

*Jobs Australia Response to
the inquiry into ParentsNext
by the Parliamentary Joint
Committee on Human Rights.*

Friday, April 30, 2021.



Jobs Australia

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Thank you for the opportunity to make this submission on behalf of Jobs Australia’s Members.

Sincerely

Debra Cerasa
CEO, Jobs Australia

1. About Jobs Australia

Jobs Australia is a national organisation that supports the largest network of Not for Profit Members who provide diverse employment services and pathways, education, training and skills development, and community and social services.

We are the Peak Body for Not for Profit employment services providers including those organisations providing employment pathway programs.

We are funded solely by our Members allowing us to represent them with real insight by activating and amplifying their collective and independent voice.

<https://www.ja.com.au/>

2. About this Submission

The views expressed in this submission are the views of Jobs Australia. While our views are informed by our consultations and meetings with our Members, they should not be taken to be the views of any individual provider or group of providers.

3. The ParentsNext Program

ParentsNext is a pre-employment program that aims to help parents plan and prepare for employment before their youngest child starts school. Participants, 95 per cent of whom are women, receive personalised assistance to help them identify their education and employment goals, improve their work readiness and link them to activities and services in the local community. Activities may include attending playgroups or similar activities, which provide social connections and networking opportunities for those with limited work history and significant non-vocational barriers, through to further education and training.

For many parents, particularly women, caring for young children means less time spent in the paid workforce. While valuable new skills and social networks can be acquired through parenting, parents also risk losing work-specific skills and the confidence to enter paid employment. For parents in receipt of government income support payments, this can increase the risk of long-term welfare dependency.

4. Changes to the ParentsNext Program

Commencing 1 July 2021 changes are to be made to the ParentsNext program. The changes to the program are recognised as The Social Security (Parenting payment participation requirements – class of persons) Instrument 2021 (the Instrument). The instrument is made by the Minister for Employment, Skills, Small and Family Business under subsection 500(2) of the Social Security Act 1991 (the Act).

The Instrument is made under subsection 500(2) of the Act and specifies a class of persons, described as Compulsory Participants, for the purposes of paragraph 500(1)(ca) of the Act.

The effect of the Instrument is that Parenting Payment recipients in this class of persons may be required to meet the participation requirements in section 500A of the Act, unless an exemption – for one or more of a range of reasons, including domestic violence, certain caring responsibilities, sickness, injury or other reasons – applies. Compulsory Participants may be required to meet these participation requirements to continue to qualify for parenting payment (paragraph 500(1)(ca) of the Act).

The Instrument supports the streamlining of ParentsNext announced by the Australian Government as part of the 2020-21 Budget.

5. Parliamentary Joint Committee on Human Rights

On 31 March 2021, the Parliamentary Joint Committee on Human Rights resolved to conduct a short inquiry into the Social Security (Parenting payment participation requirements – class of persons) Instrument 2021 [F2021L00064] (the measure) as part of its function of examining legislative instruments for compatibility with human rights (under section 7(a) of the *Human Rights (Parliamentary Scrutiny) Act 2011*).

The committee is seeking evidence on the human rights implications of this measure, and, evidence in relation to the following issues:

- 1) whether and how it has been demonstrated that participants in the ParentsNext program who have had their Parenting Payment reduced, suspended or cancelled for non-compliance are able to meet their basic needs (and those of their children) in practice, such that they have an adequate standard of living, and whether and how this is assessed before payments may be affected;
- 2) the extent to which the ParentsNext program operates flexibly in practice, such that it treats different cases differently (including for parents in regional areas and Indigenous parents);
- 3) the extent to which participation in the ParentsNext program meets its stated objectives of effectively addressing barriers to education and employment for young parents in practice, and whether making participation compulsory is effective to achieve those objectives;
- 4) what consultation has there been with Indigenous groups in relation to the compulsory participation of Indigenous peoples in the ParentsNext program;
- 5) whether, and based on what evidence, it has been demonstrated that less rights restrictive alternatives to compulsory participation (such as voluntary or incentivised participation) would not be as effective to achieve the stated objectives of this scheme; and
- 6) the extent to which linking welfare payments to the performance of certain activities by the welfare recipient is consistent with international human rights law, particularly the rights to social security, an adequate standard of living, equality and non-discrimination, a private life, and the rights of the child.

6. Executive Summary

The ParentsNext program was implemented nationally in 2018 and has continued to achieve positive outcomes for parents.

