

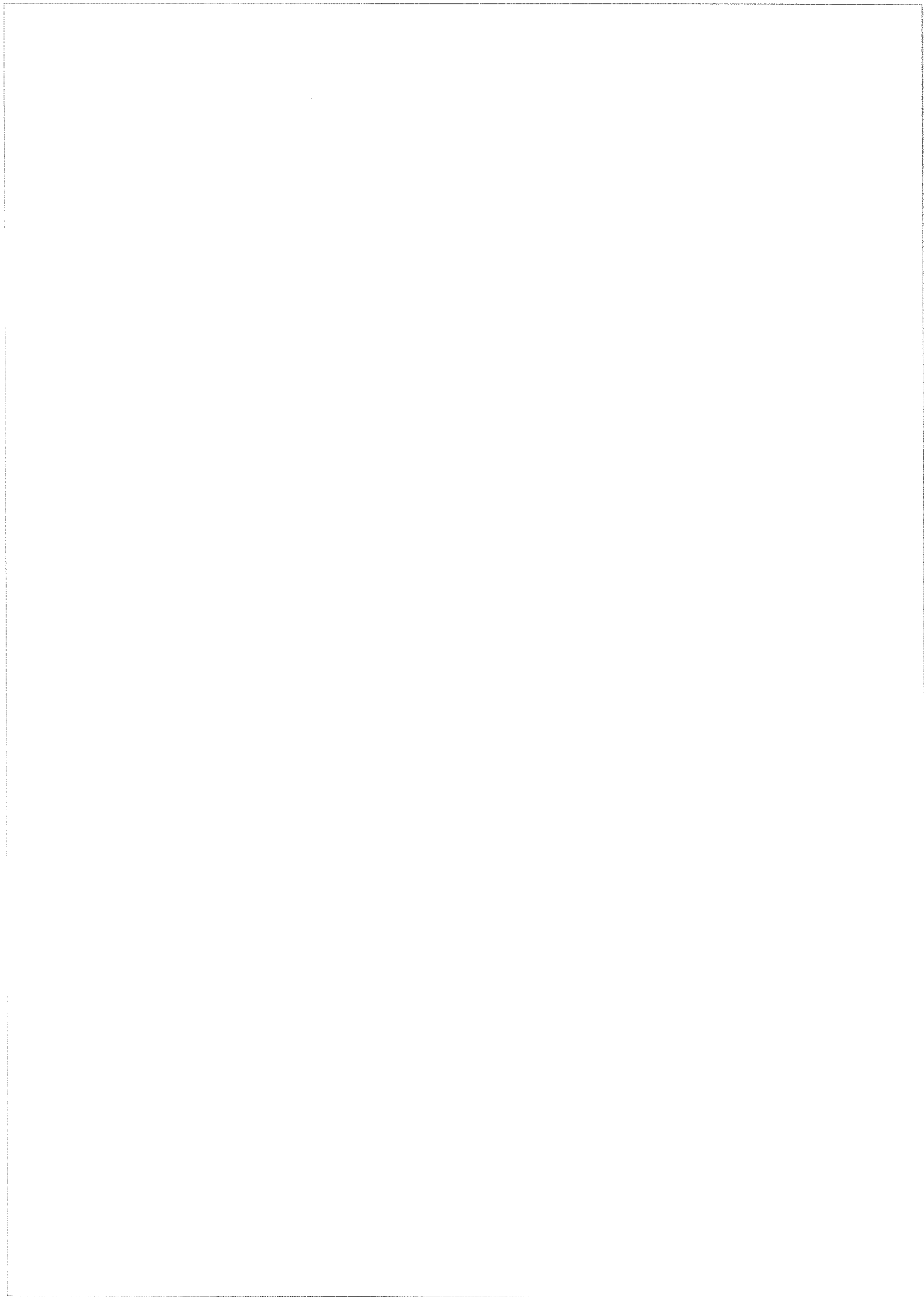
Submission
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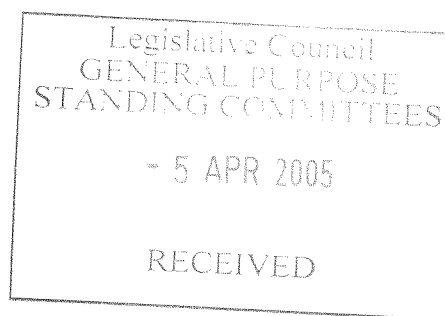
INQUIRY INTO POST SCHOOL DISABILITY PROGRAMS

