

Disability Employment Services Reform: CYDA's response to the Quality Framework Discussion Paper

“There’s a really common attitude that we (disabled youth) should just ‘get on DSP’ and not pursue study or careers, and while that certainly can be the best option for some disabled people, it is a dangerous narrative because it contributes to the ideology that disabled people are a ‘waste of taxpayer money’ and ‘a bludge’.”

-CYDA Youth Representative



Content note: Discussion of ableism

Children and Young People with Disability Australia

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A note on terminology:

Terms used: Children and young people with disability/Disabled person

The disability community has largely recognised and used inclusive language and terminology for decades. Children and Young People with Disability Australia (CYDA) uses person-first language, e.g., person with disability. However, CYDA recognises many people with disability choose to use identity-first language, e.g., disabled person. Therefore, these terms are used interchangeably throughout this document

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Children and Young People with Disability Australia would like to acknowledge the traditional custodians of the lands on which this report has been written, reviewed and produced, whose cultures and customs have nurtured and continue to nurture this land since the Dreamtime. We pay our respects to their Elders past, present and future. This is, was, and always will be Aboriginal land.

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Summary of recommendations

Children and young people with disability have the right to enter the workforce on the same basis as their peers and to expect a disability employment service that supports that outcome.

Despite spending \$1.4 billion on 108 Disability Employment Service (DES) providers¹, children and young people with disability are disproportionately represented in unemployment and underemployment statistics. Twice as likely as their same aged peers without disability to be unemployed and three times more likely than people with disability in the 25–64-year-old age group, children and young people with disability are one of the most disadvantaged cohorts in the labour market.

These figures coupled with the extensive and repetitive reform the sector has undergone raise questions about the approach of both the reform and service delivery in this sector.

CYDA questions the effectiveness of the consistent top-down nature of policy design and reform in this area as well as the tendency of locating the problem of unemployment and underemployment of people with disability within the bodies and behaviours of the people who are impacted. Limited understanding by disability employment services and employers about how to implement effective workplace adjustments and accommodations, is also a contributing factor. The entire ableist culture of workplaces undergoes markedly less scrutiny or reform.

Drawing on the voices and experiences of children and young people from seven of CYDA's past consultations, this submission argues that the genuine reform requires the use of an anti-ableist lens alongside genuine co-design approaches to deliver safe, inclusive and quality employment services to children and young people with disability.

Specifically, CYDA calls for the Department of Social Services (referred to as 'the department' throughout this document) to implement the following 12 recommendations:

Recommendations Summary

1. Recommendations about the overall model

Recommendation 1.1 Foreground the Quality Framework with anti-ableism

Undertake a co-designed, multi-stakeholder process to define a series of anti-ableist principles for use across its programs with the view to basing the indicators for Quality Element One: participant's rights, on these.

Use an external organisation (or coalition of organisations) to undertake a review of each quality element to ensure their adherence to anti-ableist principles.

Recommendation 1.2 Reform through co-design

Use genuine co-design approaches to develop and test indicators and measurement tools, such as surveys, with people with disability and representative organisations to highlight and prevent problematic framing and approaches.

¹ As of September 2021. More detail in footnote 10.

Recommendation 1.3 Create resources specific to young people

Engage young people with disability in a co-design process to develop resources specific to their cohort as users of this system and co-designers of each element of the quality framework.

2. Recommendations to the five quality elements being proposed

Recommendation 2.1 Quality Element one: Participant's rights

Use the National Principles for Child Safe Organisations to frame and co-design indicators, measurement tools and information resources for this element alongside children and young people.

Implement comprehensive rights-based training and aligned indicators and measures for service providers.

2.1.1 Accessibility

Draw on the Australian Human Rights Commission's Guide for Creating an Accessible and Inclusive Workplace² as a starting point for developing rights-based indicators, monitoring tools and informational products around accessibility.

All information products and measurement tools being accessed by service users be accessible to the broadest range of people to ensure full inclusivity.

2.1.2 Transparency

Monitor the perceptions and attitudes of service provider staff towards people with disability as a measure of this element.

Provide transparency for service users on how their data and feedback has been useful and impactful to service improvement.

2.1.3 Intersectional approach

Design indicators, measures and information products that support the intersectional identities of people with disability, using a trauma-informed approach.

Recommendation 2.2 Quality Element two: Quality of service

Engage young people and other relevant stakeholders in a co-design process to ensure indicators, measures, information products related to the quality of service element will address beliefs, processes and practices that perpetuate unemployment and underemployment for people with disability.

Recommendation 2.3 Quality Element three: Provider capability and governance

Maintain an anti-ableist framing using co-design processes to develop this quality element, by adopting a staff training tool kit.

² Australian Human Rights Commission. (2021). Creating an Accessible and Inclusive Workplace. Available at: <https://includeability.gov.au/resources-employers/creating-accessible-and-inclusive-workplace>

Recommendation 2.4 Quality Element four: Feedback and complaints

Implement a safe and effective complaints and feedback process, including indicators and measurement tools, co-designed with service users. Similarly, the metrics used to analyse feedback and complaints should be co-designed with service users.

Design and develop an additional supporting information product to ensure service providers are aware of, and can address, the problematic power dynamic that emerges between service providers and users during the feedback and complaints process, especially children and young people.

Recommendation 2.5 Quality Element five: Formal assurance

Use a co-design approach to develop the metrics for weighing the severity of breaches. We also recommend considering ways in which qualitative data can be included in these metrics.

Recommendation 3 Quality scorecards

Consult young people to discover the informal ways they currently rate and recommend providers of services they use and using this information to develop the scorecards in a way that has existing logic and trust for this group of service users.

Introduction

Children and Young People with Disability Australia (CYDA) is the national representative organisation for children and young people with disability aged 0 to 25 years. CYDA has an extensive national membership of more than 5,000 young people with disability, families and caregivers of children with disability, and advocacy and community organisations.

Our vision is that children and young people with disability are valued and living empowered lives with equality of opportunity; and our purpose is to ensure governments, communities, and families, are empowering children and young people with disability to fully exercise their rights and aspirations. We do this by:

- Driving inclusion
- Creating equitable life pathways and opportunities
- Leading change in community attitudes and aspirations
- Supporting young people to take control
- Calling out discrimination, abuse, and neglect.