The Parliamentary Joint Committee on Human Rights is to examine imminent changes to the ParentsNext program, effective July 1, 2021.

Jobs Australia Members do not provide a view on whether the Mutual Obligations and the Target Compliance Framework as components of the ParentsNext program compromise the rights of the child. The domain for this most important determination is with the Parliamentary Joint Committee.

Jobs Australia ParentsNext Providers expressed a range and strength of opinion on both Mutual Obligations and the Target Compliance Framework. This is not unexpected. The overall value and success of this important sector and program is in its diversity and the diverse nature and skills of the ParentsNext Providers.

Some Members recommended that Mutual Obligations and the Target Compliance Framework are of no value to the positive and enthusiastic participation achieved when the tailored processes are well designed and delivered. Other Members express the opinion that Mutual Obligations and the Target Compliance Framework is a successful component of participation.

Members advised that the facility of Mutual Obligations and the Target Compliance Framework does NOT mean that they are used without discretion, care and upon full participation of circumstances.

Others have a view almost completely opposite, which then is that Mutual Obligations and the Target Compliance Framework is an essential component of successful participation.

The six areas of inquiry, represented as Scope, and whether there is an impact of the ParentsNext program on the rights of the participant and their child or children are welcomed by all jobs Australia Members irrespective of their opinion. All are keen to understand the findings.

7. Jobs Australia Response - Methodology

Jobs Australia provided ParentsNext Members with its strongly supported Clarion Calls to enable discussion on –

- The ParentsNext program in general terms
- The defined scope for the Parliamentary Joint Committee and
- The nature of Jobs Australia response to the Joint Committee.

Members acknowledge the importance of the Parliamentary Joint Committee.

Members know the Committee understands the dedication and commitment required by Jobs Australia Members. Many Members have built lifetime careers in the Not for Profit sector and are instrumental in supporting ParentsNext participants achieve work-readiness and employment whilst meeting the requirements of their children.

The performance of ParentsNext is seen by Members as a remarkable achievement.

8. Members Advice - Summary

Jobs Australia Members appreciate the opportunity to provide the Parliamentary Joint Committee with insight drawn from their knowledge and three-year experience with the ParentsNext program. Member experience has been assimilated across the years the program has been delivered and includes:

- The ParentsNext program structure/rules and framework
- The participants and their participation in the program
- The participants upstream life-issues and barriers/challenges and opportunities
- Benefits of participation and results.

Jobs Australia Members warmly endorse the ParentsNext program.

Without exception Jobs Australia Member organisations who deliver the ParentsNext program believe it is an important initiative and are deeply committed to its success.

It is to be expected that when consulting successful Employment Services providers, Jobs Australia received a range of informed opinion on the role and importance of Mutual Obligations, and the inclusion and application of the Target Compliance Framework.

Some members believe the inclusion of Mutual Obligations and the Target Compliance Framework to be an essential component of the program and do not want these two facilities to change.

Other Members believe the ParentsNext program can operate without Mutual Obligations or the Target Compliance Framework.

Jobs Australia Members agree that the individually tailored participation plans are a key component to the participation success and the application of Mutual Obligations and/or the

Target Compliance Framework is used sparingly, carefully and in full consideration of the individual circumstances.

Members believe that when each provider delivers a true consultancy-based service to individual participants resulting in individual and tailored plans, the need for Compliance response to participation is significantly less than when the appropriate tailored care is absent.

“There is a reason why people do not participate. It is important to understand the reason. Applying a compliance response to non-participation without understanding the causation does not resolve underlying issues and almost certainly has impacts.”

Reference: Jobs Australia Member feedback

9. Item 1 of the Inquiry Scope

Whether and how it has been demonstrated that participants in the ParentsNext program who have had their Parenting Payment reduced, suspended or cancelled for non-compliance are able to meet their basic needs (and those of their children) in practice, such that they have an adequate standard of living, and whether and how this is assessed before payments may be affected.

Response

Jobs Australia Members understand and advise the importance of participants achieving a balance between their family/parenting responsibilities.

Jobs Australia Members understand and deliver services defined by the ParentsNext program. Members take great care and time carefully explaining the ParentsNext program to participants, so they are aware of their participation guidelines and expectation. Included in the explanations of Mutual Obligations is detailed discussion on the providers considered careful and proportionate use of the Target Compliance Framework.

Members advise participant activities are an output of tailored, individual needs-based consultation. Non-participation in tailored activities can be attributed to issues within the participants life outside the program.

