



**PEOPLE WITH DISABILITY  
AUSTRALIA**

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of our  
own**

# **Access to Employment**

Submission to the Disability Employment Services

Quality Framework Discussion Paper

**MARCH  
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# Copyright information

*Access to Employment: Submission to the DES Quality Framework Discussion Paper*

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# Contents

About PWDA	4
Introduction	5
Summary of Recommendations	7
Co-design and Feedback	10
What is quality in DES?	11
The Participant Voice	12
Accountability and Transparency	14
Risk-based, earned autonomy model	15
Quality Element 1: Participant rights	17
Quality Element 2: Quality of Service	21
Quality Element 3:	23
Provider Capability and Governance	24
Quality Element 4:	25
Feedback and Complaints	25
Quality Element 5: Formal Assurance	26
Quality Assessment Ratings	28
Conclusion	28
Endnotes	30

# About PWDA

[People with Disability Australia](#) (PWDA) is a national disability rights and advocacy organisation made up of, and led by, people with disability.

The disability representative organisation has a vision of a socially just, accessible and inclusive community in which the contribution, potential and diversity of people with disability are not only recognised and respected but also celebrated.

PWDA was established in 1981, during the [International Year of Disabled Persons](#). It is a peak, non-profit, non-government organisation that represents the interests of people with all kinds of disability.

The organisation of people with disability helps represent the Australian disability community at the [United Nations](#), particularly in relation to the international human rights outlined in the [Convention on the Rights of Persons with Disabilities](#)<sup>i</sup> (CRPD).

PWDA's work is grounded in a human rights framework that recognises the CRPD and related mechanisms as fundamental tools for advancing the rights of people with disability.

The disabled people's organisation (DPO) is a member of [Disabled People's Organisations Australia](#) (DPO Australia), along with the [First People's Disability Network](#), [National Ethnic Disability Alliance](#) and [Women with Disabilities Australia](#).

As a DPO, PWDA collectively forms a disability rights movement that places people with disability at the centre of decision-making about all aspects of their lives. This in keeping the human rights of people with disability to be involved with legislation, policies and other issues relating to them through representative organisations, and right to equal recognition before the law, under articles [4\(3\)](#) and [12](#) of the CRPD.

PWDA's work also embraces the [Nothing About Us, Without Us](#) motto of members of the international disability community, prioritising inclusion and respect for people's right to legal capacity.

# Introduction

People with Disability Australia (PWDA) welcomes this opportunity to comment on the [Disability Employment Services \(DES\) Quality Framework Discussion Paper](#)<sup>ii</sup>

PWDA understands that the DES Quality Framework is the first stage in the development of the proposed new DES specialist model. Building on the [PWDA response](#)<sup>iii</sup> to the Disability Employment Services Review 2022, this submission provides the key pillars for the inclusion of people with disability under the Quality Framework and the new DES model.

It is important that the Quality Framework explicitly states that people with disability are fundamental to every aspect of the existing DES system and its proposed replacement specialist DES model. For this reason, PWDA as a national representative and advocacy organisation with people with disability, has focussed feedback on:

- the importance of people with disability in the new DES model/system
- how to capitalise on people with disability's involvement in the new model and the services they use
- how to maximise the development and achievement of employment outcomes for people with disability,
- possible adverse impacts of system and provider policies.

The Discussion Paper contains several welcome and positive proposals:

1. That the current DES program will be replaced. <sup>iv</sup>
2. That the Department of Social Services (DSS) seeks to embed the views of DES participants in the new specialist model.
3. That the new model references the United Nations [Convention on the Rights of Persons with Disabilities](#), the [Disability Discrimination Act 1992](#)<sup>v</sup>, the [Disability Services Act 1986](#)<sup>vi</sup> (currently under review), the findings in the Disability Royal Commission [Employment Issues Paper](#)<sup>vii</sup>, and the policy priorities in Australia's Disability Strategy 2021-2031 [Employment Targeted Action Plan](#).<sup>viii</sup>

4. The Quality Framework defines both the Code of Practice and the Service Guarantee as statements of requirements, not measurement mechanisms. This means providers must immediately adhere to them, not work towards compliance.
5. The Quality Framework requires the Service Guarantee to be prominently displayed and available to all DES participants. PWDA recommends that the Service Guarantee is equally provided to participants in a range of accessible formats according to the participant profile (*see Recommendation 1*).
6. That the DES Grant Agreement with providers will be leveraged as a proactive driver of quality, not only as a reactive tool for compliance.

