

## Distinctive Options Submission to Ministerial consultation about the JCA process

Dear Minister Ludwig

Distinctive Options is a community-governed not-for-profit disability service provider located in Melbourne's north west and neighbouring semi-rural fringe. We currently provide capped DEN services in Broadmeadows, St Albans, Melton, Bacchus Marsh and Sunbury and have provided 'open employment' services to people with disabilities ever since the Commonwealth Government first funded such programs.

We note that the public policy system settings in which the Job Capacity Assessment (JCA) process operates could be described as follows:

- The **JCA process appears to have a twofold focus** viz to determine the level of income support appropriate for the person being assessed as well as to make an appropriate service referral for the person being assessed. The risk of using the one process/instrument to undertake two essentially different tasks is that it will do neither of them effectively
- Within the PAGES system there are a multiplicity of discrete programs (PSP, Voc Rehab, DEN capped, DEN uncapped, and JN disability stream etc) to which persons with a disability or injury being assessed may be referred by the Job Capacity Assessor and the **eligibility 'boundaries' between those separate programs are not necessarily based on 'defensible' logic** eg by what criteria can an indisputable assessment be made whether a person can work 7 or 8 hours per week? While acknowledging that there will always be such 'boundary' issues it seems that the multiplication of the number of separate boundaries greatly exacerbates such inherent problems.
- The assessments are typically **carried out by allied health professionals who have little or no experience of labour market programs** and/or case management of people with disabilities who are seeking employment. Anecdotally there appears to be evidence of very high levels of staff turnover by those conducting the Job Capacity Assessments.
- The funding provided for each Job Capacity Assessment is set at a level that effectively determines that an **individual Job Capacity Assessment must, for profitability reasons, be completed in considerably less than an hour**
- On a positive note however, Job Capacity Assessments can be made in a manner that is truly **independent of the service provider**, thus removing a possible mechanism by which PAGES could 'rort' the service system

Notwithstanding the inherent 'structural' weaknesses in the system described above our organisation's Employment Case Managers regularly report to their Managers that the Job Capacity Assessments that they have received are:

- **Poorly written** – with grammatical errors and ambiguities that sometimes are responsible for a lack of clarity in the Assessment
- **Repetitious** – with considerable evidence of being heavily constructed by 'cut and paste' strategies in the free text sections therein and/or being based on a template of predetermined phrases from which selections are made
- **Not in accord with the Program guidelines** – we too frequently receive referrals of persons with an assessed capacity of 0-7 hours per week with **no justifiable reason**. This lack of justification then makes that person ineligible for our DEN program.
- **Lacking reliability** – we also receive referrals of people with disabilities or injuries who subsequently present us with medical certificates indicating an incapacity to work. People with medical exemptions are supposed to be managed through a process of "deferred referral". This, however, does not appear to be happening. Additionally our own assessments of such people over time regularly provides significant evidence and information that was not found in the initial JCA because of

the time limitations of their initial interview or the lack of evidence provided by the program participant at that interview.

Another concern of ours indirectly related to the JCA process is the **referral of those 'jobseekers' who have in process an application for the Disability Support Pension.** Very often we find that such 'jobseekers' exit our DEN program immediately their DSP application is granted. Our concern is not so much that they exit our program (although much time is spent with the jobseeker which is unpaid) but that we are 'penalised' for that exit in the star ratings performance measurement system.