DIRECT EMPLOYMENT: BY AND FOR PEOPLE WITH DISABILITIES

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For this keynote address I have chosen to focus on Direct Employment. Direct Employment has just been formally introduced in Victoria and I was on the initial pilot program. I want to make the case for Direct Employment, describing how you become a direct employer. I will also describe the concepts of Empowerment and Synergy that are related to Direct Employment. I will then support my arguments through some relevant case study examples before concluding with comments about the way forward.

Direct Employment is our future

Direct Employment is a key reform with the Disability Services that I hope many will consider due to its numerous benefits. Direct support professionals are people who work directly with people with developmental disabilities with the aim of assisting the individual to become integrated into his /her community or the least restrictive environment. They assist an individual with a developmental disability to lead a self-directed life and contribute to the community, assist with activities of daily living if needed, and encourage attitudes and behaviours that enhance community inclusion.

For example, Cindy is a 46 year old lady with a severe intellectual disability and is helped through Direct Employment. The Direct Employment is carried out by family members who are able to help Cindy live a more inclusive life. Cindy is supported by three workers whose rosters, pay, training and other work conditions are managed by the O’Loughlin family, with sister-in-law Christine and brother Darren managing the accounts and finances, and Cindy and her mother Lesley taking responsibility for the recruitment, training and day-to-day management of Cindy’s workers. Thanks to Direct Employment, Cindy is receiving the support she needs, is happier and is living as an individual in the community the way she chooses to live. It can be seen therefore, that Cindy’s family are direct Support Professionals. (Department of Human Services (a), 2012).

[Direct Payments cuts](http://www.dhs.vic.gov.au/for-service-providers/disability/self-directed-support/direct-payments) , the financial costs and messy paperwork associated with disability supports, have the role of any financial middlemen, putting some control over how the state government's Disability Services - Department of Human Services' (DHS) money is spent. It places it directly into the hands of the disability support users.

Direct Employment takes Direct Payments further, by allowing the person with disabilities, family or Trustee to be an employer and administrator of his/her own support workers (disability supports). The Department of Human Services has defined direct employment as:

where person has an Individual Support Package that is administered through direct payments and they and/or their nominated person(s) will directly employ support worker(s) using some or all of their funding. (Department of Human Services (b), 2012).

Individual Support Packages are funds from Disability Services that allow a person to meet the disability support requirements. Direct employment is one of choices with a self directed approach of funding administration available to people with disabilities.

Previously a person with disabilities, the person’s family or trustee, if accepted, was able to apply for an Australian Business Number and, according to the rules of Direct Employment, may start up the management and employment of their own disability support. However, for the 2012 statewide implementation, direct employers are not allowed to set up as a business due to changes in the rules of Australian Taxation Office. This is because Individual Support funding will be treated as income for the business and attract tax which will reduce the amount of funding available to purchase supports. People who have an Individual Support Package and are using direct payments can apply for direct employment by contacting their local departmental office directly or they can apply for direct employment at the next planned review of their Individual Support Package. People who have an Individual Support Package administered through the financial intermediary or a disability service provider can apply for direct employment but this will require a review of their Individual Support Package and a change of funding administration to direct payments. People who have been allocated an Individual Support Package for the first time who are confident they can fulfil the obligations relating to direct employment can nominate to use direct payments and apply for direct employment in their first plan. Upon approval of application, signing of Direct Payments Agreement and Direct Employment Agreement and completion of Insurance application will be required.

Direct employment gives the flexibility on the choice of support workers, negotiation of salary and hours, and work that needs to be undertaken. As hours of duty and pay rates become more flexible, this is more attractive to support workers as well. As a Direct Employer, you’ll need to be familiar with a range of things, such as WorkCover and taxation laws. This can be complicated and may mean that you need to ensure you comply with legal, financial and human resource obligations as well maintain records about your employees. This may be related to type of work performed, hours of work, superannuation and tax details. The Australian Taxation Office’s online tax withheld calculator can assist direct employers to meet their taxation requirements. Employers must understand their insurance requirements and must continue to hold insurance through the Victorian Managed Insurance Authority (VMIA). They must also have a Work policy that covers their workers in the event that they are injured in the workplace. The forms that are needed to get started can be ordered or downloaded from the Australian Taxation Office’s website.

