From: Chambers - Hatcher VP
Sent: Thursday, 1 February 2018 4:59 PM
To: 'KEMP, James'; 'Stephen.bull@unitedvoice.org.au'; Leigh Svendsen; 'fogarty@denmanchambers.com.au'; Kairsty Wilson; 'cainpaul@icloud.com'; 'craig.rawson@ags.gov.au'; 'abigail.cooper@ashurst.com'; Nigel Ward; 'chrisc@greenacres.net.au'; 'MarkW@greenacres.net.au'; 'pfrench@disabilitylaw.org.au'; 'samanthaf@pwd.org.au'; 'Anthony.rohr@maiwel.com.au'; 'Smith_c1@optusnet.com.au'; 'Steve.burgess@flagstaffgroup.com.au'; 'Roy.rogers@flagstaffgroup.com.au'; 'lmooney@dsa.org.au'; 'mlcinitaly@gmail.com'; 'mjbuck2@telstra.com'; 'estelleshields@hotmail.com'; 'hdickens@dsa.org.au'; 'kerrie.langford@nds.org.au'; 'bree.willsmore@dss.gov.au'; 'johnharvey@greenacres.net.au'; 'marywalsh6@bigpond.com'; 'mpatrick@disabilitylaw.org.au'; 'Skillsmaster275@outlook.com'; 'cnewbold@actu.org.au'; 'Rowena.Freeland@dss.gov.au'; Joe Murphy; 'cwatts@actu.org.au'; 'robk@accessindustries.com.au'; 'Chris.D'SOUZA@dss.gov.au'; Emily Slaytor; 'Paul Musso (paul.musso@nds.org.au)'; 'Claire Brattey'; 'jzadel@hwle.com.au'; 'sryan@hwle.com.au'; 'Sina Zevari'; 'Noni Lord'
Cc: Jade Maloney; Michael Brooks; Sue Leahy; Bell, Fraser (fbell@tglaw.com.au)
Subject: RE: ARTD Application to set aside order for matter AM2014 286

Dear Parties,

Re: AM2014/286 – Supported Employment Services Award 2010

I refer to the below application to set aside the order of production of documents and the correspondence attached.

The Full Bench orders as follows:

1. The order for production issued to ARTD on 22 December 2017 is revoked pursuant to s 603 of the Fair Work Act 2009. The Full Bench considers that the potential prejudice that may arise from the production of the documents identified in the Schedule to the order outweighs any probative value which the documents may have.

2. The submission and witness statements filed by the Endeavour Foundation on 14 November 2017 shall be removed from the Commission's website for this matter.

3. The Endeavour Foundation is directed to file revised versions of its submissions and witness statements which redact or otherwise remove any individual participant data used for the ARTD Evaluation Report by **5.00pm Friday 2 February 2018.**

Kind regards,

Helen Hamberger
Associate to Vice President Hatcher

Fair Work Commission
Tel: (02) 9308 1812
Fax: (02) 9380 6990
chambers.hatcher.vp@fwc.gov.au

Level 10 Tower Terrace
80 William Street
East Sydney NSW 2011

www.fwc.gov.au

From: Wendy Hodge [mailto:wendy.hodge@artd.com.au]
Sent: Friday, 19 January 2018 3:51 PM
To: Chambers - Hatcher VP
Cc: Jade Maloney; Michael Brooks; Sue Leahy; Bell, Fraser (fbell@tglaw.com.au)
Subject: ARTD Application to set aside order for matter AM2014 286

Attention: Vice President Hatcher

Dear Sir

In the matter of AM2014/286, ARTD Consultants are seeking to have the order to provide data underlying ARTD's evaluation report **set aside** for the reasons set out our attached letter and also in the supporting letter from Thomas Greer solicitors acting on behalf of Bellberry Ltd (Human Research Ethics Committee).

The ARTD Evaluation Report provides a full analysis of the quantitative assessment data and the qualitative data collected from stakeholders. In addition to the underlying data, the order also requests a copy of the "assessment report" but there was no separate assessment report to the evaluation report. We have provided a copy of the evaluation report in case this has not already been provided to AED Legal Services.

Thank you for your consideration of our reasons for asking for the order to be set aside. Please acknowledge our request has been received.

Wendy Hodge
Principal Consultant
ARTD Consultants
www.artd.com.au
Ph: 02 9373 9991
M: 0409 519 954

From: Jade Maloney [mailto:jade.maloney@artd.com.au]
Sent: Monday, 29 January 2018 3:40 PM
To: Chambers - Hatcher VP
Cc: Wendy Hodge
Subject: AM2014/286

Attention: Vice President Hatcher

In the matter of AM2014/286, we provided a request to set aside the order to provide data on 19/1/2018. On 25/1/2018 when we saw the AED Legal Centre's response to the request for the order to be set aside, it came to our attention that the evaluation data had been referred to in submissions to the Fair Work Commission.

It subsequently came to our attention that one of the providers participating in the Trial, Endeavour, had used individual participant Trial data in their submission https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/am2014286-sub-ws-reed-donne-141117.pdf (p384). This would be considered a breach of the Ethics Protocol for the Evaluation of the Modified Supported Wage System Trial, which was approved by the Human Research Ethics Committee, Belberry. We have reported this to Belberry, as required under our ethics approval, and expect that the Ethics Committee will provide direction on how to respond.

We would suggest this data be removed from the record to protect Trial participant privacy and confidentiality. We note that AED Legal Centre also suggested the data be removed in their response.

Kind regards,

Jade Maloney
Partner

Phone: (02) 9373 9909
Mobile: 0415599484
Email: jade.maloney@artd.com.au

Level 4, 352 Kent St
Sydney NSW 2000
www.artd.com.au

Connect on Twitter (ARTD)
Connect on Twitter (Jade)
Connect on LinkedIn

ARTD CONSULTANTS

From: Noni Lord [mailto:noni.lord@aed.org.au]
Sent: Thursday, 25 January 2018 4:16 PM
To: Chambers - Hatcher VP; Noni Lord; Kairsty Wilson
Cc: 'Jade Maloney (jade.maloney@artd.com.au)'; 'Michael Brooks (michael.brooks@artd.com.au)'; 'Sue Leahy (sue.leahy@artd.com.au)'; 'Bell, Fraser'; 'Wendy Hodge (wendy.hodge@artd.com.au)'; Noni Lord; 'KEMP, James'; 'Stephen.bull@unitedvoice.org.au'; Leigh Svendsen; 'fogarty@denmanchambers.com.au'; Kairsty Wilson; 'cainpaul@icloud.com'; 'craig.rawson@ags.gov.au'; 'abigail.cooper@ashurst.com'; 'Nigel Ward'; 'chrisc@greenacres.net.au'; 'MarkW@greenacres.net.au'; 'pfrench@disabilitylaw.org.au'; 'samanthaf@pwd.org.au'; 'Anthony.rohr@maiwel.com.au'; 'Smith_c1@optusnet.com.au'; 'Steve.burgess@flagstaffgroup.com.au'; 'Roy.rogers@flagstaffgroup.com.au'; 'lmooney@dsa.org.au'; 'mlcinitaly@gmail.com'; 'mjbuck2@telstra.com'; 'estelleshields@hotmail.com'; 'hdickens@dsa.org.au'; 'kerrie.langford@nds.org.au'; 'bree.willsmore@dss.gov.au'; 'johnharvey@greenacres.net.au'; 'marywalsh6@bigpond.com'; 'mpatrick@disabilitylaw.org.au'; 'Skillsmaster275@outlook.com'; 'cnewbold@actu.org.au'; 'Rowena.Freeland@dss.gov.au'; 'Joe Murphy'; 'cwatts@actu.org.au'; 'robk@accessindustries.com.au'; 'Chris.D'SOUZA@dss.gov.au'; 'Emily Slaytor'; 'Paul Musso (paul.musso@nds.org.au)'; 'Claire Brattey'; 'jzadel@hwle.com.au'; 'sryan@hwle.com.au'; 'Andrew Daly'; 'Hugh Packard'; 'Sina Zevari'
Subject: RE: ARTD Application to set aside order for matter AM2014 286

Dear Associate,

We attach our response to setting aside the order for production.

