

24 April 2015

IHC submission on the Ministry of Social Development's *Discussion document: Employment, Participation and Inclusion Services: Draft proposals for change proposed changes to vocational services*

1. About IHC

- 1.1 IHC was founded in 1949 by a group of parents who wanted equal treatment from the education and health systems for their children with intellectual disability. The IHC of today is still striving for these same rights and is committed to advocating for the rights, welfare and inclusion of all people with an intellectual disability. We support people with intellectual disability to lead satisfying lives and have a genuine place in the community.
- 1.2 We have more than 6,000 staff working to support 7,000 people in IDEA services (IHC's service arm) that include residential care, supported living, home support, vocational and day services, respite care, autism spectrum disorder (ASD) services, and New Zealand's largest non-government social housing provider.
- 1.3 Currently nearly 2,700 people are using IDEA vocational services. There are also many others receiving living support from IDEA who use other providers for vocational services. The vast majority of adults supported by IDEA services living with family, in residential homes, rented homes, their own homes, or using supported employment, participation and inclusion services are entitled to and receive the Supported Living Payment.
- 1.4 Through our charitable arm IHC raises awareness and advocates for the rights of over 50,000 people with intellectual disability at both a national and an international level. This includes an extensive advocacy programme, a one to one volunteer programme and the country's largest specialist intellectual disability library.
- 1.5 IHC's submission draws from our experiences in our advocacy work with people with an intellectual disability and their families/whanau and in service provision and information gathered from consultation with a range of stakeholders about the proposed changes and involvement in MSD's engagement processes.

2. Overall response

- 2.1 IHC supports the efforts of the Ministry of Social Development (MSD) to get more people with disabilities into jobs. We also acknowledge the need for improvements and changes to enable the person-centred, self-directed approaches sought and to achieve better access to and quality of supports and services for people with intellectual disability and their families/whanau.
- 2.2 IHC does not consider, however, that the proposals as outlined in the *Draft Outcomes Framework* and discussion document *Employment, Participation and Inclusion Services: Draft proposals for change* adequately address the issues and barriers encountered. The proposals do not reflect the reality of the lives of people with intellectual disability, their families/whanau and service providers. There is an absence of a clear articulation of the 'problem', insufficient data and analysis and no best practice evidence to underpin the proposals. There are too many contradictions and unanswered questions.
- 2.3 IHC urges MSD to think and work "differently" and recommends that a more authentic partnership approach be undertaken between Disabled Peoples Organisations (DPOs), representative groups for families/whanau, employer, employee and beneficiary representative organisations, support providers and government to
- Analyse the feedback in response to the draft proposals for change.
 - Co-design changes so that employment, participation and inclusion services are better situated in a whole of life and whole of government approach with a coherent framework that aligns policies and practices and incorporates new initiatives.
 - Make real person-centred and self direction in the lives of people with intellectual disability and their families/whanau.
 - Review funding of employment, participation and inclusion services to enable easier to use systems, fairer processes, more flexible and individually tailored service provision, and community and service development in ways that are sustainable.
 - Take a pause from introducing changes in contracts until the above steps have been completed.
- 2.4 IHC would welcome the opportunity to be involved with others in working with government on this important and much needed work.

3. Key points in response to the questions asked in MSD's discussion document

- 3.1 What are your thoughts about draft outcomes for Employment Participation and Inclusion?
- What has been presented does not match the rhetoric of realising the aims of United Nation Convention on the Rights of Persons with Disabilities (CRPD), the New Zealand Disability of Waitangi, the 2014-2018 Disability Action Plan and the principles of Enabling Good Lives.

- The proposals are dominated by a narrow investment approach that as represented in the discussion document places the greatest value on people that MSD considers they can get off benefits and can work more than 15 hours a week.
- There is limited recognition that we are all interdependent and a lack of attention paid to equity issues and interaction with environmental factors such as the impact of the job market.
- The proposed increased control and scrutiny given to MSD is a retrograde step and will diminish individual choice and control and the ability to self-direct.
- While there is some acknowledgement of different pathways and movement on a continuum the over whelming sense conveyed is one of fitting people into boxes that have been proscribed by MSD/Work and Income.
- There is an artificial separation of universal and specialist services.