Therefore, a large amount of money is put into the training of disability professionals. But there is little credit given to the ability of people with disabilities, who often act in management roles, for the day-to-day management of their home based support workers or the management of disability professionals.

Direct Employment practices the belief that the people being supported are, more often than not, the best teachers regarding the support they need and how it can be delivered.

Direct Employment is to ensure that financial control of the supports being used is in the hands of people with disabilities, family or trustee. They will have far less overhead costs and can look at increasing workplace morale by increasing wages and/or increasing the hours work available. Disability Services will be asking people with disabilities, family or trustees, to take on these roles, sharing their know-how and experience when it comes to disability supports - something which usually takes a disability professional many years to achieve through training.

I can speak on this matter, since in terms of the stated rationale for such service provision, I am, as the person being served, the direct employer of the person through whom the agency receives their funding from the State government. Yet, for all the work involved in taking on this ‘employer role’, the government has never thought that I, as employer, should receive any funding to assist me in the exercise of my duties. What are my duties? They involve rostering, managing and overseeing payroll, work cover insurance, occupational health and safety and arranging for flexible employment of employees. If I were to employ some academically qualified support workers to assist me with the professional duties associated with my employer status, I would not receive a red razoo.

On the other hand, disability service provision is mostly made up of providers that arise from ‘not for profit agencies’. The ‘not for profit’ sector is supposedly made up of businesses that do not have the need to make a profit. That is, the ‘not for profit’ sector does not have to worry about meeting the demands of shareholders, those who invest in a business and anticipate receiving a dividend from the company’s profits.

The disability sector plays a large role in the ‘not for profit’ sector. For example, many service providers are in receipt of government payments of $38.05 per hour, but the support workers they employ get approximately $20 dollars an hour. If a service provider serves, say, 200 clients in one-on-one support, paying support workers approximately $20 dollars an hour, with each client being served around twenty hours a week, by my calculations, that amounts to around a yearly income of $3,754,400. These figures are based on conservative estimates of the yearly amounts to these not for profit disability service providers. (Gibilisco, 2011).

Often, the need for disability support is stretched beyond the means offered by government and NGOs. Individuals and groups are left needing disability support at times when the service fails to keep up with growing need. An example from PricewaterhouseCoopers states:

In 2099, it is estimated that approximately 4 million people will have a severe/profound core activity limitation in Australia – more than triple the current number. However, the Australian population is estimated only to double over this same time period; hence, it is likely that the same amount of informal care will not be available in the future to support people with disabilities. The formal workforce will need to grow significantly to meet this increasing demand. (PWC, 2011).

Employment and Synergy

Direct employment allows individuals to achieve happier and self dignified lives. They feel better about themselves because they have more independence, control, self esteem and flexibility in their lives. Direct employment enables individuals to live in their chosen community with the supports they require.

Direct Employment develops the empowerment of people with disabilities by giving them more control over their disability supports. Disability Services in Victoria is focused on a self directed approach where each person with a disability would have the maximum control over their own support needs how they will be provided. This enhances the independence and self determination of the person with a disability. Also, this will give them the ability to build up responses to problems faced by many individuals with disabilities, as well as their families, friends and community. Direct employment suits individuals with complex care needs as it gives them the dignity and empowerment to provide with a better and a more sustained future.

Direct Employment gives confidence and control to people with disabilities over their own lives, which is based on logic and social coherence. In order to make sure that this kind of model is flexible enough to allow change, even if complete change does not take place, the aim is to build flexibility into disability supports to bring the disabled closer to societal inclusion. Social inclusion is not only related to having access to mainstream services, but also about participation and active engagement in the community as employees, volunteers, advisors and residents. Direct payments result in many people with disabilities having greater choice and control of their services and support. And of course, direct employments takes this further.

Direct Employment's flexible approach to disability support may help sway and bring about mutually beneficial partnerships that are created by the working relationship between direct support workers and people with disabilities. This is noted by the term "synergy theory," which is said to help people with disabilities to become people with different abilities. For example, it is capable of drawing much needed attention to its primary objectives which is to support support workers. As part of this it hopes to promote public recognition of Mutually Beneficial Partnerships that are performed between them and the people they support. It is important to consider avoiding using the term disabilities in ways that promote a stereotype and instead refers to the people being supported in the Mutually Beneficial Partnerships as people with different abilities to highlight the fact that such people with disabilities are also those who have much to give in their service to society.