Regards,

Courtney for

_____

Noni Lord
Legal Assistant
AED LEGAL CENTRE
Suite 4 Level 9, 276 Flinders Street, Melbourne 3000.
Tel: (03) 9639 4333 Fax: (03) 9650 2833 web: www.aed.org.au

disclose its contents to any person. If you do any of these things you may be sued or prosecuted."

From: Chambers - Hatcher VP [mailto:Chambers.Hatcher.VP@fwc.gov.au]
Sent: Thursday, 25 January 2018 10:51 AM
To: Noni Lord ; Kairsty Wilson
Cc: 'Jade Maloney (jade.maloney@artd.com.au)' ; 'Michael Brooks (michael.brooks@artd.com.au)' ; 'Sue Leahy (sue.leahy@artd.com.au)' ; 'Bell, Fraser' ; 'Wendy Hodge (wendy.hodge@artd.com.au)' ; Noni Lord ; 'KEMP, James' ; 'Stephen.bull@unitedvoice.org.au' ; Leigh Svendsen ; 'fogarty@denmanchambers.com.au' ; Kairsty Wilson ; 'cainpaul@icloud.com' ; 'craig.rawson@ags.gov.au' ; 'abigail.cooper@ashurst.com' ; 'Nigel Ward' ; 'chrisc@greenacres.net.au' ; 'MarkW@greenacres.net.au' ; 'pfrench@disabilitylaw.org.au' ; 'samanthaf@pwd.org.au' ; 'Anthony.rohr@maiwel.com.au' ; 'Smith_c1@optusnet.com.au' ; 'Steve.burgess@flagstaffgroup.com.au' ; 'Roy.rogers@flagstaffgroup.com.au' ; 'lmooney@dsa.org.au' ; 'mlcinitaly@gmail.com' ; 'mjbuck2@telstra.com' ; 'estelleshields@hotmail.com' ; 'hdickens@dsa.org.au' ; 'kerrie.langford@nds.org.au' ; 'bree.willsmore@dss.gov.au' ; 'johnharvey@greenacres.net.au' ; 'marywalsh6@bigpond.com' ; 'mpatrick@disabilitylaw.org.au' ; 'Skillsmaster275@outlook.com' ; 'cnewbold@actu.org.au' ; 'Rowena.Freeland@dss.gov.au' ; 'Joe Murphy' ; 'cwatts@actu.org.au' ; 'robk@accessindustries.com.au' ; 'Chris.D'SOUZA@dss.gov.au' ; 'Emily Slaytor' ; 'Paul Musso (paul.musso@nds.org.au)' ; 'Claire Brattey' ; 'jzadel@hwle.com.au' ; 'sryan@hwle.com.au' ; 'Andrew Daly' ; 'Hugh Packard' ; 'Sina Zevari'
Subject: RE: ARTD Application to set aside order for matter AM2014 286

Dear Ms Lord,

Further to my email below, the Commission requests that if you wish to provide a response to the attached, you do so by **not later than 4.00pm today, 25 January 2018.**

Kind regards,

Ingrid Stear
Associate to Vice President Hatcher

Fair Work Commission
Tel: (02) 9308 1812
Fax: (02) 9380 6990
chambers.hatcher.vp@fwc.gov.au

Level 10 Tower Terrace
80 William Street
East Sydney NSW 2011
www.fwc.gov.au

From: Chambers - Hatcher VP
Sent: Wednesday, 24 January 2018 9:47 AM
To: noni.lord@aed.org.au; kairsty.wilson@aed.org.au
Cc: Jade Maloney (jade.maloney@artd.com.au); Michael Brooks (michael.brooks@artd.com.au); Sue Leahy (sue.leahy@artd.com.au); 'Bell, Fraser'; Wendy Hodge (wendy.hodge@artd.com.au); 'Noni Lord'; 'KEMP, James'; 'Stephen.bull@unitedvoice.org.au'; Leigh Svendsen; 'fogarty@denmanchambers.com.au'; 'Kairsty Wilson'; 'cainpaul@icloud.com'; 'craig.rawson@ags.gov.au'; 'abigail.cooper@ashurst.com'; Nigel Ward; 'chrisc@greenacres.net.au'; 'MarkW@greenacres.net.au'; 'pfrench@disabilitylaw.org.au'; 'samanthaf@pwd.org.au'; 'Anthony.rohr@maiwel.com.au'; 'Smith_c1@optusnet.com.au'; 'Steve.burgess@flagstaffgroup.com.au'; 'Roy.rogers@flagstaffgroup.com.au'; 'lmooney@dsa.org.au'; 'mlcinitaly@gmail.com'; 'mjbuck2@telstra.com'; 'estelleshields@hotmail.com'; 'hdickens@dsa.org.au'; 'kerrie.langford@nds.org.au'; 'bree.willsmore@dss.gov.au'; 'johnharvey@greenacres.net.au'; 'marywalsh6@bigpond.com'; 'mpatrick@disabilitylaw.org.au'; 'Skillsmaster275@outlook.com'; 'cnewbold@actu.org.au'; 'Rowena.Freeland@dss.gov.au'; Joe Murphy; 'cwatts@actu.org.au'; 'robk@accessindustries.com.au'; 'Chris.D'SOUZA@dss.gov.au'; Emily Slaytor; 'Paul Musso (paul.musso@nds.org.au)'; 'Claire Brattey'; 'jzadel@hwle.com.au'; 'sryan@hwle.com.au'; 'Andrew Daly'; 'Hugh Packard'; 'Sina Zevari'
Subject: FW: ARTD Application to set aside order for matter AM2014 286

Dear Ms Lord,

I refer to the below email and the attached response from ARTD requesting that the order for production be set aside.

The Commission requests that you provide any response urgently.

Ingrid Stear
Associate to Vice President Hatcher

Fair Work Commission
Tel: (02) 9308 1812
Fax: (02) 9380 6990
chambers.hatcher.vp@fwc.gov.au

Level 10 Tower Terrace
80 William Street
East Sydney NSW 2011
www.fwc.gov.au

From: Wendy Hodge [mailto:wendy.hodge@artd.com.au]
Sent: Friday, 19 January 2018 3:51 PM
To: Chambers - Hatcher VP
Cc: Jade Maloney; Michael Brooks; Sue Leahy; Bell, Fraser (fbell@tglaw.com.au)
Subject: ARTD Application to set aside order for matter AM2014 286

Attention: Vice President Hatcher

Dear Sir

In the matter of AM2014/286, ARTD Consultants are seeking to have the order to provide data underlying ARTD's evaluation report **set aside** for the reasons set out our attached letter and also in the supporting letter from Thomas Greer solicitors acting on behalf of Bellberry Ltd (Human Research Ethics Committee).

The ARTD Evaluation Report provides a full analysis of the quantitative assessment data and the qualitative data collected from stakeholders. In addition to the underlying data, the order also requests a copy of the "assessment report" but there was no separate assessment report to the evaluation report. We have provided a copy of the evaluation report in case this has not already been provided to AED Legal Services.

Thank you for your consideration of our reasons for asking for the order to be set aside. Please acknowledge our request has been received.

Wendy Hodge
Principal Consultant
ARTD Consultants
www.artd.com.au
Ph: 02 9373 9991
M: 0409 519 954

aed
LEGAL CENTRE
JUSTICE FOR PEOPLE WITH DISABILITY

Suite 4 Level 9, 276 Finders Street, Melbourne VIC 3000
PO Box 236 Flinders Lane VIC 8009
Tel: 03 9639 4333 Fax: 03 9650 2833
email: noni.lord@aed.org.au
web: www.aed.org.au
Facebook: www.facebook.com/aedlegalcentre

25 January 2018

By Email: chambers.hatcher.vp@fwc.gov.au

Vice President Hatcher
Fair Work Commission
Level 10, Tower Terrace
80 William Street
EAST SYDNEY NSW 2011

Dear Vice President Hatcher

Re: AM2014/286 – Supported Employment Services Award 2010
ARTD Response to Order for Production

We refer to the above and acknowledge the reasons provided by ARTD for setting aside the order for production.

While we understand that ARTD and the Bellberry Human Research Ethics Committee have raised concerns about the confidentiality of the individual quantitative and qualitative data, we note that other parties have referred to this data in their submissions. Consequently, these other parties have breached confidentiality requirements in relation to use of that data.

