DADHC, Question 2.6

Inter-state funding comparisons

5.73 It is difficult to determine on what basis the Department costed its new programs, given that the Director General acknowledged that prior to the changes, DADHC lacked information on service providers' pricing structures, and the link between level of need and program costs.²¹²

5.74 From the Director General's evidence, it seems that the new funding levels were based on comparisons with other states/territories:

Basically, as I mentioned before, we looked at the figures that were available for the programs in other States. We compared them to the figures we were providing. We came up with a figure that proved to be incorrect. We then discussed that using information that we were receiving during the introduction of the reforms. Those figures had to change; they had to move up. So the figure moved from \$9,500 to a flat rate of \$13,500 with Community Participation. When we compare that to the other States it is close.²¹³

5.75 The Committee is concerned that the new funding levels seem to have been based exclusively on a comparison with funding levels in other states/territories. According to ACROD NSW, 'publicly available comparative information in relation to expenditure in other Australian states is unreliable and of poor quality.'²¹⁴ Ms Reagan from NCOSS gave evidence that its research demonstrated the unreliability of inter-state funding comparisons:

Previous research by NCOSS has shown that the differential rates in other States are comparing people with different needs and skills on different rates ... if you look just at the dollar amounts and not attach that to the degree of need or the degree of intervention, that does not give you a picture of who your clients are and whom you are working with.²¹⁵

5.76 An example of the unreliability of inter-state funding comparisons is given by the different inter-state funding figures presented by DADHC to the Committee at the Budget Estimates hearing in December 2004, and the figures presented in DADHC's submission to this Inquiry in March 2005.²¹⁶ Mr O'Reilly explained the discrepancy by noting that the figures in the submission were based on the most recent advice received from other states/territories.²¹⁷ The Committee has little confidence that inter-state figures have provided a reliable basis for determining funding levels.

²¹² Mr O'Reilly, Evidence, 11 May 2005, p18

²¹³ Mr O'Reilly, Evidence, 11 May 2005, p13

²¹⁴ Submission 105, ACROD NSW, p9

²¹⁵ Ms Reagan, Evidence, 10 May 2005, p5

²¹⁶ Mr O'Reilly, Evidence, 20 December 2004, p5; Submission 144, DADHC p17

²¹⁷ Mr O'Reilly, Evidence, 11 May 2005, pp16-17

- 5.77** Since the changes were announced, the Department advised the Committee that it has been able to collect valuable costing information that it did not have previously. DADHC seems to consider that the program changes have had a positive outcome as they have assisted the Department to collect this costing data. According to the Director General:

I clearly recognise, as do the staff of my Department, that the reforms to the ATLAS program have caused anxiety and concern to parents and clients alike. I genuinely regret this. However, as a result of these consultations, a number of positive outcomes were achieved ... It must be said that the current reforms have assisted the Department to collect data which it previously did not have access to.²¹⁸

- 5.78** The Committee must question why DADHC did not seek information to determine adequate funding levels prior to making program changes, rather than collecting data by implementing flawed policy reforms.

Costing of post school programs

- 5.79** Service providers gave evidence that inadequate funding levels are related to the way DADHC costs a service. The Committee heard that DADHC has traditionally tended to focus on the staffing costs needed to provide a program, without taking services' overheads into account. Mr Neil Preston, CEO of Greenacres Association, told the Committee that it costs his organisation \$7,000 p.a. per program day to provide a service to a participant with high support needs.²¹⁹ Greenacres considers that a four day per week program is necessary to provide parents and carers with adequate respite, amounting to funding of \$28,000 p.a. Mr Preston believes that DADHC takes responsibility for covering the staffing component of this cost but forgets about the other overheads involved in delivering a service. However, DADHC stated in its submission that indirect costs were considered.²²⁰
- 5.80** The Spastic Centre of New South Wales cited a similar cost of providing a program to a young adult with high needs to that cited by Greenacres. The Spastic Centre provided the Committee with a breakdown of the costs involved in providing a five day per week program to their clientele of people with high physical needs.²²¹ The organisation advised that average staffing costs are based on a staff to client ratio of 2:1 due to participants' high support needs. Many participants require 1:1 support at times, for example to assist with personal care or mealtimes. The budget came to just over \$30,000 per person, with 75% of the total program cost attributed to staffing costs.
- 5.81** On its visit to Wagga Wagga the Committee met Ms Ann Baker, the new Service Manager of Wagga Community Access Support Services. Ms Baker told the Committee that inadequate DADHC funding led many organisations, including her own, to scrimp on essential costs in order to maximise the number of program hours provided to participants. According to Ms Baker this tendency erodes long-term organisational viability as no money is put aside for

²¹⁸ Mr O'Reilly, Evidence, 11 May 2005, p3

²¹⁹ Sub-committee site visit, Greenacres Association, Wollongong, 1 June 2005

²²⁰ Submission 144, DADHC, p28

²²¹ Correspondence from Ms Deborah Hoffman, General Manager, Organisational Planning, The Spastic Centre of New South Wales, to Principal Council Officer, received 14 June 2005

essential costs such as maintenance work, building modifications and occupational health and safety requirements.²²²

- 5.82** The Committee believes that this evidence again demonstrates that funding levels need to be increased, to ensure that services are costed accurately therefore ensuring service viability.

Were the changes driven by Treasury?

- 5.83** This section has examined how DADHC costed funding levels for the new programs. The strong impression throughout the disability sector is that the program reforms were driven by Treasury. According to this argument, the program changes are a result of Treasury cost-cutting, rather than being part of any reasoned policy reform agenda set by DADHC. The submission from Windgap reflects this perception:

It would appear from subsequent events that the biggest driver for reform was the demand from Treasury to contain expenditure on day programs, regardless of the impact such a move would have on service provision in the future ...²²³

- 5.84** The Disability Council of New South Wales agreed that the program changes are seen by the sector as part of a cost-cutting agenda:

It is clear to any observer, however, that strong beliefs permeate the disability community that the reforms were driven by Government's concern that the programs had become too costly ... It seems to be supported by the main financial thrust of the reform which has the effect of reducing the cost per client of the programs.²²⁴

- 5.85** Other than the reduction in funding levels, the impression that the reforms were driven by Treasury is strengthened by the:

- suddenness with which the changes were announced
- haste with which the reforms were implemented
- lack of policy work done prior to the introduction of the new programs (for example on issues relating to the allocation of the high needs pool, and mechanisms to appeal assessments and the development of program guidelines)
- lack of information available on adequate funding levels (the Wollongong University costing study was due to be completed by the end of 2004).

- 5.86** In response to repeated questioning on whether the program changes were driven by Treasury, the Director General refused to categorically deny this assertion. On several occasions Mr O'Reilly stated that he was not in the Department at the time the changes were announced, and that he did not have access to the key people involved in developing the new programs as they had already left. Mr O'Reilly provided the Committee with a run-down of the process that 'would have' occurred, rather than what did actually happen.²²⁵

²²² Committee site visit, Wagga Community Access Support Service, Wagga Wagga, 18 May 2005

²²³ Submission 108, Windgap Foundation, p4

²²⁴ Submission 75, Disability Council of NSW, p3

²²⁵ Mr O'Reilly, Evidence, 11 May 2005, pp5-7

- 5.87** Given the lack of substantive evidence on this issue, the Committee can only note that the anecdotal evidence supports the perception in the disability sector that the changes were driven by budgetary considerations.

Conclusion

- 5.88** The evidence in this chapter demonstrates that the reduced funding for the new CP program is inadequate. Reduced funding has in particular impacted on young adults with high support needs, many of whom were already receiving insufficient numbers of program hours. The Committee believes that the high needs pool of \$1.4 million is insufficient to provide young people with high needs with programs of sufficient quality and number of hours.
- 5.89** The Committee concludes that funding for participants in the CP program must be increased to ensure that program participants spend more days each week attending a program than they spend at home (ie participants should attend a program on at least four days per week, compared to three days per week at home). The Committee recommends that all CP participants should receive sufficient funding to provide at least four program days per week, and that young people with high levels of support needs should receive funding to provide five days per week.
- 5.90** To ensure that those with the highest support needs receive the most funding, the Committee supports linking funding levels to levels of support needs. However, this depends on the development of an accurate mechanism for assessing support needs. The Committee discusses the difficulties with the current assessment tool in Chapter 8.
- 5.91** Lastly, the Committee discussed how the funding levels for the new programs were determined. As with the evidentiary basis of program design discussed in the previous chapter, the Committee finds that there was a weak evidentiary basis for determining the new funding levels. The Committee is perplexed as to why the Department chose to implement new funding arrangements prior to the completion of its own costing study, given the unreliability of inter-state funding comparisons, which seems to be the only information that the Department used to cost its new programs. The Committee finds that such actions only serve to reinforce perceptions that the program changes were a cost-cutting exercise.

Chapter 6 Consultation

This chapter considers the role of advocates in the consultation process, as required by the Inquiry's terms of reference. It also considers communication issues as they relate to people with a disability, their families and service providers, which has emerged as a key theme during the Inquiry. While peak groups in particular claim that they were not consulted regarding the creation of the new Transition to Work (ITW) and Community Participation (CP) programs, evidence to the Committee showed that this sentiment is strongly shared by people with a disability, their families and service providers.

Involvement of people with a disability, families and service providers

- 6.1 This chapter begins by examining the consultation process undertaken by the Department of Ageing, Disability and Home Care (DADHC), and the evidence from young people with a disability and their families on the stress and anxiety caused by DADHC's failure to provide timely and accurate information.

Consultation with people with a disability and their families

- 6.2 In evidence, the Director General of DADHC, Mr Brendan O'Reilly, described the process the Department put in place once the new programs were announced:

We embarked upon a communication and consultation program which involved in excess of 150 meetings throughout the State with families, carers, providers and advocates as well as a range of public forums.²²⁶

- 6.3 According to its submission the Department participated in information and briefing sessions (including attending regular stakeholder forums across the State), convened meetings and small working groups, sent senior staff to information sessions organised by service providers and peak bodies, and organised Statewide forums attended by the Minister for Disability Services and senior staff.²²⁷

- 6.4 Evidence from parents, peak bodies and service providers questioned whether the Department's information-sharing activities amounted to 'consultation.' According to evidence from Family Advocacy:

There is a lot of information giving, but that is not consultation. There is not an opportunity for the Department to genuinely listen to the voice of people with disability, families and non-government agencies, and actually make adjustments to its previous thinking ...²²⁸

- 6.5 Many submissions from parents described how the scarcity of information provided by DADHC, together with the late stage at which it was provided, created a high level of stress and angst. For example, Mr and Mrs David and Bronwyn Peachey, parents of Emma,

²²⁶ Mr O'Reilly, Evidence, 11 May 2005, p3

²²⁷ Submission 144, DADHC, p31

²²⁸ Ms Epstein-Frisch, Evidence, 11 May 2005, p36

explained their difficulties in trying to get information from a Department that they claim is characterised by a ‘culture of silence.’ When they did get information, the Peacheys described it as ‘bureaucrat speak’ which did not directly answer their questions.²²⁹

- 6.6** Ms Alana Gudgeon, parent of Rachel, felt similarly frustrated in her attempts to obtain information from the office of the then Minister for Disability Services, the Hon Carmel Tebbutt MLC:

My experience in the communication process with Carmel Tebbutt’s office was one of disbelief. The staff were rude and all public announcements were after the fact or within a very short timeframe which made it impossible for anyone to react.²³⁰

- 6.7** Ms Debbie Matthews, whose story is told in Chapter 2, contacted the Minister’s office as well as DADHC. Ms Matthews wrote in her submission:

I have received no help at all from the Minister’s office despite over 40 phone calls requesting information ... DADHC initially ignored my phone calls. I only received information after I complained to the Director General.²³¹

- 6.8** A key theme to emerge from the Committee’s three group consultations with young adults with a disability, in Sydney, Wollongong and Newcastle, was that young people were angry about the lack of information and communication about the changes.²³² Not one of the young people at these consultations first heard about the program changes from DADHC, instead having to rely on their service providers, the media or word of mouth.²³³ At the consultations, one participant commented: ‘Why did they do it this way?’, as the announcements had caused him high levels of uncertainty and anxiety.²³⁴

- 6.9** The confusion surrounding the new programs was compounded by the haste with which the new programs were implemented, and the lateness with which decisions were made. The submission from Ms Sue Harding described the transition to post-school programs for her daughter, who finished school in 2004:

We received our confirmation letter on 7/2/2005 stating that we were to contact the service provider appointed and that the programme would start on 7/2/2005. How do you prepare a young adult with special needs for such a change, travel train that young adult with a disability in the time frame provided that was no time frame at all.²³⁵

²²⁹ Submission 35, Mr and Mrs Peachey, p3

²³⁰ Submission 32, Ms Gudgeon, p1

²³¹ Submission 46, Ms Matthews, p2

²³² People with Disability Australia, *Report on Consultations with People with Disability*, June 2005, p3 (prepared for GPSC 2 Inquiry into Post School Programs for Young Adults with a Disability)

²³³ People with Disability Australia, *Report on Consultations with People with Disability*, June 2005, p13,15,18 (prepared for GPSC 2 Inquiry into Post School Programs for Young Adults with a Disability)

²³⁴ People with Disability Australia, *Report on Consultations with People with Disability*, June 2005, p16 (prepared for GPSC 2 Inquiry into Post School Programs for Young Adults with a Disability)

²³⁵ Submission 71, Ms Harding, p2

- 6.10** Ms Della Pin, parent of Dominique, another 2004 school leaver, described similar frustration at her ‘stressful and demeaning’ experience:

I phoned DADHC to see why I had still not received any letter and was told it should have been sent to me but another would be posted. On the 18th Feb[ruary] I finally received a letter from DADHC ... notifying us of Dominique’s acceptance to Windgap which had started on Feb[ruary] 7.²³⁶

- 6.11** Several submissions claimed that the lack of consultation breached the Disability Service Standards. The submission from Woodville Community Services stated:

We cannot help but ask ‘What consultation?’ Consultations were not organised by DADHC to discuss with clients and their families/carers the changes to the ATLAS program before the Reform decisions were announced. DADHC breached the Disability Service Standards by not consulting with clients and their families/carers.²³⁷

- 6.12** The Disability Service Standards are designed to assist services to implement the principles of the *NSW Disability Services Act 1993*. The Act requires that services ‘provide persons with disabilities with, and encourage them to make use of ... opportunities for consultation in relation to the development of major policy and program changes.’²³⁸

- 6.13** The following statement from Ms Rhonda Danylenko, parent of Tania, encapsulates the disappointment of many parents in the way that the program changes were made:

I am yet to see in both my professional and personal life a respectful approach to changes in services to marginalised people.²³⁹

- 6.14** DADHC established a Reform Hotline to provide information on the new programs. DADHC notified the Committee that from July 2004 to May 2005, 738 calls were made to the Hotline.²⁴⁰ Over 60% of calls were from parents and advocates. The number of calls to the Hotline reflects the high demand for information on the changes.

- 6.15** The submission from Flintwood criticised the amount and quality of information provided by DADHC to families, and cited the Reform Hotline as a prime example: ‘The hotline was not helpful with the families complaining about the lack of answers to their questions.’²⁴¹

- 6.16** The submission from the Council of Social Service of New South Wales (NCOSS) emphasised that the Department failed to provide clear information directly addressing the

²³⁶ Submission 89, Ms Pin, p2

²³⁷ Submission 73, Woodville Community Services, p3

²³⁸ *NSW Disability Services Act 1993*, Schedule 1, Section 2, (o)

²³⁹ Submission 62, Ms Danylenko, p2

²⁴⁰ Answers to questions on notice taken during evidence 11 May 2005, Mr Brendan O’Reilly, Director General, DADHC, Tab B, p1

²⁴¹ Submission 65, Flintwood Disability Services, p3

concerns of people with a disability and their families, when the Department did finally produce information on the new programs:

DADHC did not communicate directly with people and families for some time after the July announcements. When DADHC did write to people and families, there was no mention of per capita cuts or provider uncertainty. However, the Minister did assert that it was not the intention of the reforms to reduce quality or hours of service provision.²⁴²

6.17 The Disability Council of New South Wales agreed that the Department's management of the communication process left a lot to be desired:

... we feel that there was a lack of clarity and purpose that proved to be very unhelpful. More could have been done in the lead-up to reform to explain its purpose, its objectives, and how the reform was to be conducted and what its outcomes might be. Change is always unsettling and the potential for this change is particularly unsettling ...²⁴³

6.18 There is also a perception that the consultation process, limited as it was, was city-centric. During its visits to regional areas and from submissions, the Committee heard of concerns that the lack of communication with service users in rural and regional areas led to the needs of rural services users being ignored in the design of the new programs.²⁴⁴

6.19 DADHC's submission points to the lack of forethought and planning behind their consultation strategy. In a submission of 68 pages, only two are devoted to discussion of the consultation process.

Consultation with service providers

6.20 Service providers also felt the adverse impact of the Department's consultation process, including insufficient lead-time to implement the new programs and insufficient information about the new programs. Fairfield Community Resource Centre described DADHC's commitment to consultation to be 'at best, superficial.'²⁴⁵ This comment is typical of the evidence from many service providers.

6.21 The joint submission from Access Community Education Services (ACES Inc) and Individual Development and Further Education (IDAFE) outlined providers' concerns with the consultation process. Their submission stated that when providers questioned DADHC on the new programs they were told very little substantive information, with many of the DADHC officers involved seeming to know little about the new policy framework. According to the joint submission from ACES Inc and IDAFE:

²⁴² Submission 79, NCOSS, p7

²⁴³ Mr Buchanan, Evidence, 10 May 2005, p13

²⁴⁴ Submission 96, Wagga Wagga City Council, p3; Submission 100, Griffith City Council, p1; Submission 86, Disability Advocacy Network, p9

²⁴⁵ Submission 93, p9

The implementation of the changes has been plagued by much chaos, and this alone is proof that the initial consultation process was a failure.²⁴⁶

6.22 Providers were left with little time to implement the new programs. The Committee met with one service provider, The Disability Trust, who told the Committee that they were not advised of client numbers and the level of client needs until mid January, with the CP program due to start in early February.²⁴⁷ The Trust gave evidence that service providers did not receive any funding for preparation time prior to the start of the programs. Given that providers were expected to implement new programs, the Committee considers that funding for preparation time would have been especially valuable this year. Providers were also given little information on how the new programs were meant to operate. For example, the guidelines for the delivery of the TTW and CP programs were not developed prior to the implementation of the new programs, and are still being developed.

6.23 Service providers were placed at the front line of the change management process by the Department's failure to ensure that people with a disability and their families were fully informed about the program changes. According to the submission from Flintwood Disability Services:

Only a few letters have been sent out to families and Service Users informing them about the reform and the consequences. This was usually after the service providers had been told therefore they were usually the bearer of bad news.²⁴⁸

6.24 Evidence to the Committee suggested that the first most parents knew of the reforms was when they were informed by their service providers.²⁴⁹ This was supported by evidence from young people with a disability, many of whom told the Committee that they heard about the changes through their service providers.²⁵⁰ Service providers who themselves had been given very little information were then placed in the unenviable position of having to explain the changes to program participants and their families. DADHC advised the Committee in evidence that letters were sent to participants and their families on 24 August and 30 November 2004.

6.25 The Committee heard evidence that the lack of transparency surrounding the changes, and lack of consultation in the development of the new programs, will affect the relationship between DADHC and service providers.²⁵¹ Mr Patrick Maher, Executive Director of ACROD NSW told the Committee:

The haste that has characterised the current reforms has resulted in a lack of consultation at the front end, which has had an abrasive effect on service providers, service users and their families alike.²⁵²

²⁴⁶ Submission 41, ACES Inc and IDAFE, p6

²⁴⁷ Committee site visit, The Disability Trust, Wollongong, 1 June 2005

²⁴⁸ Submission 65, Flintwood Disability Services, p3

²⁴⁹ Mr Murphy and Ms Matthews, Evidence, 10 May 2005, p25

²⁵⁰ People with Disability Australia, *Report on Consultations with People with Disability*, June 2005, p13:15:18 (prepared for GPSC 2 Inquiry into Post School Programs for Young Adults with a Disability)

²⁵¹ Ms Suzanne Becker, General Manager, Windgap Foundation, Evidence 11 May 2005, p62

²⁵² Mr Maher, Evidence, 11 May 2005, p39

Tender process for TTW

6.26 Service providers who wished to deliver the new TTW program were required to submit a tender in late 2004. DADHC in its submission stated that: ‘The organisations approved as eligible providers for the Community Participation services were assessed according to an Eligibility Checklist, or a tender process if they were not an existing ATLAS provider.’²⁵³

6.27 The Department’s lack of communication with service providers regarding the new programs extended to the TTW tender process. Service providers such as Windgap gave evidence that providers had insufficient information to accurately complete the tender application:

People were being told completely different things, even down to how the budgets were filled in for support hours. A lot of the reason why those support hours and others were all over the place was that DADHC officers were actually giving service providers incorrect information on how to complete the forms.²⁵⁴

6.28 The Crowle Foundation raised concerns that the tender process was focused on price not quality:

It is of huge concern to the suppliers of high quality services that funding has been allocated via a purported tender to service providers that will allow some service providers to deliberately operate a lower cost, lower quality service.²⁵⁵

6.29 This concern is supported by complaints from some service providers, including Challenge Armidale and Family Resource and Network Support (FRANS). Challenge Armidale and FRANS were initially unsuccessful in their TTW tender applications. Both claim that this was due to the Department’s focus on price rather than quality outcomes.

6.30 In their submission, FRANS wrote that under the ATLAS program they achieved a ‘remarkable level of success’ in moving young people with a disability into employment.²⁵⁶ FRANS noted that they take an individualised approach, where young people are placed in community-based work sites with a trainer providing one-to-one support. FRANS claimed that although this approach achieved better outcomes it cost more, meaning FRANS provided fewer hours of training per week than services running a typical centre-based program. When FRANS tendered to deliver the TTW program their application was unsuccessful. The Department notified FRANS that the tender was rejected as they failed to meet the criterion for ‘cost efficiency and effectiveness.’ FRANS appealed the decision but the appeal was unsuccessful. Their submission stated:

We acknowledge that FRANS’ service unit cost is higher because all its specific training is on a one-on-one basis. However, it would appear that DADHC’s benchmark has not taken into account the outcomes accomplished. Specific one-to-one vocational training as offered by FRANS is based on high quality service and best practice. The assessment system ... is placing disproportionate weight on how many

²⁵³ Submission 144, DADHC, p22

²⁵⁴ Ms Becker, Evidence, 11 May 2005, p67

²⁵⁵ Submission 69, The Crowle Foundation Ltd, p3

²⁵⁶ Submission 139, FRANS, pp1-3

hours a week a participant is kept busy without examining adequately the quality and effectiveness of the training they receive.²⁵⁷

- 6.31** Like FRANS, Challenge Armidale was unsuccessful in its initial application to be a TTW provider. Unlike FRANS, their appeal against the decision was successful, and they are now eligible to deliver TTW services. Challenge Armidale gave evidence that their tender was rejected because the Department misunderstood the costing of their proposal.²⁵⁸ This misunderstanding was due to the lack of information from DADHC on how to complete the tender application.

