

NDIS Participant Employment Taskforce

Terms of Reference

Objective: Improve employment outcomes for National Disability Insurance Scheme (NDIS) participants by connecting them to supports to seek and maintain employment in a setting of their choice, including through open employment and/or supported employment.

Role: Taskforce members from the Department of Social Services (the Department) and the National Disability Insurance Agency (NDIA) will work collaboratively to develop strategies to meet the Taskforce's objective and implement agreed strategies in a timely manner.

The following principles will guide the Taskforce's work:

- a) Adherence to the United Nations Convention on the Rights of Persons with Disabilities Article 27, which recognises the right of persons with disabilities to work on an equal basis with others, and other relevant articles.
- b) Clear and seamless pathways for NDIS participants into employment with minimal administrative burden for participants and providers.
- c) Maximising use of mainstream services such as Disability Employment Services (DES).
- d) Avoiding duplication between NDIS funded supports and mainstream services.
- e) Providing choice and control for people with disability when pursuing their employment goals, and ensuring that services are responsive to their needs.
- f) Ensuring continuing support for those in supported employment (Australian Disability Enterprises) who are transitioning into the NDIS.
- g) Ensuring policy development is consistent with the National Disability Strategy.

Key deliverables:

In undertaking its work, the Taskforce will develop strategies to deliver the following outcomes by 1 July 2019, subject to consideration as appropriate by the NDIA Board, Ministers and the government:

- a) Examine areas for practice improvement in the NDIS, understanding the barriers to employment throughout a participant's life and exploring opportunities with participants, families and the sector to overcome these to plan for the right supports that lead to more confident entry to work, including:
 - i. older participants re-joining, entering or leaving the workforce
 - ii. support to connect young people to the workforce
- b) Support the work to prioritise employment in the NDIA's planning and plan review processes as part of the Participant Pathway, including appropriate training for NDIS planners and Local Area Coordinators (LACs).
- c) Improve employment supports in participant plans, including:

- i. Developing policies to continue the availability of supported employment as an option for NDIS participants to choose, including pricing supports in the workplace for supported employment.
 - ii. Ensuring there is clarity about the supports (and capacity building) available through DES and the NDIS for young people, with a view to maximising employment outcomes without duplicating services. This will include considering the role of School Leaver Employment Supports and proposed Youth Employment Supports.
 - iii. Removing barriers for NDIS participants to access DES through incorporating information and engagement to DES in NDIS plans, including an option for automatic eligibility to employment support through DES for NDIS participants for consideration by government.
- d) Determine employment supports funded through the NDIS, in particular:
- i. Defining supported employment within the NDIS, with reference to modern award instrument/s, which currently draw authority from definitions for ‘employees with disability’ and ‘supported employment service’ in the *Disability Services Act 1986*, and which allows employers to pay pro-rata wages to people with disability under the Supported Employment Services Award 2010 (SES Award).
 - ii. Address interface issues that have arisen during NDIS transition, including clarifying the Applied Principles Tables of Support that seek to clarify employment supports under the NDIS and employment supports provided under DES and other mainstream services to enable participants’ access to the right support, at the right time, to achieve their employment goals.
- e) Align the work of the Taskforce with the Government’s broader jobs agenda.
- f) Improve the range and accessibility of communications to engage effectively with participants in goal setting for employment, and to maximise participants’ awareness of employment supports available through mainstream services such as DES and through the NDIS.
- g) Support the completion of the NDIS participant employment strategy.

The Taskforce will draw upon the findings and recommendations of previous work and sector consultation including the 2015 Disability Employment Taskforce, the 2017-18 Department consultations on the future of supported employment, the 2018 NDIS participant pathways review and the 2015 ‘Willing to Work National Inquiry’ conducted by the Australian Human Rights Commission.

The Taskforce has committed to effective engagement with a broad range of stakeholders. In undertaking its work, the Taskforce will consult jointly with stakeholders as required. Consultation will involve direct engagement with individuals as well as existing reference groups, peak bodies and expert advisors, including the NDIA’s Independent Advisory Council (IAC) and Participant Reference Group and the National Disability and Carers Advisory Council’s Employment Reform Working Group.

The following are out-of-scope:

- Broader disability employment policy, including aspects of DES not relevant to the NDIS interface.
- Wage assessment tools for people with disability and the Fair Work Commission's four-yearly review of the SES Award.

Membership:

The Taskforce will be comprised of Senior Executive Service staff from the Department and the NDIA and supported by officers from both agencies. The Taskforce will develop strategies through a series of meetings, co-chaired by:

- Deputy Secretary, Disability and Carers, DSS and
- Deputy CEO, Government, Communications, People and Stakeholder Engagement, NDIA.

Key Timeframes:

The Taskforce will operate until 1 July 2019. It will report on progress to the Minister for Families and Social Services in December 2018, early 2019, March 2019 and May 2019.

| Milestone | Indicative Timeframe |
|---------------------------|-----------------------------|
| Commencement | 19 November 2018 |
| First meeting | 26 November 2018 |
| Second meeting | 14 December 2018 |
| First update to Minister | Late December 2018 |
| Third meeting | Mid-January 2019 |
| Fourth meeting | Mid-February 2019 |
| Fifth meeting | Mid-March 2019 |
| Second update to Minister | Late March 2019 |
| Sixth meeting | Mid-April 2019 |
| Final update to Minister | Mid-May 2019 |
| Completion of Taskforce | 1 July 2019 |