

**Submission
No 108**

INQUIRY INTO POST SCHOOL DISABILITY PROGRAMS

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Subject:

Summary

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FOR PEOPLE WITH INTELLECTUAL DISABILITIES

Patron: The Hon. Lionel F. Bowen A.C.

7 March 2005

The Director
NSW Legislative Council
General Purpose Standing Committee No 2
Inquiry into Changes to Post School Programs
for Young Adults with a Disability
NSW Legislative Council
Parliament House
Macquarie Street
Sydney 2000

Legislative Council
GENERAL PURPOSE
STANDING COMMITTEES

11 MAR 2005

RECEIVED

Dear Sir/Madam

Windgap Foundation Limited (Windgap) welcomes this opportunity to make a submission to the Inquiry into Changes to Post School Programs for Young Adults with a Disability being conducted by the General Purpose Standing Committee No 2 of the NSW Legislative Council. The manner in which the whole process has been managed has left much to be desired in terms of being viewed as a sound policy reform initiative as put forward by the NSW Department of Ageing, Disability and Home Care (DADHC) in July 2004. The July 2004 announcement of the changes to Post School Options (**PSO**)/Adult Training Learning and Support (**ATLAS**) programs by the then Minister for Community Services, Ageing, Disability Services and Youth, the Hon Carmel Tebbutt MLC, has caused great disquiet in the community, particularly among people with a disability, their families/carers/advocates and service providers.

The two new replacement programs announced by Minister Tebbutt, **Transition to Work (TTW)** and **Community Participation (CP)**, in themselves could have represented a great opportunity for the State Government to come up with some innovative and reformist ideas which could have improved the outcomes for young people with disability in NSW. Instead the reform process in the ensuing months has proven to be fraught with anger, confusion and lack of consultation with many of the stakeholders. The reform agenda has been ill-prepared with inadequate policy changes and outrageous funding cuts which were hidden behind a cloak of so-called reform. An opportunity for the State Government to work optimistically and enthusiastically with all the stakeholders to implement what could have been welcome initiatives to achieve positive outcomes for young people, became lost in the negative reaction engendered by DADHC's poor handling of the reform agenda, leaving many people feeling disempowered.

The following responses set out Windgap's experiences with the reform processes which were announced in 2004, as well as the consequences of the reforms on current **PSO/ATLAS** participants in Windgap's services, their families and other stakeholders. Windgap believes that it is essential to inform government and other interested parties

regarding Windgap's concerns at DADHC's lack of planning, foresight and appreciation for the needs of families and program participants in promoting its reform agenda. The whole process has been an example of how poorly executed reforms can affect the everyday lives of disadvantaged and vulnerable people in our community, as well as having an impact on the wider community.

Windgap hopes that this Inquiry will lead to improved outcomes for young people participating in Transition to Work and Community Participation Programs in NSW. Windgap also hopes that flowing from this Inquiry there will also be an improvement in access to day programs for other people with disability who require appropriate levels of support to be included as valued citizens, and who can contribute meaningfully in a variety of ways as members of our community.

Also attached are letters from families of participants in Windgap's **PSO/ATLAS** programs. These letters detail their experiences and express their concerns about the future for their son or daughter.

If you require further information, please do not hesitate to contact on the writer on the above telephone number or email

Yours faithfully



Suzanne Becker
General Manager

Encls Submission
 Letters from Families

A Background to the Reform Initiatives from Windgap's perspective

A.1 Description of Windgap

Windgap Foundation Limited (Windgap) is a not for profit organisation based in the Eastern Suburbs / South Sydney region and has been providing services for people with a disability for over fifty years. These include day program, employment and accommodation services for adults, as well as early intervention programs for children 0-5 years.

Windgap's mission is to improve the lifestyle and support of people with an intellectual disability, and assist them to achieve their full potential, at the same time increasing community awareness as to their needs and aspirations. This mission fits perfectly with what should be the goal of day program services for young people with disabilities in New South Wales. Sadly, for some people the promise of services which adequately and flexibly meet their needs will not be an option as a result of the changes to funding for some day program services in NSW.

A.2 Windgap's Day Programs

Windgap's day programs have undergone many changes since the first program was established in 1962. The programs now comprise of two Community Access and Support Services (CASS), serving older people who are currently unable to access employment services, as well as Post School Options (PSO) and Adult Training Learning and Support (ATLAS) programs which support younger people, including school leavers, who are not in the workforce. Windgap's day program services provide meaningful lifestyle, community access, independent living skills training, pre-vocational support and work experience placements to people with a range of disabilities.

Work experience is offered in both supported and open employment settings. In addition to the variety of work placement programs, individually tailored programs are provided to people who are not able to participate in employment for a variety of reasons. Community participation is an important part of the programs. The CASS programs were a move from centre based activities to services which had a focus on people's individual needs.

In all Windgap's programs there is an emphasis on people participating in activities which are valued by themselves, their families and others in the community. Some activities were provided on a one to one basis to meet individual needs, while other activities were group based. These programs offer services which are a combination of both centre based and community based activities.

A.3 Transfer of Responsibility for Day Program Services from Commonwealth to State Responsibility

In 1992/93 funding for Windgap's Day Program Services was transferred from the Commonwealth to the State Government under the terms of the first Commonwealth/States Disability Agreement (CSDA). Subsequent agreements were known as the Commonwealth / States & Territories Agreement (CSTDA). There was much consultation about how the State Government in NSW could provide improved day

programs and accommodation services for people. Employment services were to remain with the Commonwealth under the terms of the CSDA.

People with disabilities, their families/carers/advocates and service providers were full of hope for a positive future where people's needs would be more adequately met under state government arrangements. People looked forward to achieving more satisfying, meaningful, valued and productive lives. As well as those programs previously funded under by the Commonwealth, there was anticipation that new services would be funded by the State Government, through the Department of Ageing Disability and Home Care (DADHC), with a focus on the development and implementation of services for young people leaving school.

It was also people's view that the State Government would also provide day program services for other people who were unable to access employment programs funded by the Commonwealth. The current third CSTDA covers the period from 1 July 2002 to 30 June 2007.

A.4 Development of PSO Programs

PSO programs were established in 1993 with individualised funding packages for school leavers. Windgap commenced providing services to people under the **PSO** arrangements that year. Services did have a more individual focus than the **CASS** services. People, who were funded under the Government's **PSO** program funding, were never funded at a higher rate than those people participating in Windgap's **CASS** programs. As young people went through the **PSO** programs some people remained in day programs while others moved on to work both within Windgap's employment services, as well as outside employment. **PSO** programs provided an opportunity for people to have activities designed around their individual needs.

There was no clear separation under the program guidelines between those young people who could move into work programs or those people for whom work was unlikely to become an option. Each person had an Individual Program Plan (IPP) which identified learning goals for that person and activities were devised to meet the person's individual needs and aspirations in a meaningful and realistic way. Some people were able to move between work experience, a wide variety of independent living skills training opportunities through community access and other learning modes which were geared to enhance participants' valued role in our community.

A.5 Development of ATLAS Programs

As time went on there was much debate about the efficacy and logic in calling day programs 'post school options' as this denoted a continual reference to school years. There was also concern that many young people in **PSO** had failed to move into employment. In 1999 a new term Adult Training Learning and Support (**ATLAS**) was introduced to more appropriately describe the programs offered to young people participating in the day program activities. This move was welcomed by many in the sector, although there was concern about ongoing cuts to funding levels at that time.

