



ASU Submission

Joint Standing Committee on the National Disability Insurance Scheme

NDIS Workforce

Commenting on the NDIS National Workforce Plan

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1. The ASU

The Australian Services Union (ASU) is one of Australia's largest unions, representing approximately 135,000 members.

ASU members work in a wide variety of industries and occupations in both the private and public sector. Relevantly, the ASU is the largest union of workers in the social, community and disability services sectors. Our members predominantly work in non-government, and not-for-profit organisations that support people experiencing or at the risk of experiencing crisis, disadvantage, social dislocation, or marginalisation. Of specific relevance to this Inquiry, the ASU represents workers who are employed in the community who are employed in sectors including, but not limited to:

- Disability services, including residential care.
- Community services, including:
 - Aged care services
 - Mental health services
 - Community transport services
 - First Nation People's services
 - Family support services
 - Health and mental health services
 - Crisis accommodation for women, children, families, young people, and men
 - Sexual assault, domestic and family violence services
 - Youth and child protection services
 - Out of home care for children and young people at risk
 - Homelessness, housing, and tenancy services
 - Alcohol, gambling and other drugs of addiction and rehabilitation services
 - Migrant and settlement services
 - Community legal services
 - Community and neighbourhood services
- Local government home and community care ('HAC')

The ASU is pleased to provide this submission to Joint Standing Committee on the National Disability Insurance Scheme on the Department of Social Services NDIS National Workforce Plan: 2021-2025. We note we made submissions (43 and 44) to the Inquiry into the NDIS Workforce on 15 May 2020.

The Australian Services Union commends the Australian Government on releasing the NDIS Workforce Plan for comment by stakeholders. The NDIS Workforce Plan has been a long time in the making and extends ongoing work that has taken place to bolster the sector. It is important that it is focussed on the unique needs and aspirations of people with disability.

2. Priority 1

Improve community understanding of the benefits of working in the care and support sector and strengthen entry pathways for suitable workers to enter the sector

The Workforce Plan identifies that the disability sector faces massive retention and attraction crisis. However, Priority 1 does nothing to address these problems. The Workforce Plan notes the perception that workers in the disability sector "have lower job prestige, pay and fewer opportunities for career progression."¹ This perception will not be addressed by fuzzy marketing campaigns about the good feelings that come from supporting people with a disability. Instead, Priority 1 should include clear programs to promote better pay, secure working arrangements and clear career paths for all workers.

We recommend that the Workforce Plan be amended to:

- Acknowledge the distinction between the Disability Services and Aged Care Workforces.
- Promote secure working arrangements;

¹ Department of Social Services, NDIS Workforce Plan: 2021-2025

- Provide portable entitlements to paid annual leave, personal leave and long service leave; and
- Ensure that the NDIA funds all employment entitlements, including overtime and long service leave.

Acknowledge the genuine distinctions between the Disability Services and Aged Care workforces

The Workforce Plan suggests that the disability support, aged care and veterans' care programs share priorities, problems and solutions. These assumptions are incorrect due to the following reasons:

- The fundamental aims, consumer needs, purposes and structures of the NDIS are vastly different from the aged care sector. Consumer groups representing consumers in the disability sector and the aged care sector emphasise the clear differences between the needs and wants of people with a disability and aging people.
- A key goal of the disability sector is enablement, that is, supports that go towards maximising the social inclusion and independence of participants. In contrast, the aged care sector focuses its supports on the end-stage of people's lives.
- Aged care and disability support are very distinct fields of practice. The nature of work and the skills and knowledge required by workers are different. This is reflected in the different capability frameworks, code of conducts, and pricing arrangements. Furthermore, aged care and disability support have different compliance and regulatory systems.
- Disability sector workers are more likely to be casual employees compared to the aged care sector.
- The workforce shortage in the disability sector is a direct result of the low pay, poor working conditions, and limited career prospects. Combining the aged care and disability support workforces is not the solution to the workforce shortages in either sector. Such a strategy has the potential to exacerbate the current workforce shortages. Employers in both sectors will be left chasing the same, diminishing workforce, without attracting new workers.

The solution to the workforce crises in aged care and disability sectors is to create jobs with living wages, good working conditions and clear career paths that reflect the clear differences between the two sectors.

Promote secure work arrangements

The NDIS will not reach its potential to provide good quality services for people with disabilities if the proliferation of casual and insecure employment arrangements continues to grow. Casualisation and insecure working arrangements is and will continue to create high turnover of staff who are seeking permanent and more secure work.