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Date Received: 04/04/2005

Subject:

Summary





1 April 2005

Mr S. Reynolds
Director of General Purpose Standing Committee No. 2
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr Reynolds:

INQUIRY INTO CHANGES TO POST SCHOOL PROGRAMS FOR YOUNG ADULTS WITH DISABILITY

I am writing to provide you with our submission to the Inquiry into changes to post school programs for young adults with disability.

We have serious concerns about these changes and have outlined them under each of the following Terms of Reference.

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

People with Disability Australia (PWD), along with many other advocacy organisations, individuals and families support reform of post school programs for people with disability. However, we believe that there are serious flaws in the program structure and policy framework for the new Transition to Work and Community Participation Programs.

Flawed 'Capacity to Work' distinction

The two new programs create a clear, but dubious distinction between those who have the capacity to work (Transition to Work) and those who do not (Community Participation).

According to the Department of Ageing Disability and Home Care's (DADHC) Policy Framework for the new programs, 'capacity to work' is based on an individual's ability to achieve an "immediate or short term employment pathway"¹. Such a narrow determination of 'capacity to work' may assist services to focus on "prevocational skills and work readiness" for those people with disability in Transition to Work programs. However, it locks other people with disability out of pathways to employment either after a 2 year Transition to Work Program, or from the very beginning, depending on how

¹ Department of Ageing, Disability and Home Care, July 2004, Policy Framework – Transition to Work and Community Participation Programs, p. 9, available on DADHC's website at www.dadhc.nsw.gov.au/NR/rdonlyres/888F6CCA-754A-4275-8C6D-120934AE5B9F/928/PolicyFramework_Final.doc

they are streamed. People with disability in the Community Participation Program require an "alternative to paid employment or education"². In reality, people's skill development, abilities, needs and choices change throughout their life.

PWD argues that the program structure, based on a flawed 'capacity to work' distinction cannot allow for the principles outlined in DADHC's Policy Framework for the new programs - "meaningful and flexible Life Transitions and Pathways", "principles of Lifelong Learning" and "person-centred planning" that focuses on the individual's goals, needs and interests³ - to be realised.

No structural linkages to other programs

The new programs fail to create any structural linkages with post-secondary and tertiary education or Commonwealth employment programs and other supports for people with disability, particularly with respect to Commonwealth and State joint planning responsibilities under the Commonwealth State and Territory Disability Agreement. Without these linkages, the outcomes for people with disability in the Transition to Work program are significantly compromised.

Requirements of service providers to liaise and/or develop partnerships with other local programs and service providers, as outlined in DADHC's Policy Framework does not achieve systemic and comprehensive linkages that are necessary to achieve successful outcomes.

Programs based on piecemeal reforms

The two new programs have been developed without reference to the need for reform required in the spectrum of day programs for people with disability administered or provided by the Department of Ageing, Disability and Home Care. This results in an unfair 4-tiered system (PSO – Transition to Work – Community Participation - day programs) for people with disability.

Most stakeholders acknowledged that the PSO/ATLAS and day service spectrum required major reform to ensure coherence and equity for people with disability, and that reform should include:

- Establishing focus and program coherence for pre-vocational and vocational training, and structural pathways into employment;
- Creating a clear policy and program framework for community participation, recreation and leisure support;
- Improving fairness in funding allocations between programs and services in respect of people with similar needs; and
- Improving the quality of many services - especially in terms of skill development and community inclusion.

