

**Submission  
No 75**

## **INQUIRY INTO POST SCHOOL DISABILITY PROGRAMS**

**Organisation:** Disability Council of NSW

**Name:** Mr Andrew Buchanan

**Position:** Chair

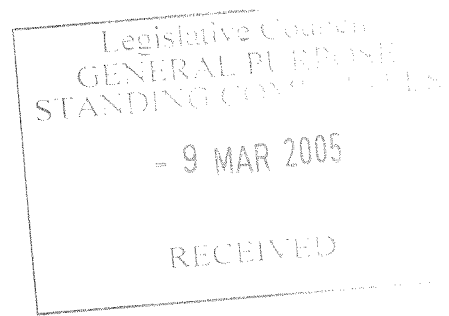
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**Subject:**

**Summary**



9 March 2005

The Hon Patricia Forsythe MLC  
General Purpose Standing Committee 2  
Inquiry into Post School Disability Programs

Dear Ms Forsythe,

Thank you for the opportunity to comment on the recent reforms to the ATLAS and Post School Options (PSO) programs.

From the outset we would like to state that Disability Council of NSW (Council) recognises the necessity for reform of the programs. The status quo, prior to the reform announcement, was not sustainable and served the interests of no stakeholder fully.

We were disappointed, however, in the manner in which the reform process was commenced and progressed. In our view, young people with disability and their closest associates, including family members, were put under considerable stress as a direct result of a poorly managed change process. These matters, along with comments are covered below in our more detailed responses to the terms of reference for your Inquiry.

The Disability Council of New South Wales, operating under the *Community Welfare Act, 1987* is the official advisory body to the NSW Government on issues and policy that effect people with disability and their families in NSW. The Council is appointed by the Governor and reports to the Minister for Disability Services.

This advice has been prepared by the Disability Council in accordance with its role which is to review and evaluate government policy relating to disability issues and assess the impact of program changes on people with disabilities. In developing this advice Council has drawn on its expansive networks in the disability sector.

Please contact Dougie Herd, Director Disability Council on (02) 9211 2866 or [dherd@discoun.nsw.gov.au](mailto:dherd@discoun.nsw.gov.au) should you require any additional information.

Yours sincerely

Andrew Buchanan  
Chair  
Disability Council of NSW

## **1. The program structure and policy framework, including eligibility criteria, for the new Transition to Work and Community Participation Program**

A number of improvements can be seen in the new program structure and policy framework for the two programs. The intention, to build better linkages between the Community Participation and Transition to Work elements of the program than was previously the case, is apparent. Furthermore, such strengthened linkages, coupled with an emphasis on providing services that are meaningful in terms of skill development and preparation for work, should afford young people with disability better opportunities to make the transition successfully to work.

The observations above contrast with our view of the previous model where many of the PSO services simply provided day activity programs rather than programs designed to build social, living and job related skills. 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.

The Council also stresses that the success of the new programs is dependent on adequate resourcing if positive outcomes for young people with disabilities are to be realised.

The Council is concerned that some parts of the eligibility criteria are too restrictive and may result in some school leavers with a disability being seriously disadvantaged. In particular, we strongly recommended that school leavers with disability, seeking to enrol in post secondary study to enable them to transition to work, be eligible for support under this program.

It is recognised that many school leavers with disability will not make the transition straight from school to work or, for that matter, to tertiary or vocational study aimed at eventual employment. Thus it is important that the Community Participation program is seen as equally valued. Service providers must be contractually required to deliver high quality community engagement activities. In addition, the policy framework must make clear that 'congregate care' is an inadequate model or practice for meeting the skill development needs of and achieving vocational outcomes for individuals.

The time-limited nature of the Transition to Work program will exclude young people with disability who are able to work but require support for more than two years. The two-year time-limit ignores the structural barriers to employment encountered by people with disability of all ages. The upper time-limit also leaves no room to meet the need for ongoing support in the workplace for some people with disability. Improved linkages with the Federal employment system must be seen as part of the solution to these problems. We discuss this point further in item 7.