PWDA maintains that the involvement of people with disability is fundamental to creating an effective new specialist DES model, including in the design, development, delivery, implementation and evaluation stages.

Central to participant inclusion is the provision of information in a range of accessible formats using a range of responsive communication methods.

Participant choices and decisions regarding DES must be enabled in ways that are meaningful to participants, including engaging with independent advocates and support people where the need arises.

PWDA would be pleased to engage directly with Department of Social Services (DSS) to provide more information as the Quality Framework and the new specialist DES model are developed.

# Summary of Recommendations

**Recommendation 1** – DES participants must be part of the initial development of the new specialist model, not just asked about specific providers or the outcomes they hoped for. This must also encompass the experiences of past, present and potential users with disability.

**Recommendation 2** – DSS should promote quality employment standards by:

- increasing the number of DSS employees with disability
- considering amendments to DES Grant Agreements and other government funding or registration contracts with organisations to include a requirement to have people with disability employed as staff.

**Recommendation 3** – The new DES Quality Framework must provide standards, indicators and guidelines to address systemic and operational failures identified by the Disability Royal Commission, and to prevent future impacts on DES participants.

**Recommendation 4** – Reports on the DES program are publicly released annually, and with short quarterly updates that are released within 45 days of the end of the quarter.

**Recommendation 5** – Before finalising the DES Quality Framework, DSS should release more detailed information on ‘earned autonomy’ and should conduct further consultations with disability representative organisations.

**Recommendation 6** – All providers, regardless of any ‘earned autonomy’ status, must be required to adhere to the Quality Framework assessment and always reporting requirements at all times, as part of their funding contracts or Grant Agreements.

**Recommendation 7** – Participant expectations and experience are primary aspects of any proposed voluntary self-assessment tool for providers.

**Recommendation 8** – The responsibility for the participant to be well informed must remain the obligation of the provider and DSS and must not fall to the participant with disability.

**Recommendation 9** – All information products and explanatory documents, including the Service Guarantee and related material, are produced in a range of accessible formats and made available to participants in ways that respond to their communication needs.

**Recommendation 10** – A ‘Know your rights’ information sheet should be prepared for participants that could also form the basis for quality indicators for DES providers and DSS.

**Recommendation 11** – The measurement tools and support measures under Element 1: Participant Rights must be fully completed and finalised before implementing the Quality Framework.

**Recommendation 12** – The National Standards for Disability Services (NSDS) standard on participation and inclusion should be included in the yearly DES surveillance audits and not just when certification is due every 36 months.

**Recommendation 13** – To demonstrate quality in DES services, PWDA recommends publishing case studies that:

- demonstrate leading practice in DES from the viewpoint of the participant
- indicate effective measures to overcome challenges and/or problems encountered by providers in quality services
- include the perspective and experience of the employer in successfully engaging people with disability as valued employees.

**Recommendation 14** – The proposed service quality benchmarks must not supersede or deny an individual participant’s expectations at the time of engaging with a DES provider or discussing their Service Agreement.

**Recommendation 15** – The proposed benchmarks should encompass the expectations of:

- a wide range of range people with disability
- people with varying skills and qualifications, interests, abilities, attributes and talents
- First Nations people



- people from culturally and linguistically diverse backgrounds.

**Recommendation 16** – The planned ‘Know your obligations’ information for providers should be publicly available to DES participants and their families and supporters.

**Recommendation 17** – Each and every standard in the DES Quality Framework should begin with a stated outcome for the participant, as in the NDIS Practice Standards.

**Recommendation 18** – Participants with disability should be involved in the design and delivery of all staff training tools as well as during implementation and evaluation.