There was an expectation, quite rightly, that some young people would move into work while there was also acknowledgement that others would remain in **ATLAS** because of their inability to transition to employment for a variety of reasons.

Windgap has continued to assist school leavers in their transition from school to work or other lifestyle options by supporting them to acquire or enhance skills and competencies in social and independent living skills and/or work readiness activities all of which encourage inclusion in the community. Windgap strives to form strong partnerships in the community to assist people with disabilities to improve their skills and competencies, increase their social, economic and community participation

RESPONSE TO THE TERMS OF REFERENCE

1. Program Structure, Policy Framework, Eligibility Criteria for the New Transition to Work and Community Participation Programs

1.1 Impediments and Strategies for Reform of PSO/ATLAS

The **ATLAS** program, and previously the **PSO** programs, had been in a state of disarray for many years. Decisions on placements have occurred at the last minute at the end of a school year, or the commencement of a new year, causing havoc to families and service providers, as well as unsettling periods for the young people themselves.

While there had been criticism of the low take up of employment among **PSO** and **ATLAS** participants, and the failure of some services to adequately reflect a community participation philosophy in program delivery, many of the problems associated with the program as a system of service delivery leading to employment related to structural deficits in the CSTDA.

The complexity of the relationships between the Commonwealth and State Governments, as well as between State Government Departments such as DADHC, Education and Training, and Health, has inhibited a fluid and seamless transition between lifelong learning and employment.

Prior to the announcement of **PSO/ATLAS** reforms in 2004, a number of processes had been in place for some time to review and reform the policy framework for the implementation of **PSO/ATLAS** programs. There was broad acknowledgement of the need to reform the programs. People were concerned that there needed to be a much greater emphasis on quality in service provision which focussed much more strongly on the individual. There had been many instances of fitting program participants into services and designing activities around the needs of the service rather than meeting the needs and aspirations of the individual person.

Some of these practices were thought to be in breach of the **NSW Disability Services Act** 1993, especially in terms of individual need, service access,

participation in decision making and recognising people with disabilities as valued members of our community.

There were also issues in relation to service management and corporate governance. Another major concern was the need to maintain the capacity of a person to transfer their funding to another service provider if necessary in terms of dissatisfaction with service delivery, changing circumstances for support needs or moving to another locale.

In financial terms there was also concern about the capacity of the Government to continue funding these programs to adequately meet the needs of people participating in them. This concern seemed to come from Treasury.

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, especially in terms of provision of services which could improve outcomes for people with a disability in many aspects of their lives.

1.2 Reviews of Day Program Services

Prior to 2004 there had been a number of reviews of day program services in NSW, as well as working groups and pilot programs. These include:

- Ernst and Young review in 1997
- Spice Consulting review in 1998
- Brian Elton and Associates review in 2000
- Working groups to oversee the reform processes in 2003-04
- Pilot programs implemented in 2003
- A research study into program costs to be carried out by the Health Sciences Centre of Wollongong University.

Given that information from some of these reviews and studies has never been released, and the outcome of the pilots not concluded, one is left wondering what drove the imperative to implement reforms before there was a sound sector agreement on the types of reforms necessary and the funding levels necessary to implement and maintain quality services for people with disabilities.

DADHC's Reform Co-ordination Unit (RCU) undertook to review and reform the services previously offered within the ambit of **PSO/ATLAS** programs. DADHC describes the policy as articulating '***the strategic direction and framework adopted by the Department in relation to the implementation of community participation and transition services for people with disabilities. The policy is underpinned by the key principles of participation (economic and social), person-centred planning and lifelong learning***'.

Policy Framework Transition to Work and Community Participation Programs July 2004 DADHC Page 4

1.3 DADHC's Vision

DADHC's vision of the services for people with a disability is:

'To support the delivery of services that provide people with disabilities with access to full social and economic participation, lifelong learning opportunities and support to pursue personal aspirations and goals. Programs will operate within a person-centred planning framework that recognises individual needs.'

Policy Framework Transition to Work and Community Participation Programs July 2004 DADHC Page 6

1.4 Briefing of Some Stakeholders

The first announcement of the proposed changes were made to a meeting of organisations on 8 July. Although not present at the briefing, Windgap has been informed by a number of people who attended, that there was shock and disappointment expressed by many at the Government's move to change the programs from **PSO** and **ATLAS** programs to **TTW** and **CP** programs which were to commence in January 2005 for **ATLAS** participants and July 2005 for **PSO** participants.

Also included in the announcements were the limiting of participation in **TTW** to two years, a reduction in per capita funding and also a move away from individualised funding to block funding. All current service providers who wished to auspice a **TTW** service were to take part in a tendering process and could apply to offer **CP** programs.

1.5 Official Advice to Windgap re Change in Policy for PSO/ATLAS Programs

In a letter dated 8 July 2004 Brendan O'Reilly, the Director General of DADHC, advised Windgap that there were to be changes to post school **ATLAS/PSO** programs stating that:

'Following the NSW State Budget I am writing to advise you of changes to post school programs (ATLAS and PSO) funded by the Department....' Page 1

One may assume from subsequent events that the NSW State Budget had a major part to play in any reform agenda rather than just improvements in service delivery or outcomes for program participants. The budget driven scenario seemed to underpin any changes that were being promoted for a reform agenda. The letter goes on to state that:

'The changes are directed to improving the transition to employment outcomes for school leavers and providing certainty of longer term support for those who are unable to move to the workforce.' Page 1.

While the letter placed a positive spin on the proposed changes, it appeared to play down the importance of the changes to block funding arrangements with ensuing reductions in program funding for **CP** participants with its mention of the drastic funding cuts which would instantly deny **PSO/ATLAS** participants the same level of support which they had been receiving up until that time.

It seemed incongruous that any person reading the Director General's words describing a reduction in funding CP program as being able to '**provide innovative support and opportunities to improve community participation for school leavers**'... Page 2, who were unable to move to full time employment or employment programs.

It seemed a very unsubtle way of telling service providers and families to come with activities which are innovative if they can be offered with reduced levels of funding. There is no argument that families and service providers working together can come up with some innovative activities which will meet the individual needs of a person. This, however, should not be the main plank of a planned response to meet deficiencies in appropriate funding levels.

Windgap representatives attended a DADHC briefing at St George Leagues Club on 15 July 2004 to hear about the reforms, along with an announcement of substantial funding cuts to both **PSO** and **ATLAS** programs. People were angered and stunned by the news, especially when informed that the funding model was based on available budgetary resources rather than any modelling based on needs. It was obvious from the comments at the briefing that DADHC officers were ill-prepared to implement the changes and many questions remained without satisfactory answers.

It seemed from listening to questions and answers at the St George meeting that DADHC was implementing program changes 'on the hop' without all the necessary supports, procedures, and operational guidelines in place. Questions were asked about how funding cuts were to be implemented at the same time a person centred approach was to be implemented as the main focus of the reforms. A response was made by DADHC staff that **PSO/ATLAS** programs '**should not be the only option available for young people and their families, and therefore, it is not up to the Government nor DADHC to provide the amount of support needed for people with disabilities.**'

This statement was met with strong disbelief and frustration by families and service providers in attendance at the briefing. People were left confused, anxious and angry and with many questions unanswered. Families who were present stated that they felt their whole future had suddenly changed in terms of how they were going to manage.

