



Capability and Culture of the NDIA

11 OCTOBER 2022

Joint Standing Committee on the National Disability Insurance Scheme
PO Box 6100
Parliament House
Canberra ACT 2600

By email: ndis.joint@aph.gov.au

Dear Committee Secretary

Capability and culture of the NDIA

As the union representing people working in the National Disability Insurance Agency (NDIA) and the NDIS Quality Safety Commission (NDISQSC), the Community and Public Sector Union (CPSU) welcomes the opportunity to make a submission on the capability and culture of the NDIA. Our submission focuses on the operational processes and procedures, and nature of staff employment, specifically the:

- Ongoing reliance on labour hire by the NDIA and NDISQSC,
- Failure to be an employer of choice for people with a disability,
- Poor workplace culture, and
- Impact of changes to operational processes and procedures.

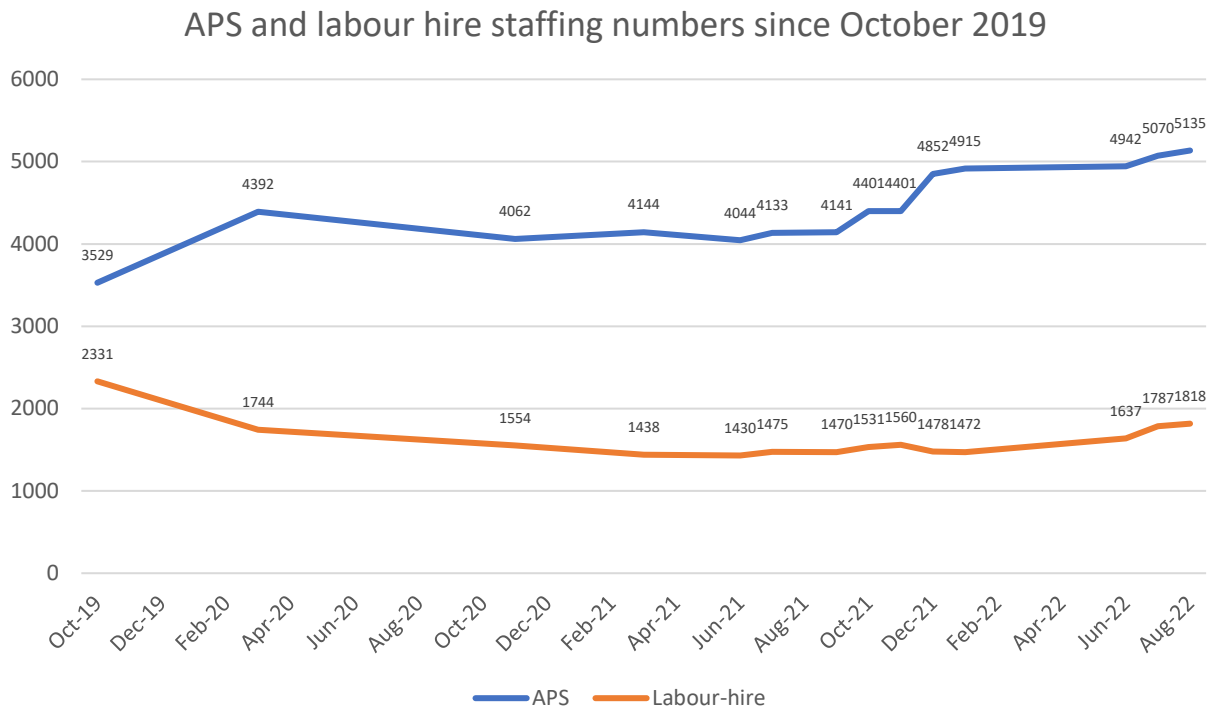
Ongoing reliance on labour hire

The use of labour hire continues to be an issue in the NDIA. While APS staffing levels have increased, there has not been a decrease in labour hire as yet. Chart 1 tracks the headcount of NDIA staff from October 2019 to 31 August 2022 and shows a continued reliance on labour hire. The most recent data received by the CPSU indicates 1,818 labour hire staff in the NDIA. This is the highest it has been since April 2020. The NDIA should prioritise the reduction of insecure labour hire arrangements in line with the new Government's commitment.¹

¹ AN ALBANESE LABOR GOVERNMENT WILL DEFEND AND FIX THE NDIS.

<https://www.billshorten.com.au/news/bill-s-media-releases/an-albanese-labor-government-will-defend-and-fix-the-ndis/>. Accessed 7 Oct. 2022.

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The NDIA is not the only agency impacted by staffing issues. The NDISQSC also continues to experience continued over reliance on labour hire. The CPSU estimates it is around 200 staff or over 40 per cent of the workforce. This is exacerbated by chronic understaffing, staffing numbers, including labour hire, are 468 and this time last year it was 476.