The synergistic outcomes that can flow from this form of flexible support can be demonstrated through my own (unpaid) work output. Synergy is a term that is popular in most Human Resource Management departments, and simply defined it means that the whole is greater than the sum of its parts, i.e. 1+1=3. In my case the synergistic partnership created by the Mutually Beneficial Partnership between me, the person with my specific abilities and my support worker, allows me to flourish in my roles as an independent researcher and disability activist.

For example, the synergy that is provided to me through the intervention of flexible disability support, provides me with the means to achieve many of my goals in life. This synergistic provision through personal care provides me with a more cohesive and flexible human approach, which is needed to manage the complexities of infinitely varied human behaviours and provides for a sustainable future in relation to my own desires and plans and the same is true for many others as well who have abilities different from mine. This is done through assistance that helps me attain my full human potential when and where my bodily abilities are lacking. For example, my progressive illness creates a deterioration of motor skills, which leaves all my physical attributes severely disabled. However, I am still able to perform research and write articles at a significant rate beyond that of many paid workers in the disability sector.

Basically my performance is created through the synergy gained mainly through the work of my support worker. Synergy explains the transformation in people with different abilities and their support workers. The mutual benefits that occur provide for a more proficient and humanly thoughtful disability sector, thereby providing the prospect of a more inclusive society. Synergy becomes a fundamentally conscious event, which motivates, transforms and unifies all of life with a concerted and organised combination of such people of different abilities with support workers. This in my view is the path to unify and enhance the disability sector.

Synergy for people with different abilities and support workers is about life chances and the creation of opportunities. Therefore, the essence of synergy is to value DIFFERENCE by pragmatically creating order from disorder.

**The Risks to Direct Employment**

One of the risks to Direct Employment concerns the employment of support workers.

The uncertainty related to payments to support workers is a current concern. Prospective direct employers need to consult Direct Employment Resource Guide which advises people to think about what Award should apply to work to be performed. The Resource Guide advises that in most situations the Social, Community, Home Care and Disability Services Industry Award 2010 rate will apply but it is recommended to request advice from Fair Work Australia.It is important that, while Awards outline the minimum rate of pay, employers can always offer above that if they think it is necessary to attract and retain the right people. This must be managed from within the Individual Support Package allocation. From an employer’s perspective, paying employees at a casual rate brings about convenience to the direct employer in terms of arranging payments.

Direct Employers are required to be familiar with a range of legal responsibilities, such as WorkCover and taxation laws. This can be quite complicated and may mean that you’ll have to register for things like pay withholding from the Australian Taxation Office (ATO). With pay withholding the direct employer is responsible for calculating how much tax to withhold from their employees pay and is then responsible for paying this amount to the ATO. With direct employment, there is no legal requirement to do police checks, but direct employers may choose to conduct them.

There are also the concerns from the employee’s perspective about the competence of disabled direct employers to perform legal responsibilities to the optimum level. The Department does not know of, or suggest any, Occupational Health and Safety training or indeed any other training to Direct Employers. Individual direct employers may decide that they would like this and would need to make their own enquiries. However, there is a one-off grant of $500 for new direct employers that can be used for training to help a person establish themselves as a direct employer. Beyond that, any training would be paid for by Direct employers out of their ISP. The $500 grant has only been a new incentive for direct employers which was not there during the pilot program.

The $500 grant is not restricted to being used for training. People have discretion to use it for anything that would benefit them in setting up their direct employment. For example, some have used it for purchasing bookkeeping software and so on. The relationship between employer and employee (known as the employee relationship) is a two-way thing. While the employer has many responsibilities, including the legal ones, employees also have responsibilities. This includes being confident that they will be able to work with the employer, prior to signing an employment agreement and/or commencing work. Of course, despite their best efforts of finding out, situations may arise where the employee has concerns about how the employer is performing their responsibilities or treating the employee. It is up to the employee to work out a resolution. Where they go will depend on the issue. For example, if it is about pay and conditions they may talk to the Fair Work Ombudsman.

Help available to direct employers.