In the context of our vision and approach, CYDA welcomes the opportunity to respond to the discussion paper that outlines the *DES Quality Framework*, designed to enhance the existing system for the two-year extension period announced by the government in October 2022. CYDA also eagerly supports more wholesale, evidence-based reform that will deliver meaningful change to the way employment services are delivered to people with disability.

This submission draws on and amplifies our previous submission to the New Disability Employment Support Model in February 2022³, which highlights the inadequacy of monitoring and evaluation of existing programs and underscores the piecemeal approach to service delivery that occurs in isolation to mainstream employment services. Citing peer reviewed research as well as the results of data collection undertaken by CYDA, we present 12 recommendations with supporting discussion, as a contribution to this consultation.

This submission draws on the insights and lived expertise of young people in our community. Specifically, we use data from the following consultations, all involving young people with disability as participants and also facilitated by young people with disability. The Lived X consultations were also co-designed with young people and four of the five reports were written by young people with disability—the fifth was written by a CYDA employee and reviewed by a young person.

- Lived X Inclusion and Decision Making consultation, August 2021
- Lived X Employment and Financial Security consultation, September 2021
- Lived X Healthcare settings for LGBTQIA+ Youth with disability consultation, December 2021
- Australia's Disability Strategy, Guide to the Guiding Principles and Evaluation consultation, 2022
- Good Practice Guidelines for Engagement of People with Disability, November 2022
- New Disability Employment Support Model consultation, 2022

³ CYDA. (2022). Submission to the consultation of the New Disability Employment Services Model. Available at: <https://www.cyda.org.au/resources/details/308/submission-to-the-consultation-of-the-new-disability-employment-support-model>

- Disability Pride Youth Forum, September 2022

Additionally, CYDA engaged a Youth Advisor in recognition of the expertise of their lived experience with Disability Employment Services, to review and provide feedback on this submission.

Young people with disability are one of the most disadvantaged cohorts in the labour market. The systemic oppression on account of their age and disability identity, is further compounded by intersecting factors such as socio-economic status, ethnicity, gender identity, sexuality, or regional/rural postcodes, to create additional barriers in finding quality and stable work. They are twice as likely to be unemployed as their same aged peers without disability and three times more likely than people with disability in the 25–64-year-old age group⁴.

Students with disability leave school before the age of 16 at a rate nearly three times higher than their counterparts⁵ without disability and are less likely to complete year 12 or attain a tertiary education, such as a gaining a bachelor's degree or higher⁶.

More than double the proportion of the young respondents with disability in a national youth survey felt negative or very negative about the future compared to their non-disabled peers⁷.

Nearly half of young people with disability aged 15 to 24 years (49 per cent) rely on income support payments as their main source of income compared to 14 per cent of those without disability⁸.

Ensuring children and young people with disability are at the front and centre of the decisions that affect them is a key priority for CYDA. We strive to ensure policy makers and organisations uphold the human rights of children and young people – recognising them as the agents and experts in their lives, capable of making informed decisions as they grow, and placing them at the centre of decisions that are meaningful to them.

According to the government's Disability Employment Strategy⁹ the social, health, economic and wellbeing benefits of creating inclusive workplaces where people with disability engage in meaningful and suitable jobs and careers are numerous and compelling. The vision of this strategy is, "Inclusive workplace cultures where people with disability thrive in their careers".

Any program, both mainstream or disability specific, that does not enable this outcome is operating in contradiction to the government's strategy. Echoing an earlier submission to the New Disability Employment Support Model¹⁰ consultation, CYDA views DES as one component of a fragmented and ineffective system and urges reform across all services. The

⁴ AIHW. (2018). *People with disability*. Available at <https://www.aihw.gov.au/reports/disability/people-with-disability-in-australia/contents/employment/unemployment>

⁵ 10.9 per cent of young people aged 15 to 24 have left school before the age of 16 compared to 3.6 per cent of young people without disability; AIHW. (2018). *People with disability in Australia*. Available at <https://www.aihw.gov.au/reports/disability/people-with-disability-in-australia/contents/education-and-skills/educational-attainment>

⁶ AIHW. (2018). *People with disability in Australia*. Available at <https://www.aihw.gov.au/reports/disability/people-with-disability-in-australia/contents/education-and-skills/educational-attainment>

⁷ Mission Australia. (2019). *Young, willing and able: Youth Survey Disability Report 2019*. Available at <https://www.missionaustralia.com.au/publications/youth-survey/1610-young-willing-and-able-youth-survey-disability-report-2019/file>

⁸ AIHW. (2019). *People with disability in Australia: In brief*. Available at [People with disability in Australia 2019: in brief \(Full publication;21Aug2019Edition\)\(AIHW\)](https://www.aihw.gov.au/reports/disability/people-with-disability-in-australia/contents/in-brief)

⁹ Department of Social Services. (2021) *Employ My Ability*. Available at: <https://www.dss.gov.au/employ-my-ability>

¹⁰ See footnote 2

structure and application of DES criteria, among other factors, means that some young people with disability will be funnelled into the Jobactive program, the government's central employment services program which was replaced by Workforce Australia in July 2022.

Jobactive was found to not be meeting its aims, leading to a wholesale reform process. A 2018 senate committee inquiry declared the program is "not fit for purpose" and further stated:

"It is not delivering on its stated objectives. Participants are gaining employment in spite of jobactive, not because of it".

The Disability Employment Services program, operating within Jobactive (now Workforce Australia) spent \$1.4 billion on 108 service providers to deliver services to 310,000 people across metropolitan and regional Australia¹¹ as of September 2021. Despite these figures the program has failed to address the substantial and stubborn gap in unemployment levels between people with disability and those without.

The following discussion and recommendations are presented within this context.

¹¹ Department of Social Services. (2022). *Shape your new Disability Employment Support Program*. Available at: <https://engage.dss.gov.au/new-disability-employment-support-model/>

1. CYDA's general response to the model

CYDA acknowledges the diversity of frameworks and standards that have been considered to ensure a holistic model for reform. However, we are compelled, by our mandate to represent the needs and interests of children and young people with disability, to re-frame the discussion to drive more effective change. Therefore, rather than responding directly to the questions as presented in this section of the discussion paper, we wish to discuss the conceptual framing of this model as a whole. The following discussion is presented in three sections. First, we present a concept to foreground the proposed framework, second, we suggest a wholesale approach to the department's reform work, and third, we request specific resources for our representative cohort—children and young people with disability.