Involvement of advocates

- 6.32** Advocates, both individuals and peak groups, were extensively involved in the ATLAS Reform Project consultations from 1999 to mid 2004. However, as highlighted in Chapter 4, these consultations were not used to directly inform the design and policy framework of the new programs. The following section examines whether advocates were involved in consultation after the new programs were announced.

Consultation with advocates and peak groups

- 6.33** According to evidence from PWD: ‘Along with many others, we were shocked and taken by surprise by the changes that were announced in July last year.’²⁵⁹ This statement reflects the lack of consultation across the disability sector preceding the 2004 program changes.
- 6.34** ACROD NSW was consulted on the new programs in 2004. The Department consulted ACROD after the new programs were announced. In addition, ACROD seems to have been the only peak group whose views were directly incorporated in the development of the new programs. ACROD is frequently cited by DADHC as being instrumental in the Department’s decision to move to block funding:

Many service providers and the industry peak group (ACROD) made representations about the need to address perceived impacts on service provider viability associated with individualised funding arrangements.²⁶⁰

- 6.35** The submission from ACROD NSW outlined their achievements from consultation with DADHC after the new programs were announced. These achievements included:
- increased funding for the CP program, from a base of \$9,000 to a flat rate of \$13,500
 - establishment of the \$1.4 million high needs pool, with the Department committing to develop assessment criteria in collaboration with sector representatives
 - exemption of the PSO program from the changes

²⁵⁷ Submission 139, FRANS, p3

²⁵⁸ Submission 52, Challenge Armidale, p3

²⁵⁹ Ms Heidi Forrest, President, PWD, Evidence, 10 May 2005, p35

²⁶⁰ Submission 144, DADHC, p20

- exemption of existing ATLAS providers from a tender process to provide the CP program
- postponement of commencement date for the CP program, from January to April 2005.²⁶¹

6.36 Many peak bodies and advocacy organisations expressed concern that they were not consulted on the proposed changes. The sector at large has questioned why ACROD was the only organisation DADHC chose to consult. According to the submission from NCOSS:

Several key peak agencies, including NCOSS, were not consulted prior to any reform announcement and NCOSS knows of no service users or providers who were consulted regarding the detail of the proposed reforms.²⁶²

6.37 To develop guidelines for the allocation of the \$1.4 million high needs pool, DADHC initially began negotiations with ACROD and representative service providers in December 2004. By January 2005 the Department had recognised the need to consult more broadly, and included PWD and NCOSS in the discussions on the guidelines for distributing the \$1.4 million.²⁶³

6.38 In evidence the Director General recognised that the Department cannot afford to repeat its past mistakes regarding lack of consultation. As an example, the Director General gave evidence that DADHC is negotiating with ACROD, PWD and NCOSS on the process for distributing the additional \$6 million announced by Minister Della Bosca in May 2005:

The one thing we have learned from the changes that were implemented earlier on is that we have to sit down with all the stakeholders to get an agreed approach on the way we are going to hand over the supplementation of the funding.²⁶⁴

6.39 The Committee welcomes this consultation. The Committee notes that the consultation process regarding the distribution of the \$6 million supplementary funding again highlights the problems of consultation after the fact, as such late consultation will unavoidably delay the distribution of the much-needed supplementary funding.

6.40 As discussed in Chapter 4, the Department needs to have a much stronger evidentiary basis to program design. This requires the development of a learning culture within the Department. The Committee concludes that DADHC must commit to use the outcomes of consultation and other information-gathering activities in future program design. To achieve this, the Committee is of the opinion that DADHC must commit to consult with all peak bodies and advocacy organisations on future program design and policy development.

²⁶¹ Submission 105, ACROD NSW, pp12-13

²⁶² Submission 79, NCOSS, p7

²⁶³ Submission 144, DADHC, p32

²⁶⁴ Evidence, Mr O'Reilly, 17 June, p2

Future consultation with the sector

- 6.41** This chapter has discussed the inadequacies of the Department's consultation process for the recent program reforms, and the frustration of people with a disability, their families, service providers and advocates at the lack of information and misinformation provided by the Department. It is to be expected that these problems will impact on DADHC's future ability to consult with the sector.

Implications for future DADHC consultation

- 6.42** According to DADHC's submission, 'the Department is further developing its consultative structures as part of the next phase of implementing the post school programs.'²⁶⁵ The submission noted that the Department is planning to consult with the sector in regard to developing program guidelines, developing performance indicators, incorporating the views of people with a disability in review processes, and improving program responsiveness for participants from multicultural and indigenous communities.

- 6.43** The submission from the Disability Council of New South Wales noted the potential for the lack of consultation regarding the 2004 program changes to affect DADHC's future consultations with the sector:

As a result of the unforeseen announcements, lack of consultation and information, Council is concerned that the potential has arisen for lack of trust in DADHC stakeholder consultation.²⁶⁶

- 6.44** There has already been criticism of DADHC's approach to the next phase of consultation. According to evidence from Family Advocacy:

... the Department has formed a peak group made up of some of the peak organisations, together with ACROD, and that is looking at some issues, such as guidelines, high need support, and so on. This has been about providing feedback and making minor adjustments within a framework that has already been set. These are not opportunities for consultation.²⁶⁷

- 6.45** In contrast, the PWD submission gave reason to hope:

More recently, however, PWD acknowledges DADHC's consultations with advocacy organisations and other stakeholders in the development of the guidelines for the Community Participation and Transition to Work programs and the Very High Needs Fund, Equipment and Modification Fund. The timeframe for participation in this process was very short because of the pending implementation of the guidelines. However, PWD acknowledges the transparency and genuine participatory nature of the process.²⁶⁸

²⁶⁵ Submission 144, DADHC, p32

²⁶⁶ Submission 75, Disability Council of NSW, p4

²⁶⁷ Ms Epstein-Frisch, Evidence, 11 May 2005, p36

²⁶⁸ Submission 146, PWD, p5

- 6.46 The Committee is critical of DADHC for failing to comply with the consultation requirements of the *Disability Services Act*, by not consulting with people with disabilities before making the recent program changes.²⁶⁹ The Committee hopes that the Department is learning from its experience of implementing the TTW and CP programs, and establishes a participatory process for this next phase of implementation that delivers on the principles of the *Act*.
-

Recommendation 10

That DADHC comply with the consultation requirements of the *Disability Services Act 1993*.

Conclusion

- 6.47 From the evidence in this chapter it is clear that DADHC did not consult with the sector on the design or policy framework for the new TTW and CP programs prior to their implementation. The Committee agrees with evidence claiming that the Department may have breached the Disability Service Standards in its failure to engage in genuine consultation on such major policy change.
- 6.48 Once the new programs were announced, there were numerous problems with the Department's consultation and information-giving strategy, including:
- service providers, not DADHC, informed most program participants and their families about the changes
 - Departmental officers were not able to answer questions about the new programs
 - information was provided a long time after the new programs were announced
 - when information was produced it was difficult to understand
 - ACROD NSW was the only peak body consulted on program modifications in the aftermath of the reform announcement
 - service providers did not have adequate guidance on how to complete TTW tender applications.
- 6.49 The Committee concludes that the flawed consultation process greatly contributed to the stress and anxiety experienced by program participants, their families, service providers and advocates. It is hoped that the distrust generated by inadequate consultation will not undermine the Department's apparent willingness to engage with the sector from now on concerning modifications to the new programs.

²⁶⁹ *NSW Disability Services Act 1993*, Schedule 1, Section 2

Chapter 7 Further education

Many Inquiry participants opposed the exclusion of students in further education from the new programs. Throughout this Inquiry, evidence has been critical of the assumption that access to further education is a peripheral issue for the young adults with moderate to severe disabilities who make up the target group for post school programs.

This chapter discusses the arguments in favour of making participants in the new Transition to Work (TTW) and Community Participation (CP) programs eligible to attend TAFE. The issue of making program participants eligible to attend university is more complicated, particularly with regard to funding responsibility, but there is nevertheless strong support for university students to receive additional supports.

Importance of quality education

- 7.1 The Committee heard evidence that students with a disability, like all others in the community, need access to quality education. The Committee was told that schools provide extensive supports to students with a disability to assist them to achieve their full potential. This school support contrasts with the significant barriers to participating in further education faced by young people once they leave school. It is argued that by removing the supports provided by post school program funding, the Department of Ageing, Disability and Home Care (DADHC) is creating even more barriers.

School support for students with disabilities

- 7.2 The Committee considers it to be a sad irony that funding for participants in post school programs is being cut at the very time that the first wave of people with a disability to receive good educational supports is coming through the school system. According to Ms Chris Lennon, Principal of Willans Hill Special School:

Education for our students is expensive with additional personnel, specialised equipment, modifications to the curriculum, individualised programs, parents as partners in learning, community involvement, quality teaching etcetera. My question is: What on earth are we educating these young people for? ... We work really hard, and to let our kids go at graduation is not something for us to celebrate. We are really concerned about the next step for them.²⁷⁰

- 7.3 Ms Ariella Meltzer is the twin sister of Maia, a young adult with severe cerebral palsy. Both are in their last year of school. In her submission, Ms Meltzer wrote:

I question the logic of cutting the services for disabled people post-school when there is such a strong emphasis on including them in the schooling system ... Just as non-

²⁷⁰ Ms Lennon, Evidence, 18 May 2005, p5

disabled individuals are encouraged to make the most of their opportunities in adult life, so too should disabled people be.²⁷¹

7.4 Mr Douglas Herd, the Director of the Disability Council of New South Wales, gave evidence that:

... there is an argument to be made for the State Government that has assisted people up to the age of school leaving to continue to make a contribution where ever that person may be transitioned into.²⁷²

Post school education for young adults with disabilities

7.5 Prior to 2003, participants in the Adult Training, Learning and Support (ATLAS) and Post School Options (PSO) programs could use their individualised funding to participate in further education by studying at both TAFE and university. Under the new TTW and CP programs, participants in post school programs cannot study at university. There are no guidelines on whether participants in the new programs can study at TAFE.

7.6 DEAN (Disability Education Association NSW/ACT) is the peak body representing the interests of staff and students in the disability services sector of universities and TAFE colleges. According to DEAN:

The exclusion of higher education students from eligibility under the new programs is likely to be regarded as highly offensive and based on a patronising assumption that people with high support needs disabilities do not or cannot aspire to complete tertiary studies.²⁷³

7.7 DEAN argued that further study is essential to assist people with disabilities to make the transition to employment:

For many students with high support needs disabilities tertiary studies is an essential step in working towards gaining future employment. Unable to be involved in physical work, these students are focusing on a future career where they can apply their intellectual and academic skills.²⁷⁴

7.8 The submission from People with Disability Australia (PWD) was also extremely critical of removing further education as a pathway to employment, especially as improving access to employment is the stated rationale behind DADHC's current reforms:

In cutting funds entirely from young people with disability enrolled or proposing to enrol in higher education, educational disadvantage is entrenched and nonsense is made of the claimed objective of the new programs of promoting access to employment and lifelong learning for young people with severe disability.²⁷⁵

²⁷¹ Submission 95, Ms Meltzer, p2

²⁷² Mr Herd, Evidence, 10 May 2005, p20

²⁷³ Submissoin 110, DEAN, p2

²⁷⁴ Submission 110, DEAN, p2

²⁷⁵ Submission 146, PWD, p5

- 7.9 The following case study outlines the importance of a university education for Ms Fiona Given, who had the opportunity to attend university with the support of her post school program.²⁷⁶

Fiona Given

Twenty seven year old law graduate, Fiona Given, works as a paralegal in the Crown Solicitor's Office. She has severe cerebral palsy and is dependent on a power wheelchair and communication device.

Fiona, whose successful university career was supported by the PSO program, is deeply concerned that the exclusion of university students from funding and support through post school programs will seriously restrict opportunities for people with severe physical disabilities to undertake university studies.

While the Commonwealth funds services such as note-takers and readers, it does not cover the cost of other services required by a person with physical disabilities to complete a degree. Fiona believes that State funding is essential to meet these critical needs:

During University and college I utilised my Post School Options funding to pay for transport, assistance with research, personal care, and massage therapy.

Without such assistance, Fiona argues, many young people with physical disabilities will be unable to pursue their education and find productive employment. She believes it is a short-sighted approach destined to cost governments far more in the long term:

If I chose not to work I would possibly get a place in a day centre, which would cost DADHC the same amount of money as it would continue to support me while I work. Furthermore, I would be on the Disability Support Pension and I would not be paying taxes. I would not enjoy the social benefits of working and feel the satisfaction of making a contribution to society. Society would not have the same exposure to people with disabilities.

TAFE

- 7.10 The following section considers whether young adults in post school programs are eligible to study at TAFE colleges. Evidence to the Committee demonstrated that there is ongoing uncertainty about who is eligible to study at TAFE. On several occasions, the Committee was told that participants in the TTW program could attend TAFE, but those in the CP program could not. However, there does not seem to be a clear Departmental policy on eligibility.

²⁷⁶ Submission 99, Ms Given; Ms Given, Evidence, 11 May 2005, pp24-26

Eligibility to attend TAFE

- 7.11** In the hearing of 17 June 2005, DADHC attempted to clarify for the Committee whether participants in the new TTW and CP programs are eligible to attend TAFE. The Committee was told that under current policy, it was not possible to attend a full-time TAFE course and also participate in a centre-based post school program. However, the Department gave evidence that aside from this restriction there are no clear rules on eligibility. DADHC is still developing guidelines on who can attend TAFE and in what circumstances.²⁷⁷
- 7.12** In April of this year, at the ACROD Conference, DADHC gave a presentation stating that to be eligible for both the TTW and CP programs, 'a person must not be undertaking employment, vocational education and training or higher education.'²⁷⁸ Such an assertion seems to preclude access to TAFE.
- 7.13** The Department's submission to the Committee of March 2005 also seemed to prevent access to TAFE:
- In a continuation of the policy established under ATLAS, the Transition to Work and Community Participation Programs will not assist people in higher education or who are studying at TAFE.²⁷⁹
- 7.14** These examples of mixed messages from the Department demonstrate why there is continuing uncertainty in the sector surrounding the framework for the new programs. The Committee does not find this confusion surprising, considering that this is just one of many examples of hasty and ill-planned Departmental policy-making during these current reforms.
- 7.15** In the Committee's three group consultations with young people with a disability, the Committee was repeatedly told of concerns about the lack of certainty regarding further study.²⁸⁰ Young people expressed doubts about whether they were eligible to attend TAFE, and for what period of time. In the consultations, the Committee heard from three participants in the TTW program and one in the CP program who currently attend TAFE. Four participants who attended TAFE in 2004 told the Committee that they could no longer attend TAFE as a result of the changes. The two reasons given for no longer attending TAFE were decreased funding levels, and because participants in the CP program are not allowed to attend TAFE.
- 7.16** Such varying experiences demonstrate that there is no consistent understanding of who is eligible to attend TAFE. In addition, changed funding levels are in some instances hindering young people's access to TAFE.

²⁷⁷ Evidence, Ms Wannan, Director, Community Access, DADHC and Ms Mills, Deputy Director General, DADHC, 17 June 2005, p20

²⁷⁸ DADHC Powerpoint Presentations: *Transition to Work and Community Participation*, ACROD Conference, 18 April 2005, p11

²⁷⁹ Submission 144, DADHC, p33

²⁸⁰ People with Disability Australia, *Report on Consultations with People with Disability*, June 2005 (prepared for GPSC 2 Inquiry into Post School Programs for Young Adults with a Disability)

- 7.17** There are concerns that the new program design and policy framework make it harder for school leavers to undertake vocational study at TAFE. Mr Timothy Hart, Disability Coordination Officer for Northern, Central and Southern Sydney, wrote in his submission of the difficulties created by the two-year time limit of the TTW program. According to Mr Hart, this time limit precludes access to TAFE, as most students with a disability, particularly those with high support needs, take longer to complete a course than students without disabilities.²⁸¹ For example, a student with a disability may take four years part-time to complete a TAFE course that can be completed in two years of full-time study.
- 7.18** Parents also wrote of the difficulties in accessing TAFE due to the design of the CP program. Dr Michele Meltzer is the parent of Maia, a Year 12 student with cerebral palsy and a spinal injury.²⁸² Dr Meltzer wrote that when Maia leaves school, she would like to study at TAFE part-time in the area of welfare and disability studies, with a view to becoming a consumer advocate. Maia would need a personal carer, which TAFE will not provide. Dr Meltzer expects that her daughter will be allocated to the CP program. Given Maia's high support needs, Dr Meltzer estimated that the current funding would allow Maia two days per week at a centre-based program. This level of funding is not sufficient to pay for a personal carer for Maia to attend TAFE. In addition, Dr Meltzer wrote that under block funding, Maia would have difficulty splitting her funding between centre-based care and support to study at TAFE.
- 7.19** The Committee heard evidence of success stories of participants in post school programs who have studied at TAFE. For example, one submission writer with muscular dystrophy told the Committee that he studied IT and Multimedia at TAFE in 2000 with the support of his ATLAS funding. Last year he began working 16 hours per week.²⁸³
- 7.20** The Committee has no data on how many participants in post school programs attend TAFE. From its extensive consultations, the Committee believes that a significant number of participants are studying at TAFE, or wish to do so.
- 7.21** The importance of TAFE study for a large number of program participants raises the question of how DADHC is working to improve access to TAFE. As stated in evidence, DADHC is still developing guidelines on eligibility for TAFE study. In its submission, DADHC also committed to working with the Department of Education and Training to improve linkages between post school programs and the specialist disability support programs provided by TAFE.²⁸⁴ The Committee is of the opinion that the forthcoming DADHC policy should support participants in both the TTW and CP programs to attend TAFE, and recommends that DADHC progress the development of eligibility guidelines as a matter of priority.

Recommendation 11

That DADHC's TAFE policy ensures that participants in both the Transition to Work and Community Participation programs are eligible to study at TAFE.

²⁸¹ Submission 104, Mr Hart, p5

²⁸² Submission 122, Dr Meltzer, pp1-2

²⁸³ Submission 29, Name suppressed at request of the author, p1

²⁸⁴ Submission 144, DADHC, p36

University

7.22 This section discusses whether participants in post school programs are eligible to attend university, and the level of demand for university places among participants in post school programs. It proceeds to consider why students with a disability need additional supports to study at university, and the type of supports provided by the Commonwealth to assist university students with a disability.

Eligibility to attend university

7.23 In 2003, DADHC changed the eligibility criteria for the ATLAS program to exclude university students. At that time there were 15 university students receiving ATLAS funding, who were exempted from the changes.²⁸⁵ DADHC advised the Committee that the current policy to exclude university students from the new TTW and CP programs is an extension of the previous ATLAS policy.

7.24 In contradiction of DADHC's position that all students who entered university under the old arrangements would not be affected, the Committee heard of cases where students currently studying at university had been affected by the program changes. Ms Larissa Burns of DEAN gave evidence that:

After speaking with a number of disability advisers, there have been situations that people have informed me of where [university] students have actually been completely cut from the ATLAS program.²⁸⁶

7.25 DADHC policy is that current university students will continue to receive funding from post school programs to complete their current degrees. Current students will, however, be affected by the changes if they wish to commence postgraduate study, or start a second degree. For example, in a consultation with young people with a disability, the Committee heard from a young student at Newcastle University:

Q is currently completing an honours degree at the University of Newcastle ... Q had planned to enrol in a law degree when her undergraduate studies were completed, but was informed that she would not be eligible for post-school program funding for this as it was 'a new course'. Her alternative was to extend her undergraduate studies by taking up an honours option.²⁸⁷

7.26 In Sydney, the Committee heard a similar story from another young woman:

O has a severe physical disability and is in her final year of a media studies degree ... She would like to enrol in a master's degree next year, which would be extremely beneficial for her career development, but she will not be able to do this unless she

²⁸⁵ Submission 144, DADHC, p33

²⁸⁶ Ms Burns, Evidence, 31 May 2005, p29

²⁸⁷ For confidentiality reasons, consultation participants are identified with a random letter. See *People with Disability Australia, Report on Consultations with People with Disability*, June 2005, p17 (prepared for GPSC 2 Inquiry into Post School Programs for Young Adults with a Disability)

receives some further funding support. She feels that she is being pushed inappropriately into paid work.²⁸⁸

- 7.27 Considering the future employment benefits of pursuing a second or postgraduate degree, the Committee supports post school funding being made available for current university students to pursue further study.