Workforce shortages will be exacerbated if the industry is unable to create good quality secure employment where workers have guaranteed minimum income and hours to rely upon. High quality jobs are necessary to attract workers to the sector.

We need to promote secure work arrangements by:

- ending the misuse of fixed-term contracts to avoid obligations of secure employment;
- ending the misuse of casual employment, short-hour part time employment as a way of avoiding the obligations of secure employment;
- ending the use of any other practices that seek to undermine secure employment.

In a recent survey of ASU members, 'job security' was clearly one of the highest priority concerns, or the highest priority concern across our membership. In the disability sector, insecurity of employment is the single feature for a significant proportion of our members and their families.

Data attained through the NDS Workforce Census, June 2020 confirm that the disability support workforce is extraordinarily concentrated in casual, part-time, and very insecure positions. Key findings indicate that 79 percent of the workforce are in part-time positions and 34 percent of workers fill casual jobs.²

Turnover rates for casual workers are extremely high at 22 percent with many providers struggling to recruit and retain workers. Average hours per week for disability support workers is 22.4 hours, with many underemployed and many identifying lack of hours as a main reason for leaving the sector. The workforce reflects a high concentration of women workers, and older workers: 70 percent are women and 43 percent are aged 45 and over.³

The precarious instability of work in the sector highlights the need for a systematic and comprehensive approach to training. It is impossible to imagine that the NDIS will be able to fulfil its potential in improving the lives of people with disabilities, based on a workforce that is so overwhelmingly employed in casual, part-time, high turnover roles.

Workers need an opportunity to accumulate skills, and that requires some basic assurances of stability and predictability in future employment. The advancing age of the existing disability support workforce only reinforces the need for a comprehensive and ongoing training system for the industry, to replace the skills and experience of those older workers who will be retiring within the next few years.

The ASU strongly supports an approach that would place emphasis on investment for capacity building; attracting people into the industry by supporting long term development of a skilled workforce through providing opportunities for training to allow workers to deliver high quality services that make a difference in the lives of people with disability and allows them to build a stable career in the sector. We believe our Portable Entitlements Scheme outlined in Priority 2 would enhance certainty, choice and fairness for workers as well as securing the future of the sector and therefore make the NDIS the best that it can be for participants.

Portable entitlements

Disability support workers are no less committed to their employer or job than workers in other industries. It is just that the conditions such as high rates of casual labour and contract work in this sector make it very difficult to stay in the one position for an extended period enough to accrue portable entitlements such as long service leave, annual leave, sick leave and redundancy protections.

A recent report by the University of New South Wales (UNSW) ⁴ found NDIS “workers will often hold multiple jobs and work several short shifts across multiple work sites throughout their day”. As more workers move between employers, or hold multiple jobs, they are unable to accrue adequate leave and entitlements. Due to high turnover rates in the sector workers leave and entitlements are nearly always void,

A portable entitlement scheme should not only include long service leave but should be expanded to include other types of leave, including sick leave, annual leave and redundancy protections for all workers including those on insecure work arrangements in the industry.

Disability support workers have won portable long service leave in the ACT, Victoria and Queensland and we believe it should now be available Australia-wide to cover all disability services.

We note the NDIS has incorporated the relevant legislative changes into its pricing models for these States and we believe the NDIS is the perfect scheme to introduce portable entitlements due to the way pricing works. A portable entitlements scheme allows workers to move between employers and services within the disability

² National Disability Services, NDS Workforce Census, June 2020 [Online] Accessed at: https://www.nds.org.au/images/news/NDIS-Workforce-Census-Key-Findings_FINAL.pdf

³ National Disability Services, Where Secure Employment Meets Clients' Needs [Online] Accessed at: <https://www.nds.org.au/images/news/FINAL-Where-secure-employment-meets-clients-needs-report.pdf>

⁴ University of New South Wales, Working in new disability markets: A survey of Australia's disability workforce, May 2020 [Online] https://www.researchgate.net/publication/341448295_Working_in_new_disability_markets_A_survey_of_Australia's_disability_workforce

sector without any loss of entitlements. Such a scheme acts as an incentive for workers to remain in the sector.

The NDIS Pricing Arrangements do not include funding for long service leave. The NDIS Annual Pricing Review for 2020-21 “noted that most staff left after five or six years, so long service leave was not accrued”⁵. This position is short-sighted given the sector’s attraction crisis.

Disability support workers truly deserve the respect and recognition of long service as they are the people caring for our communities most vulnerable, in often very difficult working conditions. It is only fair that their commitment is recognised, as it is for workers in other industries such as teachers, nurses and police who can accumulate portable entitlements.