We reiterate that we have been unable to appropriately respond to these submissions due to not having access to the data. Further, we are of the view that it will be difficult to cross-examine witnesses if we continue to be denied access to the data.

Therefore, if the data cannot be provided, it is requested that any section of a submission that refers to this data be struck out. Further, we request that Commission takes the concerns we have raised into account when giving weight to the ARTD report.

If you have any queries in relation to the above, please email us at noni.lord@aed.org.au or leave a voicemail message on (03) 9639 4333 with some convenient times for us to return your call.

Yours sincerely

Kairsty Wilson
Principal Legal Practitioner
AED Legal Centre

Funded by the Australian Government through the
Department of Social Services

From: Wendy Hodge [mailto:wendy.hodge@artd.com.au]
Sent: Friday, 19 January 2018 3:51 PM
To: Chambers - Hatcher VP
Cc: Jade Maloney; Michael Brooks; Sue Leahy; Bell, Fraser (fbell@tglaw.com.au)
Subject: ARTD Application to set aside order for matter AM2014 286

Attention: Vice President Hatcher

Dear Sir

In the matter of AM2014/286, ARTD Consultants are seeking to have the order to provide data underlying ARTD's evaluation report **set aside** for the reasons set out our attached letter and also in the supporting letter from Thomas Greer solicitors acting on behalf of Bellberry Ltd (Human Research Ethics Committee).

The ARTD Evaluation Report provides a full analysis of the quantitative assessment data and the qualitative data collected from stakeholders. In addition to the underlying data, the order also requests a copy of the "assessment report" but there was no separate assessment report to the evaluation report. We have provided a copy of the evaluation report in case this has not already been provided to AED Legal Services.

Thank you for your consideration of our reasons for asking for the order to be set aside. Please acknowledge our request has been received.

Wendy Hodge
Principal Consultant
ARTD Consultants
www.artd.com.au
Ph: 02 9373 9991
M: 0409 519 954

THOMSON GEER
LAWYERS

Level 7, 19 Gouger Street
Adelaide SA 5000 Australia

GPO Box 1663 Adelaide SA 5001
DX 571 Adelaide

T +61 8 8236 1300
F +61 8 8232 1961

Our ref FMB:2953569

19 January 2018

wendy.hodge@artd.com.au

Ms Sue Leahy
Managing Principal Consultant
ARTD Consultants
PO Box 1167
Queen Victoria Building
SYDNEY NSW 1230

Dear Madam

AM2014/286 Fair Work Commission

We act for Bellberry Limited.

We have written this letter understanding it will be put before the Fair Work Commission by ARTD Consultants.

Our client operates as the independent Human Research Ethics Committee which granted approval to ARTD in respect of a trial entitled **"2016 Trial of a modified Wage System for supported employees in Australian Disability Enterprises"** (Bellberry Reference: 2016-02-141).

We understand that ARTD, the trial proponent, has raised concerns about the confidentiality of the information obtained as part of the trial which was approved by the Bellberry Human Research Ethics Committee (HREC). This has arisen in connection with the enclosed Form F2 order dated 22 December 2017.

We also understand this issue was raised at the hearing on 22 December 2017. We refer to the transcript of that hearing and refer to PN334 in particular. Our client is the HREC referred to that section of the transcript.

The Bellberry (HREC) reviewed this study in accordance with the National Health and Medical Research Council's (NHMRC) National Statement on Ethical Conduct in Human Research (2007, incorporating all updates as at May 2015) (referred to from here forward as the National Statement).

The HREC approved the project as meeting the requirements of the National Statement subject to the conditions including: "The data collected for the purpose of this research project cannot be used for any other purpose without the approval of the Bellberry HREC."

It is for this reason that ARTD contacted Bellberry in relation to the Order.

A Human Research Ethics review, based on the Australian National Statement requires consideration of 4 elements: Research Merit and Integrity, Justice, Beneficence and Respect.

A central tenet of ethical research is that Participants will be fully informed about the intervention and freely give their consent to participation, which can be withdrawn at any time. The National Statement treats "information" in the same category as physical interventions, and nominates informational risks, social disadvantage and disrespect as potential harms.

The ethics approval was granted on the basis that information about participants would remain confidential. Participants were assured that their information would only be seen by ARTD Assessors and DSS Staff.

We believe that releasing and using information collected as part of a research project in previously unspecified ways is disrespectful to participants, and undermines the very principles of Human Research Ethics review.

Moreover, in this particular study, it should be noted that even "deidentified data" could be very readily reidentified given the small number of participants at a small number of sites (ADEs).

Bellberry is concerned that overturning confidentiality requirements could create an undesirable precedent for other research projects governed by Human Research Ethics requirements and the National Statement.

As the ethics review body responsible for protecting the rights of the participants in the trial, our client is keen to ensure that the Fair Work Commission understands the importance of the confidentiality and our client is prepared to participate in any process determined by the Fair Work Commission to ensure that the confidentiality of the participant information is maintained. If necessary, Bellberry would be prepared to attend before the Fair Work Commission, either in person or through written submissions, to expand upon the concerns that Bellberry has about the potential for the disclosure of confidential information in these circumstances.

A copy of this letter has been sent to AED Legal Centre as well as the Department of Social Services.

Yours sincerely

Fraser Bell
Partner
T +61 8 8236 1225
M 0419 816 464
E fbell@tglaw.com.au

encl

cc Kylie Sproston, CEO Bellberry Ltd (KylieSproston@bellberry.com.au)
Kairsty Wilson, AED Legal Centre (noni.lord@aed.org.au)
Alan Grinsell-Jones, Department of Social Services (alan.grinsell-jones@dss.gov.au)

aed
LEGAL CENTRE
JUSTICE FOR PEOPLE WITH DISABILITY

Suite 4 Level 9, 276 Finders Street, Melbourne VIC 3000
PO Box 236 Flinders Lane VIC 8009
Tel: 03 9639 4333 Fax: 03 9650 2833
email: noni.lord@aed.org.au
web: www.aed.org.au
Facebook: www.facebook.com/aedlegalcentre

2011 LIV Community Lawyer of the Year Award I 2013 Tim McCoy Award I 2014 HESTA Social Impact Award
2016 National Disability Award - Excellence in Justice and Rights Protection

22 December 2017

Ms Sue Leahy
Managing Principal Consultant
ARTD Consultants
Po Box 1167
Queen Victoria Building
SYDNEY NSW 1230

Dear Sue

Re: AM2014/286 – Supported Employment Services Award 2010
Order to Produce

We refer to above and attach an Order requiring the production of documents, by way of service.

If you have any queries in relation to the above, please email us at noni.lord@aed.org.au or leave a voicemail message on (03) 9639 4333 with some convenient times for us to return your call.

Yours sincerely

Kairsty Wilson
Principal Legal Practitioner
AED Legal Centre
Encl. (1)

Our office will be closed for the Christmas break from midday 22 December 2017 until Wednesday 10 January 2018

Funded by the Australian Government through the Department of Social Services

Form F52 Order Requiring Production of Documents etc. to the Fair Work Commission

Fair Work Act 2009, s.590(2)(c)

Fair Work Commission Rules 2013, Rule 54

FAIR WORK COMMISSION

Commission Matter No.: AM2014/286

TO:

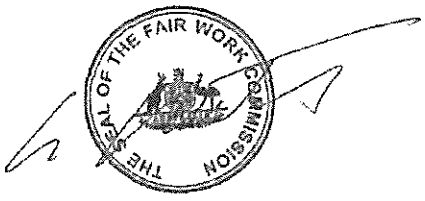
ARTD

Po Box 1167,
Queen Victoria Building
SYDNEY NSW 1230

Pursuant to s.590(2) of the *Fair Work Act 2009* you are **ORDERED** to provide to the Fair Work Commission the documents, records and other information specified in the Schedule to this order before the Fair Work Commission at the following time, date and place:

Time:	4.00pm
Date:	12 January 2018
Place:	Fair Work Commission Level 10, 80 William Street EAST SYDNEY NSW 2011

Dated: 22 December 2017



VICE PRESIDENT

Note

- ☐ This order has been issued at the request of the AED LEGAL CENTRE.
- ☐ You can apply to have this order set aside or varied.
- ☐ Instead of attending to provide the documents etc. covered by this order at the time and place specified above, you may produce them to an officer of the Commission at the place specified above not later than 4.00 pm on the day before the day mentioned above.
- ☐ If you have any queries in relation to this order please contact the associate to Vice President Hatcher on 02 9308 1812.