**Recommendation 19** – The Quality Framework must enable and facilitate the engagement of independent advocates with participants who request or require individual support when problems arise and when making complaints.

**Recommendation 20** – DSS should consider expanding the scope and resourcing of the National Disability Advocacy Program to provide independent supported decision-making to DES participants who may need assistance to:

- give feedback to DES providers or site visitors
- discuss their personal expectations
- negotiate their DES Service Agreement.

**Recommendation 21** – During development and before finalisation, all proposed Quality Assessment ratings levels must be tested for clarity and meaning with DES participants with disability, with their families and supporters, and with potential and existing mainstream employers.

# Co-design and Feedback

People with disability in DES must play a more central role in any new employment service.

PWDA believes that DES participants must be part of the initial development of the new specialist model, not just asked for comment about their specific providers or the outcomes they hoped for.

While the new Quality Framework seeks to implement better processes and improved systems for providers, the Framework must not overlook the experience of past, present and potential DES users with disability.

DES participants must be invited to provide feedback on their individual outcomes from DES providers, especially in relation to their employment goals and expectations, whether their service was appropriately customised, their experience with the provider, and any other information the participant feels it is important to share.

Equally, DES participants must be asked about their experience of the DES model or system, especially in relation to:

- exercising their rights as users
- the information they received about what DES does
- how to access it
- what providers do and how to choose a provider,
- how to change providers
- what you can expect from DES and providers
- how to make complaints and give feedback.

**Recommendation 1** – DES participants must be part of the initial development of the new specialist model, not just asked about specific providers or the outcomes they hoped for. This must also encompass the experiences of past, present and potential users with disability.

# What is quality in DES?

Fundamentally, people with disability should be given information on what they can expect when using a high-quality DES service so they can exercise their rights, maximise their outcomes, have high expectations of providers, and contribute to their personal employment goals. These aspects must be the fundamental drivers of a quality framework for DES.

The Discussion Paper lacks content on how participants can determine a quality provider or service as well as what ‘good’ looks like in providing DES services. This is important for several reasons:

- to indicate to providers that a quality service has the participant at the centre of everything they do
- to clarify that quality is not just about processes and outputs but about the participant experience and participant outcomes, and
- to understand that good policies/procedures do not necessarily indicate good quality services.

The Quality Framework must clearly set out “what good looks like” as a reasonable expectation for outcomes for all DES participants, providers and employers.

In setting out what a good quality service might look like, the Quality Framework must recognise that appropriate indicators of quality can be quite different:

- between people with varying disability types
- among individuals in the same disability cohort
- for and among First Nations people with disability
- for and among DES users from diverse cultural and linguistic backgrounds,
- for people in rural and remote areas
- for and among DES participants in vulnerable circumstances.

PWDA recognises that some people with disability could experience additional challenges and barriers in using DES as a result of their disability. This is an important consideration in assessing the quality of DES providers.

DSS should beware of creating a standardised DES model/service system that serves the people with disability who have fewer or more familiar support needs but discourages or inhibits entry or engagement with people with disability who have higher or less familiar support needs.

The Quality Framework presents DSS with an opportunity to demonstrate quality in its own actions in the development stages of the Quality Framework, its final products and implementation, continuous improvement actions as well as its public information.

DSS could promote quality employment standards by increasing the number of DSS employees with disability. Further, DES Grant Agreements and other government funding or registration contracts with organisations could contain a requirement to have people with disability employed as staff. This could offer a useful example to mainstream employers of the value of recruiting people with disability.

The Discussion Paper refers to the NDIS Practice Standards. PWDA notes that every NDIS Practice Standard begins with an outcome for the participant. This establishes the primacy of the participant in any quality framework for providers and indicates to providers that considerations of participant outcomes must drive all policies, procedures and actions in service delivery. PWDA strongly recommends that the DES Quality Framework adopts this same approach for every DES standard in the Framework (*see Recommendation 17*).

**Recommendation 2** – DSS should promote quality employment standards by:

- increasing the number of DSS employees with disability
- considering amendments to DES Grant Agreements and other government funding or registration contracts with organisations to include a requirement to have people with disability employed as staff.