Case studies

Jo has worked in the community sector for 37 years across child protection, disability services and as a Local Area Coordinator for disability services. Jo says: portable entitlements would mean financial security to me. I worked in same program for five years with two employers because of [end of grant] re-tendering. I took no sick leave or annual leave with me and do not have any long service leave. When it comes to being able to take time off, if entitlements could roll over, it would alleviate burn out and exhaustion.

Tracey has worked in the community services sector for 36 years. She has never had access to long service leave in that time. Tracey says: Having portable entitlements like long service leave as community service workers would mean that we are valued for the contribution we make to the sector, like teachers or nurses make to their sectors.

Fund all employment entitlements

The NDIS Disability Support Worker Cost Model recognises that under the SCHADS Award a permanent worker’s ordinary hours of work will be 38 hours per week and as such they must be paid for 20 days of annual leave. The assumptions and therefore the cost model do not provide pricing for shift workers who under the NES are entitled to five weeks leave for annual leave.

The Cost Model also does not take into consideration overtime. The NDIA states the current pricing arrangements make businesses more efficient, but we believe it drives providers away from permanent employment, as they view part-time and full-time employment as cost prohibitive, given the potential overtime costs for these employment types.

The recent UNSW report ⁶ found 41% of respondents worked at least one hour unpaid in the last week, with workers on average working 2.6 unpaid hours a week completing administration such as writing up client notes or providing extra support for clients.

Tight pricing arrangements are leading to excessive unpaid overtime for workers. By working unpaid overtime, workers pay rates are being pushed well below the minimum award rates and are bearing the consequences of inadequate prices for disability support.

4. Priority 2

Train and support the NDIS workforce

Since the introduction of the NDIS the ASU has undertaken consultation with workers, employers and people with disability through surveys and focus groups on skills and qualifications required in the disability support

⁵ NDIS Annual Pricing Review 2020-21 Final Report

⁶ University of New South Wales, Working in new disability markets: A survey of Australia's disability workforce, May 2020 [Online] https://www.researchgate.net/publication/341448295_Working_in_new_disability_markets_A_survey_of_Australia's_disability_workforce

sector. We have participated in many government inquiries to enable the development of evidence-based policy solutions and believe the following initiatives will assist with the retention and recruitment of workers to the disability sector.

Ongoing professional development

Training and professional development programs help to ensure the disability community and the general public have the confidence that the workforce understands the legal requirements necessary to perform their roles, and to ensure the highest level of quality care.

Workforce development has been flagged as a major concern for many disability service providers, with several reporting challenges in being able to provide sufficient and effective professional development in the current funding environment⁷.

The NDIS pricing model has had significant consequences for training and development in the sector and for the capacity of providers to participate actively in providing a high standard of training and supervision – or any training at all. There have been cut-backs in the time allocated for training; team meetings have all but disappeared; supervision has been severely curtailed; and large numbers of casual workers are being newly employed with almost no supervision at all. Many workers and providers have told us that support staff are not paid to attend regular team meetings or attend training and development activities.

This is not a reflection on those providers – who have often been as concerned about this situation as we are, but it is a very real problem when considering the effective implementation and delivery of training in this sector – which absolutely must include ongoing supervision, ongoing upskilling and active participation by the workplace in all of these aspects of learning and skills development.

It is currently very expensive to undertake accredited skills development. It involves potential and actual students paying upfront fees in many cases, and needing to take time away from shifts. In a sector in which the majority of workers are not well paid and employed on a casual or part time basis, relying upon shifts with often multiple employers, it is difficult to access training other than in-service training when this is available

In-service training is more likely to be not accredited and delivered in a less than ideal manner. It has less value in terms of career development or portability between employers as it tends to be more enterprise-specific.

Case Study

Margaret is a disability support worker in the Hunter Valley. She was an experienced nurse before becoming a disability support worker and has worked in the sector for many years. She is now employed by a large disability support provider and works as an internal trainer. Margaret speaks passionately about her work: 'There is a vicious cycle in this sector. People want to make a career as a disability worker. They know that they need to be trained to do the sort of specialised work that is needed. They want to do that training. But they cannot do it because they are employed only on a casual basis with short contracts and so must work for several organisations just to make ends meet. This means that they cannot refuse a shift because they cannot risk losing that job. If they cannot get time off, they cannot do training. If they do not do training, they cannot get more shifts – because they do not have the specialised training needed for the work. How do they win? I know one young man who is a father of three young children. He is never at home. He is too scared to knock back a shift because he needs the work to pay the rent and feed his kids. How can he plan to do training, or do anything with his kids or even take a day off when he or the kids are sick? This is no way to attract people to this sector. He might just give up and look for work elsewhere – why would he stay in this sector if he has no security, no prospects and is missing out on seeing his kids grow up? That would be a real pity because he is a great disability support worker.