1.6 Effect of Reductions in Funding on Windgap PSO/ATLAS Programs

As well as a number of reforms to service delivery and streaming of participants, the reforms also provided for substantial funding cuts which called into question the ability for Windgap's former **PSO/ATLAS** programs, **re-badged** into new **TTW/CP** programs to remain viable. A sudden announcement, out of the blue, of funding cuts of approximately \$87,500 to Windgap's **PSO/ATLAS** programs once participants transferred to the new models was extremely distressing for all concerned. What became of even greater concern was that shortly after the original notice of the funding cuts, Windgap was later informed that the cuts were to be approximately \$100,000 due to an error in notification by DADHC.

The timing of the announcements was unfair as most service providers would have prepared their budgets for the 2004-05 financial year commencing 1 July 2004, eight days prior to the announcement. No-one would have predicted adjustments to the extent that were now being advised. DADHC would have known that service providers were preparing and adopting budgets for the new financial year but allowed that process to go ahead throughout the State with no warning. Service providers should have had red flags up when Offers of Funding in the DADHC Funding Agreements only covered the period up until 30 December 2004, rather than the full twelve months.

The final funding cuts to Windgap's services at this stage in March 2005 are unknown and will only be resolved once Windgap is aware of those **TTW** and **CP** participants, previously **ATLAS** participants, who are allocated to participate in Windgap's programs **TTW** and **CP** programs. Funding cuts will naturally follow depending on the number of people who are assessed as being **CP** rather than **TTW**. While it is important to acknowledge that in the past funding was individually based, there was at least an awareness of the funding level available to provide programs which met individual needs.

Windgap agrees that people who are capable of working in either supported or open employment should receive appropriate support to move to employment. At the same time, where does this leave such young people when there seems to be insufficient dialogue between the Commonwealth and State Government departments for release of **Australians Working Together (AWT)** (now Case Based Funding **CBF**) program places which can accommodate those young people who are unable to participate in open employment. The **TTW** program reflects an employment goal which has always been part of the **ATLAS/PSO** ethos.

Windgap has placed service users from its **ATLAS/ PSO** programs in **AWT** programs, open employment places and supported employment places in the past. 18 people are currently enrolled in **Certificate 1 in Employability Skills: Becoming a Worker programs**. Surely, if employment places are not available, then these people are not going to be forced to join unemployment queues where they will have a double disadvantage?

For some service users it may take more than two years to be worker ready. If we are to encourage innovative learning outcomes for these people, they should not be disadvantaged by a drop in the level and quality of support to enable them to enter employment within a longer timeframe.

Windgap facilitated, and participated in, meetings with families and other service providers, as well as meetings with DADHC officers to discuss the reforms.

1.7 Process of Implementing the Reform Initiatives

The conduct of the consideration of the EOI's for **TTW**, determination of eligibility to auspice **CP** programs, the responses some families received when they rang the DADHC Hotline, the failure to assist families to understand what was happening, and

process of the allocation of places left much to be desired in how the reform process could have been managed. Unfortunately many regional DADHC officers, although willing to assist families and service providers, did not have the correct information to pass back to them.

Service providers in different DADHC regions were being provided with a wide range of advice about how to interpret and complete forms. There was a feeling that some people were being given more information than others. Some people found it impossible to get DADHC officers to put requests for additional information in writing.

People were told that if they failed to furnish information in a particular way their application would not be considered even though nothing to the effect was in writing. The poor flow of information led to service providers formulating a very broad range of support costs per hour which only added to confusion. The constantly changing benchmark for minimum program hours was indicative of the confused mess the whole process had become. It was an extremely poor example of social policy change implementation.

1.8 Effect on People with Disabilities, their Families and Carers

Some families of young people participating in Windgap's day programs have requested that Windgap forward their stories to the Inquiry. These are attached to this submission.

Individuals, who participate in Windgap's **PSO/ATLAS** programs, as well as their families, have endured a high level of stress, confusion and uncertainty over their future placement in services. The cuts will result in increased burdens on families and carers who will have to provide increased care and support at home, leading to a number of unintended consequences in relation to the well being of the person with disability, their family and carers. This includes a demand for more expensive support services.

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 as a result of his being allocated to a **CP** program. The mother is also caring for her own mother who has dementia, and her father, who recently has suffered some strokes. She feels she could not provide her son with any additional support at home if there was to be a reduction in program hours. This mother sees other young people funded as PSO participants with similar support needs to her son, and yet he is no longer entitled to the same level of support or service. The mother finds this unjust, inequitable and untenable. What answers can any discussion on benefits of reform be given to this mother.

Another mother has begged Windgap not to appeal the inappropriate assessment and placement of her daughter in **TTW**, despite knowing that her daughter would be far more suited to a CP program. The mother cannot face the turmoil she fears in her household if her daughter is at home without structured programs that assist her to acquire skills and competencies to lead a more independent life. The mother also

fears having to give up her part time employment to care for her daughter as a result of reduced hours. This mother cannot understand how things could change so dramatically in the short time since her daughter finished her secondary schooling. The mother has requested that Windgap attach her story to its submission to the Inquiry.

If it is correct that approximately 70% of ATLAS service users still live at home with their families, there will be some serious repercussions for service users and families flowing from the proposed reforms leading to possible family dysfunction. The reduction in services will result in an increased demand for services from government agencies, including the specialist services offered by DADHC. The existing DADHC service provision is unable to meet current demand, so there will need to be an improved level of specialist service delivery available for the possible fallout from the changes in ATLAS/PSO service provision? Also, for those service users who are living in accommodation support, one must question what arrangements will be made to assist service providers in supporting those service users on those days when they will no longer have access to ATLAS/PSO programs?

Many families express concern about their son or daughter moving into employment options as they fear that they may not be able to return to a day program if employment is not viable. Service providers do spend a great deal of time reassuring families that it is important for their family member with a disability to be encouraged to move into employment if they have the opportunity and capability to do so. The unrest and disquiet caused by the manner in which the reform process was introduced last July does nothing to help people have confidence about taking up employment. Windgap has found this with some families.

Families are also concerned that under the Commonwealth rules, employment for a person with a disability is defined as being in work for more than eight hours per week. Families fear that, with the changes in the Commonwealth service provision, if their son or daughter is only employed for a minimum number of hours per week what happens to them for the rest of a week. This is especially of concern for people who are in paid employment and are concerned that they will have to give up their work to care for their family member.

1.9 Effect on Staff and Service Providers

Staff employed by service providers have faced an uncertain future in terms of ongoing work arrangements. Some staff have resigned to take up employment elsewhere in the disability sector or in alternative employment where there is more certainty. As a result service providers such as Windgap end up losing the investment they have put in recruitment, induction and training of support and management staff to ensure quality outcomes for service users.

The uncertainty surrounding placement of participants has inhibited planning for activities, especially in terms of development of community based activities which can have a long lead time to establish partnerships in the community to ensure

quality outcomes for participants. Planning for internal and external staff training and the setting and review of budgets is also difficult. While the allocation of participants in particular programs were always left to the last minute, service providers had a reasonable and fair idea of where people would be going or what services they wished to purchase through liaison with local secondary schools.

