



Disability Services Standards (FaCSIA) 2007

I, Mal Brough, Minister for the Families, Community Services and Indigenous Affairs, under paragraphs 5A (1) (a) and (b) and subsection 5A (2) of the *Disability Services Act 1986*:

- (a) revoke the *Disability Services (Disability Employment and Rehabilitation Program) Standards 2002*¹; and
- (b) make these Standards.

Dated 20 June 2007

Mal Brough
Minister for Families, Community Services and Indigenous Affairs

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¹ *This determination has effect in relation to provisions of the Disability Services Act 1986 in so far as they relate to matters for which the Minister for Families, Community Services and Indigenous Affairs has responsibility under the Administrative Arrangements Order.*

1 Name of instrument

This instrument is the *Disability Services Standards (FaCSIA) 2007*.

2 Commencement

This instrument commences on 1 July 2007.

3 Definitions

In this instrument, unless the contrary intention appears:

Act means the *Disability Services Act 1986*.

advocate, of a person with a disability, means a person who:

- (a) primarily represents the interests of the person with a disability in a way consistent with the expressed wishes of the person with a disability; or
- (b) acts in the best interests of the person with a disability if he or she is unable to express his or her wishes;

in order to assist the person with a disability to exercise control over his or her life.

Australian Pay and Classification Scale (APCS) has the meaning given by the *Workplace Relations Act 1996*.

award, order or industrial agreement, in relation to wages paid to a person, means:

- (a) an award made by, or registered with, an industrial authority, including, without limiting this paragraph:
 - (i) an award or transitional award within the meaning of the *Workplace Relations Act 1996*; and
 - (ii) a variation or order affecting an award or transitional award of that kind; or
- (b) a determination made by, or registered with, an industrial authority; or
- (c) an order given by, or registered with, an industrial authority; or
- (d) an agreement made under a law of the Commonwealth, State or Territory; or
- (e) an agreement made or taken to exist under the *Workplace Relations Act 1996* as in force from 27 March 2006,

that regulates the terms and conditions of employment of employees engaged in the kind of work performed by the person.

community means both the immediate local environment and the broader society.

complaint, regarding a service or a service provider, includes a problem, or cause for discontent, relating to some aspect of the service or the service provider.

dispute, regarding a service or a service provider, includes any instance that involves a problem, or cause for discontent, relating to some aspect of the service or the service provider.

Guide to Good Practice Wage Determination means the document known as A Guide to Good Practice Wage Determination, published by the Department of Families and Community Services, as in force on 1 July 2002.

informed consent, of a service recipient, means agreement by the service recipient based on an understanding of the implications of what is being agreed to and its likely consequences for the service recipient.

integration means both physical integration (that is, people with a disability having access to the same places, and in the same manner, as other people, and receiving services in the community) and social integration (that is, people with a disability being able to build and maintain a wide range of relationships with members of the community).

least restrictive way, in relation to the provision of a service that meets a person's needs, means the provision of a service that is appropriate to the person's needs, while allowing the person as much freedom of choice, independence and opportunity as possible.

participate, in relation to the community, means take part, or actively share, in the life of the community.

relative need, as a basis of having access to a service, means a concept that ranks potential service recipients on the basis of greatest unmet need and the benefits they would gain from the service.

resolved, in relation to a complaint or dispute, means the complaint or dispute is settled or concluded, and each of the parties to the complaint or dispute is notified of the outcome, whether or not the complaint or dispute is concluded in favour of any of the parties.

retribution includes intimidation.

service means support or assistance.

service provider means:

- (a) in relation to the provision of an employment service by a State or eligible organisation — the management and operational units of the State or eligible organisation responsible for the service; and
- (b) in relation to the provision of rehabilitation programs — a provider engaged under a contract or agreement by the Commonwealth to deliver rehabilitation services.

service recipient:

- (a) means a person with a disability who has applied for, is receiving, or has received, an employment service, or for whom the provision of a rehabilitation program is sought or for whom a rehabilitation program is being, or has been, provided; and
- (b) includes a family member, an unpaid primary carer, and an advocate, of the person.

Special Federal Minimum Wage (SFMW) has the meaning given by the *Workplace Relations Act 1996*.

Supported Wage System (SWS) means the tool and process, used by the Commonwealth government program known as Supported Wage System (SWS), for determining the pro-rata wage to be paid to a person whose productivity and employment competitiveness is reduced because of his or her disability, through which:

- (a) the productivity of the person is assessed against the basic performance levels for other people in equivalent positions; and
- (b) the wage to be paid to the person is equated to the person's assessed productivity.

Note Unless the contrary intention appears, expressions used in this instrument and in the Act have the same meaning as in the Act (see subsection 46 (1) of the *Acts Interpretation Act 1901*).

4 Standards

For paragraphs 5A (1) (a) and (b) of the Act, the standards set out in Schedule 1 are:

- (a) the disability employment standards to be observed in the provision of an employment service; and
- (b) the rehabilitation program standards to be observed in the provision of a rehabilitation program.

5 Key performance indicators

For subsection 5A (2) of the Act, the key performance indicators to be applied in assessing whether a disability employment standard or a rehabilitation program standard has been observed are the indicators:

- (a) set out in Schedule 1 in the item specifying the standard; and
- (b) identified by the initials 'KPI'.