SCHEDULE

1. The documentation, data and assessment report that have been used to formulate ARTD

18/1/2018

Fair Work Commission
AM2014/286 – Supported Employment Services Award Order to Produce

To Vice President Hatcher,

In the matter of AM2014/286, we are seeking to have the order to provide data underlying ARTD's evaluation report set aside for the reasons set out below.

The ARTD Evaluation Report provides a full analysis of the quantitative assessment data and the qualitative data collected from stakeholders. The order requests a copy of the "assessment report" but there was no separate assessment report to the evaluation report. We have provided a copy of the evaluation report in case this has not already been provided.

Our reasons for asking to set aside the order to provide the underlying data:

- **The trial quantitative assessment data is unreliable**.
    - Not all elements of the Modified Supported Wage System were implemented consistently by ADEs and assessors or as set out in the guidelines. The trial application data and interviews highlighted that not all employees were timed on all the major duties and associated tasks they undertake, some benchmarks were considered inaccurate, performance standards were not always included or applied in practice, not all timings were taken at least one week apart, and there were not always robust validation discussions between ADEs and assessors that resulted in invalid timings being excluded.
    - Given the inconsistencies in implementation and related collection of assessment data, the outcomes data are not considered to provide a reliable indication of the wage outcomes that would be produced with a Modified SWS. The data are presented in the Trial evaluation report as outcomes of the Trial, but should not be relied on to predict the wages bill if a Modified SWS was introduced. These issues with the reliability of the data were clearly set out in our evaluation report of the Trial.
    - Given the data is unreliable, it's not in the public interest for further analysis to be done because any new analysis would be misleading.

- **Providing individual quantitative and qualitative data is a breach of ethics approval**
    - ARTD assured Trial participants' (that is selected employees of Australian Disability enterprises and their carers) of confidentiality and this was a condition of our ethics approval from Independent Human Research Ethics Committee Belberry. Our consent process assured participants that individual data would only be seen by ARTD for the purpose of analysis and that only collated data would be reported and be publicly available.
    - The employees are very vulnerable group, the data is of a sensitive nature, and it is not in the public interest that their data be shared without their informed consent. It is a clear breach of confidentiality agreements if individual data were made available to the AED Legal Services and other parties to the conciliation matter because participants did not give permission for their data to be accessed by other parties.
    - The assurance about how information would be used provided to participants in the consent form was as follows.

If you choose to take part in the Trial, the information from your assessment will be collected on a secure mobile application owned by DSS and used by a representative from your ADE and by the independent assessor. The information will then be transferred to and stored on a secure Department of Social Services server—this means a computer system that only the people from that Department that are involved in organising and running the trial can see. ARTD will also be provided with this information so they can use it in the evaluation.
ARTD will store the things you tell the ARTD interviewer on our secure server—this means a computer system that only the people from the ARTD team can see. We will store this information for fifteen years. After that, we will destroy it.
ARTD will use the information from your assessment and what you tell us in the interview along with the information from other employees' assessments and interviews in a report to the Commonwealth Government. We will not use your name or any other employees' names in this report.

- **There is a risk that individuals will be able to be identified**
    - The combination of characteristics attached to the individual data (location, type of work, disability type, gender, age etc) means there is a real potential risk that individuals will be able to be identified in the data set.

- **Individual employees did not receive wage results on the advice of the Trial Steering Committee**
    - It would be highly problematic for individual wage results to be accessible to outside parties given that only productivity results were made accessible to individual participants in the Trial. Wage results were not made available on the advice of the Trial Steering Committee because the Trial would not result in actual changes to wages.
    - This is additionally problematic given the potential for individuals to be identified in the data.

Should the Commission require, we would be happy to further discuss this matter.

Regards

Jade Maloney (Partner)
Wendy Hodge (Director)

Office: (02) 9373 9900
Email: jade.maloney@artd.com.au and Wendy.Hodge@artd.com.au

PO Box 1167
Queen Victoria Building
NSW 1230 Australia
www.artd.com.au

ARTD CONSULTANTS
strategy & evaluation

EVALUATION OF THE MODIFIED SUPPORTED WAGE SYSTEM TRIAL

DEPARTMENT OF SOCIAL SERVICES

FINAL REPORT

12 OCTOBER 2016

ARTD CONSULTANTS
strategy & evaluation

Acknowledgments

This work was completed with the assistance of the Trial coordination team in the Commonwealth Department of Social Services. The evaluation was also informed by the Trial Steering Committee, comprised of Kerri Langford (National Disability Services), Leigh Svendsen (Health Services Union), Paul Cain (Inclusion Australia), Sharon Dulac (Steps Group Australia), Walter Grzentic (Disability Expertise Australasia), Heath Dickens (Disability Services Australia) and Lorraine Bartolo (Mambourin).

We would also like to thank the many key informants from the participating ADEs and assessors. We thank them for their time and insights and trust that their views are adequately represented in this report.

ARTD consultancy team

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Contents

Executive summary

The Modified Supported Wage System Trial

Across Australia, there are approximately 190 Australian Disability Enterprises (ADEs) with a total of 20,000 supported employees who have moderate to severe disability and need substantial ongoing assistance to maintain employment. Supported employees receive pro-rata wages in accordance with the *Supported Employment Services Award 2010* and other awards. The Business Services Wage Assessment Tool (BSWAT)—one of the wage assessment tools previously approved under the award—was suspended in December 2012, and ADEs were required to transition to a new wage assessment tool by October 2015 (or 29 February 2016, if granted an extension).

Fair Work Commission conciliation parties are continuing to progress the development of alternative wage assessment options to the BSWAT. One of these is a modified version of the Supported Wage System (SWS), a wage assessment tool that is approved under the award but is more commonly used to assess wages of employees with a disability with reduced productivity in open employment. The modifications to the SWS were designed to make it more applicable to an ADE context. They were collaboration between ADEs and assessors to establish benchmarks and performance standards; the inclusion of internal timings data in the productivity assessment (required in the Trial, but optional in any future roll-out); the removal of the $82 minimum weekly wage floor; and the removal of rounding of productivity outcomes. A no-prejudice trial of a Modified SWS was conducted with a stratified random sample of 191 supported employees from 20 selected ADEs, representing the supported employee population and different ADE operating contexts between March and July 2016.

Evaluation

In January 2016, ARTD was engaged to evaluate the Modified SWS Trial. The purpose of the evaluation was to identify whether the Modified SWS could be applied consistently by ADEs and assessors, whether it would provide an accurate assessment of supported employee productivity, what the wage outcomes would be compared to existing wage tools, and what improvements might be needed if the Modified SWS was to be implemented in ADEs.

The evaluation methods were designed and agreed with all Steering Committee members. The evaluation used a mixed-method design. The intention was not to conduct an audit, but to explore the process from the perspective of all stakeholders through qualitative interviews and analyse implementation and outcomes using the Trial App data. The methods were implemented largely as intended. The evaluation methods were implemented largely as intended. There is sufficient data to report with confidence on the process of implementation across varying contexts and with employees with different disability types, but not on the likely productivity and wage outcomes of the Modified SWS because of the issues identified with implementation.

Key findings

Information, training and support

Significant effort was put into a multi-pronged information, training and support strategy for participating ADEs and assessors. The training and written documentation covered key elements of the Modified SWS process and ADEs and assessors could pose questions for clarification in the regular Trial teleconferences or directly to the DSS Trial Coordinator and expert assessors. However, there were some misinterpretations of the guidelines in implementation by ADEs and assessors. The fact that ADEs and assessors were not able to start the pre-assessment process during training as initially planned and that some of the ADE staff taking the timings did not attend the training exacerbated the issues encountered.