It is surprising that existing service providers have suddenly been put in the position of having to justify that they can provide the same level of care for a substantially reduced level of funding which can mean that there is an expectation on the part of government to reduce services. It appears that the proposed changes through the implementation of an Expression of Interest (EOI) competitive tender process have replaced a strategy of program monitoring system which many have anticipated for some time and would have welcomed.

There has been a lack of transparency and consultation in the reform process and this has not augured well for future relationships between service providers and DADHC.

1.10 Impact of the Continuous Improvement Matrix Trial on Measurement of Performance on Existing Service Providers.

The trialling of the *Continuous Improvement Matrix (CIM)* among 10% of service providers across the NSW to assess the use of a tool to measure performance of service providers against the *NSW Disability Services Act 1993* and the *NSW Disability Services Standards* will provide an excellent opportunity for DADHC to determine the capacity of service providers to implement programs which met all the positive aspects of the reforms. One could question why was the reform process not held off until the implementation of the *CIM* which is meant to be all about continuous improvement.

The need for monitoring of existing services is recognised and surely this would have been a more viable method of examining and reviewing existing services to ascertain the quality of service provision and whether or not meaningful outcomes are being achieved for employment and lifelong learning, skill acquisition and community participation. Windgap believes that the majority of service providers strive hard to ensure that service users receive quality training to achieve these outcomes. It seems as though the EOI tendering process was implemented in lieu of an appropriate monitoring of existing services. The lead time for the tendering process was not sufficient and so does not allow for existing service providers to revamp

It would be interesting to know how service providers who had day program services monitored in the trial performed with the CIM and if there was any way that the proposed reforms were reflected in what service providers were already achieving in PSO/ATLAS programs.

1.11 Community Reaction

The community campaign which followed the announcement of the reforms sent a strong message to the Government that people found the proposed changes totally unacceptable, unfair, inequitable and inflexible. The sense of outrage was even

reflected in the coming together of many disparate groups of people with disability, families, advocates, self advocacy groups and service providers to inform the Government of their dismay at the reform announcements. Many families spoke on radio and in newspapers throughout NSW about their fears for the future of their family member in day programs, a reduction in quality of service and program hours, as well as their concerns about the impact on their family's life. Others attended public meetings throughout the State to voice their concerns.

The willingness of the Hon Carmel Tebbutt then Minister for Community Services, Minister for Ageing, Minister for Disability Services and Minister for Youth, to listen to these concerns was reflected in a number of statements in the media. These included:

- the Minister's announcement in a press release dated 2 August 2004 acknowledged the concerns of families and service providers and her stated willingness to **'look at concerns about our proposal to introduce the Transition to Work and Community Participation programs..... The reforms are not intended to result in a reduction of hours for clients. Our focus is on improving employment outcomes and providing longer term certainty to young people – not reducing access to services.'**

In the same press release the Minister stated that if **'it becomes clear that service providers cannot deliver what we are asking, we will have to look at that.'**

- The Minister's announcement in a press release on 13 August not to press ahead with the funding cuts and reforms to **PSO** program participants which brought a temporary relief to some families. She announced that **PSO** participants were going to be allowed to remain on their individual funding packages, as these people and their families had always had an expectation of ongoing funding. Minister Tebbutt also reminded people that **ATLAS** participants had always known that their funding was limited to two years, although this interpretation may not have been grasped by families. This was particularly so for families whose son or daughter had been an **ATLAS** participant since 1999 – 2000. **Families, service providers and community members could not believe that people's access to similar services was predicated on when they were born and finished school. This does not equate with fair and equitable access to services.**

It was widely believed in the community and in the disability sector that the whole process was being driven by State Treasury and that DADHC had been forced to tack the funding cuts to the other reform processes. This seemed to be reinforced by the lack of readiness for the implementation of many of the reform proposals, the lack of clarity in timetabling of changes and the confusion surrounding the EOI for TTW and the strange manner in which eligibility for CP was determined. The apparent differing versions for implementation of the EOI for TTW and the application for CP processes

across DADHC regions, and even among DADHC staff within a region, seemed to highlight the unreadiness for the implementation of the reforms.

There have been a number of changes in the implementation of the reforms such as the deferring of the dates for EOI's, the increase in **CP** funding from a base rate of \$9,000 to \$13,500, the delay in commencement of **ATLAS** participants in the new programs and the grandfathering of the **PSO** participants for the time being. However, this has not lessened community concern for the future of quality service provision which meets the needs of people appropriately. Families are also concerned about the impact of when their child entered an **ATLAS** program and the impact that will have on how long they can remain in **TTW**. This is especially the case for 2003 school leavers whose funding is time limited.

1.12 The Perception of Devaluing of Individuals in CP Compared with those in TTW Programs

A major concern in the reform process was Minister Tebbutt's announcement in her 2 August press release that although the **TTW** funding was similar to the current **ATLAS** funding, the lower funding under the **CP** program '*reflects the less intense support that needs to be provided.*'

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 valued people less if they were unable to work compared with those who could move into employment. This was particularly distressing for families of people who had been assessed as not work ready. There is no doubt that insufficient funding has been made available to support people's participation in the community with an individualised focus. For people with high support needs even existing funding levels had been deemed inadequate, and there had been a reduction over time in real value of funding allocations, compared to when **PSO** programs commenced in 1993.

One of the most critical aspects of the reform process has been the impression, formed amongst many stakeholders, that the reforms infer that **CP** is inferior to **TTW**. This has been reflected in the manner in which people have spoken about people who are unable or not ready to move from **TTW** to employment will go back to **CP**. This inference does nothing to enhance any sense of value for people who are placed in **CP** or transfer there. It almost gives an impression of a discriminatory approach. At the same time in our society employment is valued as something to which we all aspire. Perhaps a way around this dilemma is to have the one service model with the capacity to move between both programs within the model, according to circumstances and changing needs.

People have raised the question that perhaps as a result of the new attitude towards the real costs of providing **CP** programs, there may be even more breaches of the **NSW Disability Services Act** 1993 than were occurring under some of the old **PSO/ATLAS** programs.

1.13 The concepts of lifelong learning, economic and social participation and person centred planning are all admirable policy objectives. However, the current

proposals which include reduced funding and limitation of **TTW** participation to one or two years will make these objectives more difficult to attain.

1.14 Unintended Consequences of the Reform Initiatives

While it is very important to acknowledge that the lack of continuity of funding and uncertainty for service users and their families was to be addressed by the proposed reforms, the reforms are going to have an unintended consequence of leaving people without realistic service provision through:

- (a) cutbacks in days of service offered because of funding cuts,
- (b) changes in staffing ratios because of funding cutbacks,
- (c) a return to the old days of pre 1992 when Activity Therapy Centres operated with large service user to staff ratios,
- (d) dysfunction in families caused by family members having to give up their own paid employment to care for their family member who is no longer able to participate in programs at the same level as previously.

Windgap agrees that people who are capable of working in either supported or open employment should receive appropriate support to move to employment. At the same time where does this leave such young people when there seems to be insufficient dialogue between the Commonwealth and State government departments for release of **CBF** places which can accommodate those young people who are unable to participate in open employment. The **TTW** program reflects an employment goal which has always been part of the **PSO/ATLAS** ethos.