3.2 Will these proposals achieve our objectives of improving employment outcomes for people with intellectual disability and better aligning the services and supports with the Enabling Good Lives vision and principles?

- No.
- The proposals are piecemeal and need to be better connected to an overarching framework that integrates an across government approach and incorporates transition, support funds, work with employers, community development, social enterprises, cooperatives, self-employment and changes in Work and Income culture, capability and capacity.
- As they currently stand many of the proposals are inconsistent with the Enabling Good Lives vision and principles and indeed some are polar opposites particularly in relation to self-determination, increased flexibility, greater choice and control and easier to use systems.

3.3 What improvements would you suggest to what MSD is proposing? What would you do differently?

- The work to improve MSD's proposals to be undertaken through the collective effort recommended earlier in our overall response.
- Better use needs to be made of findings from research/evidence based practice, what we know already about what works well and what can be learnt from innovative and good practices that are currently occurring in New Zealand.
- IHC notes the processes used in relation to the current proposed changes were not conducive to effective engagement with the disability community. The invitation to provide feedback was often at short notice and without the information and detail needed to be able to give fully informed responses. We hope that the same mistakes will not be repeated in future work.

3.4 How do we ensure we get the best value from available funding?

- This question should be reframed to ask, "How can we best use resources in ways that value the lives and contributions of all citizens and promote effective supports and safeguards"? People are placed at greater risk when they do not have the right support at the right time to enable them to set their own direction, find paths that are right for them and be part of and have valued roles in their communities.

- Disabled people and their families/whanau have the greatest incentive to get things right and make sure resources are used in the best possible way yet the changes as proposed don't instil confidence that MSD trusts individuals and their families/whanau to self-direct and have increased choice and control.
- While there is certainly a case for more effective use of resources the 'solutions' do not lie in tightening eligibility criteria, creating more assessment tools and gate-keeping mechanisms, allowing and funding only one outcome and restricting choice and flexibility in getting support from more than one provider. Indeed given the "within existing resources" mantra IHC is somewhat puzzled by proposals to increase investment in costly and duplicated assessment procedures that take money away from getting on with the real work that will improve outcomes.
- There is a strong case that can be made that there has been historic and continuing under investment in people with disabilities and under funding of vocational services. This imbalance needs to be redressed. A climate of uncertainty has been created and providers are struggling to understand what the future contracting environment will entail. It is not realistic to expect the sector to implement changes within the current inadequate funding or without investment in communities.

3.5 The following sections of our response provide more feedback using MSD's discussion document headings on purpose, scope and why change and the five draft proposals for change. We draw attention to particular issues for people with intellectual disability and their families/whanau.

4. Purpose and scope of draft proposals and why change?

4.1 The document outlines the purpose, scope and "why change" of the draft proposals for change as being to

- Improve the effectiveness of Employment, Participation and Inclusion services.
- Align services with the objectives of the Enabling Good Lives approach and the government's welfare reforms.
- Apply the government's 'investment approach' to employment services along with the Employment and Work Readiness Assistance Programme.
- Better reflect the agreed long term direction for disability supports to be more person-centred, focused on ordinary life outcomes and integrated across government.
- The scope is limited to Supported Employment, Employment Placement and Community Participation service and the Very High Needs Scheme.
- Reference is given to the Improving Existing Employment Services Working Group being involved in the development of the proposals.

4.2 We understand that MSD cannot address everything at once and that there is a need to prioritise but as identified earlier without a coherent framework and a sense of whole there is a danger that the 'problems' of the past will be replicated and compounded. MSD has identified work going on in a number of other areas that is not yet complete but the proposals would have been strengthened by including consideration of the potential impact of the suggested changes on other areas such as transition services and support funds.