Number of students with a disability attending university

- 7.28 In its submission DADHC advised that there are 15 students currently at university who are supported by post school programs.²⁸⁹ The Spastic Centre of New South Wales supports the view that only a small number of people attend university with the support of post school programs. The Spastic Centre provides services to people with cerebral palsy, some of whom have very high physical support needs but who also have strong academic potential. Mr Robert White, CEO of The Spastic Centre, estimated that in the past five years only 10 or 20 of the people using their service had attended university.²⁹⁰
- 7.29 It is extremely difficult to quantify demand for entry to university from young people who wish to attend, but who are prevented from doing so because they will not receive support through post school programs. Mr Geoff Maddox of DEAN provided the Committee with an estimate of the possible demand for university study among applicants for post school programs, based on the profile of applicants in 2003. According to Mr Maddox:

Some 9 percent of them [applicants for post school programs in 2003] had a primary disability being physical ... Some of that 9 percent physical would have had intellectual as a secondary disability, which might make them unsuitable for university. But looking at that, you would have to say that maybe 4 percent or 5 percent of ATLAS applicants could be candidates for university if they had the right opportunities at high school.²⁹¹

- 7.30 Mr Maddox estimated that in 2003, this would have equated to 26 people Statewide. In reference to the case of a current university student hoping to do postgraduate study, Mr Maddox gave evidence that the number of potential university students is expected to increase in future:

My biggest concern is that she was one of the first cohort of kids to come right through the mainstream school system with full-time assistance at school – getting personal care and note-taking by someone in school classes. The 2002 school leavers were the first ones to get a really good run at qualifying for university; that is kids with very severe physical disabilities. So, one would expect an increasing number of kids with very severe physical disabilities will qualify to go to university. Just at the time

²⁸⁸ For confidentiality reasons, consultation participants are identified with a random letter. People with Disability Australia, *Report on Consultations with People with Disability*, June 2005, p11 (prepared for GPSC 2 Inquiry into Post School Programs for Young Adults with a Disability)

²⁸⁹ Submission 144, DADHC, p33

²⁹⁰ Mr White, Evidence, 11 May 2005, p52

²⁹¹ Mr Maddox, Evidence, 31 May 2005, p34

that this is happening they have been cut off. Our biggest concern is with those who have not even appeared on our radar ...²⁹²

Support available to university students

7.31 Universities provide a range of Commonwealth-funded supports to assist students with a disability, including note takers, lecture tapes, assisted technologies available for use in a special equipment area, library services, photocopying, transcribing services, scribes and readers. Universities do not have Commonwealth funding to provide personal care, assistance with eating or moving around campus, transport to the university, assisted technologies for use at home or outside of the special equipment area, or wheelchair modifications.²⁹³

7.32 Mr Hart, Disability Coordination Officer, emphasised that it is problematic that Commonwealth funded supports for students with a disability are only available on-campus:

Universities only provide assistance with on-campus services, academic materials and supports. This only addresses half the needs of students with high support needs.²⁹⁴

7.33 Mr Maddox of DEAN described the benefits of off-campus study:

... the university will not pay for studying at home and, of course, the higher your support needs are, the more you would like to get out of your wheelchair and have a rest and so on, and the more you would choose to stay at home and the less in the library.²⁹⁵

7.34 The submission from DEAN noted that such ‘supports are costly and are in addition to the already high costs of daily living with a disability.’²⁹⁶

7.35 The case of Ms Fiona Given was discussed earlier in this chapter. In her submission, Ms Given described the supports that were subsidised by her PSO funding:

During university and college I utilised my Post School Options funding to pay for transport, assistance with research, personal care, and massage therapy. The funding granted to universities by the Commonwealth to assist students with disabilities only provides services such as notetakers, readers, audiotapes of lectures and special examination provisions.²⁹⁷

7.36 DEAN gave evidence that there are no programs, funded by either the states/territories or the Commonwealth, to assist students with disabilities with high support needs to attend university.²⁹⁸ Similarly, PWD asserted that:

²⁹² Mr Maddox, Evidence, 31 May 2005, p30

²⁹³ Submission 104, Mr Hart, p4

²⁹⁴ Submission 104, Mr Hart, p4

²⁹⁵ Mr Maddox, Evidence, 31 May 2005, p29

²⁹⁶ Submission 110, DEAN, p1

²⁹⁷ Submission 99, Ms Given, p1

²⁹⁸ Submission 110, DEAN, p2

... there are currently no other adequate or comprehensive programs to support school leavers with disability, particularly those with high support needs to participate in post secondary and higher education courses.²⁹⁹

- 7.37** In its submission, DADHC stated that the cost of personal care could be funded through the Home and Community Care (HACC) program. For those requiring more than 15 hours of personal care each week, this could be funded through HACC High Needs Pool or the Attendant Care Program.³⁰⁰
- 7.38** The Committee heard conflicting evidence claiming that personal care is not available on campus. In evidence, Ms Burns of DEAN cited the case of a young woman receiving personal care on campus from Homecare. Half-way through this student's Masters degree, Homecare withdrew its support, and refused to provide services on campus.³⁰¹ Ms Given also gave evidence that she was not aware of any program that would have provided her with the personal care and other supports necessary for her to complete her university degree.³⁰²

Funding responsibility for university students

- 7.39** The Committee heard evidence that funding to provide students with a disability with additional supports is a Commonwealth responsibility. However, the Committee also heard a valid argument that states/territories are responsible for health and therapy services, and that states/territories should therefore take some responsibility for providing additional supports for university students with a disability.
- 7.40** The Spastic Centre of New South Wales argued that the lack of cooperation between the Commonwealth and the states/territories is preventing students with a disability from pursuing further education. The submission from The Spastic Centre asserted:

Although regarded as a federal responsibility, these students are not receiving the support required to pursue a tertiary education and eventual active participation in the workforce on graduation.³⁰³

- 7.41** Mr Hart also gave evidence of the need for Commonwealth-State cooperation:

I think that the Commonwealth and state governments should get together and basically decide who pays for what, and the departments are a good place to start. There are a number of issues regarding access to education for all students with disabilities, in particular, those with high-support needs.³⁰⁴

²⁹⁹ Submission 146, PWD, p5

³⁰⁰ Submission 144, DADHC, p34

³⁰¹ Ms Burns, Evidence, 31 May 2005, p32

³⁰² Ms Given, Evidence, 11 May 2005, p24

³⁰³ Submission 18, The Spastic Centre of NSW, p3

³⁰⁴ Mr Hart, Evidence, 31 May 2005, p26

7.42 The Director General of DADHC gave evidence that the Department is aware of the gap between Commonwealth and State funding responsibilities:

The Department is aware that there are gaps in supporting people with a disability in higher education, for example, personal care and transport costs. We will be attempting to negotiate with the Commonwealth to improve the pathways between the post school programs and higher education.³⁰⁵

7.43 In its submission, DADHC indicated that it would initiate discussions with the Commonwealth about the needs of young people with a disability who wish to pursue further education.³⁰⁶

7.44 The Committee believes that there should be greater cooperation between the State and the Commonwealth in regard to funding for university students. While the Commonwealth is responsible for providing supports including note takers, lecture tapes, library services and on-campus assisted technologies, the State has some responsibility in areas such as personal care and health therapies. From the evidence presented to the Committee it is clear that many areas fall through the cracks, such as support for off-campus study and transport costs.

7.45 The Committee supports increased cooperation between the states/territories and the Commonwealth to ensure that university students with a disability receive the full range of supports needed to facilitate attendance at university. The Committee urges DADHC to initiate consultations with the Commonwealth as soon as possible to resolve issues of funding responsibility.

Role of post school programs in supporting further education

7.46 As noted above, the Committee believes that there needs to be consultation between the Commonwealth and the State to achieve greater cooperation in regard to funding for university students.

7.47 While issues of funding responsibility are being resolved, the Committee believes that students with a disability should receive State-funded support through post school programs to attend university. This section discusses the evidence on the merits of providing funding for university students through post school programs, and whether such funding should be provided through the TTW or CP programs.

³⁰⁵ Mr O'Reilly, Evidence, 17 June 2005, p4

³⁰⁶ Submission 144, DADHC, p36

Supporting university students through post school programs

7.48 There are differing opinions on whether post school programs are the appropriate funding source for university students. The submissions from PWD, the Disability Council of New South Wales, NCOSS, the NSW Council for Intellectual Disability (CID) and Family Advocacy supported recipients of post school funding being eligible to participate in further education.³⁰⁷

7.49 However, the submission from ACROD NSW opposed university students being funded through post school programs:

ACROD asserts that it is imperative for DADHC to accurately target the TTW and CP programs to meet the needs of those who have no access to services provided by other Departments ... Exclusion of university students is a necessary if unfortunate requirement for the success of the new programs.³⁰⁸

7.50 When asked to comment on this statement, Mr Damien Anderson, Deputy Executive Officer of ACROD NSW, gave evidence that:

It is an unfortunate and tragic circumstance that people cannot be afforded these opportunities under this program, but it cannot be, and never could be, the program's role to fill all the gaps in other service systems.³⁰⁹

7.51 Mr Anderson went on to agree that young people with a disability need additional supports to attend university, but that funding for these supports falls through the cracks created by the awkward allocation of responsibilities between the states/territories and the Commonwealth, and also within New South Wales, for example between DADHC, Education and Health. Mr Anderson implied that a policy decision had to be made to allocate areas of responsibility, but that funding university students should not become the role of post school programs.

7.52 Mr Hart gave evidence to the Committee that Tasmania is the only State which funds a scheme to support students with high support needs to access further education.³¹⁰ In Tasmania, the *Supporting Individual Pathways* program provides funding to students with high support needs who attend TAFE and university.

7.53 Given that in New South Wales at present only a small proportion of people with moderate to severe disabilities who are eligible to participate in post school programs pursue a university education, it would seem a waste of time and money for DADHC to establish a funding program separate from the current post school programs. However, from witnesses who supported university students receiving post school funding, the Committee heard differing opinions on whether this should be through the TTW or CP programs.

³⁰⁷ Submission 146, PWD, p5; Submission 75, Disability Council of NSW, p4; Submission 79, NCOSS, p15; Submission 80, CID, p3; Submission 113, Family Advocacy, p41

³⁰⁸ Submission 105, ACROD NSW, p14

³⁰⁹ Mr Anderson, Evidence, 11 May 2005, p44

³¹⁰ Answer to question on notice taken during evidence 31 May 2005, Mr Timothy Hart, Disability Coordination Officer for Northern, Central and Southern Sydney

- 7.54** Mr Hart argued that the TTW program is the most appropriate program for university students, given that the aim of the TTW program is to assist students to make the transition to work. However, Mr Hart argued that for this to happen, the two-year time limit on the TTW program needed to be removed.³¹¹
- 7.55** The submission from The Spastic Centre of New South Wales argued that the CP program is the most appropriate program for university students, due to the certainty of ongoing funding.³¹² The organisation's submission dispelled any fears that the CP program may end up providing life-long support for these students:
- Any concern that these clients would become 'professional students' is highly unlikely and could easily be managed within a funding/service agreement with each participant. Those students with very high physical needs motivated enough to pursue a tertiary qualification are also the very same students highly motivated to gain employment.³¹³
- 7.56** In Recommendation 3 the Committee recommended that DADHC develop a policy to extend the two-year time limit for the TTW program on application. The Committee is of the opinion that university students should be funded through the TTW program, in recognition that students are using further education as a pathway to employment, and that their funding should be extended beyond two years in line with the requirements to complete their university degree. The Committee believes that it would create unnecessary complexity to establish a new program to fund the additional supports required by university students.
- 7.57** The Committee heard evidence that students with a disability may need a longer period of time to complete their studies than other students, as many students do not have the physical capacity to undertake full-time study. Ms Burns suggested that funding should be awarded to students for the duration of their university degree:
- I would like to see the program available to students to complete a university degree rather than halfway through that degree continually having to sit through assessment processes ... People with disabilities are constantly being assessed for services and programs. You can imagine that it is extremely draining to be doing that.³¹⁴
- 7.58** Considering this evidence, the Committee supports an initial allocation of funding guaranteed for the length of time needed to complete the degree full-time. At the end of this period, the Committee recommends a review of the funding. If the student is progressing satisfactorily, funding should be granted for the time needed for the student to complete their studies, based on the estimated workload, for example half or three-quarters of a full-time equivalent workload.
- 7.59** Funding for university students must be provided on an individual basis. Ms Burns gave the example of a student at the University of Western Sydney with individual funding. The University had established a partnership with the young woman's service provider: the University paid for the cost of on-campus educational supports, while the provider funded the

³¹¹ Submission 104, Mr Hart, p6

³¹² Submission 18, The Spastic Centre of NSW, p3

³¹³ Submission 18, The Spastic Centre of NSW, p3

³¹⁴ Ms Burns, Evidence, 31 May 2005, p33

cost of transport and personal care. While two different bodies provided funding, there was only one worker, allowing the student to access a seamless service.³¹⁵

- 7.60** The Committee considers that it would create unnecessary complexity to require funding for university students to be administered by a service provider. The Committee supports university students receiving direct, self-managed funding, to be used to pay for the necessary educational supports. This funding should be acquitted in the same way as would be the self-managed funding recommended by the Committee in Recommendation 1.

Recommendation 12

That officers of DADHC meet with officers of the Commonwealth Department of Education, Science and Training as soon as possible to resolve issues of funding responsibility for university students with a disability.

Recommendation 13

That DADHC develop and implement a policy to provide self-managed funding to:

- young adults with a disability who are eligible to participate in post school programs but who wish to attend university
 - university students currently receiving funding through the Adult Training, Learning and Support or Post School Options programs, to support them to undertake postgraduate study or commence a second degree.
-

Conclusion

- 7.61** From the evidence in this chapter, it is clear that the design of the new post school programs creates barriers to people with a disability accessing further education. These barriers include:
- no criteria on eligibility to attend TAFE
 - two-year TTW time-limit that may prevent students from completing TAFE courses (given that many students with a disability study part-time)
 - exclusion of university students from eligibility for post school programs funding
 - prevention of current university students supported by post school programs from starting a second degree or post-graduate study.
- 7.62** The Committee strongly supports encouraging young people with a disability to attend TAFE and university as a pathway to employment. Improving access to employment is a stated priority in DADHC's redesign of post school programs.

³¹⁵ Ms Burns, Evidence, 31 May 2005, p28

- 7.63** The Committee is of the opinion that funding support for young people with a disability attending TAFE clearly falls within the responsibility of post school programs. However, funding support for university students is a more complex issue. The Committee believes that the Commonwealth and the State should work together to resolve issues of funding responsibility, to ensure that there is sufficient funding to cover the full range of supports needed by university students with a disability. Those supports which are found to be a State responsibility should be funded through the TFW program, which must be extended beyond its current two-year time limit.

Chapter 8 Assessments and appeals

The Committee heard substantial evidence from parents, program participants and service providers expressing their frustration at incorrect assessment outcomes. This emerged as a key issue during the Inquiry. Linked to this were difficulties in accessing the appeals mechanism to apply for incorrect decisions to be reversed. This chapter discusses the assessment tool used to stream program participants into the new Transition to Work (TTW) and Community Participation (CP) programs, as well as the adequacy of the appeals mechanism in regard to assessment decisions.

Accuracy of assessment tool

- 8.1 This section begins by describing how the assessment tool was developed and explaining the assessment process. It then examines evidence concerning the accuracy of assessment outcomes in 2004.

Outline of assessment tool

- 8.2 The Director General of the Department of Ageing, Disability and Home Care (DADHC), Mr Brendan O'Reilly, gave evidence on the purpose of the assessment tool:

It is a screening tool, rather than a comprehensive individual assessment ... The assessment tool does not determine the eligibility for the program, as this was identified by the program guidelines, but it assists in identifying which program best addresses the school leaver's needs.³¹⁶

- 8.3 In addition to allocating eligible school leavers to the correct program, the assessment tool is also used to screen out people who are able to transition directly to Commonwealth funded employment services.³¹⁷
- 8.4 The Department's assessment tool is based on screening and assessment tools developed by the Home and Community Care (HACC) program to measure the needs of elderly people and people with a disability.³¹⁸ The HACC tools were tested by the University of Wollongong in 2002, to determine the most effective measures of need for participants in post school programs. The Department's HACC-based assessment tool was implemented for 2003 school leavers who were entering the Adult Training, Learning and Support (ATLAS) program.
- 8.5 Professor Kathy Eagar, Director of Wollongong University's Centre for Health Service Development, explained to the Committee that the University developed DADHC's current HACC-based assessment tool to replicate the outcomes of previous, more detailed assessments of ATLAS participants by the Commonwealth Rehabilitation Service (CRS).³¹⁹

³¹⁶ Mr O'Reilly, Evidence, 11 May 2005, p4

³¹⁷ Submission 144, DADHC, p37

³¹⁸ Submission 144, DADHC, p38

³¹⁹ Professor Eagar, Evidence, 17 June 2005, pp29-30

8.6 In reviewing the CRS assessments, the University found that there was a very high correlation between the domestic functioning elements of the HACC assessment tool and the type of assistance required by ATLAS participants. Professor Eagar gave evidence on the relationship between domestic functioning and predicted outcomes for participants in post school programs:

The CRS assessors rated people who have not mastered ordinary activities of daily living as having low capacity for work and poor future capacity; that if by the time of leaving school a young person had not mastered some basic skills it was a predictor of the outcome and also the program.³²⁰

8.7 Hence the DADHC assessment tool was developed with a focus on questions relating to domestic functioning. The University concluded that the assessment outcomes from DADHC's current HACC-based screening tool closely matched the outcomes from the more detailed individual assessments undertaken by the expert CRS assessors.

8.8 DADHC's assessment tool has nine questions covering four functional areas.³²¹ The questions ask about the extent to which an applicant is able to perform a task and the level of assistance they require to perform that task. The assessment form is filled in by school teachers, usually specialist Support Teachers – Transition, in conjunction with parents of young people with a disability and the young people themselves.

8.9 The submission from the Department praised the efficiency benefits of the assessment tool. According to DADHC an assessment can be completed in 15 minutes without reference to formal records, minimising the imposition on the school leaver and their family.³²²

8.10 Once completed, the assessment forms are sent to the University of Wollongong for analysis. The University determines the applicant's level of support needs: high, medium or low.³²³ Applicants assessed as having high or medium support needs are allocated to the CP program, while applicants with lower support needs are allocated to the TTW program.

8.11 In 2004, the Department received 826 completed assessment forms. Of these 43 people were assessed as ready for work or a Commonwealth funded employment program,³²⁴ and were screened out of DADHC's post school programs.

8.12 From its initial research, the University of Wollongong found that there was a high correlation (80%) between the DADHC assessment tool and the outcomes of the CRS assessments.³²⁵ However, Professor Eagar noted that:

In adopting the model, all parties understood that while the correlation was very high it was not perfect and as such it should only be used in conjunction with an appropriate appeals mechanism.³²⁶

³²⁰ Professor Eagar, Evidence, 17 June 2005, p31

³²¹ Submission 144, DADHC, p39

³²² Submission 144, DADHC, p39

³²³ Submission 144, DADHC, p39

³²⁴ Submission 144, DADHC, p41

³²⁵ Professor Eagar, Evidence, 17 June 2005, p32

8.13 The appeals mechanism is discussed later in this chapter.

Assessment results in 2004

8.14 In evidence, the Committee heard criticism of the accuracy of the assessment tool. The submission from Coffs Harbour Support Services Inc summed up much of the prevailing opinion regarding the assessment tool:

This tool was inappropriate, inadequate and did not take into consideration the goals or aspirations of Service Users ... In our service several people were assessed as having skills and abilities far above those that they actually have. The tool did not reflect the true needs of Service Users of this service.³²⁷

8.15 The Committee heard of many instances of inaccurate assessment results. For example, at a briefing by teachers in Newcastle, one teacher gave the Committee an example of differing accuracy of assessment outcomes for two of her students:³²⁸

- Student One – has renal failure, a spinal rod, and moderate to severe intellectual disability, in a special school unit. Incorrectly assessed for entry to TTW.
- Student Two – has autism spectrum disorder, fully integrated in a mainstream class. Correctly assessed for entry to CP.

8.16 The teacher who conducted these two assessments believed that the difference in the accuracy of the outcomes was due to the different ways that she completed the assessments. For the second student with autism spectrum disorder, the teacher wrote copious notes on the assessment form emphasising the student's high support needs, and why this meant that it was inappropriate for the student to enter the workforce. The teacher did not think that this was necessary for the first student with the spinal rod, given the student's obvious disabilities. However, without additional notes, this student's assessment outcome did not accurately capture their level of disability.

8.17 In their submission, Mr and Mrs Devenish-Meares described their problems with the assessment tool, resulting in an inaccurate assessment outcome for their son Jonathon:

Most questions I wanted to answer with a “yes, but ...” or a “no, but ..” response: but the form and assessment process didn't allow for any qualification or clarification. Hence it was impossible for anyone reading the assessment report to make any realistic determination as to Jonathon's abilities or needs.

Consequently we ended up with Jonathon, a non-verbal, non-motivated, ritualistic, obsessive autistic person classified as “Transition to Work.”³²⁹

³²⁶ Professor Eagar, Evidence, 17 June 2005, p30

³²⁷ Submission 147, Coffs Harbour Support Services, p10

³²⁸ Committee site visit, The Hunter Orthopaedic School, Newcastle, 3 June 2005

³²⁹ Submission 2, Mr and Mrs Devenish-Meares, p1

- 8.18** In one of the Committee's three group consultations with young people with a disability, a program participant expressed his frustration at his inaccurate assessment outcome:

At the beginning of the year, A was angry and upset when he was inappropriately assessed into Transition To Work. He did not feel ready for work, and he was afraid that if he did not get a job within two years he would not be eligible for further services in the future.³³⁰

- 8.19** Perhaps the best way to gauge the accuracy of assessment outcomes is in relation to the number of appeals, and the number of successful appeals. A group of teachers told the Committee that in 2004 there was the highest number of appeals in years.³³¹ The high number of successful appeals is discussed later in the chapter.