The Trial experience also highlighted the need to recognise the introduction of a new wage assessment process as a significant change management exercise with an associated need to communicate the rationale for the approach to ADE staff collecting timings and setting benchmarks and to bring them on-board. Furthermore, interviews with employees suggest a need to consider how the wage assessment process and the concept of a productivity outcome can be further simplified to ensure they are clear to all employees if the Modified SWS was to be implemented in ADEs.

Implementation of the Modified SWS

Not all elements of the Modified SWS were implemented consistently by ADEs and assessors or as set out in the guidelines. The trial application data and interviews highlighted that not all employees were timed on all the major duties and associated tasks they undertake, some benchmarks were considered inaccurate, performance standards were not always included or applied in practice, not all timings were taken at least one week apart, and there were not always robust validation discussions between ADEs and assessors that resulted in invalid timings being excluded.

A full set of trial data (i.e. 3 internal and 3 external timings on all tasks) was not able to be collected for all participating supported employees in the Trial timeframe: 10 employees had no external timings on any task (and were excluded from the analysis), 6 had no external

timings on at least one task, and 46 had less than 3 internal and/or external timings. The reasons a full set of timings could not be collected included the supported employee becoming ill or going on leave, the weather or a particular product/ task being unavailable preventing the employee from completing a task in the Trial timeframe.

Many ADEs found implementation time-consuming. This is to be expected with any major new process. However, the random selection of employees increased the time involved for ADEs with participating employees located across multiple sites or crews. Additionally, the time limitations of the Trial period intensified the work involved and made it more difficult to implement the process while maintaining business-as-usual production and meeting contract deadlines.

A longer implementation period, improvements to the training, information and support strategy and a quality assurance process (including validation checks for each phase of the assessment process) would assist in ensuring consistent implementation. A longer implementation period would also assist ADEs to manage the process through staff leave and work schedules and enable ADEs with seasonal work to collect timings on the major duties and associated tasks each employee undertakes. If the Modified SWS was implemented for all employees, and ADEs could time employees at the same site or in the same crew at the same time, this would reduce the hours required to implement the process for each employee. Over time, as ADE staff became accustomed to the process, the amount of work would also reduce. However, some ADE staff (particularly those with multiple task types and/or sites and crew-based work and those setting up simulated tasks) were concerned about their ability to integrate the process into their work if the Modified SWS was implemented in ADEs.

Perceived accuracy of the Modified SWS

Around one-third of ADE management representatives agreed (25%) or mostly agreed (10%) that that the Modified SWS produced a reasonably accurate assessment of supported employees' productivity. Interviews indicate ADE staff had mixed views of the accuracy of the assessments; many believed the assessments over-estimated at least some of their employees' productivity. Some assessors thought that the results accurately reflected supported employees' productivity, while others thought results over-estimated employees' productivity, based on their impressions and information provided by ADE staff.

Most of the factors perceived as limiting the accuracy of the results could be addressed through compliant implementation of the Modified SWS. A longer implementation timeframe and a quality assurance process would support this. However, there remain questions about how to assess employees who do not usually complete a task to the required standard on their own (as compared to those who do) and when assessing employees completing tasks as a group or on a production line (if assessed alone, as at least some were in Trial, this does not reflect usual performance, but if assessed with others on the production line/ in the group, the employee's productivity could be increased or reduced by the rate of their co-worker).

Additionally, many ADEs believe that the range and complexity of duties and tasks undertaken by the employee and/or the level of support and supervision the employee needs to be considered to produce an accurate result. There was some concern that if job design was not taken into account employees doing more complex tasks at a slower rate could be disadvantaged, and that it could have an impact on jobs, job design and/or employees' choice to develop their skills and take on more complex tasks.

Outcomes

Given the inconsistencies in implementation, the outcomes data are not considered to provide a reliable indication of the wage outcomes that would be produced with a Modified SWS. The data are presented here as outcomes of the Trial, but should not be relied on to predict the wages bill if a Modified SWS was introduced.

Across the sample, the average wage outcome was $8.90 per hour—the minimum was $1.10 and maximum $17.80. For over half, the outcome was between $5 and $12.50 per hour. For the majority (158/ 169) of supported employees the outcome of using the Modified SWS would have been a wage increase. For over half, the increase would have been in the range of $2.50–$7.50 per hour.

Conclusions

The Trial has not provided a clear case that the Modified SWS can be consistently applied by ADEs and assessors to provide an accurate assessment of supported employee productivity across the range of ADE operating contexts. However, it has not definitively proven that it cannot.

Many of the inconsistencies of implementation and issues affecting the accuracy of results could be addressed by: refining the provision of information, training and support; introducing a quality assurance process (including validation checks at each stage—benchmarking, internal timings, external timings); and providing a longer timeframe for implementation.

However, clearer direction is needed on how employees should be assessed when they do not complete tasks to standard on their own and to ensure consistency and fairness for employees completing tasks in a group or on a production line. Additionally, questions remain about whether the assessment could or should take into account the range and complexity of duties and tasks undertaken by the employee, and the level of support and supervision the employee needs.

Implications

It is beyond the remit of the evaluation to recommend whether or not the Modified SWS should be implemented in ADEs. This decision needs to be considered in light of whether the

process can or should account for issues identified in the Trial and the costs and benefits of the Modified SWS compared to alternative options.

While the extent to which wages would increase if the Modified SWS was used is unclear, any wage increases will have implications for the viability of certain ADE operating models. Opportunities to increase ADE viability and improve wage assessment outcomes for supported employees may come through other policy and industrial settings that have not been evaluated through the Trial, such as the National Disability Insurance Scheme (NDIS) and the development of ADE business models (including social enterprise models). However, ADEs may also face challenges to viability with technological developments disrupting traditional job roles and an ageing workforce, and potential new competitors within the NDIS market.

As well as any impact on wages, implementation of the Modified SWS would have resourcing implications for ADEs and the Government that need to be considered. Costs to government would include the cost of the independent assessment process. Consideration would need to be given to how parties would fund the training and ongoing support ADEs would require to collect internal timings, if the option to collect internal timings was retained.

If the Modified SWS (in its current or a further modified form) is to be implemented in ADEs, the Trial has identified the following needs for implementation:

Change management

- Consider an appropriate period over which to phase in the approach and how wage increases will be managed.
- Specifically recognise the introduction of the Modified SWS as a change management exercise, likely to encounter some resistance, and the need to communicate the rationale for the approach to ADE staff collecting timings and setting benchmarks and bring them on-board.

Training

- Make training a pre-requisite for timings staff and assessors.
- Consider potential to group ADEs by business type for training to respond to requests for guidance that is more tailored to the ADE context.
- Streamline training—beginning with an overview of the Modified SWS and then provide time for ADEs to work through duty and task breakdowns with assessors (using the app), and the group to trouble-shoot implementation issues and common misperceptions.
- Consider including an assessment at the end of training to ensure comprehension and competence.
- Use a training feedback survey with closed questions to provide standardised data on whether training is achieving its objectives, and inform any adjustments required.

Implementation resources and support

- Provide a guidelines document that describes the process and provides examples of duty and task breakdowns, task descriptors, benchmarking options and ways of assessing against performance standards.
- Develop an ongoing process for information sharing between ADEs that supports troubleshooting on timing particular tasks.
- Give further consideration to how supported employees can be supported to understand the Modified SWS process and what a productivity assessment result means for them.

Quality assurance

- Introduce a quality assurance process. This might include validation checks in the data, and an audit function that involves checking a sample of results through a repeat of the process.
- Consider the costs of rolling out and providing help desk support for the app, against the potential benefits (particularly the ability to include validation rules).

1. Introduction

1.1 Policy context

1.1.1 Australian Disability Enterprises

Across Australia, there are approximately 190 Australian Disability Enterprises (ADEs) with a total of 20,000 supported employees who have moderate to severe disability and need substantial ongoing assistance to maintain employment. About 75 per cent of supported employees have an intellectual disability; some of these also have a physical or psychosocial disability; while other supported employees have a physical or psychosocial disability only.

Since the mid-1980s, ADEs have evolved from sheltered workshop environments to adapt to social expectations of meaningful employment for people with disability, with fair wages and appropriate working conditions.