1.15 Spirit of the Reform Agenda

Much of the spirit of the reform agenda ran counter to many of the NSW Government's aspirations to consultation, as reflected in the **Social Compact** and the draft **Working Together for NSW Agreement**. The Agreement **'acknowledges the value in non government organisations and Government and its agencies developing and building on improved working relationships.'** The Agreement's purpose is stated as being **'to strengthen the ability of the NSW Government and non-government human services organisations in NSW to achieve better outcomes for individuals, families and communities.'** *Strengthening Communities Unit – Agreement between the NSW Government and Human Services NGOs. August 2004*

www.communitybuilders.nsw.gov.au/site/govinfo.

The **PSO/ATLAS** reform agenda is not in the spirit of the State Government's commitment to government/NGO partnerships.

On its **Community Builders** website the State Government refers to its broad social justice role as evidenced in the **NSW Social Justice Directions Statement Supporting People and Strengthening Communities** February 2000. It states that the Government's key

objective *'is to work in partnership with the community to build a fairer and more inclusive society.'*

The website refers to a *Review of Grants Administration* project and describes it as *'one of the NSW Government's current initiatives to build relationships with the community and voluntary sector in NSW. Other related projects are:*

- *the development of a Compact between the Government and the community and voluntary sector to strengthen the ability of the Government and the non-government community sector to achieve better outcomes for families and communities.*
- *the development of strategies aimed at strengthening the capacity of Non-Government Organisations NGOs to fulfil their roles*
- *the work being undertaken through the 'Better Service Delivery Program' within the human services sector.'*

The website also explains that the project *'embodies the key considerations that emerged from a consultation process carried out by the NSW Premier's Department involving government agencies, community, voluntary and consumer organisations, peak bodies and other NGO's as well as existing best practice in Australia and overseas.'*

A summary of the Principles Paper, which has been developed as a reference document for the Grants Administration Review Working Group, clearly sets out principles for good administrative practice that has not been reflected in the **PSO/ATLAS** reform processes. The key principles mentioned include value for money, fairness, integrity, and transparency, co-operation diversity, consistency, accountability, stability, probity, and monitoring and evaluation which should apply to clients and the community. One would hope that these principles have underpinned any policy changes or reforms in such a sensitive area as disability services for young people, many of whom are unable to advocate on their own behalf, as well as for their families and carers.

1.16 Impact of Reforms on Partnerships

The young people who receive assistance under these **PSO/ATLAS** programs should not suffer as a result of these reforms. Nor should their families be out through the stress and uncertainty caused by the implementation of the changes. The levels of funding on offer cannot provide sustainable viable services, without a reduction in standards, meaningful outcomes for service users as well as raising a number of risk management and duty of care issues. The **ATLAS/PSO** programs are an excellent vehicle for government and service providers to develop a strong and constructive partnership to ensure young people and their families receive appropriate support. It is imperative that the proposed reforms do not diminish the quality of support in any way which would result in a reduction of service to these young people.

2. The Adequacy and Appropriateness of Funding Arrangements for the New Programs

2.1 Process of Reform Implementation

The process of reform implementation, especially in terms of funding discussions has been a complete disgrace. It is staggering that the reforms were announced without a sound strategy in place to deal with issues of appropriate assessments, time limitations for programs, and, especially a funding structure in place with clear benchmarks so that all stakeholders knew the processes for sound and transparent decision making. **It has been very obvious since July 2004 that people were implementing policy on the run. While some of the changes have been very well received by stakeholders and in answer to calls for reconsideration, that is no excuse for poorly executed reform strategies.**

Windgap is committed to offering programs to meet the goals and aspirations of **ATLAS/PSO** service users. However, based on the proposed funding levels, there may have to be reductions in program days, staff / service user ratios and the types of individually based programs which can be offered. There is no doubt that innovation and continuous improvement are goals to which service providers should aspire. As a service provider Windgap looks all the time for innovative low cost ideas. At the same time Windgap still needs to be able to provide support which will produce meaningful outcomes while meeting all the relevant compliance and duty of care obligations.

If services are to demonstrate that they can now offer a **CP** program to a person with high support needs with a standard of service based on a maximum of \$13,500 with the knowledge a **'small number of places will attract supplementary payments'**, how can such service provision be offered without either a reduction in program days or a decreased level of staffing ratios. While it is pleasing that the **CP** program option is not time limited, it does lead to questions as to changes in standards of services with reduced outcomes for service users.

2.2 Transitional Phases in A Person's Life

In DADHC' s policy document on the **TTW** and **CP** programs it acknowledges the transitional phases of a person as they go through their life, including employment, changes in personal circumstances or ageing. It affirms that life transitions are not confined to the post school period and that they occur throughout a person's life. The policy states that:

'people with disabilities face a range of transitions throughout their life, transitions which can be both challenging and rewarding. The policy provides a framework in which people with disabilities are supported in their life transitions and are provided with a range of flexible pathways to meet changing needs. In doing so, the policy embraces the principles of life-long learning, full participation in economic and community contexts and an individualised person-centred planning approach to service.'

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One cannot deny that DADHC's change of policy does address the recognition that a lifelong policy direction is more appropriate than a 'post school option' approach. One would have expected that the principles contained in the change from PSO to ATLAS would have addressed such a commitment, although DADHC has used the argument that ATLAS was always time limited. One wonders if the time limitation was driven by budgetary considerations rather than a commitment to adult training, learning and support which was supposed to be provided by ATLAS.

2.3 Linkage of Funding Reductions to Concept of Reforms

While the changes in policy following the **ATLAS** Reform Project do have some merit, and it is important to articulate the responsibilities of Commonwealth and State Governments under the terms of the CSTDA, it is imperative that such changes do not diminish the life circumstances and future options for young people who are recent school leavers or about to leave school. Any reduction in current funding can only have a deleterious effect on these people who have the right to receive a service as defined under the terms of the Commonwealth and State **Disability Services** legislation and accompanying **Disability Services Standards**. Again, Windgap reiterates its concern that funding reductions have been linked to the concept of reforms which are meant to have positive and meaningful outcomes.

In her press release dated 30 November 2004, Minister Tebbutt's statement that there was no overall reduction in funding for programs supporting school-leavers with a disability might be true in terms of increased budgetary allocation for a particular disability program but it does not follow that there are no reductions for individual participants in **PSO/ATLAS**.

Minister Tebbutt stated in the same press release:

'I said from the outset that it was not the intention to provide a lesser level of support under the Community Participation program.'

We have always sought to develop a well-designed, long-term program that is flexible and meets the changing needs of participants - helping to improve their living skills, independence, and engagement in the community. I believe we are on track to do that.'

2.4 Increase in Base Levels of Funding for CP Programs

Despite the Minister's decision to increase the base level of funding for **CP** from \$9,000 to \$13,500, reduced program hours are inevitable. Reductions in program hours do not correlate with flexible programs which are able to meet the changing needs of participants. In Windgap's experience, changing needs has often equated with increased staffing demands to meet people's increasing complex support needs, frequently including the need to purchase additional clinical support to ensure that people's needs are adequately met. Such support may include behaviour management plans, nutrition plans, communications assessments, or the purchase of jigs to enable a person to perform tasks more easily. While a reduction in a person's support needs may occur due to an increase in skills and independence in

accessing the community, many people can only gain such skill enhancement through additional support.