1.1 Foreground the Quality Framework with anti-ableism

Recommendation 1 Foreground the Quality Framework with anti-ableism

CYDA recommends that the department;

- undertakes a co-designed, multi-stakeholder process to define a series of anti-ableist principles for use across its programs with the view of basing the indicators for Quality Element One: participant's rights, on these.
- uses an external organisation (or coalition of organisations) to undertake a review of each quality element to ensure their adherence to anti-ableist principles.

Ableism is variously described from a number of perspectives. A commonly cited definition from a disability studies perspective describes it as follows.

"A network of beliefs, processes and practices that produce a particular kind of self and body (the corporeal standard) that is projected as the perfect, species-typical and therefore essential and fully human. Disability, then, is cast as a diminished state of being human."¹²

In practice, ableism is being perpetuated when, based on your understanding of someone's disability, you:

- incorrectly make assumptions about someone's abilities or desires
- treat someone in a patronising manner or infantilise them, assuming they are younger and/or less capable than they actually are
- make decisions on behalf of someone after assuming they can't
- assume something about one person based on what you experienced about someone else
- treat someone as 'inspirational'¹³ for doing things they consider to be normal
- tease or ridicule someone, even when you consider it to be 'harmless fun', or create a slur against someone that impacts their reputation with others
- overlook someone for an opportunity based on assumptions about their abilities
- ask intrusive questions about people's lives or bodies
- refer to, or talk to the carer that is accompanying someone

¹² Campbell, F. (2001) *Inciting legal fictions: 'disability's' date with ontology and the Ableist body of the law.* Griffith Law Review 2: 42–62. Available at: <https://research-repository.griffith.edu.au/handle/10072/3714>

¹³ See Stella Young's TED talk for more detail. https://www.youtube.com/watch?v=SxrS7-l_sMQ

- fail to include someone because you didn't think of it, it felt too hard, or you were too awkward to ask them about their accommodations and access needs
- notice someone else doing or saying something ableist and decide not to say or do something about it.

CYDA's numerous consultations with young people with disability demonstrate that ableism is at the core of many of the unsettling and detrimental experiences they describe. The following consultation participants describe this.

"In my experience, the DES operators are quite ableist. And just try and fill a box without seeing me as a person with interests, needs, and passions. One DES recommend[ed] that I work in a call centre, despite me being situational mute in social settings."

– Participants in Lived X Financial Security and Employment consultation, 2022.

"I could lose my registration as a provisional psychologist specifically because I'm disabled, and a lot of programs where you have to be AHPRA registered, the Australian Health Practitioner Registration Authority".

– Participant in Lived X Inclusion and Decision Making consultation, 2022

"A lot of people tend to think blind/ low vision [equates to] not being able to hear."

– Participant in Disability Pride Youth Forum, 2022

Fundamentally, dominant socio-cultural understandings and attitudes – both historical and current – are the root of violence and abuse against children and young people with disability. The way we colloquially speak about disability, and how it is considered and represented in policy and law making, operates alongside the cultural norm of children and young people being expected to yield to powerful others. From this emerges a unique and dangerous dynamic that supports the cultural acceptance of the abuse, neglect and mistreatment of children and young people with disability. As such, approaches that disrupt the mechanisms of ableism, create long-term community attitude change, and promote understanding and respect for people with disability are critically important.

As an important public service, the Disability Employment Service program, along with reforms such as the Quality Framework, must model an anti-ableist approach in order to avoid inadvertently perpetuating harmful ideas of normative personhood, especially in the context of youth.

Fiona Kumari Campbell, disability studies scholar, explains:

"The norm produces violence by not allowing people to be what they desire to be at the most fundamental aspects of life; hence it is violence by restriction and negation".¹⁴

A culture of ableism, and other forms of discrimination, endure where individual and organisational discrimination goes unchallenged. For instance, segregated delivery of public services perpetuates the belief that people with disability are not worthy of being accommodated alongside everyone else in the community, creating an "othering" effect. The

¹⁴ Campbell, F. K. (2013). *Problematizing Vulnerability: Engaging Studies in Ableism and Disability Jurisprudence*, Keynote presentation. Available at: <https://documents.uow.edu.au/content/groups/public/@web/@law/@lirc/documents/doc/uow166211.pdf>

Disability Royal Commission demonstrated that within these segregated environments, which children and young people are more commonly funnelled into, people with disability experience more exposure to violence, abuse, neglect and exploitation. This finding prompted CYDA to join with 41 other organisations to call for an end to segregated environments¹⁵. Similar to the extensive research that was conducted to create a sociological framework to address family violence¹⁶, ableism requires a reckoning to expose the structures, norms and practices that maintain and perpetuate discrimination and abuse at every level in society. The work of the Disability Royal Commission initiated this process in an institutional setting, finding substantial evidence to demonstrate that inclusion benefits everyone¹⁷. At the grassroots level, largely comprised of young people with disability, a disability pride movement is growing in response to the entrenched ableism that negatively impacts their daily life.

One young person on social media articulates this movement as follows:

“Disability Pride is the reckoning of The Ableist Society—of course it doesn’t want us to find our Disability Pride as Disability Pride threatens its very existence. When the systems of oppression rely on ignorance and exclusion, Disability Pride is a danger.

When we are pridefully disabled, we live in direct rebellion of the status quo and challenge the systems that be through radical self acceptance. We are able to see through the world’s longest generational curse and fight back against the inhumane devaluation of Disability. The stigmas surrounding my disabled identity is not my burden to bear, but to break.”¹⁸

Listening to the concerns and aspirations of young people, and recognising the powerful force of this movement, CYDA held a Disability Pride Youth Forum in September 2022. This formed the basis of one of our final submissions to the Disability Royal Commission. The following quotes from participants highlight the importance of this movement in combating ableism.

“ [for me this means] taking pride in my existence regardless of my disability.... Being the best version of myself [and] not yearning to be like another person.”

“[to help us share in pride] we need to check [look out] for each other, makes sure we are included in government activities and politics.”

In our work on financial security and employment¹⁹, CYDA has found that employers who adopt an anti-ableist position in their employment practices cultivate the kind of environment in which young people with disability can thrive. For instance, these young people reflected on recruitment and early employment experiences that were inclusive and effective.