ADEs operate in a range of sectors, providing supported employment in roles including packaging, assembly, production, recycling, screen printing, plant nursery, gardening, maintenance, landscaping, cleaning services, laundry services and food services. ADEs are typically not-for-profit organisations—generating income to pay wages from business activities and receiving funding to provide support for employees within the workplace from the Commonwealth Department of Social Services (DSS) under the Disability Employment Assistance Program and through the National Disability Insurance Scheme (NDIS).

1.1.2 Supported employee wage assessments

Supported employees receive pro-rata wages in accordance with the *Supported Employment Services Award 2010* and other awards. Employers use wage assessment tools contained in the *Supported Employment Services Award 2010* to assess wages. The Business Services Wage Assessment Tool (BSWAT)—one of the wage assessment tools previously approved under the award—was suspended in December 2012, and ADEs were required to transition to a new wage assessment tool by October 2015 (or 29 February 2016, if granted an extension).

Fair Work Commission conciliation parties are continuing to progress the development of alternative wage assessment options to the BSWAT. One of these is a modified version of the Supported Wage System (SWS).

The SWS is intended to enable people whose productivity is reduced as a result of their disability to obtain and maintain employment. It is approved under the *Supported Employment Services Award 2010*, but is more commonly used to assess wages of employees with disability with reduced productivity in open employment. It involves an independent assessment to determine the productivity of the employee with disability against a standard

performance benchmark for the major tasks associated with the major duties they undertake. The employee's productivity percentage is rounded up or down to the nearest decile, unless there is a clear case for the percentage to be rounded in the other direction based on the amount of supervision and support the employee requires (except in ADEs, where supervision is funded). The minimum wage floor resulting from an SWS assessment is set at $82 per week.

In March 2015, a small observation study of the SWS was conducted in three ADEs. The study highlighted the limited data that some ADEs had on employee productivity to support wage assessment decisions, and identified a need for this data to provide an accurate assessment for employees whose productivity varies over time. Following this, Fair Work Commission conciliation parties agreed to a no-prejudice trial of a Modified SWS.

1.2 The Modified SWS Trial

1.2.1 Purpose

The Trial was conducted to see how the Modified SWS could work in an ADE environment, assess the impact of the modifications on assessment outcomes, and identify whether any improvements would be needed if it was to be rolled out more broadly. It was also intended to inform any additional work to be considered in the Fair Work Commission.

1.2.2 Modifications tested

Four modifications to the SWS were tested.

- Assessors and ADEs would work together to develop benchmarks and performance standards (quantity and quality) against which to assess the productivity of supported employees.
- In addition to the independent assessment, ADEs would collect workplace productivity data for each employee (internal timings) at three time points, at least one week apart. The internal timings and external timings would each make up 50% of the employee's final productivity outcome.
- The minimum weekly wage floor (currently $82 per week) would be removed.
- Rounding of the productivity outcome to the nearest decile would be removed.

While internal timings were required for the Trial, the intention was for these to be optional in any future roll-out of the Modified SWS.

1.2.3 Management and governance

The Modified SWS Trial was led by DSS. The Trial Steering Committee provided input and advice on the Trial and the evaluation. The Steering Committee comprised:

- the Health Services Union
- National Disability Services
- Inclusion Australia
- representatives from two ADEs
- two experienced SWS wage assessors
- the Department of Social Services.

1.2.4 Selection of participating sites and supported employees

DSS selected 19 ADEs (and 20 sites)—which represent a range of industries, business models (e.g. crews, enclaves and congregated onsite business), sizes and locations—to participate in the Trial.

A stratified random sample of 200 supported employees—10 from each site—were identified for the Trial. Replacements were identified for those who did not agree or could not participate (e.g. because they were on leave). A total of 191 supported employees whose profile was broadly in line with the overall ADE population agreed to participate (see Appendix 1). The profile of employees at each individual site was not expected to represent the profile of the whole population or the profile at each site.

1.2.5 Trial timeframe

The Trial was implemented between March and July 2016.

2. The evaluation

2.1 Purpose

The evaluation of the Trial was required to identify:

- whether the Modified SWS could be applied consistently by ADEs and assessors
- whether it would provide an accurate assessment of supported employee productivity
- what the wage outcomes would be compared to existing wage tools
- what improvements might be needed if the Modified SWS was to be implemented in ADEs
- additional work to be considered in the Fair Work Commission process.

2.2 Key evaluation questions

Information, training and support

- Did the training adequately prepare ADEs and assessors for implementing the Modified SWS?
- Were the guidelines for ADEs collecting timings and assessors conducting independent assessments clear?
- Was the support provided for ADEs and assessors during the Trial adequate?
- What improvements would be needed for any future application of the Modified SWS?

The Modified SWS process

- Can the Modified SWS be applied consistently by ADEs and assessors?
- Is the Modified SWS feasible to apply across ADEs and job types?
- Are the modified SWS processes acceptable to ADEs and supported employees?
- Does the Modified SWS provide an accurate assessment of the productivity of supported employees in ADEs?
  - Does collaborative benchmarking improve the accuracy of the assessment?
  - Does the collection of workplace productivity data (timings) improve the accuracy of the assessment?
  - Does the removal of the minimum wage floor improve the accuracy of the assessment?
  - Does the removal of rounding improve the accuracy of the assessment?
- What improvements, if any, do stakeholders suggest to the Modified SWS?

Outcomes

- What are the productivity and wage outcomes when using the Modified SWS compared to existing wage tools?
  - What, if any, are the differences between sites, job types, and individual characteristics?

2.4 Methods

The evaluation methods were designed and agreed with Steering Committee members. The evaluation used a mixed-method design. The intention was not to conduct an audit, but to explore the process from the perspective of all stakeholders through qualitative interviews and analyse implementation and outcomes using the Trial App data. This is consistent with the purpose of a process evaluation.

Table 1. Overview of methods

Source	Method	Timing	Sample and response/ participation rate	Data quality
Training participants	Day 3 feedback survey	March 2016	▪ Sample: All training participants (n=38) ▪ Melbourne training session: 11/ 15 (73%) ▪ Adelaide training session: 22/ 23 (96%) ▪ Not all respondents answered all questions	▪ The survey used by trainers did not include closed response questions on training objectives so it is not possible to comprehensively assess learning outcomes. ▪ Survey did not capture demographic data to support analysis e.g. whether respondent was an ADE or assessor and prior experience with productivity-based assessments.
Supported employees	Face-to-face interviews	June 2016	▪ Sample: All participating employees (n=191) ▪ Response: We interviewed 159 employees from across the 20 sites. ▪ Other interviews could not be completed because the supported employee was absent/ on leave (14), on sick leave (9), not working on the day of the visit and did not want to attend (5), unable to attend the site where interviews were held (2), no longer working at the ADE (1) or had withdrawn from the Trial (1).	▪ While ADEs were advised they needed to inform employees of their productivity results before the interviews, 32 employees from 7 sites had not yet received their results when interviewed (in 2 cases, this was because the employee was away when results were communicated). A further 6 employees from 1 site had only received the results of their internal timings and 3 supported employees from 3 sites had not had their independent assessment completed. ▪ Most employees had a limited understanding of how their wages are currently assessed. This limited their ability to comment on how they felt about the Modified SWS compared to the current approach. ▪ In some cases, employees chose not to have a support person

Source	Method	Timing	Sample and response/ participation rate	Data quality
				present and interviewers were not provided sufficient information about employees' communication needs to elicit responses to all questions. In other cases employees chose to have staff involved in collecting timings, a supervisor or family member present. ▪ Data is only available on the employee's primary disability, so we can only comment on how the Modified SWS worked for different employees based on primary disability type.
ADE management	Online Survey	June 2016	▪ Sample: A management representative from all ADE sites (n=20) ▪ Response: 20/20 (100%) participating ADE sites returned a survey. Representatives from different levels of management completed the survey based on the level of management involvement in the Trial.	▪ Surveys were individually distributed to ADEs when they were due to complete the Trial. ▪ Responses were discussed in management interviews and adjusted when managers had completed the survey prior to completing the Trial and had subsequently changed their views or the survey had been completed by a representative with limited involvement in the Trial. ▪ Some ADEs answered don't know to some questions. These responses are excluded from the denominator in percentage calculations.
ADE management	Face-face interviews	June 2016	▪ Sample: A management representative from all ADE sites (n=20) ▪ Response: We interviewed a management representative from all but 1 site; the representative from this site completed a survey. For one site, we interviewed 2 management representatives because different levels of management were involved in the Trial, and at another site the manager included the staff member collecting timings in their interview.	▪ Some management representatives had had limited involvement in the Trial and not seen employee productivity outcomes, so could not respond to all questions. In these cases, responses were followed up with ADE managers.
ADE staff	Face-face	June	▪ Sample: Staff collecting timings from all ADE sites	