Finally, the policy framework must detail how people with disability can transfer seamlessly between the two programs as their needs and skills change. The framework must also address 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. Such labelling does not support a program culture that allow for changes in a person's development, skills and needs.

## **2. The adequacy and appropriateness of funding arrangements for the new programs**

The Disability Council has not been made aware of the key drivers behind the reforms to the previous ATLAS and PSO programs. 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, were not cost-effective and could not deliver the positive outcomes intended or required. This perception is, we believe, now widely held. 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. Families of people with disability have since reported to the Council that days of service and service quality have reduced for their son or daughter.

It is clear that the current funding model is built upon a base amount that is lower, per client, than was previously the case. We are concerned that some services may have taken up contracts knowing that the per capita funding may require them to deliver a lower quality service. This may result in services cutting corners or in clients receiving a less than individualised program. If such were to occur, the reform package as a whole, which has the potential to bring about positive change, could simply slip back into a day activity approach rather than one targeted at positive employment and community engagement for young people with disability.

Given that the funding model has moved from an individualised approach to one of a block grant nature, it could easily result in less flexible services. There may be fewer options for people to withdraw from a service, which isn't meeting their needs, to transfer to another service. We would strongly advise that contractual arrangements allow for individual clients to withdraw from a service and for an appropriate level of funding to be reallocated to a new service should the client choose to transfer.

Council also notes that the funding arrangement for Community Participation program in particular, is prescriptive. This may have a negative impact on meeting the support needs of service users. We recommend that safeguards be put in place to ensure that service users can negotiate individualised supports options when required.

### **3. The role of advocates both individual and peak groups in the consultation process**

It is a matter of historical fact that when the proposal to reform the ATLAS and PSO programs was made public, people with disability, their families, and service providers were taken by surprise. Rightly or wrongly, many families believed that the existing services for their teenagers with disability were about to be cut and that new services would not be able to provide adequate hours to meet their needs.

The Disability Council of NSW received feedback from families and young people with disability in community forums, such as those we held as part of the IDEAS Disability Expo in Dubbo, that they were upset and anxious because of the lack of consultation and perceived lack of interest from DADHC policy makers.

We note that DADHC engaged a range of stakeholders including advocates, peak groups, Commonwealth and State agencies, in a comprehensive review process for the ATLAS program before the current reforms were announced. The involvement of the stakeholders in the previous review process demonstrates that they considered program reform necessary. They were willing to be meaningfully engaged in the process.

The current reforms did not flow from this process however, which contributed to the surprise and shock voiced when the reforms were announced. 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.

The belief has been strongly expressed by the disability community that if support had not been forthcoming from advocacy organisations as well as service provider organisations such as ACROD, to influence the eventual policy framework and funding model, that the funding levels would be lower than it is and the policy framework would be more restrictive than it is.

### **4. 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**

Council strongly believes that school leavers proposing to enrol or enrolled in post secondary studies should be eligible for support under the program. We believe that to exclude school leavers with disability in this category from being eligible will only result in fewer school leavers with disability going on to further study which could/should result in more sustainable employment. We do not believe that it would be too difficult to extend eligibility to this category of students or to find services which would facilitate school leavers into further study.

While tertiary education institutions have improved greatly with regard to supporting students with a disability there is still a huge gap between the needs of students with a disability in the tertiary sector and what the educational institutions can or will provide. If these students were eligible for support under the Transition to Work and Community Participation programs then their study material, adaptive equipment, in-class and out-of-class supports provided as a result of their eligibility may just be the key to successful study and therefore successful employment.

## **5. The appropriateness of the assessment methodology used to identify school leaver support needs and to stream school leavers into the new program**

Council maintains that the assessment methodology should focus on the skills and potential of school leavers rather than a functional assessment, based on a medical model of disability. The interests, life goals and ambitions of school leavers should also be integral to the assessment methodology.