“We had our [interview] questions already given to us about what they would ask us, so we could just set it out really calmly and know what we wanted to say but they

¹⁵ <https://ourroyalcommission.com.au/endsegregation-joint-media-release/>

¹⁶ Our Watch, Australia’s National Research Organisation for Women’s Safety (ANROWS) and VicHealth. (2015). *Change the story: A shared framework for the primary prevention of violence against women and their children in Australia*. Our Watch, Melbourne, Australia.

¹⁷ Parliament of Victoria, Family and Community Development Committee, Inquiry into Social Inclusion and Victorians with Disability, Final Report (September 2014) p 20

¹⁸ Art Activism by Marie D.L. (2022). Available at: <https://fb.watch/iKwJc-Jst6/>

¹⁹ CYDA (2022). LivedX Series: What Young People Said. Financial Security and Employment. Available at: <https://www.cyda.org.au/resources/details/354/livedx-2022-series-full-policy-paper-financial-security-and-employment>

also made such a welcoming environment so that we were able to just be ourselves and speak our truth.”

“With [my employer], I found that they were very open [...]. They say, ‘If you need any help, just let us know. We’re happy to accommodate for you’.”

“They even provided me with a buddy, and a mentor, knowing that this is my first job, and it’s just good to have. Especially being young. You need a mentor.”

– Participants in Lived X Financial Security and Employment consultation, 2022.

Truly innovative and effective reform in disability employment services needs to begin with anti-ableism²⁰. Using this ideology to underpin reform work will highlight the core beliefs, practices and processes that steer the department’s conceptual framework and all the activities that flow from it. This kind of review work can be as simple as analysing a piece of content to consider how problems are framed. The example below from the 2018 Senate report²¹, uses an ableist lens to describe an employment problem.

“Certain groups are more vulnerable to unemployment and underemployment, based on factors such as education, skills, health, disability, place of residence, access to transport, and employer discrimination.”

Framing the subject amorphously as ‘certain groups’ creates distance that serves to relegate people with disability to the category of “other”, making it easier to discriminate against them. The paragraph in the senate report then assigns vulnerability, and in turn the source of the problem, to the states and traits of people with disability (health, education, where they live), casting them as outside the norm and problematising them. This form of ableism has been highlighted by researchers as obscuring the role of the social environment in disability, causing people to “falsely treat impairments as inherently and naturally horrible and blame the impairments themselves for the problems experienced by the people who have them”.²²

The focus and emphasis of the paragraph should be on the actual problem – the ableist systems of beliefs, processes and practices that people with disability have no choice but to engage with, in order to live their lives. Drawing on the social model of disability as well as anti-ableist principles this paragraph can be more accurately written as:

A network of inherently ableist beliefs, processes and practices operating across the public services responsible for delivering education, training, healthcare, housing, transport, and welfare, can be identified as the key contributor for people with disability experiencing disproportionately higher rates of unemployment and underemployment comparative to their non-disabled counterparts.

Re-writing this phrase has the effect of re-framing the way the reader thinks about the topic and indeed what they consider the problem to be, in this case the structures, mechanisms and practices across the social services sector, rather than the users of those services.

²⁰ See Cheri Byrne-Haber’s (disability expert and activist) nine steps to being anti-ableist

<https://sheribyrehaber.medium.com/are-you-ready-to-be-anti-ableist-in-2021-239103637949>

²¹ Education and Employment References Committee. (2018). *Jobactive: failing those it is intended to serve*. Available at [Jobactive: failing those it is intended to serve \(aph.gov.au\)](https://www.jobactive.gov.au)

²² Amundson, R & Taira, G. (2016). *Our Lives and Ideologies: The Effect of Life Experience on the Perceived Morality of the Policy of Physician-Assisted Suicide*, Journal of Disability Policy Studies, Vol16, p.54.

If we consider the stated aim of the Disability Employment Services program (p.3 Word version) using the same reframing approach, perhaps we can highlight the absurdity of assigning the success or failure of a system on its users.

“The overall aim... is to improve the quantity and quality of employment outcomes for people with a disability”.

Rather than trying to solve the ‘problem’ of employment outcomes for people with disability, this aim should focus on the root cause of the problem:

The overall aim...is to disrupt the network of inherently ableist beliefs, processes and practices within industrial law, policy and practice that prevent organisations from creating meaningful, sustainable, and accommodating employment opportunities for people with disability.

The department might like to start this process by considering the first component of the conceptual map, “[S]ustained and meaningful quality improvement in the DES space requires...“Informed participants to drive quality in the system they are using”. As one of the three principles that is conceptually underpinning the quality elements, the fact that users of this system are simply having it presented to them without having had input into the concepts and not having the choice of another system would be an example of ableist processes at play. Using these pre-defined underpinning concepts further entrenches the notion that presenting public services to people who will use them without genuine co-design is an acceptable approach.

Unless these underlying assumptions and biases are made explicit, this reform risks the same outcomes as many of the reforms that preceded it. As the discussion paper outlines, “the most recent suite of reforms...in 2018...sought to empower DES participants, increase contestability and better align the programs incentives with desired outcomes”. However, the 2018 reform has not succeeded to empower young people with disability due to the pervasive and systemic ableism which young people with disability explained during a CYDA run consultation. Many participants reported a range of negative experiences with Disability Employment Services, ranging from the service being “*incredibly ableist*”, “*really hit or miss*”, and “*having low expectations*”²³.

The success of the current reforms in supporting people with disability to take part in sustainable and meaningful work is also critical for the federal government to meet its broader objective of full employment.

The following section discusses co-design as one remedy for top-down policy approaches that fail to consider the problematic assumptions and biases that they built-in.

1.2 Reform through co-design

Recommendation 1.2

CYDA recommends using genuine co-design approaches to develop and test indicators and measurement tools, such as surveys, with people with disability and representative organisations to highlight and prevent problematic framing and approaches.

²³ CYDA (2022). LivedX Series: What Young People Said. Financial Security and Employment. Available at: <https://www.cyda.org.au/resources/details/354/livedx-2022-series-full-policy-paper-financial-security-and-employment>

“Involve people with a disability in decision making”.

– participant in Australia’s Disability Strategy consultation, 2022

Based on ongoing consultation with children and young people with disability and their families CYDA advocates for genuine co-design as best practice for inclusion in all disability related policy and program work.