# The Participant Voice

The inclusion of participant surveys is important to integrate the voice of people with disability in DES. PWDA recognises that canvassing groups of willing participants to provide feedback is one part of the participant voice. The perceptions and experiences of individual participants are critical and must be invited.

Further, we emphasise that the views of individual participants must be invited in ways that:

- genuinely welcome responses
- do not rely on an inherent knowledge of systemic or provider processes and jargon
- offer regular opportunities for feedback as well as when issues arise
- are accessible to each participant
- are meaningful to participants
- protect the privacy and confidentiality of participants where required.

PWDA observes that providers of high-quality services will and do routinely invite critical and uncomfortable feedback as a means of examining responsiveness and performance towards continuously improving quality.

# Accountability and Transparency

The Paper lists several concerning issues with DES raised by the Disability Royal Commission in its Employment Issues Paper. The Disability Royal Commission noted serious failures impacting people with disability, such as:

- failure to provide appropriate and safe employment services, job opportunities, reasonable adjustments and career development
- structural barriers including a lack of appropriate supports, poor client outcomes, placement of clients in jobs that did not match their skills, interests or abilities
- operational failures including DES consultants without specialised disability knowledge, not acting in the client's best interest, providers with high caseloads.

PWDA recommends that the new DES Quality Framework must provide standards, indicators and guidelines to address these issues and to prevent future impacts on DES participants.

Despite an earlier DES Review stating that regular reports on DES performance would be publicly released, the most recent DES Report was published in October 2019 for the period January to December 2018.

PWDA strongly recommends that reports on the DES program are released publicly on a regular basis, at least annually and with short quarterly updates. These reports should include at least:

1. *Participant outcomes*: within identified disability and demographic cohorts, how many DES participants achieved their employment outcomes, were they satisfied with the outcomes, their experience of their provider, waiting lists, potential participants who were declined and why, what providers were used and where, and involvement of independent advocacy services
2. *Provider data*: how many providers are operating, the locational spread, any specialist providers, mainstream connections, relative size (how many participants use their services), and generalised complaints data.
3. *Program data*: audit information including how many site visits were completed in each region, audit periods and verification times, data on provider completion of

required audit and other reports including the length of time to complete data requirements, reasons for incomplete reports, costs, participants' experience of navigating and using the DES model/system, information on the number and type of penalties and corrective actions applied to providers for breaches of the standards.

**Recommendation 3** – The new DES Quality Framework must provide standards, indicators and guidelines to address systemic and operational failures identified by the Disability Royal Commission, and to prevent future impacts on DES participants.

**Recommendation 4** – Reports on the DES program are publicly released annually, and with short quarterly updates that are released within 45 days of the end of the quarter.

# Risk-based, earned autonomy model

The Paper explains the concept of “earned autonomy” where providers assessed with sustained high-quality service could be rewarded with fewer government assessment requirements and more flexibility in service provision.

PWDA is very concerned about the concepts of ‘earned autonomy’ and additional flexibility because high quality service provision and performance can only be recognised at a particular point in time and may not be continuous in nature.

From the outset of the implementation of the new specialist DES model and the Quality Framework, all providers must be required to adhere to the Framework assessment and reporting requirements at all times as part of their funding contracts or Grant Agreements. This necessitates the important role of DSS to undertake comprehensive ongoing monitoring of provider practice.

Features such as the acknowledgement of high-quality service should be developed after the Quality Framework has been fully implemented for a period of time in order to ensure the Framework is successful and new specialist model is operating effectively. High quality services could be acknowledged in a range of other ways including for example recognition awards and increased and wider public profiles.

Before finalising the DES Quality Framework, it is imperative that DSS releases more detailed information on the concept and proposed processes of ‘earned autonomy’ due to the potential risks and impacts for DES participants with disability. As information is released, DSS must conduct further consultations with disability representative organisations.

In considering the proposal for an ‘earned autonomy’ status, any additional flexibility granted to a provider must be approved prior to implementation and fully reported to DSS on a regular basis for monitoring purposes. Any ‘earned autonomy’ must be regularly assessed as part of the standard assessment cycle.