Source	Method	Timing	Sample and response/ participation rate	Data quality
collecting timings	interviews	2016	▪ Response: We interviewed staff collecting timings from all sites. Some sites had more than one staff member collecting timings, so we interviewed a total of 35 timings staff.	
ADE supervisors/ support workers	Face-face interviews	June 2016	▪ Sample: Supervisors/ support workers of participating employees. ▪ Response: We interviewed 22 supervisors/ support workers from 14 sites who were not involved in collecting timings. A further 11 supervisors/ support workers from 3 sites were interviewed as timings staff. At the 3 other sites, we were advised that no additional supervisors/ support workers had enough involvement to comment on the Trial. ▪ We were not able to interview all supervisors/ support workers of participating employees at all sites because some were unavailable during site visits.	▪ Not all supervisors/ support workers had been fully informed of the Trial or were aware of employees' productivity outcomes so could not respond to all questions.
Assessors	Telephone focus groups	July 2016	▪ Sample: All participating assessors (n=15) ▪ Response: We interviewed all participating assessors through 5 teleconferences.	
ADE staff collecting timings/ assessors	Online survey	August 2016	▪ Sample: DSS sent the survey to all participating ADEs and assessors (n=35) ▪ Response: 24/35b (69%).	▪ We combined data on the app from the DSS designed and administered survey with data from interviews.
ADE staff collecting timings &	Quick email survey	Septem ber– October	▪ Sample: DSS sent follow-up questions to clarify gaps in interview data that were identified after the trial data analysis to all participating ADEs	▪ Some responses did not directly address the questions, particularly the question about how length of benchmarks was decided.

Source	Method	Timing	Sample and response/ participation rate	Data quality
assessors		2016	and assessors (n=35) ▪ Response: 17 ADE representatives and assessors covering 15 sites.	
Trial app	Analysis of Trial data	July 2016	▪ Sample: All participating supported employees (n=191) ▪ A total of 22 exclusions were made from Trial data analysis—10 supported employees who did not have external timings taken, 11 who had an overall productivity result of over 100% (which was considered inaccurate) and 1 who had a timing of 0 minutes (which affected the productivity calculation). ▪ Tasks with no external timings taken were excluded from the calculation of an employee's productivity outcome. ▪ Employees with less than 3 valid internal or external timings on tasks were included as tis was considered representative of future rollout.	▪ To address inconsistencies affecting data quality, within the trial data, we made exclusions and adjustments, where possible. We rounded task level productivity of >100% down to 100%, and excluded employees with inaccurate working hours recorded from analyses of weekly wage outcomes. ▪ However, because of the issues identified with implementation the data on wage outcomes is not considered reliable. ▪ We cannot assess whether internal timings were taken at least one week apart as intended because it was not possible to edit the time for timings taken manually until an update on July 3. ▪ As the app only enabled units to be recorded in whole numbers, assessments based on units (e.g. kilograms) may be inaccurate, as results had to be rounded up or down to the nearest whole number. ▪ Analysis by disability type is only available for primary disability type. ▪ A full description of the analysis sample is provided in Section3 of Appendix 1.

2.2.1 Confidence in the findings

The evaluation methods were implemented largely as intended. There is sufficient data to report with confidence on the process of implementation across varying contexts and with employees with different disability types, but not on the likely productivity and wage outcomes of the Modified SWS because of the issues identified with implementation.

We did not conduct an audit, asking questions of ADE staff and assessors about the analysed Trial app data for all individual employees' assessed. We did interview representatives from all ADEs, all assessors, and most participating employees and where further questions about implementation arose once the Trial app data analysis was finalised, these were followed up with ADEs and assessors for clarification. We can report on all stakeholder perspectives, with the caveat that supported employees found it difficult to comment on how they felt about their productivity outcome and how the process compared to current wage assessments because they had a limited understanding of current wage assessments. While all interviews were coded and analysed using NVivo, we have not quantified the interview data. This would be inappropriate and misrepresent the semi-structured and exploratory interview data, in particular because it is possible that some stakeholders experienced issues that they did not raise with us (e.g. some additional supported employees may not have been timed on their regular tasks but not thought to raise this with interviewers).

The data on wage outcomes, on the other hand, is not considered to be reliable because of the inconsistencies in implementation by participating ADEs and assessors identified through the qualitative data.

3. Information, training and support

3.1 Did the training adequately prepare ADEs and assessors?

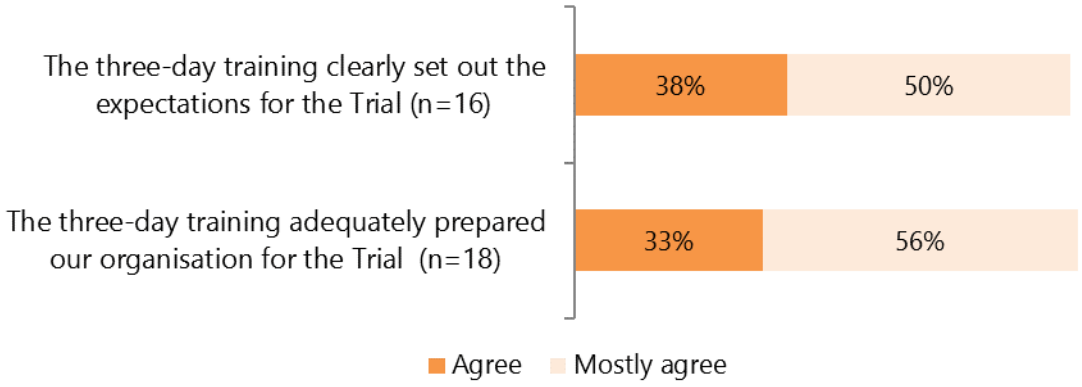
Participating assessors and representatives from the 19 participating ADEs (20 sites) attended either the three-day training session held in Melbourne or Adelaide in March 2016. The training, which was delivered by DSS and two experienced assessors, explained the Trial and evaluation, the SWS and the modifications being trialled. Assessors and ADEs worked through each element of the Modified SWS process:

- establishing the major duties and associated tasks in an employees' work
- identifying the appropriate option for setting task benchmarks
- including performance standards in the benchmarks
- conducting three internal timings at least one week apart prior to external timings
- deciding which timings are valid for inclusion in the final productivity calculation.

At the end of the three days, the majority of participants reported that they felt prepared for the Trial. ADEs reported having an improved understanding of the SWS process and assessors having learned more about the ADE context. Those at the second session in Adelaide, which had been adjusted based on feedback from the first session, were more positive about the training overall.

When asked again at the end of the Trial, most ADE management representatives reported that the Training had prepared their organisation well, but more mostly agreed than agreed with this statement (see Figure 1). This is likely due to the issues encountered in implementation (discussed in Section 4) and the points that needed to be clarified during the Trial (discussed below).

Figure 1. ADE management representatives' perceptions of the training



Participants valued the opportunity the training provided for networking and information sharing. However, they thought it would have been more valuable had they been able to

begin establishing the duty and task breakdowns for selected employees and testing the Trial app. This was what was initially planned, but it was not possible because the Trial had not yet received formal ethics approval (required to select participating employees) and the app was still under development. The trainers had to alter their planned approach and ADE staff found it difficult to start the pre-assessment work without knowing which employees would be in the Trial. This likely contributed to participants feeling that the training was repetitive and the lack of clarity about particular elements of the Modified SWS that arose in implementation.

