

## Carers Australia response to the Disability Employment Services Quality Framework Discussion Paper

13 March 2023

### Introduction

Carers Australia welcomes the opportunity to respond to the Australian Government Department of Social Services (DSS) consultation on the Disability Employment Services Quality Framework Discussion Paper<sup>1</sup> (Discussion Paper). It is of great importance to carers<sup>2</sup> of working age family members or friends with disability, chronic illness and/or a mental illness or disorders that those they care for can find sustainable and meaningful employment. Carers want those they care for to have all of the opportunities possible, and per the *Disability Services Act (1986)*<sup>3</sup> to 'receive services necessary to enable them to work towards full participation as members of the community' which includes assistance to prepare for, find and keep a job.

Carers also want to relieve the financial pressures on those they care for and on themselves. As a result of the income gap experienced by people with disability dependent on the Disability Support Pension (DSP) to meet their costs of living, many carers provide additional financial support, even in circumstances where they themselves are in financial stress. Regular financial support may include assisting with rent, energy costs, phone and internet payments, transport including petrol, health and medical costs, replacement of essential household items and a range of other needs. In addition, carers often inform us that they worry about the future financial security of the person they care for if they themselves lose employment or become ill or die.

It is also important to highlight that over a third of primary carers (those who provide the most substantial care to an individual) have disabilities themselves.<sup>4</sup> This includes carers who are on the DSP who may have mutual obligation requirements. Data supplied by DSS to Carers Australia identify that in September 2022, 23,470 people were receiving both the DSP and the Carer Allowance.

Our approach in responding to this Discussion Paper is from the perspective of the users of Disability Employment Services (DES) and their carers in cases where assistance in accessing and interacting with service providers is required, and has been informed by consultation with the National Carer Network – our members in each state and territory. As such we do not provide comment on areas aimed at DES providers, rather we focus on our particular concerns of:

- Participants rights, including access to information and the role of participant surveys
- The earned autonomy model.

We must also note our disappointment that an Easy Read version of the Discussion Paper was not made available for this consultation. The Discussion Paper incorporates high level governance and performance framework concepts which will be unfamiliar to many people, including people with disability and carers. This lack of accessible and supported consultation processes is at odds with the proposed quality framework itself where "increased participant awareness and understanding of their rights" are key drivers (p.10). Even

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<sup>1</sup> Australian Government, Department of Social Services, (2022) 'DES Quality Framework Discussion Paper' [\[accessed online\]](#)

<sup>2</sup> Carers Australia uses the term 'carer' as defined by the Australian Government *Carer Recognition Act 2010* (the Act), where it should not be used broadly and without context to describe a paid care worker, volunteer, foster carer or a family member or friend who is not a carer. The terms 'informal carer', 'unpaid carer' or 'family and friend carer' are also often used by organisations, government and the community to describe a carer. Carers Australia may use these terms to assist in providing context and to differentiate between other types of care.

<sup>3</sup> Australian Government *Disability Services Act 1986*, No 129.1986 Compilation No.31, Object (1)(b) [\[accessed online\]](#)

<sup>4</sup> Australian Bureau of Statistics (ABS), 'Survey of Disability, Ageing and Carers, 2018' [\[accessed online\]](#)

for respondents who have greater familiarity with these issues, some practical examples would have been an aid to understanding, as well as broader accessible formats.

### Commentary on Background Information

We **agree** with the proposed new DES KPI Conceptual Map (p.5) which includes KPIs for Efficiency and Effectiveness (Star ratings) and Quality (the Quality Framework), although we note that there is considerable overlap between the KPIs. For example, the KPIs should include some elementary aspects of service provision which are widely used for government funded services, such as:

- Provider responsiveness to participants with respect to call waiting times and the amount of time it takes providers to respond to queries and complaints. Is this an Efficiency measure or a Quality measure? We would argue that it is both.
- Whether providers are sensitive and responsive to the different communication needs of participants who are interacting with them. This would be an issue across all three KPIs.

An example of the later provided to Carers Australia is where a participant whose disability includes hearing impairment has an ongoing issue where the DES provider primarily preferring phone as the method of communication, despite being aware that the participant finds lengthy and detailed phone conversations difficult and would prefer two-way email engagement.