Web2Care is a technological support platform launched in May 2007 by people promoting Self Directed Care as a future direction for individuals with Complex Care Needs. The Project is supported by DHS in Victoria. The Development Team is made up of Care Recipients and Family Members of Persons with Disabilities. Great difficulties with the current Care Delivery System and the common needs were identified by this development team. The care delivery process is improved and a comprehensive, end user focused Internet based care management support system is developed through the use of latest Internet Technology (Web2Care, 2012).

The Good Life Cooperative is an initiative of the National Steering Group on Self-Directed Services and Personal Budgets. It is a tool for making self-direction work on a large-scale in disability. They aim is to self direct support of Australians in disability that holds an ISP without the need for a service provider to deliver services to them. The Cooperative has four categories of members who will collaborate through the cooperative to pursue their goals, such as individuals and families in receipt of care and support packages, coaching and coordination of organizations who support individual package holders, support workers who are committed to working in a personalised way; and technical intermediaries who are committed to self-direction. The program utilises Web2Care technology platform for self direction (Good Life Cooperative, 2013).

Direct Employment can build ways to gain information about how people can use community-based peer relationships, such as the necessary communication requirements and other methods that can be used to support each other. This can lead to a greater independence and a trimming of the work load and stress on those with growing needs for disability supports. The successful development of peer support will allow for necessary forms of [queries](http://www.johnmckenna.com.au/) to be handled by peers who have succeeded in the same or similar circumstances.

Case Studies

Peter Sember: Direct Employer

Peter Sember is a direct employer who has a physical disability related to spinal muscular atrophy. Some of his thoughts on direct employment are:

 ‘I don’t need supports to be there all the time, but thanks to Direct Employment, they are there when I need them to be there,’ says Peter Sember.

When Peter Sember’s elderly parents were unable to continue providing him with 24-hour support, he needed a system of supports that could work around his full-time job and busy social life.

‘Until four years ago, all my support was provided by members of my family so I didn’t need any external supports,’ says Peter. ‘When my mother passed away, my father, who is 88-years-old, was unable to provide me with the support I needed so I needed to create a system that would be responsive to my needs. Working full-time means I need personal support at 5am to get ready for work. Before I started Direct Employment, the earliest time I could get a worker was 6.30am or 7am. It just didn’t work.’

‘I have all sorts of interests – friends, dinners and movies. With Direct Employment I can do a three-worker split shift which allows me to do these things. On Tuesday nights for example, I need to be driven to the city to have dinner with friends and then that worker goes to another job. I’ll then need someone to help get me home, which is the second worker, and then a third worker attends and transfers me to bed. I don’t need the workers all the time, but they are there when I need them to be.’

While Peter says Direct Employment suits his lifestyle, he warns that a certain level of skill and coordination is required. ‘Some of the basic things that need to be in place are worker insurance cover, public liability insurance and payroll,’ says Peter. ‘These were the biggest hurdles.’

‘The skills I’ve acquired in my full-time job, such as computer skills and problem solving, are all used in Direct Employment. You have to be organised. It’s almost like running a small business.’

(Department of Human Services (a), 2012).

Amanda Gunawardena: An Academic Support Worker

My name is Amanda Gunawardena and I am an Academic Support Worker at the University of Melbourne. I assist Direct Employers like Peter with computer based administrative tasks.

I am keen and supportive of direct employment as it offers me flexibility with type of work and working hours. I can adjust my work schedule according to the availability of other workers and also my personal commitments. This means that I can be there for work, and for my family when they need me. I also feel like it gives me a sense of dignity in my role seeing that I am helping the empowerment of people with disabilities.

As I help Peter perform administrative duties that are related to Direct Employment such as Taxation payments, it has been a learning experience for me. I am now aware of many things that I didn’t before, such as legal responsibilities of an employer. Peter’s knowledge and my abilities combined together generally produces fast, efficient and improved results as can be noted in this speech. Peter has a lot of intelligence and expertise in the field of his study, but his abilities to put his thoughts to words is restricted by his slow typing speed, poor speech and eyesight. However, when I am there to assist him, this means that he can get his thoughts on paper at 50 words per minute.