⁷ University of New South Wales, How is the Disability Sector Faring? 2020 Report, February 2020 [Online] Accessed at: <https://www.csi.edu.au/research/project/how-disability-sector-faring-2020-report/>

Micro-credentials

Lifelong learning and the stacking of credentials, degrees, and other qualifications are becoming more important and more prevalent, especially as the COVID pandemic has allowed workers to explore and pursue additional credentials to strengthen their current employment situation or prospects.

The ASU is supportive of micro-credentials that build to stackable qualifications and specialisations. Ideally, stackable credentials should have a clear pathway and structure that allows students to enrol in a series of certificate courses, that can lead to a diploma, then a bachelor degree and finally a masters upon sufficient study. The benefit of earning a stackable credential is that it doesn't go away – or expire. When students are ready to stack their certificate into a degree program, their credits will still count when they are ready to achieve that next milestone.

We are not supportive of single, one-off credentials that are non-accredited training and do not build in terms of ongoing professional development for workers. In addition, we believe it vital that people with disability to be actively involved in the development and delivery of contemporary skill sets and accredited micro-credentials.

We believe our Portable Training Entitlement Scheme, detailed below, demonstrates how a portable training system would help to ensure the NDIS achieves its goal of delivering high-quality individualised services to people with disabilities and would help to train and support the NDIS workforce of the future.

In 2018 the ASU commissioned the Australia Institute, Centre for Future Work to develop the Portable Training Entitlement Scheme. We note, our Portable Training Entitlement Scheme received bi-partisan support by this Committee who made the following recommendation:

“Recommendation 11

3.102 The committee recommends the Quality and Safeguards Commission review options on how to ensure disability workers under the NDIS can access funded training, including considering the introduction of a portable training entitlement system.”⁸

We also note the recent NDIS Workforce Interim Report by this Committee supports the development of a national registration and accreditation scheme.

“Recommendation 4

6.93 The committee recommends that the Australian Government review options to develop a national registration and accreditation scheme for disability support workers, as the product of a co-design process with relevant appropriate people. This should include developing national benchmarks for skills, qualifications and competencies which reflect the diversity of people with disability, and which are co-designed by appropriate industry bodies, people with disability and representative organisations, support workers and unions, and other key stakeholders.”⁹

Overview of the Portable Training Entitlement Scheme

The Portable Training Entitlement scheme dedicates funding for induction training, foundation qualifications as well as building training and professional development capacities in the industry as a whole, at an organisational level. Funding would provide fiscal support to providers to build their internal capacity to deliver high-quality supervision and professional development in support of quality standards within their workplaces. It would also support the development of training capacity within RTOs to deliver training to workers in the skills associated with the NDIS's consumer-directed model.

⁸ Joint Standing Committee on the NDIS, Report into the market readiness for provision of services under the NDIS, 20 September 2018 [Online] Accessed at:

https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/National_Disability_Insurance_Scheme/MarketReadiness/Report

⁹ Joint Standing Committee on the NDIS, NDIS Workforce Interim Report, December 2020 [Online] Accessed at:

https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/National_Disability_Insurance_Scheme/workforce/Interim_Report

Our proposed Portable Training Entitlement scheme would involve funding three stages of training for the workforce:

Stage One: Induction to Disability

This is a minimal induction training package provided to new workers starting with NDIS providers. It would involve 30 hours of on-line and face-to-face orientation to the goals and principles of the NDIS, and core features such as the code of conduct and basic safety practices; and 20 hours of supervised contact with people with disabilities. Importantly it would be an accredited VET competency that could build towards a formal qualification.

Stage Two: Foundation Qualifications

This foundation entry-level course would be required for all new disability support workers within the first 18 months of their employment in NDIS-funded service delivery. It is accredited Cert III specialist NDIS training. The course would involve 90 hours of classroom training, and 120 hours of workplace training and assessment. This stage would also include assessment of recognition of prior learning (RPL) for existing workers with experience and previous training to attain a formal Cert III.