Regarding the risk-based earned autonomy model (p.7), we **support** the concept of earned autonomy status by opting to proactively demonstrate service quality. We believe this will provide an incentive for DES providers to invest in significant improvements to service, achieve higher quality ratings, and encourage innovative service offerings that could serve as a model for other DES's as well as benefitting participants and employers. Innovation measures should yield higher levels of sustainable employment, employment which is valued and satisfying to participants, and sets them on a career path which improves financial security. However, **we do seek assurance that even high performing providers will be monitored and that a clear process is in place within timeframes that reasonably reflect their continuing level of performance to safeguard participants and avoid a 'set and forget' situation.**

### Quality Element One: Participants' Rights

We **support** that 'Quality Element' one under KPI3 (Quality Framework) focuses on the prevention of abuse and discrimination, ensuring participants are treated with respect and dignity, and ensuring that they are receiving individualised supports.

The assurance that participants will be treated with dignity and respect should also cover engagement with their carers as per the *Carer Recognition Act (2010)*.<sup>5</sup> The Act stipulates that public service care agencies and funded associated providers should comply with the Statement for Australia's Carers embodied in the Act, including that:

- Carers should be treated with dignity and respect
- The relationship between carers and the persons for whom they care should be recognised and respected, and
- Support for carers should be timely, responsive, appropriate and accessible.

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<sup>5</sup> Australian Government *Carer Recognition Act 2010*, No 123,2010 [[accessed online](#)]

**Carers Australia requests that relevant elements of the Statement for Australia’s Carers are made clear, as appropriate, within the Quality Framework and in any further documents and resources to support its implementation.**

We must also highlight an issue that in the first instance seems out of scope of this consultation, however believe it is strongly in line with the focus of participants rights. Participants generally have Mutual Obligation Requirements, such as looking for work and participating in activities that will improve their employment prospects, in return for receiving taxpayer-funded income support paid by Services Australia<sup>6</sup>.

Tensions often occur due to the DES providers’ role with respect to Mutual Obligation Requirements (including assessing, monitoring, and reporting compliance), which introduces an imbalance in the power relationship between the provider and the participant. This has an impact on how participants with Mutual Obligation Requirements may interact with the providers, and may be seen as not compatible with a participant’s perception that they are in a relationship based on dignity and respect.

We also raise question as to how this aligns with Article 27 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and as outlined in the Discussion Paper, the right to ‘gain a living by work freely chosen or accepted in a labour market’<sup>7</sup>, given the following per the Disability Employment Services Managing and Monitoring Mutual Obligation Requirements Guidelines (p.6):

*“After consulting with the Participant, determine the Activities to meet the Participant’s Mutual Obligation Requirements in accordance with the DES Grant Agreement, these Guidelines and Social Security Law. Providers should take into account the Participant’s preferences wherever possible. However, as a delegate of the Secretary of the Department of Employment and Workplace Relations, Provider staff will ultimately determine what Activities the Participant must do to meet their Mutual Obligation Requirements under Social Security Law.”*

**We have broader concerns with compulsory mutual obligations being imposed on people with disability, however note support for recommendation 56 in the 2020 Mid-Term Review of the DES Program, that we believe should be considered during this process:**

*“The Department should assess options for the DES provider role in mutual obligations oversight be minimised and replaced with oversight by either Services Australia or a third-party provider.”<sup>8</sup>*

On the issue of development of information products and resources, we note that the key driver for achieving the three focus areas under Quality Element One is identified in the Discussion Paper as ‘increased participant awareness and understanding of their rights’ (p.10). This driver is especially relevant against one of the six primary challenges for the DES program per the Mid-term Review report, which highlighted that engaging with DES comes with ‘excessive complexity and lack of clarity’ and that:

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<sup>6</sup> Australian Government, ‘Disability Employment Services Managing and Monitoring Mutual Obligation Requirements Guidelines V1.5’ Arc Record Number: D22/940740, effective 1 January 2023 [\[accessed online\]](#)

<sup>7</sup> UNCRPD, ‘Best Practices for Implementations of UN Convention Rights of Persons with Disabilities’, Article 27 - Work and Employment [\[accessed online\]](#)