It would be advantageous if more information about the assessment, particularly in relation to its reliability and validity across disability types and ranges of functional impairment, were made available to school leavers, their families and service providers. Assurance should be given that all assessors have specialised knowledge in the field of disability and the supports required, including disability modifications and adaptive technology. Furthermore applicants to the programs should be given timely feedback, particularly so that the assessment process can be reviewed or appealed if necessary.

Council cautions that there is a danger in using the level of support need (low, medium or high) as defined by the assessment tool to determine whether a person can or cannot work. It is well-established that some people with high physical support needs can be employed full time in a professional capacity.

The period during which school leavers must notify DADHC that they wish to be assessed for entry into a Transition to Work or Community Participation service needs to be more flexible. The current requirement that school leavers are assessed and choose a service early in the New Year following their completion of school is too restrictive. The process should not disadvantage school leavers who try other approaches to transitioning to work, for example, by obtaining a job, or enrolling in other study before deciding that they require the additional support of one of these programs. Council believes that intake into the Transition to Work and Community Participation programs should be flexible allowing school leavers a maximum of 12 months after finishing school to lodge an application.

## **6. The adequacy of complaints and appeals mechanisms established in relation to the new programs, and particularly with respect to assessment decisions**

Council does not have information on the complaints and appeals mechanisms DADHC has developed. While we have not sought information directly from DADHC on these mechanisms we have received advice from both service providers and families of school leavers that they are not aware of what these complaints or appeals mechanisms are.

It is our view that such mechanisms are essential to the resolution of concerns, complaints and appeals in an open manner that has the confidence of people with a disability and their families, service providers, transition assessment workers and DADHC. Complaints and appeals, particularly those which relate to service denial must be handled without delay and with the involvement of all stakeholders.

It is important that complaints and appeals regarding assessment decisions are resolved in an expedient and timely manner so that school leavers who wish to enrol in a service do not miss the opportunity because the re-assessment was drawn out.

Further, complaints from contracted service providers regarding DADHC's handling of service contracts or assessment of school leavers should also be built into a complaints and appeals mechanism.

## **7. 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**

The reforms which have resulted in the Transition to Work and Community Participation program framework have great potential to bring about positive employment outcomes for school leavers with a disability. Much of the potential for success depends, however, on how the individual services perform and how DADHC monitor and manage these services to ensure they meet community expectations.

Council is concerned that the newly structured Transition to Work program does not appear to have any Key Performance Indicators or targets which service providers need to meet. To ensure that services are working to achieve sustainable outcomes more accountability must be built into the system.

The policy framework sets out that contracted service providers should follow Disability Service Standards, however there does not appear to be a mechanism by which DADHC will guarantee that services meet the standards.

Council believes that the program will have a stronger chance of achieving sustainable higher levels of employment for school leavers with a disability if more emphasis is

placed on services that provide, or link, program participants with vocationally based education and if school leavers enrolling in post secondary study were eligible.

We also believe that there needs to be more clarity generally and a better understanding by DADHC and funded service providers specifically, about how people in these programs can link with programs funded by the Federal Government. If this clarity exists at DADHC, then it has not filtered through to service providers or people with a disability. For example, it is not clear if a school leaver with a disability can enter into a Transition to Work and Community Participation program and still be eligible to seek employment through one of the Department of Employment & Workplace Relations (DEWR) funded specialist disability open employment services, a Family and Community Services funded business service, or even be eligible for support under the DEWR Workplace Modifications Scheme.

We strongly recommend that the linkages and eligibility be made clear to school leavers with a disability and their families so that informed choice can be made.

## **8. Additional concern**

The access rate to PSO and ATLAS programs by people from a Non-English Speaking Background (NESB) with a disability was very low. This lack of access should also be addressed by the reform. Council suggests that the policy framework identifies school leavers from NESB with disability as a target group and the performance of services in meeting the needs of this target group should be monitored through contractual arrangements.