The Discussion Paper describes a proposed voluntary self-assessment tool as a continuous improvement framework for providers to rate themselves against a number of identified criteria aligning with the Quality Framework. PWDA recommends that participant



expectations and experience are primary aspects of any proposed voluntary self-assessment tool for providers.

**Recommendation 5** – Before finalising the DES Quality Framework, DSS should release more detailed information on ‘earned autonomy’ and should conduct further consultations with disability representative organisations.

**Recommendation 6** – All providers, regardless of any ‘earned autonomy’ status, must be required to adhere to the Quality Framework assessment and always reporting requirements at all times, as part of their funding contracts or Grant Agreements.

**Recommendation 7** – Participant expectations and experience are primary aspects of any proposed voluntary self-assessment tool for providers.

# Quality Element 1: Participant rights

Participants must be provided with important, appropriate, and accessible information in order to be well informed:

- to make decisions and choices
- about providers, and
- to navigate the DES service system.

However, the responsibility for the participant to be informed **must** remain the obligation of the provider and DSS, not the participant.

Provider actions and processes to invite and hear the participant voice must include all participants, not be limited to those people whom DSS and/or providers consider to be 'informed participants.'

Indicators to monitor and measure the human rights of DES participants must start with a Participant First approach. This means that all DES standards, actions, practices, factors in quality and governance and assessments **must** explicitly begin with and set out the DES participant's expectations, goals, impacts and outcomes.

The Discussion Paper invites comment on the development of participant surveys and adapting site visits for the new specialist model. PWDA recognises that people with disability are the experts in their own lives and experiences. In working with academics to develop participant surveys, DSS should engage in a co-design process with people with disability on the survey content, methodology and implementation.

It is important to regain the confidence of DES participants, of potential participants, of stakeholders and the community in the new specialist DES model. Accordingly, tailored, co-designed information products on participant rights should be available from the outset of the new DES model.

Aligning with the UN CRPD [Article 9 Accessibility<sup>ix</sup>](#) and [Article 21 Freedom of expression and opinion and access to information<sup>x</sup>](#), these co-designed information products must include an overall explanatory document of the model and the participant's rights within it, as well as the Star and Quality Assessment ratings systems, and any other information

that facilitates participant decisions about entering and using the DES model and choosing DES providers.

Participant surveys must be accessible to all current DES users with disability. PWDA advises that the surveys must be provided in a range of accessible formats responsive to both the communication needs of the participant and the participant profile of the DES provider. This can include First Nations approaches and languages, non-English languages, Plain English, as well as accessible or preferred methods such as in person, on paper, online, with the assistance of a chosen supporter.

PWDA supports the inclusion of 'Dignity of Risk' as a quality indicator of Participant Rights and notes that four of the seven measurement tools are either yet to be developed or require significant modification, as do the two support measures. PWDA recommends that these measurement tools and support measures be developed before finalising and implementing the Quality Framework.

The National Standard for Disability Services (NSDS) on participation and inclusion is currently only assessed every 36 months in DES. PWDA asserts that the NSDS participation and inclusion standard should be included in the yearly surveillance audits and not just when certification is due. The proposed site visits could contribute to this assessment.

PWDA fully supports the proposal to include additional indicators from the NDIS Practice Standards on 'Rights and responsibility for participants' module, particularly but not exclusively the requirement to support participants to make informed decisions.

The Paper refers to "informed participants." PWDA notes that the NDIS Practice Standards refer to 'informed decisions' more than to 'informed participants'. The term 'informed decisions' indicates that individual participants should be supported with appropriate information prior to each decision, rather than the implication that overall information can enable some participants to be better informed than others.

In providing the best context for Participant Rights in the DES Quality Framework, information for participants on what their rights within DES might look like and how to exercise these rights should be co-designed and available from the commencement of the new specialist DES model. Alongside the proposed 'Know your obligations' information sheet for providers, PWDA recommends preparing an accompanying 'Know your rights'

information sheet for to participants that could also form the basis for quality indicators for DES providers and DSS.