In addition, the two new programs appear to have been developed without reference to the outcomes of pilot projects initiated by the Department of Ageing, Disability and Home Care and or the Commonwealth in relation to transition to work for school leavers with disability. These projects could have informed the development of the program structure and the policy framework. As it is, the framework has been developed in a vacuum and is not grounded in evidence-based research.

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

² Department of Ageing, Disability and Home Care, *Service Description Schedule – Community Participation*, p. 2

³ Department of Ageing, Disability and Home Care, July 2004, op. cit., p. 7

The development of individualised and flexible post school options services for young people with severe disability was one of the greatest innovations and achievements in disability services across Australia during the 1990s. These gains are entirely compromised by the funding arrangements for the new programs:

- The funding arrangements for the new programs mean a change from individualised, flexible and portable grants of financial assistance to individuals with disability into block funding grants to disability service providers. This may meet the needs of service providers, but it is a deeply dis-empowering blow to young people with disability and their families. They can no longer:
 - choose between different services in their area (DADHC makes the final choice about an individual's service provider);
 - move to another service in their area; or
 - take their funding with them if they move within NSW (they will be placed on a waiting list in their new location).
- Funding per person for the new programs has been cut by about a third of the funding provided under the ATLAS program (based on the average ATLAS funding level of \$19000 per client). This is the case, despite the Minister's decision to increase the base funding level for the Community Participation Program from \$9000 to \$13,500 in November 2004. Even under the original ATLAS program guidelines, which guaranteed a minimum of 21 hours per week, many young people with disability were receiving 10 hours or less support each week. Reducing funding for the new programs has only resulted in further major reductions in program hours. Service providers are indicating to us that they can only provide 10 – 15 hours service per week on this funding level.

This reduction in hours creates great hardship for people with disability and their families, with severe consequential impacts on respite and accommodation services. Anecdotal evidence provided to PWD indicates that, in addition to a reduction in hours families are being asked by service providers to pay other costs, such as transport costs, as well as costs for respite to cover the reduction in hours.

- Funding arrangements for the new programs are insufficient to support individualised community participation and developmental skill building for young people with disability. Most service providers will have no option but to provide low intensity group based programs in centre-based congregate facilities. These services will not comply with the *NSW Disability Services Act, 1993*, which requires the maximum possible inclusion of people with disability in community life, and services that will allow them to reach their full potential.

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

Advocates, both individual and peak groups were taken by surprise when the changes were announced to the PSO/ATLAS programs in July 2004. Along with others in the community, including people with disability and their families, advocates expressed outrage and shock not only at the content of changes but also the lack of consultation in relation to the reforms.

Although a number of advocacy organisations, along with other State and

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Commonwealth government stakeholders and service providers were involved in DADHC's ATLAS reform working groups, the announcement of the two new programs did not bear any relationship to this process. The Minister at the time, the Hon. Carmel Tebbutt claimed in her 8 July media release that the changes were the result of a number of factors including advice from working groups established to advise on the future of these programs. PWD participated in each of the three working groups, and at no stage were any of the measures announced recommended by working groups, nor did DADHC inform any working group of these proposals, or seek working group advice in relation to them. Had advice been sought, we are confident that the proposals would have been universally rejected. PWD, and many other working group members formally disassociated ourselves from these changes⁴.

Since this time, PWD has been involved in the disability sector campaigns to protest the changes and supporting and advocating on behalf of our members and their families, who have been adversely affected by the changes. This has resulted in some positive changes to the new programs and for some individual PWD members.

However, PWD is outraged that change has occurred in such an adversarial manner rather than through a consultative process that demonstrates a genuine commitment to equity and fairness for people with disability, and that is in line with the NSW Disability Service Standards under the NSW *Disability Services Act, 1993*.

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

4. *The impact of the exclusion of students enrolled or proposing to enroll in post secondary and higher education from eligibility for assistance under the new programs.*

Post secondary and higher education are significant pathways from school to work for many school leavers including school leavers with disability. The ATLAS program provided crucial support for a number of students with disability to attend tertiary education options, such as TAFE and university.