- 4.3 The discussion document states that the outcomes of the Enabling Good Lives demonstration projects will inform future reforms of the disability support system. MSD adds that in the meantime MSD needs to look at changes to Employment, Participation and Inclusion services now. There are, however, some findings from the *Enabling Good Lives Christchurch Demonstration Project: Phase 1 Evaluation Report* (December 2014) that are equally applicable to and should be incorporated in this work. These include the need to address gaps identified in order to put in place a coherent framework for transformation.
- That has a shared understanding and more effective co-design processes.
 - To establish mandate and mechanisms to bring about needed changes in government systems.
 - To develop mechanisms for pooling funding for individuals and paying providers.
- 4.4 The rationale given for the proposed changes does not identify or address many of the challenges and barriers to achieving better outcomes experienced by people with intellectual disability, their families/whanau and communities, including service providers. These include
- Difficulties experienced by people with intellectual disability and their families/whanau in finding information and support to access the vocational/post school system.
 - Changes in expectations from young people and their families/whanau who have experienced inclusive education.
 - Attitudes and myths about people with intellectual disability's capacity to work and contribute that limit opportunities.
 - Demographics that include a population with increasing numbers of people identified with high and complex support needs, autism spectrum disorders and foetal alcohol syndrome and an ageing population that are not being adequately responded to currently and or being factored into future planning.
 - People finding and keeping jobs in a changing labour market.
 - Disincentives within the system that discourage people from working or taking on more work such as current abatement levels and bad experiences with Work and Income.
 - Lack of cost effective transportation systems in many communities to place of work.
 - Parents, most typically mothers, not being able to take up work or having to give up work because funding for services does not cover the full day for their adult son or daughter.
 - Limits on providers capacity to respond to people's preferences and work differently within the current contributory funding system that has not had a price increase for several years.
- 4.4 A disconnect with other government funded supports such as Ministry of Health personal and carer support, Ministry of Education *Ongoing Resource Support* (ORS), and health and safety regulations that places constraints people's choice and do not make the most effective use of resources.
- 4.5 IHC has concerns that as portrayed in the discussion document the practical implications for support for people with a life-long disability are not well understood.

The level and intensity of support will vary between individuals and preferences for the way help is given, at different stages of people's lives and in different environments. It is important that the pathways developed do not lock people in to overly prescriptive packages with systems that are not able to respond quickly to changing circumstances.

- 4.6 The use of the term "readiness" raises alarm bells for people with intellectual disability and their families/whanau. Not being "ready" has been used as a reason to exclude people from education and living and participating in their communities. People with intellectual disability have and still do endure endless getting "ready" programmes that do not lead to jobs and take them on pathways with dead ends. Adopting such an approach also does not take into account what we know about the best ways to support learning for people with intellectual disability. Difficulty in generalising skills taught in one setting to a new environment is a common feature of intellectual impairment. The best way to learn is in the environments where the skills will be used with needed accommodations made. We strongly recommend that MSD rethinks their use of the term "readiness".

5. Draft change proposal 1: Introduce a new Outcomes Framework

- 5.1 IHC agrees with the need for a framework and that this gives the opportunity for a more coherent and connected approach that gives greater clarity about sought outcomes. We are also pleased to see MSD's acknowledgement in the pathways that this is a continuum and not a linear process.
- 5.2 We reiterate our concerns in our overall response that the outcomes framework needs to better reflect the reality of people's lives and have connection with other work within MSD and across government.
- 5.3 While we understand the drivers that come from the welfare reforms, a narrow investment approach and government targets for getting people off benefits, the extent to which they dominate the proposed changes is problematic and at odds with the aims of person-centred and self-directed approaches, the direction of the 2014-2018 Disability Action Plan and Enabling Good Lives and New Zealand's obligations under CRPD and other international treaties.
- 5.4 Insufficient information is provided to fully understand what the pathways will mean in reality and how outcomes and timeframes will be decided and reviewed. The information that has been given raises a number of concerns and leaves too many unanswered questions. We appreciate that the framework is high level but it leaves too much room for a "devil in the detail" scenario if the proposed changes were implemented as they currently stand.
- 5.5 People with intellectual disability and their families/whanau spoken with about the proposed changes were very worried about the increased control by Work and Income staff and restrictions on choice and only one funded outcome. There are fears that people will be put in a box as to whether they can work more or less than 15 hours a week and may be worse off than they are currently in terms of being able to access a range of activities and supports from different community groups and providers. The majority of people in work (paid and unpaid) accessing IDEA

vocational services work less than 15 hours a week. Among those who work more than 15 hours a week many access participation and inclusion services in ways that significantly contribute to their well-being and quality of life. Most people who use IDEA vocational services including supported employment come via family approaches, self referral, hearing about in transition planning, from NASCs, already having a relationship with IHC and recommendations from friends and other families not through Work and Income. We recommend that the ability to self-refer that occurs in the participation and inclusion pathway should happen in the same way for specialist employment services.