When planning and conducting site visits, DSS must consider the freely given or declined consent of the participant on each occasion before engaging in personal or individual interviews. The purpose of a planned site visit should be clearly explained prior to requesting consent. If the site visit is unannounced, the purpose should be shared with the participants at the time.

Site visits can create a slightly artificial environment for the participants, the providers and the government officer. However, it is important to consider the broadest possible range of features of the DES provider when visiting sites to assess quality and compliance.

Site visits can gather important information in addition to the adherence to the standards as a measure of quality. Site visits should observe the culture of the workplace and interactions with personnel, the attitudes of the DES provider towards genuine inclusion of people with disability, the ease of physical access, the evidence of understandable information and accessible communication in the workplace, the provision of reasonable adjustments tailored to the participant.

Site visits should schedule adequate time to enable inspections and to listen to anyone who wants to offer their perspectives.

During a Quality Framework site visit, some DES participants could be willing to consent to provide their information and feedback but might need an independent supporter to assist them. PWDA recognises that not all participants with disability have personal supporters available to provide this help.

This would be an appropriate role for an expanded National Disability Advocacy Program with appropriate resourcing, whereby independent advocates could assist with supported decision-making to ensure that people with disability could freely, comfortably and effectively engage with government officers at site visits.

Providers can use relevant complaints and feedback data to implement continuous improvement and demonstrate quality practices under Participant Rights. This is in addition to the de-identified complaints data given to DSS and should be specific to each provider. Providers should conduct regular internal generalised reviews of complaints and

feedback from participants and others to check how well they are implementing their Participants Rights Obligations and to make improvements.

**Recommendation 8** – The responsibility for the participant to be well informed must remain the obligation of the provider and DSS and must not fall to the participant with disability.

**Recommendation 9** – All information products and explanatory documents, including the Service Guarantee and related material, are produced in a range of accessible formats and made available to participants in ways that respond to their communication needs.

**Recommendation 10** – A ‘Know your rights’ information sheet should be prepared for participants that could also form the basis for quality indicators for DES providers and DSS.

**Recommendation 11** – The measurement tools and support measures under Element 1: Participant Rights must be fully completed and finalised before implementing the Quality Framework.

**Recommendation 12** – The National Standards for Disability Services (NSDS) standard on participation and inclusion should be included in the yearly DES surveillance audits and not just when certification is due every 36 months.

## Quality Element 2: Quality of Service

The Paper describes several ways to gather information from, for and about participants, regarding the quality of their DES provider. In addition to previous comments, PWDA recommends publishing case studies that:

- demonstrate leading practice in DES from the viewpoint of the participant
- indicate effective measures to overcome challenges and/or problems encountered by providers in quality services, and
- include the perspective and experience of the employer in successfully engaging people with disability as valued employees.

These suggested case studies should cover a range of participants/employees with different impairments, age ranges, locations, backgrounds, and in different types of employment situations.

Information products that describe and provide context on Quality of Service must be publicly released, and in formats that all DES participants and their families and supporters have access to.

The new service quality 'benchmarks' are a set of co-designed participant expectations. PWDA can advise on and assist the co-design process, including ways to engage with and to involve participants, how PWDA and other organisations might offer additional information strategies and assistance, information on the potential context of the benchmarks, and how providers might use the benchmarks to guide quality practices.

The benchmarks were not fully explained in the Discussion Paper. PWDA assumes the benchmarks will be a generalised and comprehensive range of participant expectations and welcomes their development as an indicator of quality but not as a measure of minimum compliance.

Accordingly, PWDA warns that the service quality benchmarks must not supersede or deny an individual participant's expectations at the time of engaging with a DES provider or discussing their Service Agreement.

PWDA strongly recommends that the benchmarks encompass the expectations of:

- people with the widest range people with disability
- people with varying skills and qualifications, interests, abilities, aptitudes, and talents
- First Nations people
- people from culturally and linguistically diverse backgrounds.

As a national disability rights and advocacy organisation made up of, and led by, people with disability, PWDA is very interested in further engaging with DSS on scoping the benchmark project and its subsequent development and implementation.