Co-design emerges from a tradition of participatory and collaborative design. Drawing on Blomkamp’s²⁴ widely accepted definition of co-design for policy making, developed in the Australian context for public policy co-design is as follows:

Co-design is both cooperative and collaborative, using design-led processes that drive innovation, involving and framing those affected by policy issues as creative experts of their lived experience, and using practical and accessible tools to generate and test experience and ideas.

One Disability Royal Commission research report recommends co-design, stating that it validates “the collective voices and lived experience expertise of people with disability in the way the interventions are designed and conducted”²⁵.

Some of our previous work has found that people with lived experience of disability are often cynical of being consulted in disingenuous and non-impactful ways.

“If you’re going to consult, you need to genuinely want to consult. Listen and be ready to make changes and take action on what people with disability are actually saying to you. Don’t just do it to tick a box.”

– Participant in Good Practice Guidelines for Engagement of People with Disability, 2022.

The aspiration to contribute in meaningful ways to public policy and programs that impact them has emerged from many of CYDA’s consultation with young people, on a range of topics. CYDA’s recent consultation on evaluation tools for Australia’s Disability Strategy, prompted one participant to coin the term “us based” to describe their desire to be involved in disability related policy issues.

“I think just really getting us involved in anything really is just really the main way to go in order to have a proper – I want to say outcome but a proper actual voice or an understanding of us based issues. Because a lot of the time, even for us based issues they won’t bring in disabled people”.

– participant in CYDA Australia’s Disability Strategy consultation, 2022

Another participant in the same consultation discussed their ideas for genuine and continuous involvement in program and policy design and implementation.

“Don’t bring in people on not even a casual basis to give their thoughts and opinions on things like this. Actually, establish some sort of position or whatever that gives us

²⁴ Blomkamp, E. (2018). *The Promise of Co-Design for Public Policy*, Australian Journal of Public Administration, vol. 77, no. 4, pp. 729–743. Available at: <https://doi-org.ezproxy.cqu.edu.au/10.1111/1467-8500.12310>

²⁵ Fisher, K. Et. Al. (2022). *Research Report: Changing community attitudes to improve inclusion of people with disability*. Available at: <https://disability.royalcommission.gov.au/publications/changing-community-attitudes-improve-inclusion-people-disability>

the ability to, if you want our voices and our opinions fine, but we'd have the right to be – on the continuous basis, yeah fine. But we need everything else that comes with the continuous basis. So proper payments, super, all that kind of stuff”.

Furthermore, *Nothing about us without us*, is a renowned catchcry in the disability community and one we hear commonly from the young people with disability we engage with.

1.3 Create resources specific to young people

Recommendation 1.3

CYDA recommends engaging young people with disability in a co-design process to develop resources specific to their cohort as users of this system and co-designers of each element of the quality framework.

Young people with disability want to access services from people who are informed about their experiences and can offer them solutions that are flexible and tailored to them as individuals. Young people have indicated that a successful employment service needs to provide supports that align with a young person’s identity and values. This may include their experiences of disability but crucially incorporates intersectionality, to ensure services are culturally safe and affirming, LGBTIQ+ friendly and accessible to young people with a broad range of identities and life experiences.

However, young people from our community find that often DES providers choose the path of least resistance instead of working with them to explore opportunities that suit them personally. For some young people this reflects the low expectations that society places on young people with disability and the lack of understanding of disability from DES providers who assume that young people with disability are unable to make effective choices for themselves.

“In my experience the [employment service] operators acquired a list and are just trying to fill a box without seeing me as a person with interests, needs, and passions.”

– Participant in Lived X Financial Security and Employment consultation

“I was advised to choose a course that wouldn’t require a face-to-face interview as I was unlikely to get through the interview process as a person in a wheelchair”.

– Participant in Lived X Financial Security and Employment consultation

Coupled with this, young people are exposed to a power dynamic unique to their age group. As a participant in a CYDA consultation described, age can be an additional marginalising factor.

“I’ve realised that as a disabled person and especially a disabled teenager and someone who’s autistic, I get treated like I’m a little child”.

– participant in CYDA Australia’s Disability Strategy consultation, 2022

Finally, young people make up a large proportion of people with disability who are unemployed and accessing disability employment services. The culmination of their age, unique life experience, exposure to unequal power dynamics and cohort size within the unemployment context makes it crucial that resources for each quality element directly impacting them should be co-designed by children and young people.

2. CYDA's response to the five quality elements being proposed

2.1 Quality Element one: Participant's rights

Recommendation 2.1

CYDA recommends using The National Principles for Child Safe Organisations to frame and co-design indicators, measurement tools and information resources for this element alongside children and young people.

CYDA recommends comprehensive rights-based training and aligned indicators and measures for service providers.

Despite details about DES's specific services and programs being outside the scope of this consultation, CYDA's mandate to children and young people with disability compels us to preface discussions on participant rights, with a note regarding the Targeted Compliance Framework²⁶.

As we have outlined in previous submissions²⁷, the 2018 Senate Inquiry²⁸ on this model received overwhelming evidence that mutual obligations are ineffective in facilitating paid work and that the Targeted Compliance Framework as a whole is a barrier to employment and keeps people in poverty. Despite the recommendation in the final report "that the Government immediately abandon the Targeted Compliance Framework", in 2021 the Government increased mutual obligations and compliance arrangements for DES participants.

The Targeted Compliance Framework impacts the ability of employment consultants to effectively build rapport with program participants – the heart of human services and a fundamental practice in working with young people. This model compels the person tasked with supporting jobseekers to meet their employment needs and goals to also act as their enforcer for mutual obligation activities.

²⁶ The Targeted Compliance Framework is designed to target financial penalties towards only those Participants who persistently commit Mutual Obligation Failures without a Valid Reason or Reasonable Excuse, while providing protections for the most vulnerable. It is designed to encourage Participants to engage with their employment services provider, take personal responsibility for managing and meeting their Mutual Obligation Requirements, and actively look for work. See: <https://www.dewr.gov.au/parentsnext/resources/targeted-compliance-framework-mutual-obligation-failures>

²⁷ CYDA. (2022). *Submission to the consultation of the New Disability Employment Services Model*. Available at: <https://www.cyda.org.au/resources/details/308/submission-to-the-consultation-of-the-new-disability-employment-support-model>

²⁸ Education and Employment References Committee. (2018). *Jobactive: failing those it is intended to serve*. Available at [Jobactive: failing those it is intended to serve \(aph.gov.au\)](http://Jobactive: failing those it is intended to serve (aph.gov.au))

It is difficult to feel safe and supported in a hierarchical system in which your status as a young person with disability relegates you to a position of lesser power and therefore agency. Further demonstrating the policy and practice tensions between provider and service user, a study²⁹ examining employment service users' (including young people with disability) experience of employment services revealed that mutual obligation activities such as compulsory appointments with providers have limited usefulness in advancing employment outcomes and are in fact, psychologically harmful. These power imbalances have been consistently noted in CYDA's consultation work with young people, as demonstrated by the following participant.