- 5.6 We disagree with the approach taken that artificially separates universal and specialist supports that appears to adopt an either/or approach. This is captured in the statement in the *Enabling Good Lives first phase evaluation* "While there is an emphasis on disabled people accessing mainstream supports, this does not mean they will not also need disability support services" (p.5). It is important to recognise the long term nature of support for people with intellectual disability and to get the balance right to enable equal access to opportunities, participation and employment.
- 5.7 Already people with intellectual disability and their families/whanau are subject to multiple assessments and have to justify interdependence in ways that the non disabled and their families/whanau do not have to. Work and Income has obligations to ensure people are receiving their full and correct entitlements and help people find jobs. IHC is disturbed by reports we have received where individuals with intellectual disability have been told they would be better off on the Jobseekers Benefit than the Supported Living Payment as they would get more help to find a job and that would be more "normal". We fail to see how receiving the lesser dollar value Jobseekers benefit, having less access to other supplementary allowances, and having obligations that a person may not understand or be able to meet make anyone "better off" or more "normal".
- 5.8 Demonstrating that the lives and contributions of people with intellectual disability are valued and worthy of investment is better illustrated in initiatives such as the SLP opt in trial which allows people to get more help to find training, education or work and still receive the Supported Living Payment.

6. Draft proposal 2: Improve support for people to get and stay in work

- 6.1 As previously noted IHC welcomes the attention being paid to improving supports for people with disabilities to get and stay in work. We are pleased to see the discussion document acknowledges the work done by DPOs, families/whanau, community groups, service providers and government working together to achieve greater inclusion and better outcomes. IDEA Active is one such example of an ongoing collaboration between families/whanau, their sons and daughters, IDEA services, community groups and government.
- 6.2 We look forward to working collaboratively on the changes that are still needed to make further progress.
- 6.3 We have referred in previous sections that these improvements need to take place in within a broader investment and more connected approach that includes investing in

communities and engaging with employers. Again we can learn from a gap identified in the EGL 1st phase evaluation “It was unclear what community development meant in the context of EGL as this work had not been done” (p.7). Community investment and development is also missing from MSD’s proposals to improve support. We note that there are many resources that can be drawn from in redressing this omission such as those developed by Inclusive NZ (formerly VASS).

- 6.4 Also missing is a job market analysis to guide supports to areas where skills are and will be needed. It would be useful to include consideration of the impact of technological changes both in shifts in the job market and how technology can be better used to support people in work and participating and contributing in their communities.
- 6.5 We note that economic analysis done in Australia on the benefits of increasing employment for people with disability can be usefully drawn on in the New Zealand context.
- 6.6 We acknowledge that MSD are taking steps towards a needed cultural change for Work and Income and building staff capacity and capability. There is a long way to go, however, and occurs against a history of negative experiences with Work and Income (or “WINZ” as the term a lot of people still use). The very thought of having to deal with Work and Income can cause fear and raise anxiety levels. We hear about situations where Work and Income staff have not got accurate information because they have not asked questions in a way that the person can understand, have not recorded changes in income provided to them and as a result not correctly adjusted abatement rates and questioned whether someone has an intellectual disability because they have achieved success. Such examples illustrate why there are concerns from people with intellectual disability, families/whanau and providers about Work and Income being given increased control and adding more steps in an already complex system.
- 6.7 There are unanswered questions about the signalled outcome setting decision support tool. In light of the above point and concerns raised in previous sections we are yet to be convinced that it will add anything of value.
- 6.8 The proposals for milestone or outcome-based, payment structures work – again which we are commenting on in the absence of being provided with full information – along with only one service provider for participation and inclusion and one funded outcome appear to work against collaboration and may introduce perverse incentives such as
 - Providers being incentivised to ‘cherry-pick’ people who they see as being more likely to achieve outcomes and not working with people who face greater barriers. We note that this includes Work and Income as a provider of employment services.
 - Increase competitive behaviour between providers in a bad way that disincentivises working together.
 - Creating situations where providers opt out of contracts limiting people’s choices or leaving no services in an area.