The failure to be an employer of choice for people with a disability

The NDIA and NDISQSC should be employers of choice for people with a disability. Unfortunately, there is continued poor practice when trying to attract and retain people with lived experience of disability. More must be done to improve accessibility and reasonable adjustments for staff in both agencies.

The CPSU has sought to work collaboratively to make this happen through the CPSU Accessibility Council which consists of CPSU members with lived experience with disability who collectively organise to advocate on issues affecting workers with disabilities. The CPSU sent a letter addressed to NDIA that included the five recommendations our CPSU Accessibility Council believes would help the NDIA become an employer of choice. The five recommendations were:

1. Cease performance managing staff with disabilities regarding Key Performance Indicators until the agency can provide accessible ICT systems for users of assistive technology and employees that require reasonable adjustments are provided with the adjustments they need to perform their job.
2. The NDIA needs to take more initiative in job creation and innovation, such as using a customised employment model where employers work with employees with disability

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to tailor roles to their individual skills and interests as suggested by the Disability Royal Commission.

3. The agency needs to consult with the Accessibility Council on any policy that relates to or affects employees with disabilities.
4. Remove the discriminatory requirements of job descriptions when advertising roles with the agency as well as ongoing consultation and co-design of employment processes and role creation.
5. Educate any managers and recruitment agencies involved in recruitment processes on the correct application of the RecruitAbility scheme.

The CPSU received a response from the NDIA outlining that it believes it is addressing issues with the recruitment and retention of workers with disability, which the CPSU disagrees with.

While both agencies have room for improvement, the contrast between the NDIA and NDISQSC is stark with little attention given by the NDISQSC to actions that will make it an employer of choice for people with a disability. There has been no plan and almost no engagement with staff compared to the NDIA. Issues raised in previous submissions to this committee about the NDISQSC have not changed and have gotten worse.

A CPSU member with a disability who works at the NDISQSC provided a personal example of the failure of the agency to make reasonable adjustments for them. They recently underwent a harrowing experience, having lost both their legs in the last year. They were told they were not complying with the inherent requirements of the job, which according to the NDISQSC, meant they had to catch the train and enter the office more often.

Poor workplace culture

CPSU members have reported that poor workplace culture continues to be an issue in both the NDIA and NDISQSC which needs to be addressed.

As yet, the 2022 APS Census results for the NDIA have not been publicly released yet, however, the CPSU is aware that Administrative Appeals Branch specific Census results indicate that 41 per cent of staff continue to experience high workloads.

There have been some improvements because of a shift in the relationship between CPSU and NDIA since the change of government. This has led to positive outcomes including better workload management and staffing increases. There is, however, still room for improvement, particularly around the reliance on labour hire, measures to address accessibility and reasonable adjustments for workers with disability.

While the NDIA has worked with CPSU, leading to some positive changes, NDISQSC has not sought to work constructively with the CPSU to address poorer wellbeing outcomes.

It comes as little surprise that the latest Census results for the NDISQSC indicates the agency is ranked 97th out of 98 agencies for wellbeing policies and support. Only two in five (42%) believe the agency cares about their health and well being and only a third (35%) believes the agency does a good job of promoting health and well being. Less than half (46%) would recommend the NDISQSC as a good place to work.

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Other workplace culture findings from the Census include:

- Only three in ten (28%) say their workgroup has the tools and resources needed to perform well.
- A fifth (20%) of staff believe they have experienced bullying and harassment.
- Nearly half (46%) indicated they are working well above capacity.
- Only half (49%) say the agency really inspires them to do their best work every day.
- Only a third (32%) are satisfied with the level of consultation regarding employment conditions in the workplace.

These poor Census results ultimately have an impact on participants as staff cannot perform their roles as well as they otherwise could have in a better work environment.

The CPSU has sought to address this poor workplace culture, for example, by seeking to initiate an issue resolution process through the WHS Act because of systemic workload issues and bullying. The CPSU made a Section 82 request in March, officially starting to raise workload and bullying and harassment. There has been a reluctance by the NDISQSC to engage in the Section 82 WHS issue resolution process, forcing the CPSU to notify the agency that it had referred the matter to Comcare. The first meeting involving Comcare occurred in September and despite a difficult start, the union is hoping to move now into an issues/solutions phase to make meaningful improvements to our members psychosocial workplace health.

The impact of changes to operational processes and procedures

The CPSU has concerns about the impact of the NDIA's new CRM and overhaul of planning roles (nicknamed 3Ps). Consultation has only just begun on this process to change the NDIA's internal software system from CRM to PACE which in turn will change how planners perform their roles. Early feedback indicates there are still question marks over exactly how this will impact the participant experience.

For further information, please contact Osmond Chiu, Senior Policy and Research Officer via email

Yours sincerely

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