Stage Three: Portable Training Entitlement for Continuous Upgrading

The largest element of the comprehensive NDIS training program would be the establishment of a portable training entitlement system, through which NDIS providing workers would accumulate credits toward additional training. Training credits are earned as workers complete NDIS-funded work – whether with a provider-employer (as permanent or casual worker), or even directly for NDIS participants (working as sole traders). Workers would then be able to use these credits to enrol in accredited training of their choice, relevant to specialist disability support work. The training would be accredited units of competency that build further advanced qualifications over time. The credit would also cover the costs of release from work so they are able to undertake the study. It is estimated that the average disability support worker would accumulate credits for one three-day paid training course per year under the scheme.

All three parts would rely on reviewing the range of appropriate VET accredited courses so they respond better to the diverse needs and aspirations of people with disability and build career paths for the growing workforce. (E.g. creation of new Diploma, Advanced Diploma and specialist Cert IV disability courses – e.g. Mental Health, Nutrition etc.). This review should occur nationally and be informed by experts including people with disability and their advocates.

The system would be administered by creating a federal authority such as a Disability Services Training Authority which could easily be housed within soon to be established NDIS Quality and Safeguards Commission. The NDIS Quality and Safeguards Commission is already tasked with overseeing the screening of all workers and registering providers etc.

The benefits of this scheme would be a win not only for the workforce, but also participants, employers and the TAFE Sector:

NDIS workforce: Fosters development of meaningful career paths and specialisation which will lead to greater retention and job satisfaction. It will also provide more attractive jobs for new workers to join the sector knowing they will be supported with induction and ongoing development. This is the fastest growing employment area in the country and investment in training is needed to assist workers transition from declining industries.

Participants: No impact on their individual package costs - it is a separately funded program. It will provide for better retention of good workers. Attracting new workers to the sector that want to stay and build careers but who are also sufficiently inducted into NDIS person centred care and the code of conduct. Person centred specialisation within the workforce so that NDIS supports can be responsive to their needs and aspirations.

Employers: Better support for the workforce means less pressure on employers to do stand-alone training of NDIS workers that is currently replicated provider to provider but not accredited nor of a meaningful or specialised nature. Greater savings from longer term retention of staff. Greater pool of employees to address this impending workforce crisis.

TAFE Sector: Support for public TAFE system via ongoing injection of students and an innovative model for TAFE to play longer term role in human services professional development.

The Cost: The total cost of proposal is included below noting it represents less than one cent in the dollar of total government expense on NDIS. This is the estimated total government contributions to be split between state and federal governments via a partnership arrangement as NDIS workforce growth and retention is a joint responsibility like the NDIS itself.

A Portable Training Entitlement for the disability sector¹⁰

1. All recognised foundation training for the industry should be based on qualifications registered through the Australian Qualifications Framework.
2. All training should be conducted by public or selected non-profit RTOs, and quality audits undertaken by ASQA to ensure that RTOs have the training infrastructure to deliver educational outcomes that are of the highest possible level of quality. Incremental funding should be prioritised towards TAFES as the highest-quality publicly funded RTOs.
3. Vocational pathways available to workers should be extended through the development of qualifications at Diploma and Advanced Diploma level on the Australian Qualifications Framework.
4. That the content of the new compulsory induction be reviewed (in consultation with all stakeholder organisations, including representatives of people with disabilities) to ensure that it includes a workplace component, and information about the requirements on workers under the proposed new Code of Conduct. Assessment standards should also be introduced to ensure that the learning objectives are achieved by all students completing the induction.
5. That it should be compulsory for employers to support workers to successfully complete the induction programme within 6 months of being newly employed.
6. That an accreditation and registration regime be introduced to support improvements in quality standards in the disability sector. Registration should be based on the achievement of a minimum foundation qualification at Certificate III level; with the proviso that newly employed workers enrolled in a Certificate III could apply for provisional registration for up to 18 months.
7. That an independent Capacity Building Fund be established under the NDIA, jointly endowed by the Commonwealth and State governments, separate from the funding mechanisms associated with the NDIS unit pricing system.
8. The Capacity Building Fund would cover the full costs of compulsory induction and foundation training for newly hired disability support workers (and the cost of completing RPL procedures for existing workers), as a means of quickly boosting the number of skilled workers in the industry.
9. The Capacity Building Fund would also cover the costs of a portable training entitlement system, under which disability support workers accumulate credits for paid training hours and then utilise those credits to enrol in qualifying courses.
10. The Capacity Building Fund would also fund organisation-level investments in training capacity, by both public and qualifying non-profit RTOs, and by disability service providers.
11. That parties to the SCHADS award consider how to develop and implement an extended structure of classifications and pay that will reflect the accumulating advanced vocational qualifications attained by disability support workers under the proposed portable training entitlement.