The funding cuts may result in many people receiving:

- a reduction in opportunities for learning skills and competencies, service quality and program support hours,
- increased client to staff ratios and OHS risks, raising significant duty of care issues, and,
- less community access.

The cuts will result in increased burdens on families and carers who will have to provide increased care and support at home, leading to a number of unintended consequences in relation to the wellbeing of the person with disability, their family and carers, including a demand for more expensive support services.

2.5 Assessments for Work Readiness

People who participate in Windgap's **PSO** programs have already been assessed as not suitable for an employment placement following work experience opportunities. The majority of participants have had experience in open or supported employment placements. These people have moderate to high support needs which preclude them from at this point participating in employment opportunities. As a result of their individual needs they require a higher level of staffing support. A similar scenario is in place for **ATLAS** participants. Reduced funding levels, reduced program hours or larger group sizes can only decrease the empowerment of people with disabilities ***to determine and realise their own goals and aspirations'*** through services implementing a ***'person-centred approach through focusing on the individual and their needs, including facilitating access to appropriate resources and other services.'*** which is cited in DADHC's ***Policy Framework Transition to Work and Community Participation Programs*** dated July 2004 Page 7.

2.6 Block Funding versus Individualised Funding

A number of stakeholders have criticised the move to block funding from individualised funding – reducing portability, flexibility, access & choice. There are arguments for and against individualised funding – often these arguments are driven from the perspective of families and advocates as against service providers. What is essential to bear in mind is the people with disabilities should have the right to choose where they wish to obtain a service, while at the same time service providers should receive a level of core funding which allows them to remain viable while providing services. The locking in to a system of reduced choice must run counter to the ***NSW Disability Services Act*** 1993 and the ***NSW Disability Services Standards***.

2.7 Inequities in Funding for People with Similar Needs

There are significant inequities for school leavers between **ATLAS & PSO**, with some **PSO** adults receiving nearly twice the funding for similar support levels.

The budget which Windgap attached to its **CP** application reflected the reduction in program hours for some individuals and will most certainly reflect a reduction in

service quality and community participation. The only way to maintain current levels of quality outcomes is to reinstate funding levels to the previous amount for each individual.

Windgap will be able to continue to provide support, however, it has to be through reduced hours for some people according to their identified needs for high levels of staff support. While larger groups may be possible for some training programs which Windgap offers, such as ***Certificate 1 in Employability Skills: Becoming a Worker programs***, or fitness activities, large groups cannot be managed effectively or safely in community access activities. Larger groups will affect the effective delivery of a person-centred approach. Attention will be paid, quite rightly, to potential duty of care and OHS issues as the first point of managing a sometime critical situation with the result that less attention will be able to be paid to meeting people's individual needs. An inability or reduced ability to provide adequate staffing support exposes individuals with disabilities, support staff and service providers to increased risks and in some circumstances breaches of duty of care. Examples of such situations would be when a service provider supports people with challenging behaviours or people who abscond, or are prone to seizures to access community facilities, and insufficient staff are available to manage critical incidents.

As a consequence of the need to minimise risks there will be an increasing reluctance on the part of service providers to facilitate the higher level of community access which has been available to people previously in **ATLAS/PSO** programs. The young people who participate in these programs at Windgap already have had opportunities, with the right staffing and funding levels, to achieve all the outcomes which have been enunciated in the reforms. There is no argument with recognising the principles of flexible options for service delivery which maximise community and social participation and lifelong learning opportunities. These young people have demonstrated many skills and competencies in community participation and independent living skills which they acquired during their current program participation.

2.8 CSTDA Structural Reforms

DADHC has not addressed the issues of the CSTDA structural reforms about fiscal transfers to support programs. The exercise appears to have been an attempt to put pressure on the Commonwealth to provide more places. Surely it would be better to sort out government funding responsibilities prior to hurting families. It is just another cost shifting exercise whereby DADHC has made demands on families and people with disabilities without appropriate funding to back up the demands.

DADHC officers assured Windgap representatives during discussions that that it was only coincidence about the Commonwealth's Welfare Reform Agenda Safety Net **Targeted Support** figure of \$9,000 was the same as the original figure touted for CP. As part of the reforms to Employment Services there are huge changes happening nationally in terms of people being targeted to move out of employment to day program type activities. This means that for those people who are assessed, using a supported wage assessment tool to identify them as being under a level of

!5% productivity, can be supported by the Commonwealth to move to day program activities if they so choose. There could be a possibility of people coming across from the Commonwealth employment services to day program type services and this will also have a huge effect on day program services, especially in an environment of reduced funding support levels. **At some stage there will be a huge log jam of people competing for services with less money available. Again there are CSTDA issues which need to be addressed in a timely manner.**

In a letter dated September 2003, signed by Ed Hughes, Branch Manager Participation Branch FaCS and Alan Kirkland, A/Director Client Access DADHC, DADHC and the Commonwealth Department of Family and Community Services (FaCS), issued a joint statement on the assessment process used to identify the pathway of recent school leavers into appropriate services. In the letter they referred to the **Participation Assessment Strategy in which the Departments had combined to have CRS Australia carry out assessments on 2002 school leavers and all ATLAS participants. They stated the strategy had produced a closer working relationship between FaCS and DADHC and they expressed the hope that *'this positive environment will have a flow-on effect to service providers, people with disabilities and their families, in providing improved access to employment support for school leavers and ATLAS-funded job seekers.'***

In the letter they also stated that DADHC and FaCS both support partnerships between Disability Employment Assistance (Commonwealth) and **ATLAS** service providers, working with job seekers who are in receipt of **ATLAS** funding. It bears remembering that over the past two years additional Commonwealth employment places have stalled while the debate has continued in the Senate about reforms to the Disability Support Pension (**DSP**).

2.9 Future of People in TTW

It is also unclear as to where people will fit who are currently assessed as being suitable for placement in the **TTW** program once they have completed their two years in **TTW**. If they are assessed as ready for work there are a number of issues arising from such an assessment:

- will that person have a guaranteed place in employment whether that be supported or open employment
- what happens if there are no employment places available – does that mean the person will have to go on unemployment benefits and not be eligible for the Disability Support Pension (DSP) - a move which would sit conveniently with the Commonwealth's proposed reforms to the DSP
- will that person have a right of return to a state funded day program if their employment fails
- if the person returns to a state funded day program activity will they be able to return to a **TTW** immediately following a suitable assessment or will they be forced to remain in a **CP**
- if there is no place available in a state funded service is the person the responsibility of the Commonwealth or State Government.

2.10 Impact of Reduction in Funding for CP

In the submitting of the application for the CP program Windgap expressed its concern at the changing nature of the quality of outcomes which could be provided as a result of the reduction in funding for some CP participants. Community Participation Programs also provide meaningful learning opportunities for people with disabilities who are not engaged in employment or other formal education/training programs. Reduced funding can only result in reduced hours of support or increased service user to direct care staff ratios, either of which result in poorer outcomes for the people concerned and their families. Service providers are still waiting for the DADHC service guidelines to inform them of the actual program structure for CP.

Most families who have a family member participating in Windgap's day programs, have said that they believe their son or daughter requires five days program a week and that the level of funding needs to support quality programs for five days.