- 8.20** Notwithstanding the high number of appeals in 2004, there may have been many more inaccurate assessments that were not appealed. The Committee heard evidence that a large number of people chose not to appeal inaccurate assessment outcomes which placed them in the TTW program, due to the higher funding. For example, Ms Jenny Harwood is the parent of Scott, who was inappropriately assessed for entry to the TTW program. According to Ms Harwood:

I said this was inappropriate and when I told the person at DADHC that that was true he said, "Let it go because you'll have more money this way for two years." That is the reality. There was not an appeal because my service provider actually had more money.³³²

- 8.21** The Committee heard similar evidence from Ms Lynne Gould, parent of Nathan, who was also incorrectly assessed for entry to the TTW program:

Basically, I ticked a few boxes and stated what were my son's abilities, rather than what were his disabilities. I was very surprised to find that he was given the Transition to Work program. It has been rather fortuitous because he has been able to continue his program until next year, which is when he will be having cuts to his program.³³³

- 8.22** Other parents gave evidence that the results were inaccurate because of the restrictive nature of the assessment tool. Ms Sally Rowe, parent of Stephanie, told the Committee that the assessment tool did not capture the diversity of individual needs:

In Year 12 we were given a form by the Department of Education. The number of questions on the form had been condensed from 150 to 15, and we had to fit in a box. None of these clients/kids fit in a box. They are all individuals, as you are.³³⁴

³³⁰ For confidentiality reasons, consultation participants are identified with a random letter. People with Disability Australia, *Report on Consultations with People with Disability*, June 2005, p14 (prepared for GPSC 2 Inquiry into Post School Programs for Young Adults with a Disability)

³³¹ Committee site visit, The Hunter Orthopaedic School, Newcastle, 3 June 2005

³³² Ms Harwood, Evidence, 18 May 2005, p16

³³³ Ms Gould, Evidence, 10 May 2005, p30

³³⁴ Ms Rowe, Evidence, 17 May 2005, p11

- 8.23** Parents gave evidence that the assessment process was not flexible enough to reflect their children's changing needs. Mr Greg Ricketson is the parent of Tess, who was assessed for entry to the TTW program in her last year of school. In evidence Mr Ricketson described the change in his daughter since leaving the security of her high school:

The gregarious, wonderful, social Tess of 12 months ago became less and less herself, more and more withdrawn, more and more stressed, to the point where she has been under some pretty heavy-duty medication and visits with psychiatrists for the last several months ... That opens up a very, very important question as to the assessment mechanism. If she had been assessed in any particular month over the last nine months the assessment in any month would be different from the one that she would have had.³³⁵

- 8.24** The submission from Fairfield Community Resource Centre (FCRC) also noted that assessments should reflect the changing needs of program participants. According to FCRC, existing ATLAS participants were streamed into the new programs based on outdated assessments previously conducted for their entry to the ATLAS program. FCRC wrote:

FCRC would like to make it very clear that service users' needs change over time. What might have once been an appropriate program for one user, based on an old assessment, may now be entirely inappropriate, if a new assessment were to be made of the user's condition.³³⁶

- 8.25** The submission from the Disability Council of New South Wales criticised the assessment tool for being based on a medical model of disability, rather than the skills and ambitions of school leavers. The Council claimed that the assessment tool is based on an incorrect assumption that there is a link between a person's level of support need and their capacity for work. However, the Council argued that this is incorrect as some people with high support needs are able to enter the workforce.³³⁷

Teachers' opinions on the assessment process

- 8.26** The Committee was briefed by a group of teachers in Newcastle on their opinion of the 2004 assessment process.³³⁸ Overall, the teachers considered the majority of assessment results to be accurate. However, the teachers gave evidence that newer, less experienced teachers may have struggled in conducting assessments. The teachers noted that service providers were phoning schools throughout the first half of 2005 to consult on the needs of 2004 school leavers. The teachers claimed that this demonstrated the high number of inaccurate assessment results.
- 8.27** While they considered the majority of assessment results to be accurate, the Newcastle teachers considered the assessment outcomes to be problematic for those with high support needs. The teachers told the Committee that the assessment tool did not accurately gauge differences in support needs among this group. The teachers also considered the assessment tool to be poor at capturing adequate detail on behavioural issues.

³³⁵ Mr Ricketson, Evidence, 10 May 2005, p29

³³⁶ Submission 93, FCRC, pp9-10

³³⁷ Submission 75, The Disability Council of NSW, p5

³³⁸ Committee site visit, The Hunter Orthopaedic School, Newcastle, 3 June 2005

- 8.28** Wilson Park Public School recommended that there should be more direct communication between schools and DADHC regarding the assessment process. For example, the submission suggested that schools should be directly advised of their students' assessment outcomes.³³⁹ The Committee supports this suggestion: advising schools of their students' assessment outcomes seems to be a matter of common sense, as well as common courtesy, given the role played by teachers in conducting assessments.
- 8.29** Inaccurate assessment results may be linked to a lack of training by DADHC for teachers on how to conduct the assessments. Professor Eagar gave evidence that in 2003 and 2004 the University of Wollongong provided a full-day training workshop for transition teachers assessing students for entry to post school programs. Professor Eagar said that in 2005 the University had no contract to provide any assessment training.³⁴⁰ Considering the number of inaccurate assessment outcomes last year, the Committee is of the opinion that training for teachers conducting the assessments in 2005 would have been highly beneficial.

Parental involvement in assessments

- 8.30** The Committee heard conflicting evidence about the level of parental involvement in completing the assessment forms. Some parents gave evidence that they were not involved in conducting their child's assessment at all, while others told the Committee that they were involved.
- 8.31** The Committee was told that parents were heavily involved in all the assessments conducted by the teachers at the Newcastle briefing.³⁴¹ However, the teachers said that parents felt disillusioned due to length of time between submitting their child's assessment form and when the Department notified them of the outcome. The teachers suggested that this delay may have led parents to believe that they were not involved in the process that determined their child's program allocation.
- 8.32** Some parents told the Committee that they were dissatisfied with their level of involvement in their child's assessment. According to a letter from Ms Robyn Mulloy:

Half way through Year 12 we were asked to be at the children's school for a meeting that lasted approximately forty-five minutes where we were asked questions with yes, no or sometimes answers by a person who was not familiar with these young people personally or their disabilities. Our answers were recorded on a three or four page form and then the answers were added up to decide which category they fitted in ... I feel that a broader assessment over a period of time would have been more appropriate to decide where these young people should be ...³⁴²

³³⁹ Submission 40, Wilson Park Public School, p5

³⁴⁰ Professor Eagar, Evidence, 17 June 2005, pp36-37

³⁴¹ Committee site visit, The Hunter Orthopaedic School, Newcastle, 3 June 2005

³⁴² Ms Mulloy, letter to Committee as read by Chair, Evidence, 18 May 2005, p10

- 8.33** Parents also gave evidence that they did not feel that they were given adequate information about the purpose of assessment. Mr and Mrs Devenish-Meares wrote in their submission:

Jonathon's assessment took place at school, in his last year of school. I had not seen the questions beforehand, and the purpose of the assessment was not really explained. The person carrying out the assessment hardly knew Jonathon. His teacher seemed as in the dark as me as to the real purpose of the assessment.³⁴³

- 8.34** Considering this evidence, the Committee is of the opinion that the Department should raise awareness among parents and teachers on how the assessment process works.

Alternatives to the assessment tool

- 8.35** Given the inaccuracies with the assessment results the Committee considers it prudent to examine alternatives to the assessment tool in place in New South Wales. No single assessment tool is used by a majority of states/territories. According to the DADHC submission, there are a variety of assessment tools in place across Australia:

Across Australian jurisdictions, a range of tools are used to measure the functional abilities and the support needs of people with disabilities ... There has been considerable debate in some jurisdictions about the advantages and disadvantages of particular approaches, given the complex needs and diverse circumstances of many service users.³⁴⁴

- 8.36** In acknowledgement of the inaccuracies with assessment results in 2004, in the Director General's first appearance before the Committee he gave evidence that:

The assessment tool will be reviewed and any changes will be in place for 2006 school leavers.³⁴⁵

- 8.37** By Mr O'Reilly's second appearance, the timeframe for review had been pushed back to 2007:

We are saying that we will be reviewing the tool – what is happening elsewhere in other States and where is the Commonwealth coming from with regard to assessment levels – and that will probably be in around 2007. I would like it to be 2006 but I just do not think we can get it done in time.³⁴⁶

- 8.38** Given the interest expressed by the Director General and the Minister for Disability Services in linking funding to levels of need (discussed in Chapter 5), the Committee is somewhat surprised that this is not a priority issue. As noted earlier, it is not possible to link funding to levels of need without the development of an accurate and reliable mechanism to assess a person's support needs.

³⁴³ Submission 2, Mr and Mrs Devenish-Meares, p1

³⁴⁴ Submission 144, DADHC, p37

³⁴⁵ Mr O'Reilly, Evidence, 11 May 2005, p4

³⁴⁶ Mr O'Reilly, Evidence, 17 June 2005, p10

- 8.39** Mr O'Reilly indicated that in reviewing the assessment tool, he would like to consider developing one tool for use in all states/territories: '... I believe if we had a national tool that was practiced and applied by all the States, it would make it far more easy for our clients.'³⁴⁷
- 8.40** The Committee welcomes Mr O'Reilly's commitment to review the assessment tool, given the many instances of inaccurate assessments brought to the Committee's attention. The Committee supports the Director General's position that such a review should consider the development of a consistent, Australia-wide assessment tool. However, by 2007 the current highly questionable assessment tool may have been used for three cohorts of school leavers. If the Department is not going to give priority to reviewing the assessment tool the Committee believes that DADHC should give urgent attention to promoting the availability of an appeals process. The appeals process is discussed later in this chapter. The Committee is hesitant to recommend a timeframe for the development of the assessment tool, given the poor quality outcomes resulting from previous hasty policy-making by the Department.

Recommendation 14

That DADHC review the accuracy of the assessment tool. If the assessment tool is not accurate, DADHC should investigate alternatives and implement a replacement assessment tool. The new assessment tool should be used to link funding to levels of support needs.

Timing of assessments

- 8.41** The problems caused by inaccurate assessment results in 2004 were compounded by the late stage at which people were notified of assessment outcomes. This left insufficient time for schools and parents to prepare school leavers for starting their new programs, as well as leaving inadequate time for people with a disability and their parents to appeal against assessment decisions.

Assessment timetable in 2004

- 8.42** The Committee heard repeated claims that the assessment process was conducted too late in 2004. In response to a request from the Committee, DADHC provided the following timetable detailing key dates for the assessment process for 2004 school leavers.

Overview of key dates for 2004 school leaver process³⁴⁸

| Date | Milestone |
|------------|---|
| 29 April | Training for Special Support Teachers/Consultants and DADHC Regional Coordinators |
| 3 May 2004 | Registration packages distributed to schools |

³⁴⁷ Mr O'Reilly, Evidence, 11 May 2005, p10

³⁴⁸ Answers to questions on notice taken during evidence 17 June 2005, Mr Brendan O'Reilly, Director General, DADHC, Question 2.1

| Date | Milestone |
|-----------------------|---|
| 3 May 2004 | Registrations open online |
| 25 June 2004 | Registrations close |
| 16 July 2004 | Registrations assessed by University of Wollongong |
| Mid August 2004 | Students advised of outcomes |
| August/September 2004 | Students referred to service providers |
| October/November 2004 | DADHC confirms with service providers the number of school leavers to be placed |
| January 2005 | Services commence |

8.43 The Committee heard evidence that appeared to contradict the dates listed in the above timetable. For example, in the briefing by the Newcastle teachers, the teachers gave evidence that students were not notified of assessment decisions until December 2004.³⁴⁹

8.44 In a briefing by The Disability Trust, the Committee was told that the organisation was not advised of participant numbers and levels of need until the second week in January 2005.³⁵⁰ The CP program was due to start the second week in February.

8.45 Parents also had difficulties with the timing of assessment decisions. Ms Sue Harding is the parent of a 2004 school leaver. Ms Harding wrote in her submission that her daughter was assessed in June 2004, and in the week before Christmas had two days to select a service provider. According to Ms Harding:

The Department did not stop to think that most providers are closed at this time of the year and certainly did not consider the consequences for our daughter if we selected the wrong placement.³⁵¹

8.46 Ms Tanya Rubelj, parent of Simon, another 2004 school leaver, also had to make a quick decision about her son's placement: 'In a very short space of time in December last year we had to make a decision about which service provider to choose.'³⁵²

8.47 In her submission, Ms Harding described how she received a letter confirming her daughter's placement on 7 February 2005, a placement that was due to start that same day. According to Ms Harding:

Kids that do the university entrance exam receive their placements in January and do not start their course until early March. Why then are special needs kids expected to cope under extreme circumstances and non-existent timeframes.³⁵³

³⁴⁹ Committee site visit, The Hunter Orthopaedic School, Newcastle, 3 June 2005

³⁵⁰ Committee site visit, The Disability Trust, Wollongong, 1 June 2005

³⁵¹ Submission 71, Ms Harding, p2

³⁵² Submission 56, Ms Rubelj, p3

³⁵³ Submission 71, pp2-3

- 8.48** Another submission writer had a similar experience to Ms Harding: she was notified of her daughter's program placement two days before she was due to start.³⁵⁴
- 8.49** Ms Della Pin is the parent of Dominique, another 2004 school leaver. In her submission, Ms Pin wrote that DADHC advised her that she would be informed of her daughter's placement in August 2004. Ms Pin had not been contacted by mid-December, although other parents had been informed of program placements. On 18 February 2005, Ms Pin received a letter from DADHC notifying her that Dominique's placement started on 7 February.³⁵⁵
- 8.50** The Committee notes the discrepancy between the evidence of parents and teachers and the 2004 assessment timetable supplied by DADHC. It would seem that while DADHC intended to advise students of assessment outcomes in August, and to refer students to providers in August/September, this did not happen. The Committee believes that school leavers and their parents were advised of assessment outcomes in mid-December, with a week to choose a preferred provider. School leavers were not advised of their placements until January/February, and service providers were advised of new service users at the same time.

Impact of late assessments on transition process for school students

- 8.51** The Committee heard evidence that late assessments disrupted the usual transition planning process in schools. According to the Newcastle teachers, students with a disability finish the Life Skills HSC in September/October at the end of Term 3. Teachers use Term 4 to liaise with service providers and facilitate students' transition. Students are involved in transition activities, such as attending TAFE courses, or going to their service provider one day per week. The late assessment process, and delayed program placements, did not allow schools to plan a transition process for their students.
- 8.52** As 2004 school leavers missed out on a planned transition process, the move from school to post school programs was very disruptive. The Disability Trust told the Committee that in 2005 providers such as themselves had to support participants who were going through a grieving process for the first six months of their programs because of inadequate preparation for the transition from school.³⁵⁶
- 8.53** The Committee is concerned that the 2005 assessment process will be more delayed than that of 2004. According to Professor Kathy Eagar:

Last year the application period for the Adult Training, Learning and Support Program [ATLAS] as it was then or the Post School Options Program [PSO] as was, was May and June or June and July last year. I understand that it is going to be much later this year.³⁵⁷

³⁵⁴ Submission 85, Name suppressed at request of the author, p1

³⁵⁵ Submission 89, Ms Della Pin, p2

³⁵⁶ Committee site visit, The Disability Trust, Wollongong, 1 June 2005

³⁵⁷ Professor Eagar, Evidence, 17 June 2005, p37

- 8.54** In early June, the Newcastle teachers told the Committee that as yet teachers had not been trained in the assessment process.³⁵⁸ In previous years this training was done in April and assessments in May. The teachers concluded that the assessment process would be delayed again this year, impacting on the transition process as it did in 2004.
- 8.55** Wilson Park Public School criticised the lack of communication between DADHC and schools regarding the assessment timetable, which results in schools having inadequate time to assess students and submit applications. Their submission noted that as of March 2005, DADHC had not advised schools of the timeline for the 2005 assessment process.³⁵⁹
- 8.56** At the Department's second appearance before the Committee on 17 June, the Deputy Director General, Ms Carol Mills, advised the Committee that they had met with the Department of Education and Training in the last week, and would agree on an assessment timetable by the end of June.³⁶⁰
- 8.57** The Committee is of the opinion that the assessment process is conducted too late to allow proper transition planning for students with a disability and their families. The Committee is extremely critical of the timing of the 2005 assessment process, which is more delayed than in 2004. The Committee is also concerned that DADHC did not provide any information on the timing of the 2005 assessment process, creating further confusion among the disability sector and increasing frustration with the new programs. The Committee considers that it would be helpful for students with a disability, their parents and teachers to have a clear understanding of the assessment timetable. However, timetables are useless if they are not met. The Committee believes that DADHC must abide by any timetable that it sets.

Support for an earlier transition process

- 8.58** It was suggested that the transition process should start much earlier than the final year of high school. Ms Debbie Taber, who has a child in Year 12, gave evidence that the current transition process was too short:

We need a longer period of consultation. It is very difficult and very emotional for parents of children with disabilities to look into what changes are going to be happening. They need time. Parents are terrified about what changes will happen. Seven months is a very short time in the life of a disabled child.³⁶¹

- 8.59** Mr and Mrs Mark and Tanya Whitty are the parents of Sarah, who is fifteen and still at school. The Whittys wrote in their submission that assessment and transition planning should start much earlier in the high school years:

At what age does the assessment start ... For us three years will go very quickly ... These assessments need to be made some years prior to the adult leaving school ...³⁶²

³⁵⁸ Committee site visit, The Hunter Orthopaedic School, Newcastle, 3 June 2005

³⁵⁹ Submission 40, Wilson Park Public School, p5

³⁶⁰ Ms Mills, Evidence, 17 June 2005, p1

³⁶¹ Ms Taber, Evidence, 17 June 2004, p4

³⁶² Submission 36, Mr and Mrs Whitty, p1

8.60 Some service providers supported the need for an earlier transition process. The submission from The Spastic Centre of New South Wales stated:

The Spastic Centre strongly supports an earlier intervention and identification process within schools to assess eligibility for the program. This should ideally start at Year 10 when students are making decisions about curriculum choice for their senior years. Subsequent assessment for eligibility should also be made no later than the first term of the final year so that students and their families feel they have adequate time to assess their options and make choices about their future.³⁶³

8.61 In its submission, DADHC outlined international practice in transition programs for young adults. The following countries begin the transition process much earlier than Australia:³⁶⁴

- Scotland – students have a Future Needs Assessment meeting at 14, followed by annual reviews. A 2002 report suggested that transition planning should be started earlier than 14.
- Denmark – ‘curators’ work with young people with disabilities from 13, and are responsible for their transition from school to adult life.
- USA – identification of transition services begins at 14.

8.62 Overall, DADHC found that:

Transition programs in Europe, North America and the United Kingdom that plan how the student will leave school generally start at age 14 ... Students are either streamed into day services, further education, or supported or open employment.³⁶⁵

8.63 The Committee is of the opinion that a longer transition process would be extremely beneficial. The transition from school to adult life is a key transition point in the lives of these young people and their families. Young people with a disability need time to prepare for change, as do their parents. DADHC should do all it can to support school leavers and their parents to make this important yet difficult transition. One way to do so is to provide support over a longer period of time, to allow all concerned time to adjust and prepare for the change.

Recommendation 15

That DADHC and the Department of Education and Training start the transition process in Year 10 for students who are likely to enter post school programs. The assessment process should include:

- ongoing assessments in subsequent years
- a final assessment no later than the first term of Year 12.

DADHC should publish and comply with the assessment timetable.

³⁶³ Submission 18, The Spastic Centre of NSW, p2

³⁶⁴ Submission 144, DADHC, pp61-64

³⁶⁵ Submission 144, DADHC, p64

Appeals process

- 8.64 The following section discusses the process for appealing assessment decisions. This section examines the evidence on whether program participants have been able to move from an inappropriate program to one that meets their needs.

Outline of assessment appeals process

- 8.65 In October 2004, DADHC developed the *Community Participation and Transition to Work Appeals Process for School Leavers*.³⁶⁶ Initially, the appeals process was not open to people who wanted to appeal their allocation into either the TTW or CP programs. However, DADHC subsequently broadened the criteria to allow people to appeal their program allocation.

- 8.66 There were 172 appeals concerning allocations into the new TTW and CP programs. All were successful. In evidence, the Director General elaborated on the number of appeals and highlighted Departmental delays in assessing appeals:

... DADHC has approved all appeals submitted. There were 172 in total, 80 relating to 2004 school leavers, which represents 11.8 percent of school leavers, and 92 ex-ATLAS school leavers, representing 6.3 per cent. There were delays in approving the appeals ... 49 percent were approved before being allocated to a post school program place and 51 percent were approved after being allocated a post school program place. Of these, 30 moved from Transition to Work to Community Participation programs, and 58 moved from Community Participation to the Transition to Work program.³⁶⁷

- 8.67 DADHC's submission noted that it will also develop mechanisms for service providers to appeal decisions in relation to the *Equipment and Modifications Fund* and the *High Support Needs Pool*.³⁶⁸

Awareness of appeals process

- 8.68 The Committee heard conflicting evidence from Inquiry participants, which showed that some people were aware of the appeals process and some were not. The submission from Wilson Park Public School stated that some families at their school were unaware of the appeal process:

Some families are being told there is no appeals process ... There is no information provided to families about the mechanism for appeal. Best practice indicates it is appropriate to advise the processes for review of decisions.³⁶⁹

³⁶⁶ Submission 144, DADHC, p48

³⁶⁷ Mr O'Reilly, Evidence, 11 May 2005, p4

³⁶⁸ Submission 144, DADHC, p49

³⁶⁹ Submission 40, Wilson Park Public School, p4

- 8.69** An employee of the Department of Education and Training, Ms Cheryl Roberts, gave evidence that staff in the disability sector were also confused about the appeal process:

It is a very limited appeals process. Some years we have been told there is no appeals process and then I have found out later that there was but the person who told me that was not the person who should know. It is not a very well-organised system at all.³⁷⁰

- 8.70** Ms Robyn Mulloy gave evidence that she was aware that she could appeal, but was confused about who to appeal to:

The complaints and appeals process I feel is inadequate as it needs to be explained in greater detail to the people involved. We were not told much about this area and so my complaints have been going to local people and carers as I did not know who to talk to.³⁷¹

- 8.71** Service providers were also unclear on the operation of the appeals mechanism. According to the submission from Coffs Harbour Support Services Inc, their requests for additional information were ignored: 'email requests to DADHC central office for more information about the complaints and appeals mechanism have not been answered.'³⁷²

- 8.72** The submission from PWD highlighted the lack of awareness of, first, whether an appeals mechanism existed, and second, how to access it:

We have been unable to find written information about these [appeal] mechanisms on DADHC's website, nor does it appear that people with disabilities and their families have received information about the process. The anecdotal information we have received indicates that there is a great deal of confusion in the disability sector about the process for complaints and appeals, with many people being told by DADHC that there is no appeals process.³⁷³

- 8.73** Ms Mills from DADHC gave evidence acknowledging that not everyone is aware of the assessment appeals process, and that the Department needs to raise awareness of the appeals process:

As part of our moving forward we are keen to substantially document and explain the appeals process and ensure that parents and service providers are fully aware of it, yes.³⁷⁴

- 8.74** The Committee welcomes the Department's admission that much more needs to be done to achieve universal awareness of the appeals process. The Committee considers it to be a logical step to produce detailed documentation on the appeals process, and questions why this was not done when the appeals process was first introduced.