**Recommendation 13** – To demonstrate quality in DES services, PWDA recommends publishing case studies that:

- demonstrate leading practice in DES from the viewpoint of the participant
- indicate effective measures to overcome challenges and/or problems encountered by providers in quality services
- include the perspective and experience of the employer in successfully engaging people with disability as valued employees.

**Recommendation 14** – The proposed service quality benchmarks must not supersede or deny an individual participant’s expectations at the time of engaging with a DES provider or discussing their Service Agreement.

**Recommendation 15** – The proposed benchmarks should encompass the expectations of:

- a wide range of range people with disability
- people with varying skills and qualifications, interests, abilities, attributes and talents
- First Nations people
- people from culturally and linguistically diverse backgrounds.

# Quality Element 3:

## Provider Capability and Governance

PWDA contends that the planned 'Know your obligations' information for providers should be publicly available to DES participants and their families and supporters.

To provide context for quality in provider capability and governance, the NDIS Practice Standards commence every standard with a stated Outcome for the participant. PWDA strongly recommends that the DES Quality Framework applies this example to every Quality Element and to each of the measures and indicators contained therein. This would serve to emphasise the importance of continuous improvement in quality practices.

PWDA insists that participants with disability are involved in the design and delivery of all staff training tools as well as during implementation and evaluation. PWDA can assist with valuable expertise in the design and development and delivery of staff training tools.

**Recommendation 16** – The planned 'Know your obligations' information for providers should be publicly available to DES participants and their families and supporters.

**Recommendation 17** – Each and every standard in the DES Quality Framework should begin with a stated outcome for the participant, as in the NDIS Practice Standards.

**Recommendation 18** – Participants with disability should be involved in the design and delivery of all staff training tools as well as during implementation and evaluation.



# Quality Element 4:

## Feedback and Complaints

The Discussion Paper cites ‘the overall number of complaints’ as a means to develop a weighting system for quantitative ratings for DES services to measure quality practices.

People with disability strongly rely on their DES provider to assist them to reach their employment goals. Consequently, it can be especially difficult for a person with disability to raise an issue or make a complaint to or about their provider.

Therefore, PWDA asserts that a reduction in the overall number of complaints in DES providers should not necessarily be considered an indicator of quality. It can be equally considered that, for people with disability, an indicator of good quality is that a provider continues to receive complaints, and that participants feel able to and do make complaints when they need to.

More complaints do not always mean worse service. Of course, this must be assessed alongside an understanding of the nature and seriousness of complaints received and their impacts on participants with disability and others.

PWDA can provide valuable advice and context when developing the Feedback and Complaints Element in the new Framework. Using a risk-based approach, the potential, immediate and long-term impacts on the participant and other participants must be a primary consideration in assessing the seriousness of any complaint as well as its likelihood to recur.

Further, providers should be required to treat allegations in complaints as valid reasons for response and possible corrective action. Providers are reminded that perceptions of harm etc. can have significant adverse impacts on a participant with disability or among a group of participants.

Consequently, providers should be required to have a range of processes and actions in response to feedback and complaints from participants with disabilities and others. Just because a complaint is assessed as trivial, the provider must not ignore its importance to the participant or its potential to escalate. Equally, providers should be required to at least

acknowledge the effort of a person with disability who gives feedback or makes a complaint on issues that are important to them.

**Recommendation 19** – The Quality Framework must enable and facilitate the engagement of independent advocates with participants who request or require individual support when problems arise and when making complaints.

**Recommendation 20** – DSS should consider expanding the scope and resourcing of the National Disability Advocacy Program to provide independent supported decision-making to DES participants who may need assistance to:

- give feedback to DES providers or site visitors
- discuss their personal expectations
- negotiate their DES Service Agreement.

# Quality Element 5: Formal Assurance

PWDA has already described the critical value of information from the start of the new specialist DES model to better support and inform participants with disability, as recognised in the Discussion Paper.

PWDA emphasises that, in determining what to consider when weighting and analysing breaches, the actual and/or potential impact on the participant or other participants must be paramount.