Schedule 1 Disability Employment Standards, Rehabilitation Program Standards and Key Performance Indicators

(sections 4 and 5)

1 Standard 1: Service access

Each person with a disability who is seeking a service has access to a service on the basis of relative need and available resources.

KPI 1.1 The service provider adopts and applies non-discriminatory entry rules in respect of age, gender, race, culture, religion or disability, consistent with the contractual obligations of the service provider and the purpose of the service.

KPI 1.2 The service provider's entry and exit procedures are fair and equitable and consistently applied.

2 Standard 2: Individual needs

Each person with a disability receives a service that is designed to meet, in the least restrictive way, his or her individual needs and personal goals.

KPI 2.1 Each individual's employment goals are established objectively to reflect his or her needs and personal goals.

KPI 2.2 Each individual's employment goals are used as a basis for service provision, with the service provider undertaking a process of planning, implementation, review and adjustment to facilitate the achievement of these goals.

KPI 2.3 Services are delivered to meet each individual's employment goals through pathways and plans that do not have any unnecessary restrictions or constraints.

3 Standard 3: Decision making and choice

Each person with a disability has the opportunity to participate as fully as possible in making decisions about the events and activities of his or her daily life in relation to the service he or she receives.

KPI 3.1 The service provider provides appropriate and flexible opportunities for each individual to participate in decision-making at all levels, including individual choices in pre employment and employment planning, service delivery planning and corporate and business planning.

KPI 3.2 The service provider acts upon the outcomes of service recipient input into decision-making.

4 Standard 4: Privacy, dignity and confidentiality

Each service recipient's right to privacy, dignity and confidentiality in all aspects of his or her life is recognised and respected.

KPI 4.1 The service provider complies with the Information Privacy Principles of the *Privacy Act 1988* in order to protect and respect the rights of individual service recipients. The service provider does not disclose personal information about service recipients without their informed consent.

KPI 4.2 The service provider promotes tolerance and respect for each service recipient's personal needs and circumstances.

5 Standard 5: Participation and integration

Each person with a disability is supported and encouraged to participate and be involved in the community.

KPI 5.1 The service contributes to individual outcomes for service recipients that progressively builds opportunities for their participation and involvement in the community through employment.

6 Standard 6: Valued status

Each person with a disability has the opportunity to develop and maintain skills and to participate in activities that enable him or her to achieve valued roles in the community.

KPI 6.1 The service promotes the belief and ability of service recipients to fulfil valued roles in the community.

KPI 6.2 The service promotes employment opportunities for service recipients to fulfil valued roles in the community.

KPI 6.3 The service develops and maintains service recipients' skills relevant to their roles in the community.

7 Standard 7: Complaints and disputes

Each service recipient is encouraged to raise, and have resolved without fear of retribution, any complaints or disputes he or she may have regarding the service provider or the service.

KPI 7.1 The service provider encourages the raising of complaints by service recipients regarding any areas of dissatisfaction with the service provider and the service.

KPI 7.2 Service recipients have no fear of retribution in raising complaints.

KPI 7.3 The service provider facilitates the resolution of complaints or disputes by service recipients regarding the service provider and the service.

8 Standard 8: Service management

Each service provider adopts quality management systems and practices that optimise outcomes for service recipients.

KPI 8.1 The service provider has management systems in place that facilitate quality management practices and continuous improvement.

9 Standard 9: Employment conditions

Each person with a disability enjoys working conditions comparable to those of the general workforce.

KPI 9.1 The service provider ensures that people with a disability, placed in open or supported employment, receive wages according to the relevant Australian Pay and Classification Scale (APCS), special Federal Minimum Wage (SFMW), award, order or industrial agreement (if any). A wage must not have been reduced, or be reduced, because of award exemptions or incapacity to pay or similar reasons and, if a person is unable to work at full productive capacity due to a disability, the service provider is to ensure that a pro-rata wage based on the applicable special SFMW, APCS, award, order or industrial agreement is paid. This pro-rata wage must be determined through a transparent assessment tool or process, such as Supported Wage System (SWS), or tools that comply with the criteria referred to in the Guide to Good Practice Wage Determination including:

- compliance with relevant legislation;
- validity;
- reliability;
- wage outcome; and
- practical application of the tool.

KPI 9.2 The service provider ensures that, when people with a disability are placed in employment, their conditions of employment are consistent with general workplace norms and relevant Commonwealth and State legislation.

KPI 9.3 The service provider ensures that, when people with a disability are placed and supported in employment, they, and if appropriate, their guardians and advocates, are informed of how wages and conditions are determined and the consequences of this.

10 Standard 10: Service recipient training and support

The employment opportunities of each person with a disability are optimised by effective and relevant training and support.

KPI 10.1 The service provider provides or facilitates access to relevant training and support programs that are consistent with the employment goals and opportunities of each service recipient.

11 Standard 11: Staff recruitment, employment and training

Each person employed to deliver services to a person with a disability has relevant skills and competencies.

KPI 11.1 The service provider identifies the skills and competencies of each staff member.

KPI 11.2 The service provider ensures that its staff have relevant skills and competencies.

KPI 11.3 The service provider ensures the provision of appropriate and relevant training and skills development for each staff member.

12 Standard 12: Protection of human rights and freedom from abuse

The service provider acts to prevent abuse and neglect and to uphold the legal and human rights of service recipients.

KPI 12.1 The service provider takes all practical and appropriate steps to prevent abuse and neglect of its service recipients.

KPI 12.2 The service provider upholds the legal and human rights of its service recipients.