"They [disability employment service providers] say that I'm lazy. Yeah, they do they say, 'Oh, you just don't want to find work, you're just lying. You're just making things up', and I'm there proving that I do want to find work I'm actually really motivated to find work. And then, I feel that they're actually not helping me find the work and I feel they're the ones who are getting the benefits financially and they're getting all of this money from the government to do their job, and I don't feel they're doing it well and it puts the burden and the pressure on me and other people around me and yeah, that's very difficult."

— Participant in LivedX consultation

Activities required of service users by the Targeted Compliance Framework limit individual choice and run counter to "right to the dignity of risk in decision-making" which the department is proposing to introduce as a distinct quality indicator. The Targeted Compliance Framework cannot co-exist within a rights-based framework that has any level of integrity.

Moving on from this point, CYDA recommends drawing on child safety principles to shape the activities in this element. Systemic ableism funnels children and young people with disability into segregated settings, like 'special' schools, work programs and employment services, which are known to have high levels of abuse and mistreatment³⁰. Given children as young as 14 years old are eligible for disability employment services, it is critical that service providers attend to the increased risk children and young people with disability are exposed to as a result of their higher levels of contact with adult led services. CYDA recommends making use of the National Principles for Child Safe Organisations³¹, informed by the findings from the Royal Commission into Institutional Responses to Child Sexual Abuse³², when designing quality indicators, measurement tools, and supporting information products for this quality element.

The second child safe principle, "Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously", arose from the finding that strengthening the ability of children to participate in decisions that affect them, is a key component of ensuring their safety. This principle further reinforces the argument for using co-design that includes children and young people in its processes.

²⁹ O'Halloran, D., Farnworth, L., & Thomacos, N. (2020). *Australian employment services: Help or hindrance in the achievement of mutual obligation?*. Australian Journal of Social Issues, 55(4), 492-508.

³⁰ Royal Commission into Institutional Responses to Child Sexual Abuse. (2017) *Final Report: Nature and Cause*. Available at: <https://www.childabuseroyalcommission.gov.au/nature-and-cause>

³¹ Australian Human Rights Commission. (2018) *National Principles for Child Safe Organisations*. Available at: <https://childsafe.humanrights.gov.au/national-principles>

³² Royal Commission into Institutional Responses to Child Sexual Abuse. (2017). *Final Report*. Available at: <https://www.childabuseroyalcommission.gov.au/final-report>

CYDA's own activities in designing consultations and producing communication materials has demonstrated that bottom-up, co-design processes are linked with higher levels of engagement with key stakeholders. We would argue that the government's use of predominantly top-down policy design has, in part, led to the need for frequent major reform in this area.

While CYDA commends and supports the inclusion of information products that support people with disability to understand their rights we also recommend service providers are equally well versed. Having to deal with professionals and service providers who do not practice rights-based service is onerous on young people with disability.

"I actually had issues with NDIS trying to tell me that I was too young to use [...] mobility aides".

– Participant in Lived X Inclusion and Decision Making consultation, 2022

This is a trust breaking and disheartening experience, and for this reason CYDA suggests comprehensive and continual training on rights for all service delivery personnel. This too should be co-designed and delivered by key cohorts within the disability community, including young people.

2.1.1 Accessibility

Recommendation 2.1.1

CYDA recommends drawing on the Australian Human Rights Commission's Guide for Creating an Accessible and Inclusive Workplace³³ as a starting point for developing rights-based indicators, monitoring tools and informational products around accessibility.

CYDA recommends all information products and measurement tools being accessed by service users be accessible to the broadest range of people to ensure full inclusivity.

Accessibility is extremely important to young people when thinking about the design of information products, and critical in a rights-based approach to service delivery. CYDA's previous work demonstrates that children and young people, like all people with disability, require materials that can be used by screen readers and translated into Auslan and Braille. It is also important to keep these accessibility needs in mind when including people with disability in the co-design process and for gathering feedback.

"A lot of disabled people have different ways of communicating, and that makes it difficult to engage with the public often, and there's discrimination stuff. I personally am an AAC³⁴ user. I'm semi speaking and autistic".

– participant in Australia's Disability Strategy consultation, 2022

³³ Australian Human Rights Commission. (2021). Creating an Accessible and Inclusive Workplace. Available at: <https://includeability.gov.au/resources-employers/creating-accessible-and-inclusive-workplace>

³⁴ Augmentative and Alternative Communication – methods, systems, tools and strategies to support communication

Feedback and input should also allow for a diverse range of options for contributing. One young person suggested the following regarding a consultation on creating resources to support Australia’s Disability Strategy.

“Having multiple ways to contribute thoughts, i.e., surveys and Zoom consultations”.

– participant in Australia’s Disability Strategy consultation, 2022

An evaluation of one or more workplaces that have incorporated the principles from the Australian Human Rights Commission guide, ‘Creating an accessible and inclusive workplace’, could form case studies to assist service providers.

2.1.2 Transparency

Recommendation 2.1.2

CYDA recommends monitoring the perceptions and attitudes of service provider staff towards people with disability as a measure of this element.

CYDA recommends providing transparency for service users on how their data and feedback has been useful and impactful to service improvement.

Transparency around every aspect of this process and the service delivery is critical to the integrity of a rights-based service system.

Young people with disability want to know how their data and feedback is going to be used and incorporated into future service design and delivery. CYDA works with groups of people who participate in consultations on a regular basis, and they commonly share their desire to understand the impact of their contribution.

“It would be good to just have sort of like feedback to say that, yes, your contributions were helpful, and this is what we’re going to do about it and how we’re going to go around doing it”.

– Participant in Good Practice Guidelines for Engagement of People with Disability, November 2022.