³⁷⁰ Ms Roberts, Evidence, 18 May 2005, p15

³⁷¹ Ms Mulloy, letter to Committee as read by Chair, Evidence, 18 May 2005, p10

³⁷² Submission 147, Coffs Harbour Support Services Inc, p10

³⁷³ Submission 146, PWD, p6

³⁷⁴ Ms Mills, Evidence, 11 May 2005, p13

Difficulties with appeals process in 2004

- 8.75** The Committee heard first-hand evidence that the appeals process was lengthy and onerous. For example, the Committee met with two program participants who had appealed. The Committee heard that W went through a ‘lengthy and complicated’ process to appeal the Department’s decision that he was ineligible to enter a post school programs.³⁷⁵ W was subsequently accepted into the TTW program. C was also accepted into the TTW program. C’s mother described the emotional drain of appealing on her daughter’s behalf.³⁷⁶ These two cases are representative of the experiences of several participants in the Committee’s three group discussions who had been streamed into inappropriate programs, and had gone through lengthy and stressful appeals processes to rectify the assessment outcomes.³⁷⁷
- 8.76** Ms Nell Brown wrote of her negative experience appealing on behalf of her daughter Tess:
- ... once I understood that Tess was to be placed in “community participation” I harassed, bullied, abused and got my way. I never appealed in writing; I was told there was no appeal process except for those who had been denied any funding at all.³⁷⁸
- 8.77** According to the submission from the Far North Coast Disability Interagency for Education, Training and Employment, families in their area had a negative experience of the appeals process:
- Some families sent letters of appeal however the appeals process for families was difficult and not user friendly. Families were told to ring DADHC Coffs Harbour direct. Some rang the stated 1800 number which was answered by the Sydney office who told the caller to ring DADHC in their region. In other words families “got the run around.”³⁷⁹
- 8.78** In evidence, the Department’s Director General, Ms Mills, described the ‘interim’ nature of the appeals process:
- At the moment the appeal process is, I suppose one might call, interim ... We have also made an undertaking previously that there will be a formal and specific appeals process for these two programs developed in the course of the year.³⁸⁰
- 8.79** The Committee is of the opinion that the ‘interim’ nature of the appeals process limited awareness of its existence, as well as created confusion over how to access the appeal

³⁷⁵ For confidentiality reasons, consultation participants are identified with a random letter. People with Disability Australia, *Report on Consultations with People with Disability*, June 2005, p11 (prepared for GPSC 2 Inquiry into Post School Programs for Young Adults with a Disability)

³⁷⁶ For confidentiality reasons, consultation participants are identified with a random letter. People with Disability Australia, *Report on Consultations with People with Disability*, June 2005, p12 (prepared for GPSC 2 Inquiry into Post School Programs for Young Adults with a Disability)

³⁷⁷ People with Disability Australia, *Report on Consultations with People with Disability*, June 2005, p20 (prepared for GPSC 2 Inquiry into Post School Programs for Young Adults with a Disability)

³⁷⁸ Submission 115, Ms Brown, p2

³⁷⁹ Submission 124, Far North Coast Disability Interagency for Education, Training and Employment p6

³⁸⁰ Ms Mills, Evidence, 11 May 2005, p11

mechanism. The Committee considers that DADHC's lack of forethought in developing the appeals mechanism created further confusion. For example it was only after the announcement of the appeals policy in October 2004 that DADHC decided to allow appeals on the basis of program allocation.³⁸¹

Recommendation 16

That DADHC develop and implement a mechanism to appeal assessment decisions. Appeal applications should be simple to complete, and not require extensive supporting documentation.

The Department should raise awareness of the appeal mechanism, including by ensuring that the mechanism is documented.

Importance of an assessment tool

8.80 The evidence in this chapter indicates that in 2004, the assessment tool resulted in inaccurate and unreliable assessment outcomes. This raises questions whether it is necessary to have an assessment tool at present.

Evidence in favour of and against an assessment tool

8.81 Professor Eagar supported the need for an objective assessment mechanism. According to Professor Eagar, previous assessment results were not based on any objective measures:

DADHC explained to us at the time that the previous process was a very long assessment form, 15 to 20 pages is my recollection, which had lots of free text. That went through a regional assessment decision panel that made a decision, and one of the criticisms of that was that there was so much free text and that the decisions were often being driven by how articulate the advocate was who was filling out the form.³⁸²

8.82 The trial report completed by the University of Wollongong on the assessment tool concluded:

Given the high annual expenditure on each ATLAS consumer, both initial screening and then regular assessment (and re-assessment at periodic intervals) of ATLAS clients appears worthwhile.³⁸³

³⁸¹ Submission 144, DADHC, p48

³⁸² Professor Eagar, Evidence, 17 June 2005, p41

³⁸³ Eagar, K. and Owen, A., *NSW ATLAS Consumers and their Prospects*, Centre for Health Service Development, University of Wollongong, March 2003, p45, quoted in submission 144, DADHC, p39

8.83 Despite the extensive evidence from DADHC on the benefits of the assessment tool for allocating people to the TTW or CP programs, Ms Alison Wannan, Director of Community Access at DADHC, told the Committee that the primary decider of assessment outcomes is whether a person wishes to work:

That is why we say in the Transition to Work program that it is really important that the person wants to work, because if the person does not want to work as well, a tool that says yes, this person has got the capacity to work, if that is not what that person is interested in we know that it is not going to be an okay outcome.³⁸⁴

8.84 This and other evidence raises significant questions over why an assessment tool is necessary at present. Several issues were raised by the Department in evidence which point against the current usefulness of an assessment mechanism, including that:

- personal preference (ie the will to work), rather than assessment outcome, should be the primary driver in allocation to the TTW or CP programs
- all appeals against assessment outcomes have been successful, and all appellants were streamed into the program of their choice
- the assessment tool is not used to determine program eligibility, as eligibility is determined by program guidelines
- assessment outcomes are not used to determine eligibility for High Needs Funding
- there are significant problems with the accuracy of assessment outcomes, resulting in DADHC reviewing the assessment tool.

8.85 This raises the question of whether it would be simpler, and far less expensive, to at present base a person's program placement in either the TTW or CP programs on personal preference. The Committee recognises that there could be potential problems with people requesting entry to the TTW program, not because they want to enter the workforce, but because they wish to access the higher TTW funding.

8.86 DADHC cannot link funding to levels of need without the development of an accurate and reliable assessment mechanism. In future, when an accurate and reliable assessment tool has been developed, the Committee supports the use of a formal assessment tool to link funding to levels of need (see Chapter 5). However, in the interim, the Committee is of the opinion that DADHC should consider alternative ways of streaming school leavers into the new Transition to Work and Community Participation programs that do not involve a formal assessment.

³⁸⁴ Ms Wannan, Evidence, 17 June 2005, p9

Conclusion

8.87 This chapter provides evidence that DADHC's current assessment tool is unreliable, and results in a high number of inaccurate assessment outcomes. Parents and young people experienced difficulties in appealing inaccurate assessments. Problems with the 2004 assessment and appeals processes include:

- a high number of inaccurate assessment results (especially for those with high support needs)
- delayed assessment process, with many school leavers being notified of program placements in December 2004 or later (leading to the absence of a planned transition between school and post school programs)
- lack of information on the appeals process (some people were not aware of their right to appeal and did not know who to appeal to)
- difficulty in completing appeals forms and late notice of outcomes (parents and program participants found the appeals process lengthy and onerous).

8.88 The Committee concludes that the assessment tool is particularly inaccurate at capturing levels of high support needs. This deficiency is problematic, given the Department's goal of moving to link funding to levels of need. The Committee recognises that funding is and always will be limited, and supports the Department's goal of ensuring that young adults with high support needs receive the most funding. To do this, it is of paramount importance to develop an assessment tool that consistently results in accurate and reliable assessment outcomes.

Chapter 9 Reform outcomes and future directions

This final chapter considers whether the recent reforms to post school programs will lead to positive further education, vocational training and employment outcomes for young adults with a disability. It then highlights the need for coordination between State and Commonwealth-funded disability programs. This report concludes by considering the future of disability services in New South Wales.

Outcomes of recent reforms

- 9.1** Throughout this Inquiry the Committee heard repeated criticism of the program reforms by the Department of Ageing, Disability and Home Care (DADHC). North West Disability Services described the program changes as ‘a poorly planned, badly communicated and extremely flawed reform process.’³⁸⁵ The impact of the reforms has been considerable. According to Action for People with Disability, ‘families of people with disability have been dismayed and appalled throughout this reform process.’³⁸⁶
- 9.2** There are several ways in which the design of the new Transition to Work (TTW) and Community Participation (CP) programs may adversely impact on further education, vocational training and employment outcomes. These have been discussed at length in the preceding chapters of the report, and include the:
- exclusion of university students from the new programs
 - lack of clarity on eligibility to attend TAFE
 - two year time-limit for the TTW program (limiting participants’ capacity to finish TAFE courses, if indeed they are eligible to study at TAFE)
 - lack of flexibility between the TTW and CP programs (limiting access by those in the CP program to vocational education and training)
 - funding level for the TTW program (which may be insufficient to provide the one-on-one, on-the-job training required by those with high support needs)
 - funding level for the CP program (which may be insufficient to provide the support needed for people to develop the skills needed to enter the TTW program)
 - move to block funding (hampering the development of innovative tailored programs)
 - assessment process which streams all participants with high needs into the CP program (limiting access to employment for young people with high needs)
 - inaccurate assessment results and difficulties appealing assessments (which may inappropriately ‘lock’ people with employment potential into the CP program)
 - culturally inappropriate program design (excluding students from multicultural and indigenous communities).

³⁸⁵ Submission 116, North West Disability Services, p1

³⁸⁶ Submission 103, Action for People with Disability, p28

- 9.3** In addition to the above list, the Committee has criticised many other aspects of the new programs, which may also adversely impact on the quality of outcomes. The Committee has made numerous recommendations on how to address these issues. In this final chapter, the Committee would like to highlight the most pressing and immediate of these problems: inadequate funding for the CP program (see Recommendation 8 and 9).
- 9.4** Young adults with high support needs have been most severely affected by the reduced funding for the CP program. As the Committee heard, many of these young people were already receiving an insufficient number of program hours. Reduced funding has exacerbated this situation. Many of the parents and families of these young people have now reached breaking point, and are considering the long-term viability of caring for their children in the family home. The Committee once again calls on DADHC to guarantee that young people assessed as having the highest level of support needs receive sufficient funding to be provided with a five-day per week program.

Commonwealth-State cooperation

- 9.5** Time and again, the Committee heard evidence on the need for improved communication and coordination between services funded by the Commonwealth and the State. The Committee is of the opinion that it will be difficult for the recent program reforms to lead to improved outcomes for young adults with a disability, unless accompanied by improved Commonwealth-State cooperation.
- 9.6** As seen in Chapter 4, the Commonwealth is responsible for employment issues, but does not take responsibility for pre-vocational training. This leads to a lack of coordination between Commonwealth-funded open and supported employment services and State-funded programs designed to prepare young people to enter the workforce. The Committee considers that the lack of communication between the Commonwealth and NSW Governments in relation to the TTW program is indicative of a wider lack of communication in relation to the provision of disability services, which often leaves people with a disability, their families and service providers caught in the middle.
- 9.7** In evidence the Director General of DADHC, Mr Brendan O'Reilly, recognised the difficulties faced by people with a disability in negotiating between the 'maze' of Commonwealth and State-funded services:

Personally, I think that if you are a person wanting to access disability services and move to Transition to Work, the current arrangements that the person experiences in trying to work through the maze of what is Commonwealth and what is State – if I do this, does it hit my social pension, and that sort of stuff – it is extremely difficult.³⁸⁷

³⁸⁷ Mr O'Reilly, Evidence, 17 June 2005, p27

- 9.8** Considering the awkward allocation of responsibilities between the Commonwealth and the states/territories, the Committee notes with interest the proceedings of the June 2005 Council of Australian Governments (COAG) meeting. The COAG meeting recognised that greater coordination between the Commonwealth and the states/territories could lead to significant improvements to the health system, particularly in relation to disability services:

... there is room for governments to discuss areas for improvement, particularly in areas where governments' responsibilities intersect.

Governments recognised that many Australians, including the elderly and people with disabilities, face problems at the interfaces of different parts of the health system. Further, governments recognised that the health system can be improved by clarifying roles and responsibilities, and by reducing duplication and gaps in services.³⁸⁸

- 9.9** In commenting on the COAG announcement, the Director General discussed the possibility of states/territories assuming full responsibility for disability services:

Regarding the announcement at COAG, the information we have at the moment is very scant, other than that they do want to create a high-level working party between Commonwealth and State to look at whether there is the opportunity – and it is a sensible arrangement – to move all aspects of disabilities to the State whilst all age-related arrangements go to the Commonwealth. Obviously, it is a pretty complex issue.³⁸⁹

- 9.10** The Committee welcomes such high-level recognition of the need to improve coordination between the Commonwealth and state/territory disability systems.

Recommendation 17

That the NSW Minister for Disability Services liaise with the Commonwealth so that programs in the area of disability services work together to support and assist participants in post school programs.

Future of disability services in NSW

- 9.11** Like many Inquiry participants, the Committee considers providing support for the most vulnerable of its members to be a mark of a civilised society. Considering the recent reforms to post school programs, however, the Committee must question whether funding for disability services will truly be given the priority it deserves in New South Wales.
- 9.12** The Committee notes the recent attempt by the NSW Government to redress inadequate funding for the new post school programs, namely Minister Della Bosca's May 2005 announcement of an additional \$6 million one-off injection for post school programs. The Committee hopes that this gesture is but the beginning of an ongoing commitment to addressing inadequate funding for disability services.

³⁸⁸ *Council of Australian Governments Communique*, 3 June 2005, pp2-3

³⁸⁹ Mr O'Reilly, Evidence, 17 June 2005, p27

9.13 The Committee notes the sentiments expressed by the new Premier of New South Wales, the Hon Morris Iemma MP, who on his first day in office pledged his commitment to improving disability services. Mr Iemma identified disability services as one of the three most pressing social policy issues facing his Government:

These are matters of simple decency. We have allowed these issues to slip off the broad political agenda. We need to put them back. While the Government must always protect its economic credentials it must also have a heart.³⁹⁰

³⁹⁰ Wainwright, R, 'The quiet footy fan comes into his own,' *Sydney Morning Herald*, 3 August 2005, p9

Appendix 1 Submissions

| No | Author |
|-----|--|
| 1 | Mrs & Mr Kay & David Woods |
| 2 | Mr and Mrs J & D Devenish-Meares |
| 3 | Ms Gayl Foy |
| 4 | Mrs Jenny Rollo |
| 5 | Mrs Valerie Doel |
| 6 | Ms Lynne Gould |
| 7 | Ms Rhonda Hodges |
| 8 | Mr & Mrs D & H Tarrant |
| 9 | Confidential |
| 10 | Mr & Mrs R & H Wilson |
| 11 | Mr & Mrs Jim & Maree Murphy |
| 12 | Mrs P Williams |
| 13 | Mrs June Madden |
| 14 | Mr & Mrs N Cousins |
| 15 | Ms Cheryl Roberts |
| 16 | Mrs Robyn Deacon |
| 17 | Ms Robyn Backhouse |
| 18 | Mr Rob White (The Spastic Centre of NSW) |
| 19 | Ms Colleen Barnes |
| 20 | Ms Pamela Griggs |
| 21 | Mr Sergio Polonsky |
| 22 | Mr & Mrs I Johnson |
| 23 | Ms Patricia Holland |
| 24 | Mr & Mrs John McIntyre |
| 25 | Mr & Mrs B Butt |
| 26 | Ms Lyn Smith |
| 27 | Mr Keith Cattell |
| 28 | Mr & Mrs J Gavage |
| 28a | Mr & Mrs J Gavage |
| 29 | Partially Confidential |
| 30 | Mr & Mrs Don & Lynn Ringland |
| 31 | Ms Rachel Haggett |

| No | Author |
|-----------|--|
| 32 | Ms Alana Gudgeon |
| 33 | Mr & Mrs David & Susan Kelly |
| 34 | Mr & Mrs Jim & Sandra Laird |
| 35 | Mr & Mrs David & Bronwyn Peachey |
| 36 | Mr & Mrs Mark & Tanya Whitty |
| 37 | Mr Peter Mateffy |
| 38 | Ms Ina Vukic (Metropolitan North and West Day Services Regional Forum) |
| 39 | Ms Maureen Dagg |
| 40 | Mrs Helen Rea (Wilson Park Public School) |
| 41 | Mr John Faithfull (Access Community Education Services Incorporated) & Ms Jenni Steele (Individual Development & Further Education Incorporated) |
| 42 | Mrs Glenn Fisher |
| 43 | Partially Confidential |
| 44 | Ms Wendy Pritchard |
| 45 | Mrs Beverly McGoldrick |
| 46 | Ms Debbie Matthews |
| 47 | Mrs & Mr Moira & David Jackson |
| 48 | Partially Confidential |
| 49 | Mr & Mrs Brian & Margaret Bruce |
| 50 | Partially Confidential |
| 51 | Mrs Y Rhodes |
| 52 | Mr Kevin Mead (Challenge Armidale Ltd) |
| 52a | Mr Kevin Mead (Challenge Armidale Ltd) |
| 53 | Mrs Maureen McIlquham |
| 54 | Mrs J Robein |
| 55 | Mrs Cheryl Godfrey |
| 56 | Ms Tanya Rubelj |
| 57 | Mr & Mrs Phil & Ann Verner |
| 58 | Partially Confidential |
| 59 | Mr & Mrs Kenneth & Kathryn Bruce |
| 60 | Ms Kate Thomas |
| 61 | Mrs & Mr Lynn & Peter Driscoll |
| 62 | Ms Rhonda Danylenko |
| 63 | Ms Marie Patterson |
| 64 | Mr & Mrs Paul & Sandra Sargent |

| No | Author |
|-----------|--|
| 65 | Ms Jackie Romein (Flintwood Disability Services Inc) |
| 66 | Mr Paul Buchanan |
| 67 | Ms Joanne Sarris |
| 68 | Ms Merron Palmer |
| 69 | Mr David Hancock (The Crowle Foundation Limited) |
| 70 | Mr Peter DiRita (Crowle Employment Services) |
| 71 | Ms Sue Harding |
| 72 | Mrs Anne Napoli |
| 73 | Ms Sucheta Velankar (Woodville Community Services Inc.) |
| 74 | Mr John Rooth (Mid North Coast Area Disability Committee) |
| 75 | Mr Andrew Buchanan (Disability Council of NSW) |
| 76 | Ms Filiz Kilic |
| 77 | Mrs & Mr Louise & Kevin Parsons |
| 78 | Mrs Noela Roberts |
| 79 | Mr Gary Moore (Council of Social Service of NSW) |
| 80 | Ms Helena O'Connell (The NSW Council for Intellectual Disability) |
| 81 | Mrs & Mr Christine & Alan Sambrooke |
| 82 | Ms Barbel Winter (Multicultural Disability Advocacy Association of NSW) |
| 83 | Ms Felicity Chandler |
| 84 | Mr & Mrs Charles & Christine Agius |
| 85 | Partially Confidential |
| 86 | Ms Andrea Gray (Disability Advocacy Network Inc) |
| 87 | Ms Janet Birks (Western Sydney Intellectual Disability Support Group Inc.) |
| 88 | Mr & Miss Greg & Tess Ricketson |
| 89 | Ms Della Pin |
| 90 | Dr Col Scrivener |
| 91 | Mrs Judy Scrivener |
| 92 | Mr Grant Murphy |
| 93 | Mr Dennis Skender (Fairfield Community Resource Centre) |
| 94 | Partially Confidential |
| 95 | Miss Ariella Meltzer |
| 96 | Ms Janice Summerhayes (Wagga Wagga City Council) |
| 97 | Ms Mary Bills (Sutherland Shire Community Care Network Inc.) |
| 98 | Mrs Helen Ford-Coburn |
| 99 | Ms Fiona Given |

| No | Author |
|-----------|---|
| 100 | Ms Anne Zilla Garzoli (Griffith City Council) |
| 101 | Ms Clover Moore MP |
| 102 | Ms Janet Scott (UnitingCare NSW.ACT) |
| 103 | Mrs Christine Agius (Action for People with Disability Inc) |
| 104 | Mr Timothy Hart |
| 105 | Mr Damien Anderson (ACROD NSW Division) |
| 106 | Mr Gordon Lapham (Seton Villa Parents and Friends Association) |
| 107 | Ms Jessica Wilson |
| 108 | Ms Suzanne Becker (Windgap Foundation Limited) |
| 109 | Partially Confidential |
| 110 | Mr Trevor Allan (Disability Education Association NSW/ACT) |
| 111 | Mrs Geraldine Gray (Catholic Education Commission NSW) |
| 112 | Ms Linda Bobeth |
| 113 | Ms Belinda Epstein-Frisch (Family Advocacy) |
| 114 | Ms Jenny London (R.E.D. Inc) |
| 115 | Ms Nell Brown |
| 116 | Ms Deborah Mills (North West Disability Services Inc) |
| 117 | Ms Elizabeth Clohessy (The Leisure Company) |
| 118 | Mr Colin Coakley (Country Women's Association of NSW) |
| 119 | Mr Andrew Cottrill |
| 120 | Mrs & Mr Jenny & Ron Starr |
| 121 | Ms Ann Lehmann |
| 122 | Dr Michele Meltzer |
| 122a | Dr Michele Meltzer |
| 123 | Mr & Mrs Doug & Jane Rodgers |
| 124 | Ms Vivienne Philips (Far North Coast Disability Interagency for Education, Training and Employment) |
| 125 | Ms Christina Faber-Morris |
| 126 | Mr & Mrs Neil & Jeanelle Franks |
| 127 | Mrs & Mr Florence & Rex Chandler |
| 128 | Ms Margaret Shearer |
| 129 | Partially Confidential |
| 130 | Mr & Mrs Wayne & Delva Broome |
| 131 | Mrs & Mr Narelle & Michael Thorneycroft |
| 132 | Ms Lynne Lynch |

| No | Author |
|-----------|--|
| 133 | Ms Despina Papiros |
| 134 | Mr W.R. Albury |
| 135 | Ms Anne Thorn (Macarthur Disability Services Ltd) |
| 136 | Ms Ann Verner |
| 137 | Mr & Mrs Michael & Moira O'Hara |
| 138 | Mr David Hampton |
| 139 | Mr Jerry McNamara (Family Resource and Network Support (FRANS) Inc) |
| 140 | Mrs Lesley Light |
| 141 | Ms Tracey Spadaccini (Griffith Youth Support Service) |
| 142 | Partially Confidential |
| 143 | Ms Joy McNee |
| 144 | Mr Brendan O'Reilly (Department of Ageing, Disability and Home Care) |
| 145 | Mrs & Mr Maree & Daniel Simpson |
| 146 | Ms Therese Sands (People With Disability) |
| 147 | Ms Kathleen O'Meley (Coffs Harbour Support Services Inc) |
| 148 | Ms Jaqueline Andres (The Junction Works Inc) |
| 149 | Ms Stephanie Thompson (Australian Music Therapy Association Inc) |
| 150 | Mr Tim Marchant (Carers NSW) |
| 151 | Ms JoAnne Parsons |
| 152 | Ms Marg Ryan |
| 153 | Ms M Horn |
| 154 | * Dane * (a Community Participation Program Participant) |