Ajay Joseph and Cunxia Li: Support Workers

These are some thoughts from Cunxia Li and Ajay Joseph, two Support Workers for Peter:

We are supportive of direct employment, and think it has many benefits. We think Direct Employment is the best option for the people with disabilities. Funding from DHS is spent mostly for administration when considering living in support accommodation or using service providers for one on one support. But using Direct Employment, people with disabilities can choose their own support staff they like, and use most of the funding for their support work if they choose to. You can help the people with disabilities lead their own lives and help them make decisions for themselves. Direct employment meets individual needs and suits individual lifestyles, which makes it very suitable for people with disabilities. We think ‘Person Centered’ just means ‘Direct Employment’.

But we do have concerns as well. We’ll be concerned on how Occupational Health and Safety procedures and risk assessments are done in direct employment and also on how they get updates on Occupational Health and Safety policies. The awareness of employers of all the legal responsibilities and also if there are able to successfully complete them is one of my major issues. We’re interested to find out how the employers are trained into assisting those becoming confident employers. Job security and also awards and wages is something to think about in this context.

Concluding thoughts

Direct Support Professionals are very linked to Direct Employment. From our example, Thanks to Direct Employment, Cindy is receiving the support she needs, is happier and is living as an individual in the community the way she chooses to live. It could be seen therefore, that Cindy’s family are direct Support Professionals.

As a Direct Employer it is required to be familiar with a range of legal responsibilities, such as WorkCover and taxation laws. This can be quite complicated and may mean that you’ll have to register for things like pay withholding from the Australian Taxation Office (ATO). There are also the concerns from the employee’s perspective on the competence of disabled direct employers to perform legal responsibilities to the optimum level. These can be mitigated by using the funds for training or using a system such as Web2Care. The successful development of peer support will allow for necessary forms of [queries](http://www.johnmckenna.com.au/) to be handled by peers who have succeeded in the same or similar circumstances.

The building of ways to gain knowledge into how people can use community-based peer relationships, such as necessary communication needs and other methods that will support themselves and each other, leads to a greater independence and reduces the work-load and stress on these struggling service-delivery of disability supports. Also, Peer Support offers the disability sector the potential to provide a bottom-up approach which is something that I believe is sorely needed in the disability sector, rather than asking a high ranking professional who have never had the life experience of such issues.

The encouragement of these forms of disability support is based on logic and social coherence. It is important to ensure that this kind of arrangement is flexible enough to allow some change, even if complete change does not take place. The aim is to re-build trust and flexibility in disability supports, thereby creating both community inter-dependence and independence.

Direct Employment offers flexibility, allowing people with disabilities to choose the support staff they like, and helps them lead their own lives and make decisions for themselves. Direct Employment is better suited to cater for individual needs and lifestyles: that is an important concern for people with disabilities. Hence it allows for a more personalised approach that is better suited for the individual support needs. As a person-centred approach, I believe Direct Employment is the key to our future.

Please direct any comments or questions to this email address: pgib@unimelb.edu.au

**Bibliography**

Department of Human Services (a). (2012). *Direct Employment personal stories*. Accessed 10th August 2013 from <http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/reports-publications/direct-employment-personal-stories>.

Department of Human Services (a). (2012). *Direct Employment Resource Guide.* Accessed 10th August 2013 from [http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/direct-employment-resource-guide](http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies%2C-guidelines-and-legislation/direct-employment-resource-guide).

Gibilisco, P. (2009). Achieving a Synergy for the disabled. *Online Opinion.* Accessed 9th August 2013 from <http://www.onlineopinion.com.au/view.asp?article=8873>

Gibilisco, P. (2011). A reform Disability Services needs to push. *Online Opinion*. Accessed 9th August 2013 from <http://www.onlineopinion.com.au/view.asp?article=13017>.

Gibilisco, P. (2013). *Interview with Amanda Gunawardena, Ajay Joseph and Cunxia Li*. (Unpublished).

Good Life Cooperative. (2013). Co-Op Home. Accessed 8th August 2013 from, <http://www.goodlifecoop.org/>

PWC, (2011). *Disability Expectations: Investing better life, a stronger Australia.* Accessed 9th August 2013 from <http://www.pwc.com.au/industry/government/assets/disability-in-australia.pdf>.

Web2Care. (2013). *Web2Care: Technology Support for Self Directed Care Programs.* Accessed 9th August 2013 from <http://www.web2care.net/>/