¹⁰Ryan R and Stanford J A Portable Entitlement Training System for the Disability Support Services Sector. The Australia Institute Centre for Future Work 2018

12. That the SCHADS award explicitly recognise the right of disability support workers to utilise their paid training entitlements in working hours, on course and vocational streams of their choice.
13. That the Quality and Safeguards Commission include an independently constituted Disability Services Training Administration (DSTA), with responsibility for tracking the portable training entitlement for workers across the disability support sector, and regulatory oversight of curriculum, training, and quality assurance (in collaboration with relevant VET authorities).

Finally, the ability for workers to have recognition of prior learning (RPL) form part of any portable training entitlement or skills passport is vital. RPL allows assessment of a workers formal, non-formal and informal learnings. It allows workers to supply evidence that can be assessed, with the worker awarded either a full or partial qualification based on that evidence and experience.

RPL allows for worker's skills to be recognised in a formal qualification, which will assist with retention in the sector. RPL has been shown to improve workers self-esteem, improve employability and in most cases it can lead to further education and training.¹¹ RPL fosters employability and thus better, decent jobs.

Skills Passport

As outlined above, our Portable Training Entitlements scheme envisages that accredited skills can be traced and tracked by an independent authority, such as the NDIS Quality and Safeguards Commission which already has established worker screenings units. We envisage a large worker database which could have the "passport" fields/skills required and the ability to track the accredited skills being attained by workers.

The ASU does not support a Skills Passport program that would be left for employers or employer bodies to implement, as this would have the consequence of locking out many sole traders and gig-workers.

Traineeships

The Plan is not currently detailed enough in regards to traineeships so we are cautious as to how they would work. It is essential that traineeships provide appropriate safeguards around pay, conditions and ensuring proper training and direct support and supervision is available to students.

Psychosocial disability

Priority 2 acknowledges the "lack of workers with the ability to assist participants with psychosocial disability"¹².

We believe a reason why the NDIS is struggling to recruit mental health specialists is due to the NDIA pricing model not adequately funding and recognising the expertise and skills required by mental health care workers. Mental health workers are a distinct section of the social and community sector workforce, working exclusively with high or exceptional needs mental health clients.

Historically, mental health care workers have been classified at Level 4 or Level 5 of the Social, Community, Home Care and Disability Services Industry Award, depending on their duties, skills and experience. However, the NDIS sets rates by reference to the classification of non-specialist entry level disability support workers.

Under-classification of mental health work is a significant problem. Mental health organisations cannot advertise for roles at higher classification levels and have been forced to make roles redundant and replace them with level 2 roles. Unfortunately, in many cases these new level 2 roles are filled by mental health workers who were previously employed at levels 4 or 5 of the Award.

¹¹ ILO, Recognition of prior learning: Key success factors and the building blocks of an effective system [Online] Accessed at: https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_625895.pdf

¹² Department of Social Services, NDIS Workforce Plan: 2021-2025

The delivery of quality outcomes for mental health service users is dependent on providers being able to invest in activities such as performance monitoring, quality assurance, continuous improvement and workforce training, development and planning. NDIS direct mental health support pricing means it is not financially viable for service providers to offer sufficient professional supervision and training. In addition, mental health workers need time to reflect, to plan, to debrief, to be in a position to provide the quality that's required.

A survey conducted by the ASU of mental health workers found that 47% of respondents reported they were looking to leave the mental health sector within the next five years. The main reason they indicated they intended to leave was the change to funding (such as the NDIS), with many citing they are able to get better pay and conditions working elsewhere.

Until funding is set by reference to the classifications of skilled professionals (Levels 4 or 5), the industry will be unable to retain and most importantly recruit experienced skilled mental health workers that are able to engage in the complex cognitive behavioural interventions required by mental health clients.

5. Priority 3

Reduce red tape, facilitate new service models and innovation, and provide more market information about business opportunities in the care and support sector

Priority 3 discussed reducing barriers for providers and workers to provide support across programs including improvement of pricing approaches to ensure effective operation of the market. However, the Plan is silent on the issue pay, despite low pay as being flagged as a barrier to working in the disability sector.

This disappointing given the recent Interim Report by this Committee which stated:

“The committee understands that the Australian Government proposes to release a national workforce plan for the NDIS, after consultation with the disability, aged care and community sectors. The committee looks forward to the release of this workforce plan, and considers that it should include—at a minimum—measures to:

- improve workforce conditions via stable employment; investment in training, supervision and professional development; and pay reflecting the complex, sensitive nature of disability support work;
- enhance and—where appropriate—harmonise the skills, qualifications and expertise of the workforce;
- support the employment of people with lived experience of disability; and
- address thin markets for services—particularly for Aboriginal and Torres Strait Islander peoples and for people living in regional, rural and remote areas.”