Appendix 2 Witnesses

Hearings

| Date | Name | Position and Organisation |
|-----------------------|-------------------------------------|--|
| Tuesday 10 May 2005 | Mr Gary Moore | Director, Council of Social Service of NSW |
| | Ms Christine Reagan | Senior Policy Officer, Council of Social Service of NSW |
| | Mr Andrew Buchanan | Chair, Disability Council of NSW |
| | Mr Dougie Herd | Director, Disability Council of NSW |
| | Ms Debbie Matthews | Parent of Leanne Matthews |
| | Mr Jim Murphy | Parent of Daniel Murphy |
| | Mr Greg Ricketson | Parent of Tess Ricketson |
| | Ms Lynne Gould | Parent of Nathan Gould |
| | Ms Heidi Forrest | President, People With Disability Australia |
| Wednesday 11 May 2005 | Ms Therese Sands | Senior Policy Officer, People With Disability Australia |
| | Mr Brendan O'Reilly | Director General, Department of Ageing, Disability and Home Care |
| | Ms Carol Mills | Deputy Director General, Department of Ageing, Disability and Home Care |
| | Ms Alison Wannan | Director, Community Access, Department of Ageing, Disability and Home Care |
| | Ms Fiona Given | Recipient of Post School Options funding |
| | Ms Belinda Epstein-Frisch | Advocate, Family Advocacy |
| | Mr Tony Wells | Board Member, Family Advocacy |
| | Mr Phil Morath | Director, Employment and Community Participation, Autism Spectrum Australia (appearing on behalf of Family Advocacy) |
| | Mr Patrick Maher | Executive Director, ACROD, NSW Division |
| | Mr Damien Anderson | Deputy Executive Officer, ACROD, NSW Division |
| | Mr Rob White | Chief Executive Officer, The Spastic Centre of NSW |
| | Ms Deborah Hoffman | General Manager, Organisational Planning, The Spastic Centre of NSW |
| | Ms Gemma McCarthy | State Manager, Wesley Disability Support Services |
| | Ms Suzanne Becker | General Manager, Windgap Foundation Limited |
| | Ms Maree Mullins | Chief Executive Officer, The Junction Works Inc |
| Ms Joan Hughes | Chief Executive Officer, Carers NSW | |

| Date | Name | Position and Organisation |
|---------------------|-----------------------|--|
| Tuesday 31 May 2005 | Ms Helena O'Connell | Executive Officer, NSW Council for Intellectual Disability |
| | Ms Barbel Winter | Executive Officer, Multicultural Disability Advocacy Association of NSW |
| | Mr Timothy Hart | Disability Coordination Officer for Northern, Central and Southern Sydney |
| | Ms Larissa Burns | Disability Education Association NSW/ACT |
| | Mr Geoff Maddox | Disability Education Association NSW/ACT |
| Friday 17 June 2005 | Mr Brendan O'Reilly | Director General, Department of Ageing, Disability and Home Care |
| | Ms Carol Mills | Deputy Director General, Department of Ageing, Disability and Home Care |
| | Ms Alison Wannan | Director, Community Access, Department of Ageing, Disability and Home Care |
| | Professor Kathy Eagar | Director, Centre for Health Service Development, University of Wollongong |

Parent Forums

Armidale

| Date | Name | Position and Organisation |
|---------------------|--------------------------|---|
| Tuesday 17 May 2005 | Ms Kate Thomas | Parent |
| | Ms Emily Thomas-Moore | Sister |
| | Ms Debbie Taber | Parent |
| | Ms Jenny Devenish-Meares | Parent |
| | Ms Barbara Albury | Parent |
| | Ms Jenny Thomas | Former special education teacher at Armidale High |
| | Ms Judy Scrivener | Parent and Board member of Challenge Armidale |
| | Mr Col Scrivener | Parent |
| | Ms Sally Rowe | Parent |
| | Ms Robbie Duff | Service provider |
| | Ms Helen Mary Kennedy | Special education teacher |
| | Mr Kevin Mead | General Manager, Challenge Armidale |

Wagga Wagga

| Date | Name | Position and Organisation |
|-----------------------|-----------------------|---|
| Wednesday 18 May 2005 | Mr Bernie Benson | Parent |
| | Ms Anne Napoli | Parent |
| | Ms Lynne Lynch | Parent |
| | Ms Chris Lennon | Principal, Willans Hill School |
| | Ms Deb Hocking | Parent |
| | Mr Charlie Sheahan | Parent |
| | Ms Kathryn Jensen | Parent |
| | Ms Jenny Harwood | Parent |
| | Mr Lyall Metcalf | Parent |
| | Ms Kerry Baumer | Parent |
| | Name withheld | Parent |
| | Ms Robyn Mulloy | Parent (letter read by the Chair) |
| | Ms Robyn Deacon | Parent (letter read by the Chair) |
| | Ms Cheryl Francis | Parent |
| | Ms Leanne Fitzgerald | Parent |
| | Ms Kate Johnston | Service Manager, Kalparrin Inc |
| | Ms Carolyn Eckersall | Manager of Skills Options, Kurrajong Waratah |
| | Ms Elizabeth Clohessy | Service Manager, The Leisure Company |
| | Ms Ann Baker | Service Manager, Wagga Community Access Support Services (CASS) |
| | Ms Cheryl Roberts | Special education worker |

Consultations With Young People With a Disability

Redfern: People With Disability Australia

| Date | Name |
|---------------------|-------------------------|
| Tuesday 31 May 2005 | Mr Joseph Arkelidis |
| | Ms Susan Churchill |
| | Mr Walee Mir |
| | Mr Allan Dwyer |
| | Ms Fiona Bridger |
| | Mr Simon Kim |
| | Ms Bridgette Robertson |
| | Mr Kane Nolan |
| | Mr Mario Chaudhry-Lyons |
| | Ms Jackie Greenwood |

Wollongong: Essential Personnel

| Date | Name |
|-----------------------|---------------------|
| Wednesday 1 June 2005 | Mr Jared Pinkerton |
| | Mr Ian Charlesworth |
| | Mr Brendon Stolk |
| | Mr Troy Cottam |
| | Mr Ellee Habak |

Newcastle: Life Without Barriers

| Date | Name |
|--------------------|----------------------|
| Friday 3 June 2005 | Mr Dane Tobias |
| | Ms Kristy Trajcevski |
| | Ms Rachel Gudgeon |
| | Mr Deahnne McTackett |
| | Ms Michelle Stewart |
| | Mr Geoffrey McDonald |
| | Mr Mark Warren |
| | Ms Amy Bobeth |
| | Mr Ryan Walpole |
| | Ms Aletia Pepperall |

Appendix 3 Site Visits

| Date | Location |
|-----------------------|---|
| Tuesday 17 May 2005 | Challenge Tamworth, Tamworth |
| | Newtrain, Tamworth |
| | Challenge Armidale, Armidale |
| Wednesday 18 May 2005 | Kurrajong Waratah, Wagga Wagga |
| | The Leisure Company, Wagga Wagga |
| | Wagga Community Access Support Services (CASS), Wagga Wagga |
| Wednesday 1 June 2005 | Essential Personnel, Wollongong |
| | Greenacres Association, Wollongong |
| | The Disability Trust, Fairy Meadow, Wollongong |
| Friday 3 June 2005 | Life Without Barriers, Newcastle West |
| | Mai-Wel, Maitland |
| | The Hunter Orthopaedic School, Waratah, Newcastle |

Appendix 4 Tabled Documents

Wednesday 11 May 2005

1. Opening statement by Mr Brendan O'Reilly, Director General, Department of Ageing, Disability and Home Care - *tabled by Mr Brendan O'Reilly.*

Tuesday 17 May 2005

2. Copy of Powerpoint presentation to Committee by Challenge Armidale - *tabled by Mr Kevin Mead.*
3. Notes regarding assessment methodology from Challenge Armidale's presentation to the Committee - *tabled by Mr Kevin Mead.*
4. Western Australia Post School Options Program individual needs assessment form - *tabled by Mr Kevin Mead.*
5. 'Functional Screening and Assessment in the NSW Post School Program: A guide for the 2004 School Leaver Registration, Assessment & Referral Process' by the Centre for Health Service Development, University of Wollongong, April 2004 - *tabled by Mr Kevin Mead.*

Wednesday 18 May 2005

6. Letter from Mr Steve Jacques, CEO of Kurrajong Waratah, to Mr and Mrs Charles and Susan Sheahan, dated 14 March 2005 - *tabled by Mr Charles Sheahan.*

Friday 17 June 2005

7. Answers from DADHC to questions on notice taken during evidence 11 May 2005, dated 17 June 2005 - *tabled by Mr Brendan O'Reilly.*
8. 'Form 3: HACC Screening Tool (Instrument),' which is used to screen school leavers for post school programs by DADHC - *tabled by Mr Brendan O'Reilly.*
9. Letter from the Minister for Disability Services to parents of children with disabilities, dated 3 June 2005, re: the Community Participation program - *tabled by Mr John Ryan.*
10. Opening statement by Professor Kathy Eagar - *tabled by Professor Kathy Eagar.*

Appendix 5 Minutes

Appendix 40

Monday 21 March 2005

Jubilee Room, Parliament House at 2:05m

1. **Members Present**

Mrs Patricia Forsythe (Chair)
Mr Tony Catanzariti (Deputy Chair)
Ms Amanda Fazio (Mr Henry Tsang)
Ms Christine Robertson
Ms Melinda Pavey
Revd Dr Gordon Moyes
Dr Arthur Chesterfield-Evans

2. **Substitutions**

The Chair noted advice from the Government Whip that Ms Fazio would also be substituting for Mr Tsang at this meeting with respect to the Inquiry into Budget Estimates 2004-2005 and the Inquiry into Post School Disability Services.

The Chair noted advice from the Opposition Whip that at subsequent meetings regarding the Post School Disability Services inquiry Mr Ryan would substitute for Ms Pavey.

3. ...

Deliberative

...

4. ...

5. ...

6. ...

7. ...

8. ...

9. **Inquiry into Post School Disability Services**

Ms Fazio asked that the Committee note that she was represented on the Board of Management of a community group which received funding under Post Schools programs.

Revd. Dr Moyes indicated that as he was a representative on the Board of an organisation that received ATLAS funding, he would not participate in the inquiry and would arrange for Mr Jenkins to act as his substitute for the duration of the inquiry.

Resolved, on the motion of Mr Catanzariti:

- That the Committee hold hearings and/or site visits on 9,10 (morning), 11, 16, 17 and 18 May, subject to confirmation of members availability:

- That the Committee obtain evidence from clients of the services through a facilitated consultation process at which members are present; and that the secretariat be empowered to contract an appropriate facilitator for this purpose.
- That the reporting date for the inquiry be 29 July 2005.

10. Adjournment

The Committee adjourned at 5.15 pm *sine die*.

Steven Reynolds
Clerk to the Committee

Minutes No 41

Thursday 7 April 2005

Members Lounge at 1.05 pm

1. Members Present

Mrs Patricia Forsythe (Chair)
Mr Tony Catanzariti (Deputy Chair)
Dr Arthur Chesterfield-Evans
Dr Jon Jenkins
Mr Henry Tsang
Ms Christine Robertson
Mr John Ryan

2. Substitutions

It was noted that Mr Ryan would be substituting for Ms Pavey and Dr Jenkins would be substituting for Rev Dr Moyes for the term of the Post School Disability Programs inquiry

3. ...

Resolved on the motion of Christine Robertson: That the Committee adopt Minutes No. 40

4. Correspondence

The Committee noted the following correspondence sent:

Letters to three parties inviting them to submit an expression of interest to organise the discussion groups of users of post school disability programs:

- Mr Roger West, Westwood Spice Consulting (dated 30 March 2005)
- Ms Alana Clohesy, Deputy Director – Advocacy, People With Disability (dated 30 March 2005)
- Professor Gwynneth Llewellyn, A/Dean, School of Occupation and Leisure Studies, University of Sydney (dated 1 April 2005)

The Committee noted the following correspondence received:

- Letter from Hon Don Harwin to Hon Patricia Forsythe, indicating that Hon John Ryan will be substituting for the Hon Melinda Pavey for the duration of the inquiry into Post School Disability Programs (dated 18 March 2005)
- Letter from Revd Hon Dr Gordon Moyes to Hon Patricia Forsythe, indicating that Dr Moyes will stand aside from the inquiry into Post School Disability Programs, and will be replaced by Hon Jon Jenkins (received 30 March 2005)

- Letter from Ms Robyn Kruk, Director General NSW Health, to Hon Patricia Forsythe, providing clarification of evidence given to the Committee in relation to the Estimates hearing on 4 March 2005 (received 31 March 2005)

5. Inquiry into Post School Disability Programs

It was resolved on the motion of Ms Christine Robertson: That the Committee publish submissions number 11, 29, 43, 48, 50, 58, 84, 85, 94, 109, 129 with the exception of the author's name, address and other identifying details, which shall remain confidential to the Committee.

It was resolved on the motion of Mr Henry Tsang: That the Committee publish all submissions up to and including submission number 146 with the exception of submission 9, and certain information relating to submissions 11, 29, 43, 48, 50, 58, 84, 85, 94, 109, 129 (ie the author's name, address and other identifying details).

It was resolved on the motion of Mr Henry Tsang: That the Committee it be left in the hands of the Committee Chair to place submissions on the Committee website, including submissions by service providers, advocacy organisations and anyone invited to appear as a witness.

Update on inquiry progress

The Chair wished to thank the Committee for accommodating changes to proposed hearing dates

The Committee considered the use of charter plane to facilitate regional site visits on 17 and 18 May 2005.

Resolved on the motion of Mr Tony Catanzariti: That the Committee authorise the cost of the use of a chartered aircraft for Committee travel on 17 and 18 May 2005.

6. Adjournment

The Committee adjourned at 1.20 pm

Madeleine Foley
Clerk to the Committee

Minutes No 42

Tuesday 10 May 2005

The Jubilee Room, Parliament House at 9:30am

1. Members Present

Mrs Patricia Forsythe (Chair)
Mr Tony Catanzariti (Deputy Chair)
Dr Arthur Chesterfield-Evans
Mr Jon Jenkins
Ms Christine Robertson
Mr John Ryan
Mr Henry Tsang

2. Substitutions

3. Inquiry into Post School Disability Programs *Public Hearing*

Witnesses, the public and the media were admitted.

The Chair made a brief opening statement.

Mr Gary Moore, Director, NCOSS (Council of Social Service of NSW), and Ms Christine Reagan, Senior Policy Officer, NCOSS, were sworn and examined.

Evidence concluded and the witnesses withdrew.

Mr Andrew Buchanan, Chair, Disability Council of NSW, and Mr Dougie Herd, Director, Disability Council of NSW, were sworn and examined.

Evidence concluded and the witnesses withdrew. The public hearing concluded and the public and the media withdrew.

Deliberative meeting

Resolved, on the motion of Ms Robertson: That the Committee publish submission 11 in its entirety, identifying the author of the submission.

Resolved, on the motion of Ms Robertson: That the Committee publish submission 46 in its entirety, including the page that was previously missing.

Public hearing

Witnesses, the public and the media were admitted.

Ms Debbie Matthews, parent of Ms Leanne Matthews, and Mr Jim Murphy, parent of Mr Daniel Murphy, were sworn and examined.

Evidence concluded and the witnesses withdrew.

Mr Greg Ricketson, parent of Ms Tess Ricketson, and Ms Lynne Gould, parent of Mr Nathan Gould, were sworn and examined.

Evidence concluded and the witnesses withdrew.

Ms Heidi Forrester, President, People with Disability Australia, and Ms Therese Sands, Senior Policy Officer, People with Disability Australia, were sworn and examined.

Evidence concluded and the witnesses withdrew.

4. Adjournment

The Committee adjourned at 1:05pm until 10:00am Wednesday 11 May 2005 in the Jubilee Room.

Madeleine Foley
Clerk to the Committee

Minutes No 43

Wednesday 11 May 2005

The Jubilee Room, Parliament House at 10am

1. Members Present

Mrs Patricia Forsythe (Chair)

Mr Tony Catanzariti (Deputy Chair)
Dr Arthur Chesterfield-Evans
Mr Jon Jenkins
Ms Christine Robertson
Mr John Ryan
Mr Henry Tsang

2. Substitutions

3. Inquiry into Post School Disability Programs

Public Hearing

Witnesses, the public and the media were admitted.

The Chair made a brief opening statement.

Mr Brendan O'Reilly Director General, Department of Ageing, Disability and Home Care (DADHC), Ms Alison Wannan, Director, Community Access, DADHC, and Ms Carol Mills, Deputy Director General, DADHC, were sworn and examined.

Mr O'Reilly tendered a copy of his opening statement.

Resolved, on the motion of Mr Ryan: That the Committee publish the opening statement tendered by Mr O' Reilly.

Evidence concluded and the witnesses withdrew. The public hearing concluded and the public and the media withdrew.

Deliberative meeting

Resolved, on the motion of Mr Jenkins: That the Committee publish submissions 148 and 150.

Public hearing

Witnesses, the public and the media were admitted.

Ms Fiona Given, a recipient of Post School Options funding, was sworn and examined.

Evidence concluded and the witness withdrew.

Ms Belinda Epstein-Frisch, Advocate, Family Advocacy, Mr Tony Wells, Board Member, Family Advocacy, and Mr Phil Morath, Director, Employment and Community Participation, Autism Spectrum Australia (representing Family Advocacy) were sworn and examined.

Evidence concluded and the witnesses withdrew.

Mr Patrick Maher, Executive Director, ACROD, NSW Division, and Mr Damien Anderson, Deputy Executive Officer, ACROD NSW Division, were sworn and examined.

Evidence concluded and the witnesses withdrew.

Mr Rob White, Chief Executive Officer, The Spastic Centre of NSW, Ms Deborah Hoffman, General Manager, Organisational Planning, The Spastic Centre of NSW and Ms Gemma McCarthy, Wesley Mission, were sworn and examined.

Evidence concluded and the witnesses withdrew.

Ms Suzanne Becker, General Manager, Windgap Foundation Limited, and Ms Maree Mullins, CEO, The Junction Works, were sworn and examined.

Ms Joan Hughes, Chief Executive Officer, Carers NSW was sworn and examined.

The public hearing concluded and the public and the media withdrew.

4. Deliberative meeting

Confirmation of minutes

Resolved, on the motion of Ms Robertson: That the Committee adopt ... and Minutes No. 41.

Correspondence

The Committee noted the following items of correspondence:

Correspondence received

...

- Letter from Ms Alanna Clohesy, A/Executive Director, People with Disability Australia to Mr Steven Reynolds, submitting an expression of interest for organising discussion groups for people with a disability who use post school programs, received 19 April 2005

Correspondence sent

- Letter to Mr Brendan O'Reilly, Director General DADHC from Mr Steven Reynolds, inviting Mr O'Reilly to give evidence, dated 27 April 2005
- Letter to Mr John Della Bosca, Minister for Disability Services from Mr Steven Reynolds, advising Mr Della Bosca that Mr O' Reilly had been invited to give evidence, dated 27 April 2005
- Letters to the following MPs from the Chair advising them of the Committee's travel plans, dated 22 April 2005:
 - Mr Peter Draper MP, Member for Tamworth
 - Mr Daryl Maguire MP, Member for Wagga Wagga
 - Mr Richard Torbay MP, Member for Northern Tablelands

Publication of submissions

Additional submissions

Resolved, on the motion of Mr Catanzariti: That the Committee publish submissions 122a, 147 and 149.

Submissions requesting partial confidentiality

Resolved, on the motion of Ms Robertson: That the Committee publish submission 142 with the exception of the author's name, address and other identifying details, which shall remain confidential to the Committee.

Update on regional travel

The secretariat briefed the Committee on the itinerary for the Committee's trip to Tamworth, Armidale and Wagga Wagga on 17 and 18 May 2005. The Committee decided to amend the itinerary to include a stopover in Tamworth on the trip from Armidale to Wagga Wagga, to collect Ms Robertson.

A briefing booklet for the Committee's trip was distributed to members.

Update on consultancy process

The Committee considered the briefing note on the progress to date in engaging a consultant to organise discussion groups for people with a disability.

Witnesses

The Committee requested that the secretariat invite Professor Kathy Eager from Wollongong University to meet with the Committee during its planned visit to the Illawarra.

5. Adjournment

The Committee adjourned at 5:05pm until 7:30am Tuesday 17 May 2005 at Mascot Airport.

Madeleine Foley
Clerk to the Committee

Minutes 44

Tuesday 17 May 2005

Challenge Disability Services, Tamworth (and subsequent locations); 9:15 am

1. Members Present

Mrs Patricia Forsythe (Chair)
Mr Tony Catanzariti (Deputy Chair)
Dr Arthur Chesterfield-Evans
Mr Henry Tsang
Mr Jon Jenkins (Moyes)
Mr John Ryan (Pavey)
Ms Kayee Griffin (Robertson)

2. Substitutions

The Chair received advice from the Government Whip that Ms Griffin would substitute for Ms Robertson for the first day of the site visits.

Inquiry into Post School Disability Programs

3. Site Visit to Challenge Tamworth

The Committee visited Challenge Disability Services, Tamworth, and received a briefing on the impact of the changes to programs from the following persons:

Mr Barry Murphy, Chair, Board of Management; Mr Peter Dunstan, Manager Business and Community Services; Ms Sharon Towns, Manager, Family Services; Mr Chris Durkin, parent, Ms Kerrie Brown, parent.

4. Site Visit, Newtrain, Tamworth

The Committee visited Newtrain, and received a briefing on Transition to Work (TTW) programs by the following persons:

Mr Bob Forrester, Chief Executive Officer; Mr Pat Egan, staff member; Ms Helene Hardgrove, staff member; Mr Paul Holcomb, TTW project leader; Mr Ben Fenner, TTW participant; Mr Stephen Smith, TTW participant; Mr Kevin Wakely, TTW participant; Mr Matthew Langenbaker, TTW participant; and Mr Craig Wells, TTW participant.

The Committee adjourned and resumed taking evidence at Armidale.

5. Briefing by Challenge Armidale

The Committee attended the Cattleman's Motor Inn, Armidale and received a briefing on the impact of the changes from the following representatives of Challenge Armidale:

Mr Kevin Mead, General Manager; Ms Nicola Chirlan, Client Services Manager; Ms Martina Kramer, Day Services Manager; Ms Judy Scrivener, Board member; and Ms Dianne Beatty, Board member.

Mr Mead tendered the following documents:

Copy of overhead presentation to Committee

Notes regarding assessment methodology

Copy of NSW *Functional Screening and Assessment Guide 2004*

6. Site visit, Challenge Armidale

The Committee visited the premises of Challenge Armidale and received briefings from staff, parents and participants in the service's programs.