3. The Role of Advocates both Individual and Peak Groups in the Consultation Process

3.1 DADHC'S Attitude to Consultation

DADHC states that the new policy for PSO/ATLAS reform reflects the outcomes of evaluation and reviews of programs which were undertaken by a number of key stakeholders including:

- *'The Community Access and High Support Needs Working Group*
- *Transitional Pathways Working Group*
- *Transition to Employment Focus Group*
- *peak disability agencies*
- *service providers*
- *DADHC personnel.'*

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While the Minister and DADHC officers have made mention of consultation with the disability sector about the reforms, there had been no consultation prior to the reform announcements in relation to the cuts in funding. Stakeholders were caught unawares when the announcements were made in July 2004. Despite there having been formal groups established to work towards achieving improvements in policy and service implementation, the timing of the announcement took people by surprise.

In a briefing paper ***Adult Training Learning and Support (ATLAS) and Post School Options (PSO) Reform Initiatives*** signed by Brendan O'Reilly, Director General, which was circulated at the briefing held on 8 July, the Director General stated under a heading of ***'Consultation with providers'*** ***'DADHC will be building on the work undertaken by the range of working groups to ensure that the new program initiatives are introduced smoothly and respond to the needs of school leavers.'***

Any belief that the reforms were to be introduced smoothly and responsive to the needs of school leavers was definitely misplaced. The Director General also announced the establishment of an *'Expert Advisory Group'* to ensure that the objectives of the reforms continued to be met.

One could argue that Minister Tebbutt's backdown on the base level of funding for CP programs was as a result of a planned approach to full and proper consultation, but rather her response appeared to be about caving in to immense community outrage and pressure from a number of quarters.

3.2 Exclusion of Peak Bodies from Consultative Processes in Media Announcements

One of the strangest aspects of the reform process since the announcements since last July has been the very public inclusion of ACROD, a peak service provider body, in all aspects of the consultation and change management processes, and yet the seeming exclusion of many other peak bodies, that play a vital role in ensuring that service provision is designed and implemented to meet the needs and aspirations of people with disability. Many peak bodies had been involved at the outset of the reform process yet at the time when as many groups as possible should have been involved in promoting changes they were not visibly involved. Disability services can only be developed and promoted effectively if all stakeholders work together with a common purpose. **This situation only led one to assume that the proposed reforms did not have the approval or backing of these bodies.**

3.3 Community and Service Provider Consultation with DADHC

Windgap representatives attended a number of meetings with regional DADHC officers where the officers were often forced into embarrassing lack of answers to relatively straight forward questions. **The regionalisation of DADHC was intended to facilitate greater dialogue and consultation at regional levels, as well as a spirit of partnership between NGO's and DADHC. Instead regional officers who had been working hard to improve relations with NGO's were having to defend ill- thought out and poorly implemented policies. It is a great shame that DADHC officers had to be placed in this situation.** Windgap representatives attended a forum at Bondi Junction, following the reform announcements, where some very angry and frustrated families spoke out about the effects of the changes on their families.

3.4 Consultation with People with Disability and Families

Throughout the whole process there has been a distinct lack of regard for families and people with disabilities themselves. This has been reflected in the failure of DADHC to include families in the consultation process. If a government department wants to encourage community members to embrace reforms then it needs to include those people in decision making and let them have a sense of ownership of the proposed changes. This has not happened in the reform process yet families were invited to have strong say in the changes to day program services for young people which happened in the early 1990's and led to the development of the PSO program.

The lack of consultation is in breach of the *Disability Services Standards* and the spirit of the *NSW Disability Services Act 1993*.

It is outrageous that at the time of writing NGO services are participating in a monitoring process by DADHC offices to assess how their services are delivered to people with a disability, yet at the same time DADHC has failed miserably in its own attempts to meet the *Disability Services Standards*. It is also a flagrant disregard for any Family Relationships Policy of inclusion and welcome.

3.5 High Support Needs Supplement

In her press release of 30 November 2004 Minister Tebbutt referred to the development of the High Support Needs Supplement within the context of only consulting with service providers:

'In addition, I have approved the allocation of \$1.4m for service providers who are working with participants with very high support needs. The Department of Ageing, Disability, and Home Care is now working with service providers on the criteria for allocating this funding.'

While this reference was in the context of the Minister's announcement of the increase in CP funding, this type of approach of acknowledging only service providers, naturally is bound to disadvantage other stakeholders who were affected by the reform process.

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

Access to post secondary and higher education is an important milestone for some young people with a range of disabilities. Some young people who participate in Windgap's **PSO/ATLAS** programs aspire to having access to TAFE Colleges to attend courses which meet their goals and aspirations. It seems absurd that the reform initiatives would deny young people support to achieve those goals. If the reasoning behind this is a cross-departmental or cross government argument about funding responsibility, then the relevant departments should act in the spirit of co-operation. The decision again has failed to establish structural linkages with Commonwealth employment programs and further education facilities. It raises the spectre of young people who will hesitate to enrol in traineeships and other educational opportunities for fear that they will lose any additional support to achieve their goals and aspirations.

Participation in higher education, with the appropriate key supports in place, opens up many opportunities for young people and would have to result in positive and meaningful outcomes for the young person in terms of social and economic participation. Such young people also act as role models for other young people with disability and should be celebrated rather than being dismissed as outside new funding guidelines.

DADHC states that a **'key goal for ATLAS Reform is to provide pathways that help people with disabilities to access education and employment opportunities at times that best suit their needs. In other words, it is about shaping service delivery around the changing needs and aspirations of people with disabilities and their families'**. DADHC Website March 2005

The same site also states that the **'ATLAS Reform will remove the barriers that prevent people with disabilities from accessing the jobs, training and community access services they need. It will deliver greater flexibility to meet the needs of individuals, their families and carers'**.

The removal of funding from young people with disability who are enrolled in post secondary and higher education continues to entrench educational disadvantage for people with disabilities. This move is in complete contradiction with any notion of promotion of valued community access.

5 The Appropriateness of the Assessment Methodology Used to Identify School Leaver Support Needs and to Stream School Leavers into the New Programs

5.1 Deficits in Assessment Process

The assessment process to date has left a lot to be desired for both previous program participants, as well as school leavers. People have been assessed as work ready, capable of participating in **TTW** or suitable for **CP** when the exact opposite has been true. In previous years when assessments were conducted on ATLAS participants, appeals had to be made to reconsider outcomes in many instances. In Windgap's case, most of these appeals were upheld. Obviously if errors are constantly being made there has to be something wrong with the tool.

In the FaCS /DADHC letter dated September 2003, signed by Ed Hughes, Branch Manager Participation Branch FaCS and Alan Kirkland, A/Director Client Access DADHC, quoted earlier in this submission (page 19) the Departments issued a joint statement on the assessment process used to identify the pathway of recent school leavers into appropriate services. They reported that in 2002 CRS Australia conducted 1700 assessments on the 2002 school leavers and **ATLAS** participants. The letter stated that the **'assessments aimed to provide advice to assist school leavers with a disability to access the appropriate pathway to employment, vocational education, vocational training and improved community access. They also aimed to provide our Departments with a better understanding of the needs of people who had traditionally participated in ATLAS'**.