In addition, the Committee made the following recommendation:

“Recommendation 1

The committee recommends that the Australian Government facilitate an independent review of the funding model for the National Disability Insurance Scheme (NDIS), with a particular focus on:

- exploring whether it is appropriate for the National Disability Insurance Agency to have responsibility for price settings for NDIS supports;
- ensuring that prices reflect the 'true' cost of service delivery, including training, supervision, case management and other non-client-facing work;
- addressing impacts of the funding model on the nature of work within the NDIS, including the implications for support workers, allied health professionals and others;
- addressing the impacts of the funding model on the quality and safety of supports and services for NDIS participants; and
- exploring alternative funding models where negative impacts are identified.”

The current relationship between award rates and NDIS pricing does not take into account what is required to deliver high quality services and arrangement to fully support workers to deliver personalised, responsive and safe services to consumers.

Wages that recognise the value and complexity of support work, and provide for workers and their families

In order to attract sufficient workers, disability support jobs must be secure and well paid, with a career pathway to retain workers in the sector. We believe the current NDIS pricing regime does not provide for this. It is based on incorrect assumptions made about the nature of disability support work without sufficient consultation with frontline workers, people with disability or their representatives.

We consider that a number of key assumptions underpinning the NDIS unit price are flawed, in particular:

- Prices wrongly assume that the total scope of disability support work is covered within Level 2 of the relevant Modern Award (the Social, Community, Home Care and Disability Services Industry Award). They do not set rates of pay at levels necessary to attract skilled staff or encourage upskilling or in recognition of the complexity of the work. Nor do prices reflect the growing independence and autonomy of disability support workers as providers scale back supervision due to budget constraints.
- The price model does not recognise the time needed to deliver quality services to NDIS participants. Disability support workers have inadequate time to build relationships with participants, follow up on participant's needs, coordinate and communicate with supervisors and other workers, complete paperwork, debrief and handover between shifts. This results in low quality of care.
 - A recent report by the University of New South Wales (UNSW)¹³ found that on average front-line workers contributed 2.6hrs per week of unpaid work to complete essential functions of the work including: case notes, handovers, reports and communication with colleagues and other service providers regarding clients supports.
 - The UNSW report found 64% of respondents agreed or strongly agreed they felt under pressure to do more with less time.
- Prices do not cover the cost of induction and training.
 - The UNSW report found that 26% of respondents received less than 1 day of training in the last 12 months
 - The UNSW report found many respondents did not receive enough training to do their job effectively.
- Because the prices are set too low, they encourage the fragmentation of working time, unpaid work, casualisation, under-classification and underemployment. This undermines attempts to expand the workforce.
- Award rates are intended as a 'floor' on wages and conditions. However, the NDIS cost model uses the Award to impose a 'ceiling' on wages.

Our members have shared their experiences of the NDIS and have the following concerns about the unit price as a barrier in recognising and rewarding their work.

- *"This is the lowest paid job I have ever been paid. It is not much"*
- *"The NDIS does not allow funding for staff development or team meetings. It seems all training and further skill development costs will be placed on the worker. This will reduce the high level of care that can be provided to our clients as our wages will not increase to cover these costs"*
- *"Increase in non-billable administrative workload & employer pressure to meet billable KPIs have led to increased employee stress"*
- *"It should include at least 15mins for administration, documentation and communication for each day that the participant receive support"*

¹³ University of New South Wales, Working in new disability markets: A survey of Australia's disability workforce, May 2020 [Online] https://www.researchgate.net/publication/341448295_Working_in_new_disability_markets_A_survey_of_Australia's_disability_workforce

Unless award rates are sufficient to attract the necessary calibre of workers, and pricing recognises the challenges of service delivery detailed above, the undersupply of workers will continue well into the future.

Secure jobs at the centre of service delivery

Retaining and attracting workers to the sector is crucial for the NDIS to be a success. Quality, responsive supports for people with disability will not be available if the workforce is insecure and therefore unstable.

The traditional model of permanent employment with a single service provider is currently being eroded by alternative employment models, in particular:

- A rise in the casualisation of workforce as providers shift risks associated with flexible service delivery onto the workforce;
- A rise in instances of employment across multiple disability service providers as workers try to maximise a stable income in the face of provider hesitancy to embrace permanent full-time work under the NDIS;
- A rise in self-employment as a sole trader providing services directly to clients as workers seek to cut out the “middle man” of a controlling employer limiting their own hours and flexibility;
- A rise in “gig-economy” work as platform services (e.g. uber style services) enter the market; and
- A rise in people with disability wanting to employ directly their own support workers to have greater control over the type of support they want and when they want it.