7. Parent Forum, Armidale Ex-Servicemans Club, Dumaresq St, Armidale

The media and the public were admitted.

The Chair made an opening statement indicating the process to be undertaken for the forum.

The Committee heard evidence from the following persons (parents unless noted otherwise):

Ms Kate Thomas

Ms Emily Thomas, sister

Ms Debbie Taber

Ms Jenny Deveanish-Meares

Ms Barbara Albury

Ms Jenny Thomas, former special education teacher at Armidale High

Ms Judy Scrivener, parent and Board member of Challenge

Mr Col Scrivener

Ms Sally Rowe

Ms Robbie Duff, service provider

Ms Helen Mary Kennedy, volunteer in special education

Mr Kevin Mead, General Manager, Challenge Armidale

Evidence concluded and the witnesses withdrew.

Resolved, on the motion of Mr Catanzariti, that the documents tendered by Mr Mead at the earlier briefing be published.

The Committee met informally with parents and other members of the audience.

The Committee adjourned at 4:30 pm.

8. Next Meeting – Wagga Wagga, 18 May 2005 at 9:00 am

Steven Reynolds
Committee Director

Minutes 45

Wednesday 18 May 2005

Kurrajong Waratah services, Wagga Wagga, and subsequent locations; 9:00 am

1. Members Present

Mrs Patricia Forsythe (Chair)
Mr Tony Catanzariti (Deputy Chair)
Dr Arthur Chesterfield-Evans
Mr Henry Tsang
Mr John Ryan (Pavey)
Ms Christine Robertson

2. Apologies

Mr Jon Jenkins

Inquiry into Post School Disability Programs

3. Site Visit, Kurrajong Waratah and Chauncey Cottage

The Committee visited Kurrajong Waratah, Lord Baden Powell Drive, Wagga Wagga, and received a briefing on the impact of the changes to programs from the following persons:

Mr Steven Jacques, Chief Executive Officer; Mr Ray Carroll, Deputy Chief Executive Officer, Ms Carolyn Eckersall, Manager Skills Options; Mr Geoff Amos, volunteer, Arthur, volunteer; Victoria, client; Scott, client; Corey, client; Alan, client; and Michelle, client.

The Committee were taken on a tour of the premises by Ms Eckersall and Corey.

The Committee visited Chauncey Cottage run by Kurrajong Waratah as part of its Skills Options program. The Committee met staff and clients.

4. Site Visit, Leisure Company

The Committee visited the Leisure Company, Peter Street, Wagga Wagga and received a briefing on the impact of the changes to programs by the following persons:

Ms Elizabeth Clohessy, Service Manager; Stella Wickham, staff member; Alyssa DaWard, staff member; Steve Medlen, staff member; Rob Schonberger, staff member; Michelle Francis, staff member. The Committee met with clients of the service.

5. Site Visit, Wagga Community Access Support Services

The Committee visited Wagga Community Access Support Services and received a briefing on the impact of the changes from Ms Ann Baker, Service Manager, and workers and volunteers present. The Committee met the following clients of the service:

Erin; Grant; Lyndon; Tracey; Rosie; Mark; Michelle and Rebecca.

6. Parent Forum, Wagga Wagga Council Chambers

The media and the public were admitted.

The Chair made an opening statement indicating the process to be undertaken for the forum.

The Committee heard evidence from the following persons (parents unless noted otherwise):

Mr Bernie Benson
Ms Anne Napoli
Ms Lynne Lynch
Mr Chris Lennon, Principal, Willans Hill School
Ms Deb Hocking

Mr Charlie Sheehan
 Ms Kathryn Jensen
 Ms Jenny Harwood
 Mr Lyle Metcalf
 Ms Kerry Baumer
 Name withheld, parent [media departed at request of the witness]
 Ms Cheryl Francis
 Ms Leanne Fitzgerald
 Ms Kate Johnson, service provider at Albury
 Ms Carolyn Eckersall, Manager of Skills Options, Kurrajong Waratah
 Ms Elizabeth Clohessy, Service Manager, Leisure Company
 Ms Ann Baker, Service Manager, Wagga Community Access Support Services
 Ms Cheryl Roberts, special education worker

The Chair read out statements by Ms Robyn Mulloy and Ms Robyn Deacon.

Mr Charlie Sheehan tabled a letter from Mr Steve Jacques, CEO of Kurrajong Waratah, to Mr and Mrs Charles and Susan Sheehan, dated 14 March 2005.

The forum concluded. Members of the Committee met informally with parents and other members of the audience.

The Committee adjourned at 4:30 pm.

7. Next Meeting – 19 May 2005 at 9:30 am, Parliament House (Mona Vale Hospital inquiry)

Steven Reynolds
Committee Director

Minutes 47

Tuesday 31 May 2005

Jubilee Room, Parliament House at 9.30am

1. Members Present

Mrs Patricia Forsythe (Chair)
 Mr Tony Catanzariti (Deputy Chair)
 Dr Arthur Chesterfield-Evan
 Mr Jon Jenkins
 Ms Christine Robertson
 Mr John Ryan
 Mr Henry Tsang

2. ...

3. Inquiry into changes to post school disability programs – Public hearing

Witnesses, the public and the media were admitted.

The Chair made a brief opening statement.

Ms Helena O'Connell, Executive Officer, NSW Council for Intellectual Disability, was sworn and examined.

Evidence concluded and the witness withdrew.

Ms Barbel Winter, Executive Officer, Multicultural Disability Advocacy Association, was sworn and examined.

Evidence concluded and the witness withdrew.

Mr Timothy Hart, Disability Coordination Officer for Northern, Central and Southern Sydney, was sworn and examined.

Evidence concluded and the witness withdrew.

Ms Larissa Burns and Mr Geoff Maddox from the Disability Education Association of the NSW/ACT, were sworn and examined.

Evidence concluded and the witnesses withdrew. The public hearing concluded and the public and the media withdrew.

4. Inquiry into changes to post school disability programs – Deliberative meeting

Confirmation of Minutes

Resolved, on motion of Mr Catanzariti: That Minutes No. 44 and 45 be confirmed.

Correspondence

The Committee noted the following items of correspondence:

Correspondence sent

- Letter to Hon Carmel Tebbutt MLC, Minister for Education and Training from Mrs Patricia Forsythe informing the Minister of the Committee's intention to meet with several teachers during the Committee's trip to Newcastle on Friday 3 June, dated 30 May 2005
- Letters to service providers in Tamworth, Armidale and Wagga Wagga from Mrs Patricia Forsythe thanking them for allowing the Committee to visit their organisations, dated 24 May 2005, namely:
 - Mr Peter Dunstan, Business and Client Services Manager, Challenge Tamworth
 - Mr Bob Forrester, CEO, Newtrain Tamworth
 - Mr Kevin Mead, General Manager, Challenge Armidale
 - Mr Ray Caroll, Deputy CEO, Kurrajong Waratah, Wagga Wagga
 - Ms Elizabeth Clohessy, Service Manager, The Leisure Company
 - Ms Ann Baker, Service Manager, Wagga Community Access Support Services.
- Letters to witnesses from Ms Madeleine Foley requesting answers to questions taken on notice, dated 20 May 2005, namely:
 - Mr Jim Murphy, parent
 - Ms Therese Sands, Senior Policy Officer, People with Disability,
 - Mr Brendan O'Reilly, Director General, DADHC
 - Ms Belinda Epstein-Frisch, Advocate, Family Advocacy
 - Mr Patrick Maher, Executive Director, ADROD, NSW Division
 - Mr Rob White, CEO, The Spastic Centre of NSW
 - Ms Joan Hughes, CEO, Carers NSW.
- Letter to Mr Brendan O'Reilly, Director General DADHC (cc: Hon John Della Bosca) from Mr Steven Reynolds, inviting Mr O'Reilly to give evidence on 17 June 2005, dated 20 May 2005.
- Letters to local members from Mrs Patricia Forsythe advising them of the Committee's travel plans on 1 and 3 June, dated 13 May 2005, namely:
 - Ms Noreen Hay, Member for Wollongong
 - Mr Bryce Gaudry MP, Member Newcastle.

Update on consultations with people who use post school disability programs

The Committee noted the information provided on the three consultations with people with a disability who use post school programs, to be held in Sydney on Tuesday 31 May, in Wollongong on Wednesday 1 June, and in Newcastle on Friday 3 June.

Appointment of subcommittee

Resolved, on the motion of Mr Ryan: That the Committee appoint a sub-committee to undertake a site visit to Greenacres Association in Wollongong on Wednesday 1 June between 11am and 1pm, and to undertake a consultation with people with disabilities in Newcastle on Friday 3 June between 11am and 1pm.

Resolved, on the motion of Mr Ryan: That the Committee appoint Mr Catanzariti, Dr Chesterfield-Evans, Mr Ryan and Mr Tsang as members of the sub-committee, and that Mr Catanzariti act as Chair of the sub-committee on 1 June and Mr Ryan on 3 June.

Resolved, on the motion of Mr Ryan: That the Committee appoint a sub-committee to undertake a site visit to Mai-Wel in Maitland on Friday 3 June between 11am and 1pm.

Resolved, on the motion of Mr Ryan: That the Committee appoint Dr Chesterfield-Evans and Ms Robertson as members of the sub-committee, and that Dr Chesterfield-Evans act as Chair of the sub-committee.

Publication of submissions

Resolved, on the motion of Mr Catanzariti: That the Committee publish submissions 151, 152 and 153.

Publication of documents tendered during hearings

Resolved, on the motion of Ms Robertson: That the Committee publish the letter tendered by Mr Charlie Sheahan at the parent forum in Wagga Wagga, namely letter from Mr Steve Jacques, CEO, Kurrajong Waratah, to Mr and Mrs Charles and Susan Sheahan, dated 14 March 2005.

Update on site visits to Wollongong and Newcastle

The Committee noted the itinerary for the site visits to Wollongong on Wednesday 1 June and Newcastle on Friday 3 June.

Additional questions on notice

The Chair indicated that Members should return any additional questions on notice arising from the hearing to the secretariat by COB Thursday 2 June.

5. Adjournment

The Committee adjourned at 12:35pm until 1:30pm Tuesday 31 May (Chair, Deputy Chair and Mr Chesterfield-Evans to attend a discussion group at the offices of People With Disability).

Madeleine Foley
Clerk to the Committee

Minutes 48

Tuesday 31 May 2005
People With Disabilities, 52 Pitt Street, Redfern at 2pm

1. Members Present

Mrs Patricia Forsythe (Chair)
Mr Tony Catanzariti (Deputy Chair)
Dr Arthur Chesterfield-Evans

2. Apologies

Mr Jon Jenkins
Ms Christine Robertson
Mr John Ryan
Mr Henry Tsang

3. Inquiry into changes to post school disability programs – Facilitated consultations

The Committee engaged People With Disability to facilitate the consultations with people with a disability who use post school programs. People With Disability recommended that the least number of members of the Committee possible be present at any one consultation, as some people with a moderate to severe intellectual disability may be confused and possibly disturbed by the presence of strangers, and that it was desirable to minimise the number of unfamiliar people in the room to encourage discussion. For this reason only three members were present at the consultation, with the members not present having agreed not attend in order to facilitate the discussion.

The Committee met with Simon, Wallee, Fiona, Bridget, Kane, Joseph, Susan and Allen, who attended the consultation in order to share their experiences of using post school programs for young adults with a disability. The Committee also met with several parents and employees of a service provider who were present to support the young people.

The consultation was facilitated by Ms Kathryn Knight and Ms Allyson Campbell from People With Disability.

4. Adjournment

The Committee adjourned at 4:05pm until 10:15am Wednesday 1 June at Essential Personnel in Wollongong.

Madeleine Foley
Clerk to the Committee

Minutes 49

Wednesday 1 June 2005

Essential Personnel, Crown Street, Wollongong (and subsequent locations); at 10:15am

1. Members Present

Mrs Patricia Forsythe (Chair)
Mr Tony Catanzariti (Deputy Chair)
Dr Arthur Chesterfield-Evans
Mr Jon Jenkins
Ms Christine Robertson
Mr John Ryan
Mr Henry Tsang

Inquiry into changes to post school disability programs

2. Site visit to Essential Personnel, Wollongong

The Committee met with Ms Cathy Potter, Manager of Community Participation, Mahlia and Toby (trainers) and the following students attending the Transition to Work program: Pam, Mahlia, Centrina, Adam, Anthea, Carmen, Ellee, Kate, Michelle and Alan.

The Committee then met with the Michelle and Paul (trainers) and the following participants in the Community Participation program: Chris, David, Paul, Mick, Dave, Phillip, Naomi and Daniel.

The sub-committee departed for the site visit to Greenacres Association.

3. Facilitated consultation – on site at Essential Personnel

The Committee (Mrs Forsythe, Mr Jenkins and Ms Robertson) met with Ellee, Ian, Jared and Troy, who attended the consultation in order to share their experiences of using post school programs for young adults with a disability. Brendon could not attend but was represented by his mother Elizabeth. The Committee also met with several parents and an employee of a service provider who were present to support the young people. The consultation was facilitated by Ms Kathryn Knight and Ms Allyson Campbell from People With Disability.

4. Site Visit – The Disability Trust, Fairy Meadow, Wollongong

The Committee received a briefing on the impact of the changes from Ms Trish Donaldson, Operations Manager, Ms Robin McLaughlin, Information Officer, and Ms Sarah Weber, Manager of Community Participation.

5. Adjournment

The Committee adjourned at 3:15pm until 10:45am Friday 3 June at Life Without Barriers in Newcastle.

Madeleine Foley
Clerk to the Committee

Minutes 50

Wednesday 1 June 2005

Greenacres Association head office, Auburn Street, Wollongong (and subsequent locations); 11:15 am

1. Members Present

Mr Tony Catanzariti (Chair)
Dr Arthur Chesterfield-Evans
Mr Henry Tsang
Mr John Ryan (Pavey)
(Meeting as a sub-committee)

Inquiry into Post School Disability Programs

2. Site Visit to Greenacres Association, Wollongong

The sub-committee visited the Greenacres Association at Wollongong, and received a briefing on the impact of the changes to programs from the following persons:

Mr Neil Preston, Chief Executive Officer, Mr Brett Fahey, JobLink Co-ordinator, Mr Grant Vukasinovic, Community Access Services Manager.

The sub-committee visited the Association's head office, its Kembla Street Community Participation program centre and Greenacre Industries, its supported employment factory.

The sub-committee adjourned its visit at 1:00 pm and rejoined the full Committee.

3. Next Meeting (of sub-committee)

11am on Friday 3 June, Life without Barriers, Newcastle

Steven Reynolds
Committee Director

Minutes 51

Friday 3 June 2005

Life Without Barriers, corner Smith and Parry Streets, Newcastle West; 10:45am

1. Members Present

Mr John Ryan (Chair)
Dr Arthur Chesterfield-Evans
Ms Christine Robertson
Mr Henry Tsang

2. Apologies

Mrs Forsythe
Mr Catanzariti
Mr Jenkins

Inquiry into Post School Disability Programs

3. Election of Chair

In the absence of both the Chair and Deputy Chair, under Standing Order 211 (3) the Clerk called for nominations for the Chair.

Mr Chesterfield-Evans moved: That Mr Ryan be elected Chair of the Committee.

There being no further nominations, the Clerk declared Mr Ryan elected Chair of General Purpose Standing Committee No. 2 for the purpose of the Committee meeting.

4. Site Visit to Life Without Barriers, Newcastle

The Committee received a tour of the service from Ms Mary Inkston, Regional Manager.

The Committee adjourned its visit at 11am and formed two sub-committees as previously resolved. The first sub-committee (Mr Ryan, Mr Tsang) formed to undertake the facilitated consultation on site. The second sub-committee (Ms Robertson, Dr Chesterfield-Evans) departed to undertake the site visit at Mai-Wel in Maitland.

5. Next Meeting (of Committee)

2:30pm Friday 3 June, The Hunter Orthopaedic School, Newcastle

Madeleine Foley

Clerk to the Committee

Minutes 52

Friday 3 June 2005

Life Without Barriers, corner Smith and Parry Streets, Newcastle West; 11am

1. Members Present

Mr John Ryan (Chair)
Mr Henry Tsang
(Meeting as a sub-committee)

Inquiry into Post School Disability Programs

2. Facilitated consultation – on site at Life Without Barriers

The Committee met with Amy, Rachel, Dane, Geoffey, Melissa, Ryan, Diane, Mark, and Kristy, who attended the consultation in order to share their experiences of using post school programs for young adults with a disability. The Committee also met with several parents and employees of service providers who were present to support the young people. The consultation was facilitated by Ms Kathryn Knight and Ms Allyson Campbell from People With Disability.

The sub-committee received a submission from Dane (submission 154), a participant in the consultation at Life Without Barriers.

Resolved, on the motion of Mr Tsang: That the Committee publish submission 154.

The sub-committee adjourned its consultation at 1:00pm to rejoin the full Committee.

3. Next Meeting (of Committee)

2:30pm Friday 3 June, The Hunter Orthopaedic School, Newcastle

Steven Reynolds
Committee Director

Minutes 53

Friday 3 June 2005

Mai-Wel, High Street, Maitland; 11:40am

1. Members Present

Dr Arthur Chesterfield-Evans (Chair)

Ms Christine Robertson

(Meeting as a sub-committee)

Inquiry into Post School Disability Programs

2. Site Visit to Mai-Wel, Maitland

The sub-committee received a briefing on the impact of the changes from Ms Pennie Kearney, Chief Executive Officer and Ms Margaret Hassall, Post School Programs Coordinator. The Committee met with several participants who shared their views on the changes to the programs, namely Bridie, Melissa, Aaron, Nadine, Amanda, William and Matthew.

The sub-committee then visited the site of the Transition to Work program, and met with Karen, the Transition to Work Coordinator, as well as several participants including Kirsty, Mel, Ty and Matthew.

The sub-committee adjourned its visit at 1pm to rejoin the full Committee.

3. Next Meeting (of Committee)

2:30pm Friday 3 June, The Hunter Orthopaedic School, Newcastle.

Madeleine Foley
Clerk to the Committee

Minutes 54

Friday 3 June 2005

The Hunter Orthopaedic School, Harriet Street, Waratah, Newcastle; 2:30pm

1. Members Present

Mr John Ryan (Chair)
Dr Arthur Chesterfield-Evans
Ms Christine Robertson
Mr Henry Tsang

2. Apologies

Mrs Forsythe
Mr Catanzariti
Mr Jenkins

Inquiry into Post School Disability Programs

3. Site Visit to The Hunter Orthopaedic School, Waratah, Newcastle

The Committee met with Ms Jan Butcher, Principal of The Hunter Orthopaedic School, who welcomed the Committee to her school.

The Committee received a briefing on the changes to post school programs from a number of teachers present, namely:

- Ms Jan Butcher, Principal, The Hunter Orthopaedic School
- Ms Teri Scott, The Hunter Orthopaedic School
- Ms Jenny White, The Hunter Orthopaedic School
- Ms Judy Mouthaan, IO Teacher and Life Skills Coordinator, Senior Campus, Callaghan College Jesmond
- Ms Ellen Bax, Principal, Cameron Park School
- Ms Penny Parker, Support Teacher - Transition, located at Cameron Park School
- Ms Chris Uraine, Newcastle School
- Ms Barbara Hinchey, Support Teacher – Transition, located at Cameron Park School
- Ms Christine Hawkins, Transition Coordinator, Newcastle School
- Mr Rick Frost, Student Support Coordinator, Disabilities, Hunter/Central Coast Region.

The Committee adjourned at 3:30pm.

4. Next Meeting

9:30am Friday 17 June, The Jubilee Room, Parliament House

Madeleine Foley

Clerk to the Committee

Minutes 55

Friday 17 June 2005,

The Jubilee Room, Parliament House, Sydney, 9:30am

1. Members Present

Ms Patricia Forsythe (Chair)
Mr Tony Catanzariti (Deputy Chair)

Dr Arthur Chesterfield-Evans
 Mr Greg Donnelly (Tsang)
 Mr Jon Jenkins
 Ms Christine Robertson
 Mr John Ryan

2. Substitutions/Apologies

The Chair noted the advice of the Government Whip that Mr Donnelly would substitute for Mr Tsang.

3. Inquiry into Post School Disability Programs – Deliberative meeting

Confirmation of minutes

Resolved, on the motion of Mr Catanzariti: That Minutes No. 46 to 51 be confirmed.

Correspondence

The Committee noted the following items of correspondence:

Correspondence received

- Letters from various people and organisations to Committee (distributed to members on 8 June 2005 – excepting letter from Ms Hoffman), providing answers to questions taken on notice in the hearings on 10 and 11 May 2005, namely:
 - Ms Deborah Hoffman, General Manager, Organisational Planning, The Spastic Centre, received 14 June 2005
 - Ms Joan Hughes, CEO, Carers NSW, received 6 June 2005
 - Mr Brendan O'Reilly, Director General, DADHC, received 3 June 2005
 - Ms Alanna Clohesy, A/Executive Director, People with Disability Australia, received 3 June 2005
 - Mr Jim Murphy, received May 2005
- Copy of an email to Ms Cathy Potter, Essential Personnel from Ms Suzanne Becker, regarding the Minister's announcement of an additional \$6 million in funding, dated 24 May 2005 (provided during consultation held at Essential Personnel, Wollongong)

Correspondence sent

- Letter to Hon Carmel Tebbutt MLC, Minister for Education and Training (copied to Office of the Director General, Department of Education and Training) from Mrs Patricia Forsythe requesting that the Department of Education and Training provide information in relation to school transition programs and figures on students with a disability repeating the final year of school, dated 8 June 2005
- Letters to service providers and others in Wollongong and Newcastle from Mrs Patricia Forsythe thanking them for welcoming the Committee to their organisations, dated 8 June 2005, namely:
 - Ms Cathy Potter, Manager Community Participation, Essential Personnel, Wollongong
 - Mr Neil Preston, CEO, Greenacres Association, Wollongong
 - Mr Trish Donaldson, Operations Manager, The Disability Trust, Wollongong
 - Ms Mary Inkston, Regional Manager, Life Without Barriers, Newcastle
 - Ms Penny Kearney, CEO, Mai-Wel, Maitland
 - Ms Jan Butcher, Principal, The Hunter Orthopaedic School, Newcastle.
- Letter to Mr Brendan O'Reilly, Director General, DADHC, from Mr Steven Reynolds forwarding questions which members indicated they wish to ask DADHC at the hearing on 17 June 2005, dated 6 June 2005

Reports of subcommittees

Resolved, on the motion of Mr Catanzariti: That the Committee adopt the reports of the sub-committees that conducted site visits to Greenacres Association on 1 June and Mai-Wel on 3 June, and the consultation at Life Without Barriers on 3 June 2005.