2.1.3 Intersectional approach

Recommendation 2.1.3

CYDA recommends designing indicators, measures and information products that support the intersectional identities of people with disability.

In particular, drawing on lessons from the healthcare industry in implementing trauma informed approaches could form the basis for a measure in “felt safety”. This will enable the wellbeing of service users to be monitored and hold service providers accountable for supporting the complex needs of people with disability using psychologically informed approaches.

A rights-based element must account for the rights and experiences of the whole person within system design and delivery.

“I always have to compromise one part of myself.”

“We have this added burden [...] there are so many different parts of our lived experience that we have to try and explain to people.”

– Participants in Lived X Healthcare Consultation, 2022

The perspectives of these two young people with disability demonstrate the psychological and emotional burden often felt by their cohort as they navigate public institutions.

Unfortunately, CYDA hears many stories from young people with disability who describe how their sense of emotional and psychological safety has been compromised. Many of these experiences involve instances in which their intersectional identities are dismissed or denied by service providers, often in the public sector. Young people highlight the ways that their identities intersect, leaving them exposed to additional discrimination and marginalisation.

“Often, you’re viewed as like just a disabled person – which I am a disabled person, and happy to be seen that way – but when I’m also like, ‘Well, I’m also trans, and I’m also gay, and I need a workplace that is affirming of those parts of my identities’, it’s just like is too complex, and too overwhelming for other people to handle, and then support.”

– Participant in Lived X Financial Security and Employment consultation, 2022.

“I am as disabled as I am queer, and as queer as I am disabled, because I am both.”

– Participant in Lived X 2022 Healthcare consultation

Young people emphasise the importance of being considered in their entirety, recounting times where only one aspect of their identity or disability was considered.

“I’m in a wheelchair and so people then give you jobs that would be accessible for wheelchair users, not taking into account that I had dyslexia as well. So, I can’t work at a cashier because I just can’t do money and numbers, so I think they don’t often take a whole picture of who you are and your experiences.”

– Participant from Lived X Financial Security and Employment consultation, 2022.

Felt safety, also referred to as psychological safety, is the subjective experience of feeling safe as a result of the body’s threat response system not detecting threat and sending the brain signals of safety that appear as physiological, emotional and behavioural indicators³⁵. These feelings are at the foundation of what supports functional maturation, health, and sociality of humans.

According to Stephen Porges, who developed Polyvagal Theory, “when humans feel safe, their nervous systems support the homeostatic functions of health, growth, and restoration, while they simultaneously become accessible to others without feeling or expressing threat and vulnerability”³⁶. The intricate and interconnected functioning of the nervous system is described by Polyvagal Theory which also explains the ways in which our system is primed to seek safety.

³⁵ Morton, L, Et. Al. 2022. *A new measure of feeling safe: Developing psychometric properties of the neuroception of psychological safety scale*, Psychological Trauma: Theory, Research, Practice, and Policy Available at: <https://psycnet.apa.org/doi/10.1037/tra0001313>

³⁶ Porges, S. (2022). *Polyvagal Theory: A Science of Safety*. *Frontiers in Integrative Neuroscience*, Vol 16. Available at: DOI:10.3389/fnint.2022.871227

Multiple peer reviewed studies demonstrate that experiencing a sense of felt safety is linked to increased engagement across organisational contexts such as public spaces, education, virtual meetings, and communication in medical teams³⁷.

There are also a number of approaches and actions that individuals and service providers can implement to increase the likelihood that others will feel safe in their presence and the surrounding environment. The healthcare, education and disability services sectors are experienced at implementing such approaches through a trauma informed lens, which address felt safety regardless of the presence of trauma³⁸.

2.2 Quality Element two: Quality of service

Recommendation 2.2

CYDA recommends the department engage young people and other relevant stakeholders in a co-design process to ensure indicators, measures, information products related to the quality of service element will address beliefs, processes and practices that perpetuate unemployment and underemployment for people with disability.

CYDA agrees that the development of a set of quality benchmarks should be co-designed with service users under the guidance of an external organisation, or in fact a coalition of organisations that represent various cohorts of service users. CYDA would welcome involvement to ensure the voices and experiences of young people with disability are sufficiently represented in the process.

Previous engagement with young people about employment services has revealed experiences and opinions that point to issues of quality in the sector.

“I just think my issue that they try to help people with disabilities, but they just have no training, and they just have no awareness.”

“Sometimes [with internships] they’re like, ‘Oh, well, a disabled person couldn’t do it’. Rather than, ‘I could do it, with a couple of adjustments’.”

– Participant from Lived X Financial Security and Employment consultation, 2022.

Indicators and measures should address the underlying causes of unemployment and underemployment for children and young people with disability—ableist systems and lack of felt safety.

Indicators need to be designed to measure the actual needs and expectations of individual job seekers. Recognising and quantifying the level of felt safety (as per the discussion in the previous section) for children and young people using the service, acknowledges that the needs of job seekers cannot be met without this condition in place.

³⁷ Morton, L, Et. Al. 2022. *A new measure of feeling safe: Developing psychometric properties of the neuroception of psychological safety scale*, Psychological Trauma: Theory, Research, Practice, and Policy Available at: <https://psycnet.apa.org/doi/10.1037/tra0001313>

³⁸ Berry Street Education Model. Available at: <https://www.berrystreet.org.au/learning-and-resources/berry-street-education-model>

Mental Health Australia. (2014). Trauma informed practice. Available at: <https://mhaustralia.org/general/trauma-informed-practice>

Assessing the quality and level of participation and inclusion of participants, as per the National Standards for Disability Services (NSDS) participation and inclusion indicators, should be led by service users to ensure that inclusion is measured according to the way participants are experiencing it.

Information products should use contemporary and real-life examples of inclusive practices as well as the way ableist and anti-ableist approaches can be practiced by services and how they are experienced by young people with disability. It is important to ensure service providers are given the opportunity to re-frame their world view, where required, to understand the subtle and nuanced ways that people with disability are excluded in their daily lives.

Service providers need to be measured based on clear expectations of the kinds of tailored support they can offer young people with disability. For instance, this young person shared:

“99% of the time I’m told to go ‘do my research’ by the people [DES providers] I thought were supposed to be [the] experts”.

– Participant in Lived X Financial Security and Employment consultation, 2022

Co-design approaches that engage all relevant stakeholders of these services, especially young people, given they are three times as likely to be unemployed than older adults with disability³⁹, will more successfully generate indicators, measures and resources that measure service quality.