The 2002 school leavers applying for **ATLAS** and existing service users were assessed as being:

- work ready (ineligible for **ATLAS**)
- in need of further training and support for work readiness (eligible for **ATLAS**)

- requiring long term placement in community access options. (eligible for **ATLAS**)

The adaptation of an inflexible tool used by Home Care Assessors for the Aged instantly raises questions about the inappropriate use of the tool. One has to ask why were vocational tools not used for people who were at least identified as having the capacity to work or aspiring to work as an option.

The outcomes of the assessments has also had a negative impact on some participants and their families who have expressed great concerns about the inappropriate placement of their son or daughter. There is also a real fear among families that once their son or daughter is locked into a **CP** program they will be denied access to pathways to employment placements or for those people on **TTW** if they fail to gain employment within two years then what will happen with future assessments.

One negative thing has been that for some people who have been inappropriately assessed as **TTW**, there is a reluctance to seek a re-assessment since their funding and program hours could be reduced. This has placed service providers, including Windgap, in a dilemma.

5.2 Adjustment of the Assessment Tool

A frequent question which has been raised by families and service providers is whether or not the assessment tool can be adjusted to consider people's work readiness at an extended timeframe beyond two years. Such a move would provide people with disability and their families with more confidence in taking risks with learning and seeking opportunities for really meaningful work opportunities in the future. Windgap's experience is that for a number of people placed in **TTW** programs, they will need more than two years to achieve work readiness, although their goals and aspirations may be no different to a person who is work ready within one year.

DADHC has repeatedly commented on the failure of people in **PSO/ATLAS** programs to move to employment with a figure of 3% being frequently quoted. This has appeared to be aimed at service providers, inferring that service providers have been derelict in program implementation. This should raise the question of the adequacy of tools being used in high schools prior to placement in an adult day program.

5.3 Assessment Process for the Very High Support Needs Supplement

Another concern is the assessment process for the Very High Support Needs Supplement which involves the disbursement of \$1.4M to be allocated to people with very high support needs and for whom \$13,500 will be totally inadequate. **Approximately 400 people have been identified as requiring the supplement. \$1.4M could not possibly meet the needs of 400 people so the question will need to be asked how is this to be assessed and whether a flat rate across the**

Board is to be allocated or people's individual needs are to be taken into account. What arrangements are to be put in place to provide additional support for those who do not receive an appropriate level of funding which puts their placement at risk, especially if a flat rate is applied in the first year.

5.4 Wollongong University Classification and Costing Studies

Windgap awaits with interest the release of the Wollongong University Classification and Costing studies which were commissioned by DADHC prior to the reform announcements and which one would have thought would play a pivotal role in the implementation of the reform process.

6 The Adequacy of Complaints and Appeals Mechanisms Established in Relation to the Implementation of the New Programs, and Particularly with Respect to Assessment Decisions

DADHC has a draft complaints policy which non-government agencies and other funded organisations can access to make a complaint. It is essential that DADHC finalises its policy and that it includes a facility which will enable people with a disability and families to be able to make a complaint.

In order to comply with the Disability Services Standards, and also as part of the capacity to meet the requirements of the DADHC Continuous Improvement Matrix (CIM), service providers are obliged to have a complete complaints procedure which anyone can use to make a complaint about the service provider and receive a response in a timely fashion. **DADHC's failure to have such a procedure in place makes a mockery of the standards which it quite rightly sets for the organisations which it funds. People with a disability and families have a right to make a complaint if they see a flaw in a system. Such absence makes one question the ability to be able to assess the reform process and seek continuous improvement.**

While it has been difficult to establish the appeals processes available to families and service users at the DADHC Central Office level, in March it has become apparent that at a regional level at least there is the possibility of writing to DADHC to seek a reassessment for those people inappropriately assessed.

It is essential that DADHC establish a formal policy to allow anyone to make a formal complaint and have their complaint dealt with in a fair, timely, impartial and satisfactory manner.

Given DADHC's tardiness in establishing such a procedure, and the storm which has surrounded the reform process, there also needs to be an independent or external mechanism to address such complaints in a proper procedural fashion.

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.

Windgap understands that the original purpose of the review of PSO/ATLAS programs was to develop more effective service delivery within a framework of a person-centred approach, ensuring that people had access to activities which were inclusive of people with a disability, and which appropriately met their needs and aspirations. That a person is encouraged to participate in the workplace or in community participation, or both, was meant to be the product of sound assessment practices and meaningful activities which enhanced and developed skills and competencies. Such service provision is meant to be provided through a support system which is designed around people's individual needs but is readily accessible to all people who fulfil the entry criteria to receive the service.

As stated previously in this submission, Windgap supports the need for reform in the development and implementation of day program services in NSW. Windgap supports the view that all day program services, currently in operation in NSW, viz centre based programs, community access programs, Post School Options programs, TTW and CP programs should all be aligned into one service system to simplify navigation of the program boundaries.

Guidelines need to be developed that can reflect a flexible, seamless transition between Commonwealth and State funded programs according to a person's life circumstances and capabilities and competencies.

The system of funding for day programs in NSW does not appear to have any rational basis and merely seems to reflect responses to different cycles in the policy development of disability services. The funding is inequitable and inconsistent across the system and does not reflect individual support needs in any way.

DADHC needs to recognise that it has set up barriers for effective monitoring of the efficacy of the reforms because of the lack of coherency in how the reforms were implemented, especially those that have undergone constant changes in an attempt to appease all the stakeholders and a backflip in policy making on the run. The reforms which have put forward have been overwhelmed by DADHC's poor management of the process. Attempting to mix budgetary requirements with sound reform agendas merely resulted in the whole process becoming tainted by a very unpleasant and unexpected outcome.

DADHC needs to revisit the timeframe for **TTW** participants with a clear understanding that a two year limit will not work for a number of people who, upon being denied access to further participation in **TTW**, may lose motivation and the benefit of their skills acquisition during their time in **TTW**. DADHC's current approach to the two years time limit seems short sighted and narrow in the extreme.

It also fails to recognise the intrinsic differences in people's capacity for learning and retention of skills and competencies. It seems to be a policy based completely around monetary constraints which may well result in false savings. **If it is the State Government's intention to get as many people as possible across to Commonwealth employment programs, then it may have to reconsider that for some people job readiness and preparedness may take a number of years not just a convenient two.**

Windgap recommends that to overcome this dilemma:

- DADHC needs to liaise strongly and actively with the Commonwealth to ensure:
 - (a) that the CSTDA accurately and clearly reflects the role of each level of government in provision of services
 - (b) that adequate and realistic funding is available to support people with disability in a range of day program and employment activities.
 - (c) that DADHC and the Commonwealth work together to achieve meaningful work placements in both open and supported employment, with appropriate levels of funding and supports, to enable those people who are assessed as work ready, to have access to meaningful employment which will enhance their skills and competencies.
- DADHC should reinstate immediately the capacity for TTW and CP participants to be enrolled in higher and further education to reflect a valued norm in the community.
- DADHC needs to take urgent steps to dispel any notion that people participating in CP programs are any less valued than TTW programs. Each person has the right to be included as a valued member of our community and all government service implementation and provision should reflect the valued status of all people with a disability regardless of whether they work or not.
- DADHC needs to put in place transparent monitoring and data collection systems that allow DADHC, service providers and other stakeholders to assess the efficacy of the policy implementation which has been labelled as reforms. Such a step will refute any claims that the whole process of reform was brought forward merely to institute invalid cost savings.

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