# Quality Assessment Ratings

The Discussion Paper describes possible overall Quality Assessment ratings levels:

- Significant Improvement required
- Working towards quality standards
- Meeting quality standards
- Exceeding quality standards
- Significantly exceeding quality standards.

PWDA questions whether the phrase ‘working towards quality standards’ provides any useful comparison information and whether this phrase is clear that quality standards are not yet met. DSS could replace it with ‘Some Improvement required’ or even consider consolidating the ratings into four levels. In developing and before finalising any proposed ratings levels, PWDA asserts it is critical to test clarity and meaning with DES participants with disability, with their families and supporters, and with potential and existing mainstream employers.

DSS must develop and provide explanatory information on any proposed ratings systems in accessible formats and language for participants. To assist participants with disability to make informed choices in DES, the rating systems and the resultant scores of DES providers should be publicly available.

PWDA is concerned that the proposal to ascribe different weightings to each of the Quality Elements could detract from the emphasis on quality practices for participants with disability.

PWDA cautions that the weightings could begin to direct provider focus on the Elements with higher weightings and away from the Elements with lower ratings. Over time, such a focus could serve to lead providers to prioritise practices that meet the weightings and bureaucratic technical requirements rather than practices that prioritise continuous improvement in actual quality service to participants.

**Recommendation 21** – During development and before finalisation, all proposed Quality Assessment ratings levels must be tested for clarity and meaning with DES participants with disability, with their families and supporters, and with potential and existing mainstream employers.

# Conclusion

PWDA welcomes the Quality Framework as one of the first steps in the development of the new specialist DES model.

Participants in differing disability cohorts will require differing DES responses to achieve successful individual employment outcomes. For example, people with intellectual disability could require different DES service responses compared to people with other forms of disability.

Similarly, individuals in this disability cohort could have different employment goals requiring a range of tailored responses. The systemic requirements of the Quality Framework must not inhibit the provider from specifically and appropriately tailoring employment services to respond to the individual participant but must enable and encourage the provider to deliver high quality responses to the individual.

It is crucially important that all explanatory DES information for participants is developed and available prior to the implementation of the DES Quality Framework, as well as in advance of any changes to the existing DES program until the new specialist DES model commences in July 2025.

PWDA invites the Department of Social Services to engage directly for more information clarification and feedback as the Quality Framework and the new DES model are developed.

# Endnotes

<sup>i</sup> United Nations, *Convention on the Rights of Persons with Disabilities*, United Nations, last updated December 2006, last accessed 17 January 2023.

<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>

<sup>ii</sup> DES Quality Framework Discussion Paper

<https://engage.dss.gov.au/wp-content/uploads/2022/12/Discussion-paper-Draft-DES-Quality-Framework.pdf>

<sup>iii</sup> People with Disability Australia (PWDA) and the Antipoverty Centre submission to the New Disability Employment Support Model March 2022.

<https://pwd.org.au/des-review-submission/>

<sup>iv</sup> In March 2022, PWDA and the Antipoverty Centre submission (see above link) to the [New Disability Employment Support Model](#) recommended that the current model be replaced.

<sup>v</sup> Australian Government Federal Register of Legislation Disability Discrimination Act

<https://www.legislation.gov.au/Details/C2018C00125>

<sup>vi</sup> Australian Government Federal Register of Legislation Disability Services Act 1986

<https://www.legislation.gov.au/Details/C2018C00146>

<sup>vii</sup> Disability Royal Commission Employment Issues Paper, published 12 May 2020

<https://disability.royalcommission.gov.au/publications/employment>

<sup>viii</sup> Australia's Disability Strategy 2021-2031 Employment Targeted Action Plan

<https://www.disabilitygateway.gov.au/document/3151>

<sup>ix</sup> United Nations, *Convention on the Rights of Persons with Disabilities*, Article 9 Accessibility

<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-9-accessibility.html>

<sup>x</sup> United Nations, *Convention on the Rights of Persons with Disabilities*, Article 21 Freedom of expression and opinion and access to information

<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-21-freedom-of-expression-and-opinion-and-access-to-information.html>