As required Members carefully evaluate each participant's reason for non-participation in the activities they identify as being important to their future work-readiness.

This examination includes intensive reviews of the following -

- the prescribed activity/activities
- the participant capability to remain in the prescribed activity/activities
- the participant standard of living including the impact of any future suspension of payment on the participant child and or children.

These considerations enable adjustment to the tailored activities to be reviewed in order they continue suit the circumstances presented by the participant within the program scope. Any application of the Target Compliance Framework is used carefully and with understanding of all contributing reasons.

All Members are clear in their advice that the Target Compliance Framework is used with great discretion, care and understanding and in a way which creates further opportunities for participation. Some Members advise that in the unlikely event of payment suspension, there maybe an impact on the capacity of the participant to meet basic needs.

Recommendation

Members recommend that more information is required before a determination can be produced.

10. Item 2

The extent to which the ParentsNext program operates flexibly in practice, such that it treats different cases differently (including for parents in regional areas and Indigenous parents).

Response

Members appreciate and endorse the flexible nature of the program and support the way it enables providers to tailor each case according to the individual needs and aspirations of the participant.

Jobs Australia Members provide ParentsNext services to parents across Australia. The delivery points include metropolitan, regional and remote areas. Within these areas, services are provided to participants representing a diverse ethnicity including Indigenous Australian parents.

All participants regardless of ethnicity are beneficiaries of the individual tailored services provided by the ParentsNext program.

Members observed that in some remote regions ParentsNext is not available.

Recommendation:

Members recommend that more information is required before a determination can be produced.

11. Item 3

The extent to which participation in the ParentsNext program meets its stated objectives of effectively addressing barriers to education and employment for young parents in practice, and whether making participation compulsory is effective to achieve those objectives.

Response

Members confirm the ParentsNext program was implemented nationally in 2018 and has continued to achieve positive outcomes for parents. It has achieved the following outstanding results:

Between 1 July 2018 and 31 December 2020, over 150,000 parents have received assistance through the program.

This includes 65,500 parents who have commenced education.

It also includes over 34,000 parents who have commenced employment.

Over 4,500 parents have exited the program because of finding stable work.*

(*Source: Social Security (Parenting payment participation requirements – class of persons) Instrument 2021)

Recommendation:

Members recommend the program meets its stated objectives.

12. Item 4

What consultation has there been with Indigenous groups in relation to the compulsory participation of Indigenous peoples in the ParentsNext program.

Response

Members advise that the ParentsNext program has provided non-discriminatory information advice and services to all people eligible to participate and is continued to be advised to those who do participate in the program.

Members are aware of their obligation to properly inform all ParentsNext participants of all aspects of the program including Mutual Obligations and the Target Compliance Framework.

Some Members advise that they are unaware of any Indigenous (or any non-indigenous person) who participate in the ParentsNext program only because of their Mutual Obligations, but do so because they have valued, jointly developed tailored pathways to follow.

Other Members advise that for some participants including those without previous experience or understanding of the ParentsNext program, the compulsory nature of the program is an important part of their participation. Some Members advise the inclusion of Mutual Obligations and the Target Compliance Framework is not the only factor in creating participation in activities.

Participants may include Indigenous Australian people.

In general terms the identification of specific groups of parents including by reference to their age, their children's age, and indirectly, their sex, is reasonable, necessary and sufficiently precise to assist those parents to improve their family wellbeing, educational attainment and employment prospects and to begin to disrupt the intergenerational disadvantage from which many suffer. It also recognises that the right to education and the right to work are essential for realising other human rights.*

(*Source: Social Security (Parenting payment participation requirements – class of persons) Instrument 2021)

Recommendation:

Members recommend that more information is required before any determination can be produced.

13. Item 5

Whether, and based on what evidence, it has been demonstrated that less rights restrictive alternatives to compulsory participation (such as voluntary or incentivised participation) would not be as effective to achieve the stated objectives of this scheme.

Response

Some Jobs Australia Members recommend that participation in the ParentsNext program would not be affected if Mutual Obligations were removed. For those Members the advice is clear. The presence of Mutual Obligations with the Target Compliance Framework does not produce the maximum number of participation in the ParentsNext program. Members advice is that the quality of the tailored participation plan, and the quality of consulting and trust-based relationship formed between provider and participant is the key to successful participation.

Other Members advised that Mutual Obligation with the Target Compliance Framework is an essential component of the ParentsNext program and believe both are important to the successful development of participants and allow participants and providers to maintain contact when participant/attendance requires a careful and considered response.