Reporting date

Resolved, on the motion of Mr Catanzariti: That the Committee extend the current reporting date to Tuesday 30 August 2005, with a deliberative meeting to consider the Chair's draft report to be held on Wednesday 24 August 2005.

Publication of answers to questions on notice

Resolved, on the motion of Mr Catanzariti: That the Committee publish correspondence from Mr Brendan O'Reilly, Ms Deborah Hoffman, Ms Alanna Clohesy, Ms Joan Hughes and Mr Jim Murphy, providing answers to questions taken on notice during hearings on 10 and 11 May 2005.

Indication of areas to be covered in report

Members noted the preliminary report outline, and discussed the possible structure and areas to be covered in the report. Members were advised that they would have the opportunity to make comments on the content of the report, and could provide these comments to the secretariat.

4. Inquiry into Post School Disability Programs – Public hearing

Witnesses, the public and the media were admitted.

The Chair made an opening statement.

Mr Brendan O'Reilly, Director General, Ms Carol Mills, Deputy Director General, and Ms Alison Wannan, Director of Community Access, were examined under their previous oath.

Mr O'Reilly tendered answers to questions provided to DADHC arising from the hearing of 31 May 2005, dated 17 June 2005.

Mr O'Reilly tendered *Form 3: HACC Screening Tool (Instrument)*, the form used to screen school leavers for post school programs.

Mr Ryan tabled a letter from the Minister for Disability Services to service providers, in relation to the Community Participation program, dated 3 June 2005.

Evidence concluded and the witnesses withdrew.

Professor Kathy Eagar, Director, Centre for Health Service Development, University of Wollongong, was sworn and examined.

Professor Eagar tendered a copy of her opening statement.

Evidence concluded and the witness withdrew. The public hearing concluded and the public and the media withdrew.

5. Inquiry into Post School Disability Programs – Deliberative meeting***Confirmation of minutes***

Resolved, on the motion of Mr Ryan: That Minutes No. 52 and 54 be confirmed.

Resolved, on the motion of Ms Robertson: That Minutes No. 53 be confirmed.

Reporting date

Resolved, on the motion of Ms Robertson: That the date for the deliberative meeting to consider the Chair's draft report be amended to Thursday 25 August 2005.

Publication of documents

Resolved, on the motion of Mr Ryan: That the Committee publish the answers to questions provided to DADHC arising from the hearing of 31 May 2005, dated 17 June 2005.

Resolved, on the motion of Mr Ryan: That the Committee publish the *Report on Consultations with People with Disability*, June 2005, prepared for the Committee by People with Disability Australia.

Resolved, on the motion of Ms Robertson: That the Committee publish the letter from the Minister for Disability Services to service providers, in relation to the Community Participation program, dated 3 June 2005, tabled by Mr Ryan.

Resolved, on the motion of Ms Robertson: That the Committee publish the *Form 3: HACCC Screening Tool (Instrument)*, tendered by Mr O'Reilly.

Additional questions on notice

The Chair indicated that members should return any additional questions arising from the hearing to the secretariat by COB Tuesday 21 June, and that witnesses would have three weeks to respond to the questions. The Chair undertook that any additional questions would be circulated to all Committee members.

6. Next Meeting

The Committee adjourned at 1:05pm, until Thursday 25 August 2005.

Madeleine Foley
Clerk to the Committee

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25 August 2005

Room 1108, Parliament House, Sydney, 9:30am

1. Members present

Mrs Patricia Forsythe (Chair)
Mr Tony Catanzariti (Deputy Chair)
Dr Arthur Chesterfield-Evans
Mr Greg Donnelly (Tsang)
Mr Jon Jenkins
Ms Christine Robertson
Mr John Ryan

2. Substitute members

The Chair noted the advice of the Government Whip that Mr Donnelly would substitute for Mr Tsang

3. Confirmation of minutes

Resolved, on the motion of Ms Robertson, that Minutes No. 55 be confirmed.

4. Correspondence

The Committee noted the following items of correspondence:

Correspondence received

- Letter from Mr Brendan O'Reilly, Director General, DADHC, to Director, providing information requested by the Principal Council Officer (received 10 August 2005)
- Information from the Disability Services Commission of Western Australia on individual funding arrangements in Western Australia, from:
 - Ms Helen McMahon, Manager, Alternatives to Employment Program, Service Purchasing and Development, to Principal Council Officer, 13 June 2005, 5 July 2005 and 6 July 2005
 - Email from Ms Natasha Miller, Local Area Coordinator for Cambridge, to Principal Council Officer, 19 July 2005
- Letter from Professor Kathy Eagar, Director, Centre for Health Service Development, University of Wollongong, to Council Officer, providing a response to a question taken on notice in the hearing of 17 June 2005, in relation to correspondence between Wollongong University and DADHC outlining concerns with the progression of the University's Cost and Classification Study (received 8 July 2005)
- Reports and copies of registration forms provided by Professor Eagar in the hearing of 17 June, namely:
 - Centre for Health Service Development, University of Wollongong, *NSW ATLAS Consumers And Their Prospects*, March 2003
 - Centre for Health Service Development, University of Wollongong, *Profile of 2003 ATLAS Applicants and their Allocation to ATLAS Programs*, April 2004
 - *DADHC School Leaver Registration Details*
 - *2004 School Leavers Registration Form*.
- Letter from Mr Peter Cox supporting the establishment of a new hospital at Mona Vale (received 3 June 2005).

Correspondence sent

- Letters from the Chair to all the young adults with a disability who participated in the three group consultations in Sydney, Wollongong and Newcastle on 31 May, 1 and 3 June 2005 (dated 6 July 2005).

Ms Robertson expressed concerns about the tone of the outgoing letters.

Resolved, on the motion of Dr Chesterfield-Evans: That consideration of the Government response to the Committee's Report on Complaints Handling within NSW Health be placed on the agenda for the next meeting.

5. Deliberative meeting – Inquiry into changes to post school disability programs

Consideration of Chair's draft report

The Chair tabled her draft report, which had been circulated to each member of the committee and discussed in principle at previous meetings. The Committee proceeded to consider the draft report in detail.

Resolved, on the motion of Dr Chesterfield-Evans: That the subtitle of the report be "Getting a Fair Go".

Chapter One read.

Resolved, on the motion of Dr Chesterfield-Evans: That the first sentence of paragraph 1.22 be amended by omitting the words “There are” and inserting instead “The Government gave”.

Resolved, on the motion of Mr Ryan: That Chapter One, as amended, be adopted.

Chapter Two read.

Resolved, on the motion of Mr Jenkins: That paragraph 2.15 be amended by inserting the following words at the end of the paragraph “Providers indicated that these subsidies cannot be sustained in the long term”.

Resolved, on the motion of Ms Robertson: That the first sentence of paragraph 2.33 be amended by omitting “DADHC suggested that these reductions were due to” and inserting instead “DADHC suggested that one of the contributing factors to these reductions was increased hourly charges”.

Resolved, on the motion of Ms Robertson: That paragraph 2.37 be amended by omitting “DADHC” in the first sentence, and inserting instead “any”.

Resolved, on the motion of Ms Robertson, that paragraph 2.58 be amended by omitting the fourth dot point from the list and inserting it into a new paragraph 2.59.

Resolved, on the motion of Ms Robertson: That a new paragraph be inserted after 2.58 as follows “In addition, there is the issue of increased hourly costs charged by service providers, although it is unclear if these increases are a direct result of the program changes.

Resolved on the motion of Mr Ryan: That Chapter Two, as amended, be adopted.

Chapter Three read.

Resolved, on the motion of Ms Robertson: That paragraph 3.33 be amended by omitting the last sentence “Hence it seems that the implementation of individual funding in itself may not be enough to produce the self-empowerment and responsiveness benefits that are often linked to individual funding.

Dr Chesterfield-Evans moved: That paragraph 3.33 be amended by inserting at the end “It seems that there is likely to be reasonable stability in most provider situations with individual funding. While there have been limited examples of innovative use of such funding, it may well be that a more widespread use of such funding will increase the amount of innovative use.”

Resolved, on the motion of Mr Ryan: That the question be amended by omitting the words “It seems that there is likely to be reasonable stability in most provider situations with individual funding.”

Dr Chesterfield-Evans, being the only member voting for the Noes and calling for a division, asked for his vote to be recorded in the minutes.

Original question as amended put and passed.

Resolved, on the motion of Dr Chesterfield-Evans: That paragraph 3.34 be amended by inserting at the end “The Committee would like to see an education and advisory role for consumer groups in this area and believes that it is likely such an initiative would be likely to be cost-effective.”

Dr Chesterfield-Evans moved: That paragraph 3.38 be amended by omitting all words and inserting instead “The Committee is unconvinced re hybrid funding models. No realistic model was produced in evidence. Sector development depends on the overall level of funding and the mix of services that will

evolve in response to the combined needs of people with disabilities. The Committee is unconvinced that block funding is needed for good organisations to survive.”

Question put and negatived.

Resolved, on the motion of Ms Robertson: That paragraph 3.38 be amended by omitting the word “components” in the first sentence.

Dr Chesterfield-Evans moved: That paragraph 3.39 be amended by omitting “In addition to hybrid funding”.

Question put and negatived.

Dr Chesterfield-Evans moved: That paragraph 3.39 be amended by inserting at the end “It is to be hoped that advocacy support from consumer agencies and Support Teachers would be able to help families who are uncertain of what services are available, what the potential outcomes are for their member with a disability, and how best to use their allowance.

Question put and negatived.

Dr Chesterfield-Evans moved: That paragraph 3.41 be amended by omitting all words and replacing with “The Committee acknowledges the problem of uncertainty for some providers in offering employment contracts and needing a certain number of clients. However, the Committee considers that the use of meetings of carers to allow group discussion of local options, and the use of fixed term contracts for care would enable this problem to be overcome without undermining the principle of individualised funding.

Question put and negatived.

Resolved, on the motion of Mr Ryan: That paragraph 3.41 be amended by omitting from the final sentence “together with a core funding component for service provider, to cover the infrastructure costs of rent, equipment, rates, insurances and a set percentage of staff costs.

Dr Chesterfield-Evans moved: That paragraph 3.42 be omitted.

Question put and negatived.

Resolved, on the motion of Ms Robertson: That Recommendation 1 and 2 be amended by omitting all words and inserting instead “That DADHC consult widely to develop and implement a funding model which includes

- Block funding for service providers sufficient to enable them reasonable financial stability
- Individualised funding, assigned to a named individual, that is transferable with that individual
- Self-managed funding that allows people to develop individually tailored support packages, and is available to all participants in post school programs

Dr Chesterfield-Evans, being the only member voting for the Noes and calling for a division, asked for his vote to be recorded in the minutes.

Resolved, on the motion of Dr Chesterfield-Evans: That Recommendation 1, as amended, be amended by inserting at the end “Individualised funding would involve providing carers and people with disabilities with independent advice for options in using disability packages optimally.

Resolved, on the motion of Dr Chesterfield-Evans: That paragraph 3.47 be omitted.

Dr Chesterfield-Evans moved: That paragraph 3.48 be amended by omitting all words and inserting instead “The Committee notes that there is a world trend to individual funding packages as part of the move to deinstitutionalisation and personal empowerment. The Committee supports this trend and believes that NSW should embrace it also.

Question put and negatived.

Resolved, on the motion of Mr Ryan: That Chapter 3, as amended, be adopted.

Dr Chesterfield-Evans, being the only member voting for the Noes and calling for a division, asked for his vote to be recorded in the minutes.

Chapter Four read.

Resolved, on the motion of Ms Robertson: That paragraph 4.12 be amended by omitting all words and inserting instead “The primary objective of the CP program is to provide people with a disability who have moderate to high support needs and require an alternative to paid employment or education with opportunities for continued learning and life skill development and participation which increase their independence and ability to meet their life goals.”

Resolved, on the motion of Mr Ryan: That Recommendation 4 be amended by omitting all words after ‘that’ in the first sentence and replacing them with “in relation to the two year time limit for the Transition to Work program, DADHC adopt a policy of granting extensions of longer than six months, subject to an assessment that the participant has a prospect of entering into employment.”

Dr Chesterfield-Evans moved: That paragraph 4.40 be amended by inserting at the end “The Committee notes that individualised funding packages would allow some funding to help efforts to get ‘on the job’ training, and that if part of these were taken from the individual in a hybridised or TTW model, time and enthusiasm might be lost in some cases.”

Question put and negatived.

Resolved, on the motion of Dr Chesterfield-Evans: That paragraph 4.41 be amended by omitting the word “however” and that the order of paragraphs 4.41 and 4.42 be reversed.

Dr Chesterfield-Evans moved: That paragraph 4.43 be amended by inserting at the end “The Committee notes that individual trainer/advocates, taking a role similar to that of occupational rehabilitation coordinators are likely to be able to achieve greater success in work placements than institution-based courses. Such individual providers would be dependent on individualised packages.”

Question put and negatived.

The Chair left the Chair at 12.15pm until 2.30pm.

The Committee resumed consideration of the draft report.

Resolved, on the motion of Mr Ryan: That a new paragraph be inserted after paragraph 4.49 as follows: The Committee shares the concerns expressed by service providers and by DADHC about the need for the Commonwealth Government to provide additional supported employment places in New South Wales. The Committee is also concerned that the current lack of flexibility in allocating supported employment places has left vacancies in some areas while there is unmet need elsewhere. Unless these issues are resolved, many participants in TTW programs will be unable to find work after they have successfully completed their training.

Resolved, on the motion of Mr Ryan: That a new paragraph and recommendation be inserted after 4.50 as follows:

“The Committee supports DADHC in their negotiations with the Commonwealth Government aimed at securing additional supported employment places in New South Wales.

Recommendation

That the NSW Minister for Disability Services approach the Commonwealth Government with a request that unfilled supported employment places be reallocated on the basis of need and that this issue become part of the current State and Commonwealth negotiations in regard to employment programs for people with disabilities.”

Resolved, on the motion of Mr Ryan: That Recommendation 5 be omitted, and a new paragraph inserted after 4.54 as follows: “The Committee believes that programs such as Transition to Work are a state government responsibility and that funding them adequately is the responsibility of the NSW Government.”

Resolved, on the motion of Mr Catanzariti: That paragraph 4.86 be amended by omitting the second sentence and inserting instead “The Committee believes that, despite the consultation process, no performance indicators have been forthcoming, which has hindered the development of consistent, high quality program standards. Currently it would seem that the funding decisions are being made without adequate performance data.

Resolved, on the motion of Dr Chesterfield-Evans: That a new paragraph be inserted after 4.86 as follows: The Committee believes that performance monitoring could be given to a non-government or academic organisation. It is not necessary that it be performed by government, indeed, in the interests of transparency, it is desirable that it is not.

Dr Chesterfield-Evans moved: That a new recommendation be inserted as follows “The Committee believes that performance monitoring could be given to a non-government or academic organisation.

Question put and negatived.

Resolved, on the motion of Mr Ryan: That a new recommendation be inserted after paragraph 4.86 as follows: That DADHC develop, in consultation with relevant academics, service providers, advocacy groups and participants, objective performance indicators for TTW and CP programs, as a matter of urgency. These indicators should be developed using the previous work done on performance measures by the ATLAS Reform Project.

Resolved, on the motion of Mr Ryan: That Chapter Four, as amended, be adopted.

Chapter Five read.

Resolved, on the motion of Mr Ryan: That Recommendation 8 be amended by omitting the words “guarantee” and inserting instead “adopt a policy of providing”

Resolved, on the motion of Dr Chesterfield-Evans: That a new paragraph be inserted after paragraph 5.61 as follows “The Committee was struck by the level of aspiration in TTW and CP participants who attended the Committee’s consultation groups. Young adults who used to have lives watching TV in institutions now want jobs and opportunities similar to the general population. The committee recognises the legitimacy of their aspirations and acknowledges that this is a paradigm shift with significant funding implications. The Committee therefore acknowledges that for some years CPI increases will not be able to be considered adequate to include this group in the general population for the first time.”

Dr Chesterfield-Evans moved: That a new recommendation be inserted after the new paragraph 5.62 as follows “That the Government recognise that funding increases beyond CPI will be needed for some years to meet the legitimate expectations of young people with disabilities”.

Question put and negatived.

Resolved, on the motion of Ms Robertson: That paragraph 5.78 be amended by inserting at the end “However, DADHC stated in its submission that indirect costs were considered” and a footnote citing the source as “Submission 144, DADHC, p28”.

Resolved, on the motion of Mr Ryan: That paragraph 5.86 be amended by omitting the word “Treasury” in first sentence and inserting instead “budgetary considerations”.

Resolved, on the motion of Mr Ryan: That paragraph 5.86 be amended by omitting the second and the last sentences.

Resolved, on the motion of Mr Ryan: That Chapter 5, as amended, be adopted.

Chapter 6 read.

Resolved, on the motion of Ms Robertson: That paragraph 6.24 be amended by inserting at the end “DADHC advised the Committee in evidence that letters were sent to participants and their families on 24 August 2004 and 30 November 2004.”

Resolved, on the motion of Ms Robertson: That paragraph 6.26 be amended by omitting the second sentence, and inserting “DADHC in its submission stated that ‘The organisations approved as eligible providers for the Community Participation services were assessed according to an Eligibility Checklist, or a tender process if they were not an existing ATLAS provider’ and a footnote citing the source as ‘Submission 144, DADHC, p22.”

Resolved, on the motion of Mr Ryan: That a recommendation be inserted at the end of Chapter Six as follows “That DADHC comply with the consultation requirements of the Disability Services Act.”

Resolved, on the motion of Dr Chesterfield-Evans: That Chapter Six, as amended, be adopted.

Chapter 7 read.

Resolved, on the motion of Mr Ryan: That Recommendation 11 be amended by omitting the words “through the Transition to Work program” in the second paragraph.

Resolved, on the motion of Mr Ryan: That Recommendation 11 be divided into two separate recommendations as follows:

Recommendation 11

That officers of DADHC meet with officers of the Commonwealth Department of Education, Science and Training as soon as possible to resolve issues of funding responsibility for university students with a disability.

Recommendation 12

That DADHC develop and implement a policy to provide self-managed funding to:

- young adults with a disability who are eligible to participate in post school programs but who wish to attend university
- university students currently receiving funding through the Adult Training, Learning and Support or Post School Options programs, to support them to undertake postgraduate study or commence a second degree.

Resolved, on the motion of Mr Ryan: That Chapter Seven, as amended, be adopted.

Chapter Eight read.

Resolved, on the motion of Mr Ryan: That Chapter Eight be adopted.

Chapter Nine read.

Resolved, on the motion of Dr Chesterfield-Evans: That a new recommendation be inserted after paragraph 9.10 as follows: that the Minister for Disability Services liaise with the Commonwealth so that programs in the area of disability services work together to support and assist participants in post school programs.

Resolved, on the motion of Mr Ryan: That Chapter Nine, as amended, be adopted.

Chair's Foreword read.

Resolved, on the motion of Mr Ryan: That the Foreword be adopted.

Plain English Summary read.

Resolved, on the motion of Ms Robertson: That the Plain English Summary be adopted.

The Principal Council Officer circulated the draft media release.

Resolved, on the motion of Mr Ryan: That the report (as amended) be the report of the Committee and be presented to the House.

Resolved, on the motion of Ms Robertson: That pursuant to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and under the authority of Standing Order 223, the Committee publish all non-confidential tabled documents, correspondence, answers to questions taken on notice, minutes, submissions and transcripts.

Chair reminded the Committee that it is the standard practice of the Clerk to correct typographical mistakes and stylistic and grammatical errors, without recourse to the Committee.

The Chair indicated that dissenting statements should be received by 10:00am, Monday 29 August 2005.

7. Publication of documents

Resolved, on the motion of Ms Robertson, to publish items of correspondence, including answers to questions taken on notice and briefing information requested by the Committee from:

- Mr Brendan O'Reilly, Director General, DADHC – hearing of 17 June 2005
- Professor Kathy Eagar, Director, Centre for Health Service Development, University of Wollongong – hearing of 17 June 2005

- Mr Timothy Hart, Disability Coordination Officer/Regional Disability Liaison Officer – hearing of 31 May 2005
- Ms Helena O’Connell, Executive Officer, NSW Council for Intellectual Disability – hearing of 31 May 2005
- Ms Belinda Epstein-Frisch, Family Advocacy – hearing of 11 May 2005 Mr Patrick Maher, Executive Officer, ACROD NSW Division – hearing of 11 May 2005
- Mr Brendan O’Reilly, Director General, DADHC, providing information requested by the Principal Council Officer in relation to ATLAS Reform Project Pilots and Working Groups, and Supplementary Elton Report on ATLAS/PSO Services
- Disability Services Commission of Western Australia, providing information on the use of individual funding in Western Australia
- Hon Carmel Tebbutt MLC, Minister for Education and Training, providing information on transition programs provided by the Department to assist students with a disability.

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8. Adjournment

The Committee adjourned at 4.45pm, *sine die*.

Tanya Bosch
Clerk to the Committee

Appendix 6 Dissenting Statement

Dissenting statement
Dr Arthur Chesterfield-Evans MLC

While I agree with the majority of the recommendations in this report, the report is not incisive enough in critical areas. The key aspect that has emerged from this inquiry is that there has been a paradigm shift in the aspirations of young people with disabilities. They will no longer sit in institutions watching TV. They want to participate in society to the maximum amount that their abilities and modern technology allow.

The Committee accepted the new paradigm and my amendment, however the report does not give the proposition sufficient prominence in Chapter 5. Neither of the major parties would accept my consequential proposition that the Government recognise that funding increases beyond CPI will be needed for some years to meet the legitimate aspirations of young people with disabilities.

I therefore dissent from the report's funding proposals. It is necessary that this report empowers people with disabilities. Block funding has historically given institutions power over the people with disabilities. Now it is being used by the government to restrain cost increases. Chapter 3 discusses the respective merits of block funding and individual funding, but the Committee would not consent to my suggestion that block funding not be used, despite the fact that many reputable institutions were not fearful of people with disabilities leaving them if they had other options in a market situation.

In effect the Committee's stand in retaining block grants, and discuss a hybrid-funding model, effectively gives the government comfort in its existing block-funding model, which is being used to control costs and lessen the autonomy of people with disabilities. We must do better than this.