- 6.9 How is Work and Income going to resolve the 'problem' of their conflict of interest in being both a provider of employment services and as proposed the sole referrer to specialist employment services?

7. Draft change proposal 3: Improve support for people to participate and be included in employment and their communities

- 7.1 Many of the points raised in previous sections are applicable to proposal 3.
- 7.2 MSD states that the proposed changes to service specifications and provider contracts will "increase expectations that people receiving Participation and Inclusion support will have opportunities to participate in paid or voluntary work – with support where required". For many people it is not "expectations" that are the problem but the lack of opportunity and support.
- 7.3 As already stated the proposed changes do not align with *Enabling Good Lives* principles.
- 7.4 Better use needs to be made of what we know about effective practice in employment support and inclusion for people with intellectual disability. We note that NZDSN's submission on MSD's proposals for change gives an excellent summary on effective practice in appendix one.
- 7.5 It is unclear what is meant in the discussion document by "Participation and Inclusion funding will not be available for services and supports that are the responsibilities of other agencies" (p.8)

8. Draft proposal 4: Ensure services are accessed by the people for whom they are intended, and the available funding is used more fairly.

- 8.1 IHC acknowledges the need to ensure that funding and services are hitting the right group and that there are transparent and fair processes for the allocation of funding and access to services.
- 8.2 The rational and proposals presented in the discussion document provide insufficient information, beg too many questions and do not enable us to provide a fully informed response. As examples statements such as "some criteria retained, some new criteria added", "the criteria are similar to the current eligibility criteria" mean what? This occurs repeatedly in the discussion document such as in our earlier references to the outcomes decision making tool. There is too much focus on fitting people into pathways and programmes rather than creating solutions that are grounded in working together in trusted relationships in ways that position the person with intellectual disability and families/whanau as active decision makers.
- 8.3 We reiterate concerns expressed by people with intellectual disability and their families that under the proposals people will only be able to access funded participation and inclusion from one provider. This is not consistent with the aims of *Enabling Good lives*.

- 8.4 We note in the discussion document for service providers 'Possible implications for change', implications for services 2015-2017 "Current clients accessing more than funded place must be transitioned to one funded place within 6 months of the start date of new Participation and Inclusion Services" (p.12). This information was not included in the discussion documents sent to DPOs and family/whanau and should have been.
- 8.5 The driver for change implicit in the proposed changes seems to be that the demand for services are outstripping available funding and the "solution" is to further narrow eligibility criteria. Within these parameters priority for support is then given to those deemed able to get off a benefit and who are seeking and or seen as likely to get part-time or full-time employment. This is contradictory to an approach that values the lives and contributions of all citizens and is not a satisfactory response to obligations to provide quality support and safeguarding for people with intellectual disability. We know people are placed at greater risk when they do not have the right support at the right time to enable them to set their own direction, find a path that is right for them and to be part of and have a valued role in their communities.
- 8.6 Additional information that was included only the discussion document sent to providers states "From late 2015, additional eligibility criteria for new Very High Needs Scheme (VHN) school leavers. VHN school leavers must be assessed by MSD as requiring a very high level of support to participate in the wider community, in addition to what is available through other services" (p.13). We are aware of the problems posed by using a tool (ORS allocation) designed for schools to determine post school resourcing, however, the proposal to add another assessment is not the solution. A more sensible approach is to consider individuals' needs as part of transition planning that is started in the last years of secondary school and demonstrates the need already highlighted to take a whole of life and across government approach.
9. **Draft change proposal 5: A trial of Work and Income matching people to employment services to ensure that people receive the assistance that is right for them**
- 9.1 Given the difficulties and concerns expressed in the previous sections it would seem premature to be considering a trial. In addition the tone of the proposal smacks of an out dated 'match and dispatch' model that has Work and Income in control and does not capture a spirit of working together.
- 9.2 The title of the proposal begs the question why isn't Work and Income currently ensuring that "people receive the assistance that is right for them"? Surely this is Work and Income's core business.

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References

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