In CYDA’s experience young people with disability are perfectly positioned to co-design and deliver a process that develops quality benchmarks for this element. Our engagement with young people demonstrates that they can highlight problematic dynamics and see themselves as part of the social movement to generate change.

“You can say that you value diversity, but you’ve actually got to back it up, and actually have values around that, and actually have a culture around that.”

“To ensure that it’s meaningful employment, there needs to be a commitment to disabled leadership at all levels of the organisation, not just casual contractors. There needs to be the ability for disabled people to move up and take on more responsibility.”

– Participant in Lived X Financial Security and Employment consultation, 2022

2.3 Quality Element three: Provider capability and governance

Recommendation 2.3

CYDA recommends maintaining an anti-ableist framing and using co-design processes to develop this quality element, particularly the staff training tool kit, as outlined in the discussion paper.

³⁹ AIHW. (2020). People with disability. Available at: [People with disability in Australia \(aihw.gov.au\)](https://www.aihw.gov.au)

Although this quality element is outside the scope of CYDA’s activities—as young people have not been consulted specifically on the support measures outlined in the discussion paper—and as such we have no specific feedback or recommendations, we urge the department to refer to our previous points about using an anti-ableist framing and co-design process in all reform activities.

2.4 Quality Element four: Feedback and complaints

Recommendation 2.4

CYDA recommends a safe and effective complaints and feedback process, including indicators and measurement tools, co-designed with service users. Similarly, the metrics used to analyse feedback and complaints should be co-designed with service users.

CYDA also recommends an additional supporting information product to be designed to ensure service providers are aware of, and can address, the problematic power dynamic that emerges between service providers and users during the feedback and complaints process, especially children and young people.

Young people have a strong desire to provide detailed and actionable feedback to the services they use. One young person outlined their idea for providing feedback that goes beyond the standard statistical concern.

I think something that could be really valuable is like regular kind of assessments of Disability Employment Services... not just being like, oh, ‘how many disabled people have you found jobs’, ‘how many have entered your services’, etc., but actually having like, you know, the government paying a disabled person to enter a disability employment service and try to use the service and then like provide feedback on how it was... I think disability mystery shoppers are the next big thing.”

– Participant in Lived X Financial Security and Employment consultation 2022

Another young person with disability participating in a consultation about the creation of supporting materials for Australia’s Disability Standards outlined how they thought feedback should be considered, saying:

“There should be a principle where individuals should have the ability to give feedback anonymously and safely. And that feedback should be recorded and taken onboard whilst the strategy is being enacted”.

– participant in Australia’s Disability Strategy consultation, 2022

CYDA’s chief concern regarding mechanisms for feedback and complaints is that they are fit-for-purpose and safe for service users⁴⁰.

⁴⁰ Wadiwel, D. Et. Al., (2022). Complaint mechanisms: Reporting pathways for violence, abuse, neglect and exploitation. Available at: <https://disability.royalcommission.gov.au/publications/complaint-mechanisms-reporting-pathways-violence-abuse-neglect-and-exploitation>

A research report commissioned to provide guidance to the Disability Royal Commission⁴¹ describes a complaint mechanism as a “*procedure within an organisation, institution or governing authority which allows individuals to report negative experiences and problematic conduct and policy; seek individual rectification; and, where appropriate, trigger system change*”. This report recommends any such process should be fit for purpose, provide an equal right to justice, be integrated into other reporting pathways, be safe to use, and enable systemic change in a timely manner. Moreover, the process should acknowledge and account for the labour being performed, and the precarious position that people with disability are in when they make a complaint, namely that “complaints are more likely to be received well when they are made by those with more power”⁴².

All processes related to feedback and complaints must recognise that people with disability, especially young people, are more likely to be impacted by the uneven power dynamics that exist in services and institutions.

2.5 Quality Element five: Formal assurance

Recommendation 2.5

CYDA recommends using a co-design approach to develop the metrics for weighing the severity of breaches. We also recommend considering ways in which qualitative data can be included in these metrics.

For CYDA, a key consideration to weighting and analysing breaches, as part of a formal assurance quality element, should be the ultimate impact on the users of that system. Again, a co-design approach would ensure that the perspective of system users is captured within the metrics used to determine breaches, especially to the items in the code of conduct that service providers agree to (relevant points below).

- Meeting the Service Guarantees
- Tailoring assistance to the job seekers’ personal circumstances, skills, abilities, and aspirations
- Using available Government funding appropriately to support job seekers
- Treating every job seeker fairly and with respect
- Providing a fair and accessible feedback process

Although assurance metrics are more often quantitative, CYDA recommends the department to consider ways in which qualitative data can be incorporated to capture the in-depth experience of service users.

⁴¹ Wadiwel, D. Et. Al. (2022) *Complaint mechanisms: Reporting pathways for violence, abuse, neglect and exploitation*. Available at: <https://disability.royalcommission.gov.au/publications/complaint-mechanisms-reporting-pathways-violence-abuse-neglect-and-exploitation>

⁴² Ibid.

3. Quality scorecards

Recommendation 3

CYDA recommends consulting young people to discover the informal ways they currently rate and recommend providers of services they use and using this information to develop the scorecards in a way that has existing logic and trust for this group of service users.

In the context of best supporting young people with disability to participate in sustainable and meaningful employment, CYDA supports the concept of a scorecard that young people with disability can easily understand and judge a service based on its rating. If users trust the scorecard system, it has the potential to increase the accessibility of disability employment services by offering young people a snapshot of what they can expect from the service provider.

Trust and legibility would be critical elements of this system. Users must understand the kinds of actions that lead to a service achieving an “exceeding” or “significantly exceeding quality standards” in order to build trust in the system. As previously discussed, young people with disability are commonly concerned with how safe they are likely to feel when encountering and dealing with a program or institution. Their experiences of discrimination are such that they seek out providers where there is evidence of intersectional understanding, respecting, and upholding their rights, and respectful and compassionate engagement. This is the type of information they would currently seek from friends and social media and the evidence they will likely be seeking from scorecards.

In a final point, CYDA is concerned about what ways and the degree to which a conversation with a provider could alter the assessment presented on the final scorecard (as per the discussion paper). The way this is carried out has the potential to undermine the trustworthiness and credibility of this rating tool.