Some Members draw the Parliamentary Joint Committees' attention to the Australian mainstream workplace and to the general conditions of employment. In this example, employee absences from employed work can be responded to by employers in incremental steps and always there are substantial number of opportunities to establish the cause for any absence, and to respond appropriately to it.

This maturity is not easily seen in the application of the Target Compliance Framework and in this sense, it is at odds with the workplace the ParentsNext program seeks to prepare participants for.

Some Members emphasised that if a relevant tailored participation plan is developed in conjunction with the participant, then opportunities for participation are maximised. Participation does not need to be 'managed' by the implication that consequence will be applied for non-participation by the Target Compliance Framework.

Other Jobs Australia Members recommend that participation and results in the ParentsNext program is highly dependent on all aspects of the current program, including Mutual Obligations and the Target Compliance Framework.

Some Members advise the quality of the tailored participation plan, and the quality of consulting and trust-based relationship and the regular careful advice on all features of the ParentsNext program is key to successful participation. Some participants progress through the ParentsNext program with greater productivity and success with the understanding of their Mutual Obligations.

Recommendation:

Members recommend that more information is required before any determination can be produced.

14. Item 6

The extent to which linking welfare payments to the performance of certain activities by the welfare recipient is consistent with international human rights law, particularly the rights to social security, an adequate standard of living, equality and non-discrimination, a private life, and the rights of the child.

Response

Jobs Australia Members recognise that in Australia currently, the use of Mutual Obligations/compulsory participation in Employment Services programs is a non-negotiable factor of receiving income from the Federal Government.

This does not mean, and Members do not agree that the use of Mutual Obligations is an essential and exclusive driver to participation. If that premise was the case – it immediately risks not only the devaluation of individual tailored participation plans jointly developed by the participant and the provider. Members feel that what is missing in the Parliamentary Joint Enquiry is an examination of the value generated by the program and the extent to which provider ensure the Target Compliance Framework is applied as an absolute last resort – and all opportunities to examine, review, adjust and respond to the participants circumstances have been exhausted.

The use of payment suspension because of non-participation is considered an admission that the Provider has failed in their obligations to provide the participant with a tailored pathway that is responsive to their needs and aspirations.

In this context and whilst Providers reject the application of Mutual Obligations with the Target Compliance Framework, they also feel that they produce successful results without needing to use that facility.

If Mutual Obligations with the Target Compliance Framework is applied to the extent that payment is suspended Members advise there maybe consequences to the individual participant for a short period of time, whilst the reasons for the break in communication and participation are understood and responded to.

Recommendation:

Members recommend that more information is required before any determination can be produced.

15. Conclusion

Some Jobs Australia Members advise that the use of Mutual Obligations with the Target Compliance Framework is unnecessary with the ParentsNext participants. This is because those Members see participation as a collaborative response to a properly developed, tailored development plan and one which the participant values.

In contrast other Jobs Australia Members assert that the presence of Mutual Obligations with the Target Compliance Framework does not imply that the facility is used unnecessarily. Members representing the diverse nature of opinion endorse carefully constructed, tailored participation plans.

All Members recognise that the application of payment suspension as a component of the Target Compliance Framework may have consequences. That is what the suspension is designed to achieve. Those consequences may include impacts to standards of living for the participant, their child and or children.

Some Members agreed that decisions are best made upon further evidence and suggested the Government consider a sample trial on participation within the program with the removal of Mutual Obligations and the Target Compliance Framework, in order that the impacts are closely observed and reported.

Jobs Australia Members once again thank the Parliamentary Joint Committee for the opportunity to respond and on all items recommends further research is undertaken prior to any change to the current program.

16. Key Documents / Additional Resources

Key documents

The Social Security (Parenting payment participation requirements – class of persons) Instrument 2021 can be found here <https://www.legislation.gov.au/Details/F2021L00064> and its explanatory statement <https://www.legislation.gov.au/Details/F2021L00064/Explanatory%20Statement/Text>

The Committee recently published a preliminary analysis of the legislative instrument in its scrutiny *Report 2 of 2021* https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/Scrutiny_reports/2021/Report_2_of_2021 (at pages 58–66), and sought a response from the Minister.

The Minister has now provided a response, which can be accessed here https://www.aph.gov.au/-/media/Committees/Senate/committee/humanrights_cte/inquiries/ParentsNext/Ministers_response.pdf?la=en&hash=9AD48B69ACE3CF1BBBFC45FDCCBAFF2D356B27DA