The rationale for excluding students enrolled or proposing to enrol in post secondary and higher education from eligibility for assistance under the new programs is that other State and Commonwealth educational programs are responsible for providing support to students with disability.

However, there are currently no other adequate or comprehensive programs to support school leavers with disability, particularly those with high support needs to participate in post secondary and higher education courses. For example, State and Commonwealth education programs do not provide the transport, therapy and personal care support that may be required by a person with severe disability. PWD has members who have used their PSO / ATLAS funding to pay for such support and successfully achieve their educational goals. Without that support they would not have been able to do so.

⁴ People with Disability Australia Incorporated, 9 July, Media Release, *Regressive Changes to Disability Services Rejected*, on PWD's website at www.pwd.org.au/publications/MR090704PSOATLAS.doc

PWD is extremely concerned that many school leavers with disability will not pursue post secondary and higher education because of a lack of support, and thus limit their employment and lifelong learning outcomes.

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

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

PWD is concerned about the following aspects of the assessment methodology:

- it emphasises functional capacities rather than the physical, communication and attitudinal barriers that exist in society that prevent social and/or employment participation;
- it does not focus on the goals, choices and needs of the individual being assessed;
- there is a danger of equating people with high support needs with an inability to gain employment, particularly when there is sufficient evidence to demonstrate that people can achieve good outcomes when appropriate supports are provided;
- people with disability and their families have told us that the assessment process is not transparent and there is no process for appeal and/or complaint regarding the process;
- people with disability and their families have been told by DADHC that there is no money for re-assessment;
- some people who have been undertaking work experience under their ATLAS program are being assessed as 'not work ready' and being streamed into the community participation program, which may result in losing the work experience opportunity and the skills, confidence and enjoyment gained from the experience.

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.*

PWD's understanding of the complaints and appeals mechanisms established in relation to the new programs is confined to anecdotal information provided by people with disability and their families.

We have been unable to find written information about these mechanisms on DADHC's website, nor does it appear that people with disabilities and their families have received information about the process.

The anecdotal information we have received indicates that there is a great deal of confusion in the disability sector about the process for complaints and appeals, with many people being told by DADHC that there is no appeals process. This is extremely disconcerting for people with disability and their families, who are already struggling to understand the changes that have been imposed upon them. It does nothing to instill confidence in DADHC and its accountability for the new programs and assessment decisions.

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It is also counter to the NSW Disability Service Standards under the NSW *Disability Services Act*, 1993.

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.*

PWD argues that few people with disability will be able to achieve appropriate and sustainable further education and vocational training and employment outcomes as a result of the changes to the ATLAS program. As outlined throughout this submission:

- there are no structural linkages with post-secondary and tertiary education or Commonwealth employment programs and other supports for people with disability, particularly with respect to Commonwealth and State joint planning responsibilities under the Commonwealth State and Territory Disability Agreement;
- the Transition to Work Program concentrates on work readiness skills for a two year time limited period, which does not reflect the reality that people's skill development, abilities, needs and choices change throughout their life;
- the Community Participation Program locks people out of pathways to employment and vocational training and further education;
- the programs have been developed in a vacuum; they are not grounded in evidence-based research;
- the funding arrangements for the new programs are insufficient to support individualised community participation and developmental skill building; to provide necessary service hours to achieve outcomes; and to enable flexibility and portability for individuals;
- young people with disability enrolled or proposing to enrol in higher education are excluded from the new programs, entrenching educational disadvantage; and
- the assessment procedures concentrate on functional ability rather than the barriers to employment faced by people with disability, thereby potentially assessing people with high support needs as not 'work ready'.

We would welcome the opportunity to appear at the public hearing associated with this Inquiry to elaborate on the points we have made in this submission.

Yours sincerely

ALANNA CLOHESY
Deputy Director, Advocacy