The ASU believes the NDIS pricing model needs to properly reflect the real cost of quality disability support, including:

- Appropriate wages and conditions for the workforce and that reflects the complexity of the work they perform;
- Secure jobs, not just short term casual work;
- Career paths for disability workers;
- Team approaches and good quality supervision, including clinical supervision;
- Specific disability service provisions such as: case management, training, debriefing, documentation of care plans, etc.;
- Stability of the workforce to ensure consistency for people experiencing disability.

In response to the fragmentation and uncertainty of client demand, employers are increasingly meeting staffing needs through piecemeal unit-based assignments.¹⁴ This results in very short notice or ad hoc shifts and imposes stress on workers due to the inability to plan around a stable roster or work pattern. The current system of fragmented working hours, casual jobs, unpaid work, underemployment and under classification will not attract people to the sector.

Worker Screening Checks

The ASU is not opposed to the simplification for worker screening checks. We believe a model such as the Working with Vulnerable People (WWVP) scheme in the ACT could be an appropriate scheme whereby the scheme aims to reduce the risk of harm or neglect to vulnerable people in the ACT, across multiple sectors.

It is important to ensure any worker screening check will not be an impost on workers. We note that the current workers screening units for NDIS are under resourced, and reports from our member suggest it can take months to get clearance due to a backlog in applications, which results in them losing work.

¹⁴ Precarity and Job Instability in NDIS Support Work [Online] Accessed at: <https://agedcare.royalcommission.gov.au/system/files/2020-08/RCD.9999.0460.0008.pdf>

The NDIS Worker Screening Check

The NDIS Worker Screening Check is a requirement for workers in risk assessed roles providing NDIS services and supports. The new NDIS Worker Screening Check (NDISWSC) arrangements commenced in February 2021 in all states and territories except the Northern Territory where it commenced on 1 July 2021. Under the new arrangements, as workers' 'interim checks' are due to expire they are required to apply for the new NDIS Worker Screening Check through the responsible agency of the state or territory they reside in.

Initial reports from workers indicated that applications were being processed in a timely manner suggesting a smooth transition from the 'interim check' arrangements to the new NDISWSC system. In recent months, however, workers and NDIS providers have reported delays in the processing of NDISWSC which has resulted in some workers not being able to remain in the roles they were employed for until they eventually received their NDISWSC. This delay has also affected the recruitment process of new workers whose applications as new workers took much longer to be finalised than expected by providers resulting in some positions left vacant until the new workers received their NDISWSC clearance.

The lack of information about the delays in the processing of NDISWSCs caused a great deal of frustration for both workers and providers. We recommend that information on any delays in the process be communicated to both providers and workers. We also recommend that providers and workers should be informed of the length of time the NDISWSC process is expected to take, this would allow workers and providers to commence the NDISWSC application process well before their 'interim checks' expire, this would also assist providers to plan their recruitment of new workers allowing for the length of time the NDISWSC process is taking.

It is imperative that workers in risk assessed roles providing NDIS services and supports receive their NDISWSC clearance in a timely manner for the NDIS workforce not to experience vacancies in these essential roles.

6. Conclusion

The NDIS workforce is struggling to attract, retain and develop its staff. Barriers to growing and maintaining the workforce include high turnover of staff due to insecure working arrangements, lack of supervision, unpaid work, fragmentation of working hours and the lack of relevant qualification pathways and professional training opportunities, as well as the low paying conditions offered to disability workers.

We do not believe the NDIS National Workforce Plan or the sixteen initiatives address many of these key issues. The failure to address these issues will make it incredibly difficult to retain and recruit the workforce it requires to support NDIS participants now and in the future.

The capacity of the disability workforce to have their skills recognised, to develop new skills and to attain relevant person-centred qualifications is severely limited. To maximise the potential of the NDIS as an engine of jobs and economic growth, the system desperately needs a strong and immediate strategy for ongoing investment in workforce development and training. Workers need an opportunity to accumulate skills. We consider that a portable training entitlement system is essential to ensuring we build meaningful careers and skills in the NDIS workforce. We believe the NDIS National Workforce Plan should include a scheme such as this as well as a portable entitlement scheme that would allow disability support workers to accumulate entitlements such as long service leave, annual leave, sick leave and redundancy protections.

Finally, the ASU along with our frontline workers, would like to appear before the Committee to give additional evidence and to represent our concerns more fully.