<sup>8</sup> Australian Government, Department of Social Services ‘Mid-Term Review of the Disability Employment Services (DES) Program, August 2020’, undertaken by Boston Consulting, p154. [\[accessed online\]](#)

*“Stakeholders believe DES program processes, information, and incentive structures are not transparent. Providers and participants express confusion around features of program design, from star ratings to risk-adjusted funding tool updates.”<sup>9</sup>*

We therefore raise concern with the ‘Know your rights’ information products which is a support measure for Quality Element One. It is suggested that these facts sheets, check lists, cheat sheets and guides could be designed in-house by DSS in consultation with peak bodies, advocacy groups and the Australian Human Rights Commission (AHRC), and that over time this could be supplemented by ‘more focused, co-designed products that are developed by current/former/ potential DES participants’ (p.10).

**In the context of our introductory point on the accessibility of the Discussion Paper, Carers Australia believes that lived experience input must be sought from the start of information and resource development rather than ‘over time’. Further, lived experience must include people with disability and their carers, who may be assisting with information provision and reinforcement of messages.**

We also draw attention to the importance of participant surveys as an important monitoring tool and agree that they are ‘key to supplementing point in time audit information with up-to-date user views’ (p.10). As such, **Carers Australia recommend an accompanying Easy Read instruction and overview document be developed to accompany an Easy Read survey.** The participant survey should also:

- Allow for open-ended responses and for these responses to be analysed and summarised beyond subjecting them to pre-designated keyword searches
- Be available in multiple formats including online, hard copy, audio-visual and audio only, and
- Have a way for respondents to keep a copy of their survey responses.

Regarding design of the participant survey, we assume that matters such as the promptness of responses to participants or would-be participants, the suitability and sustainability of employment opportunities found by the participants, and the suitability of education and training programs identified by providers will be dealt with under KPI1 and KPI2. However, we propose a number of areas to be explored:

- If providers are responsive to their likes, interests and aspirations in assisting participants to undertake education or training and find suitable employment
- If providers are sufficiently aware of and sensitive to the nature of the participant’s disability and its impacts in guiding the participant to education and employment opportunities
- If participants believe they had access to the information required for them to make informed decisions based around what matters most to them
- If the provider has supplied participants with accessible materials to make them aware of their rights
- If the participant feels confident in asserting their rights in their engagement with providers or in coming back to providers if they feel their rights are breached by employers
- If those caring for a participant are respected and listened to when if they believe that the rights of those they care for are not being upheld by providers or employers
- If providers are responsive and change their behaviour when complaints are lodged in relation to the behaviour of their staff
- If participants and their carers know where to go next when their complaints are not resolved.

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<sup>9</sup> Op. Cit (8) p.6

### **Information contact:**

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### **About Carers Australia**

Carers Australia is the national peak body representing the diversity of the 2.65 million Australians who provide unpaid care and support to family members and friends with a disability, chronic condition, mental illness or disorder, drug or alcohol problem, terminal illness, or who are frail aged.

In collaboration with our members, the peak carer organisations in each state and territory, we collectively form the National Carer Network and are an established infrastructure that represent the views of carers at the national level.

Our vision is an Australia that values and supports all carers, where all carers should have the same rights, choices, and opportunities as other Australians to enjoy optimum health, social and economic wellbeing and participate in family, social and community life, employment, and education.

This includes carers:

- Who have their own care needs
- Who are in multiple care relationships
- Who have employment and/or education commitments
- Aged under 25 years (young carers)
- Aged over 65 years, including 'grandparent carers'
- From culturally and linguistically diverse backgrounds
- Who identify as Aboriginal and Torres Strait Islander
- Who identify as lesbian, gay, bisexual, transgender, intersex (LGBTI+)
- Who are living in rural and remote Australia, and
- Who are no longer in a caring role (former carers).

Carers Australia acknowledges Aboriginal and/or Torres Strait Islander peoples and communities as the traditional custodians of the land we work on and pay our respects to Elders past, present and emerging. As an inclusive organisation we celebrate people of all backgrounds, genders, sexualities, cultures, bodies, and abilities.