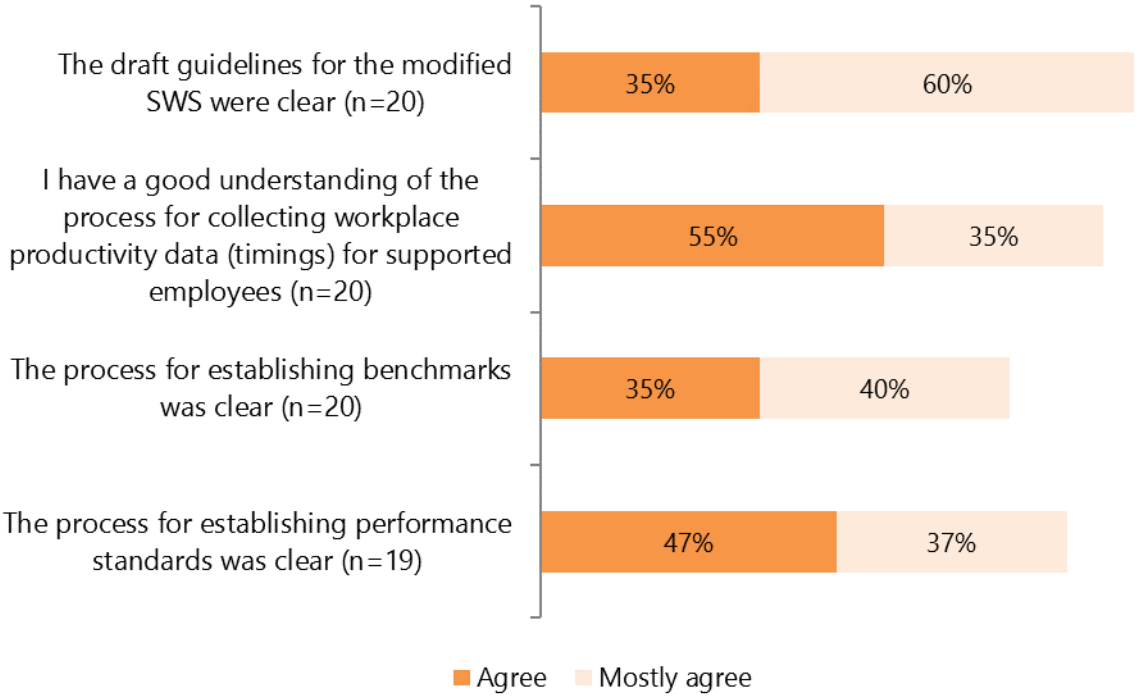
The most common suggestion for improving the training in any future use of the Modified SWS was to make it shorter. Other suggestions included having more tailored information based on individual ADE business types, working step-by-step through the process for an example ADE, including more examples and working more on task descriptions.

3.2 Were the guidelines clear?

The documented information provided at training set out all of the elements of the Modified SWS process. ADEs raised a number of questions for clarification throughout the Trial. Queries were addressed through Trial teleconferences, emails and conversations with DSS representatives, and support from the assessors who ran the training. Early on, some contradictory advice was provided about the number of timings required for benchmarking, internal and external timings, as well as whether assessors should view internal timings data prior to conducting external timings, which may have contributed to confusion. However, questions were not generally raised about the element of the Modified SWS that evaluation interviews identified as most commonly misinterpreted—the use of performance standards.

At the end of Trial, most ADE management representatives agreed or mostly agreed the guidelines were clear (see Figure 2). However, more mostly agreed than agreed, and fewer agreed the processes for establishing benchmarks and performance standards were clear. Interviews indicate there were some misinterpretations in implementation by both ADEs and assessors (discussed in Section 4) and that there were more significant issues in the understanding and application of performance standards than suggested by the survey data.

Figure 2. ADE management representatives' perceptions of the guidelines



Some ADE staff who had experience collecting timings as part of their existing wage assessments reported that they found the process clearer than those who did not have this experience. But, more importantly, the fact that some staff collecting timings did not attend the training seems to have exacerbated confusion about elements of the Modified SWS. This suggests it would be useful to make the training a pre-requisite for staff collecting timings. One ADE staff member suggested a train-the-trainer approach could be used once initial ADE staff are trained.

3.3 Was the support provided to ADEs and assessors adequate?

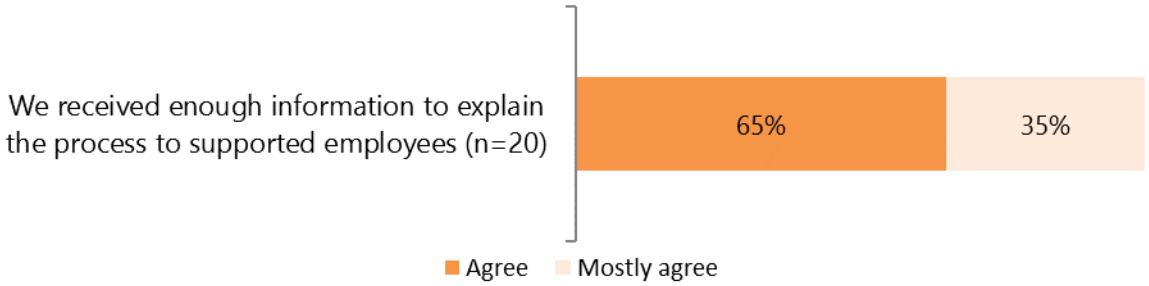
DSS provided ongoing support during the Trial through the Trial Coordinator and regular Trial teleconferences. Assessors and ADEs valued the responsiveness of the DSS team to questions and technical issues. Those who took part in the teleconferences or reviewed notes from these found them useful, but not all participated. Some noted that there was not initially enough notice given for teleconferences, but that this improved over time.

In future, there may be a need for more specific information sharing between ADEs, for example, about their approach to timing a particular task because some worked through issues timing particular tasks that others did not resolve (e.g. timing an employee who undertakes tasks that involve driving).

3.4 Was the information and support for supported employees adequate?

ADE management representatives reported that they received enough information to communicate the Trial to employees (see Figure 3). They valued the Easy Read resources, including the PowerPoint when this was used to communicate with employees. Some ADEs noted that they also provided information about the Trial to parents and carers of employees, not only when they had to involve them as the employee's legal guardian.

Figure 3. ADE management representatives' perceptions of the information for supported employees



However, many employees' interview responses indicated they had a limited understanding of the Trial. ADE staff and employees made a range of suggestions for what information and support employees would require in any future implementation of the Modified SWS. Many of these suggestions overlap with the guidance provided in the Trial training, and were implemented to varying degrees in the Trial. Suggestions were:

- providing verbal explanation of any documented information, particularly as some employees are not able to read on their own
- supporting employees to prepare for timings
- reminding employees about when timings will take place (because employees may forget)
- providing the opportunity to meet the assessor before being timed to reduce employee stress
- reiterating the purpose of timings (to understand how the employee normally works, not a race)
- recognising employees' individual needs/ concerns around the process
- reassuring after timings that the employee has done a good job.

One ADE staff member suggested using practice timings so employees could get used to the process. Another ADE did this during the Trial, and considered it useful.

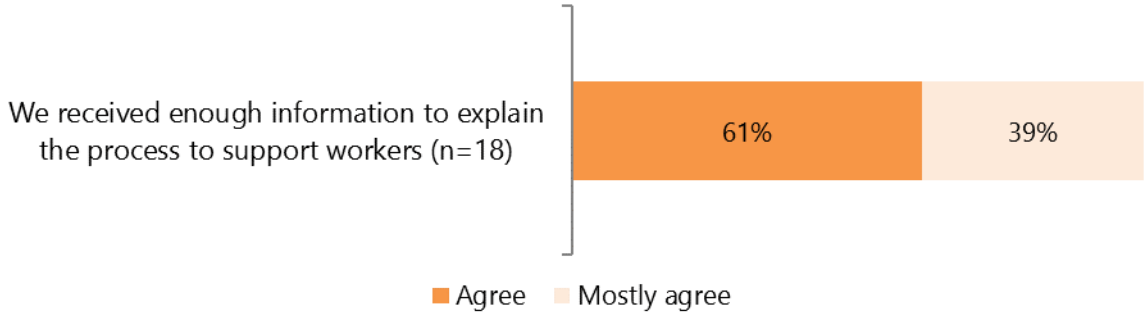
What also became apparent through interviews with employees was that most (who had received their outcome before the interview) were unclear how their wages are currently assessed and had difficulty with the concept of productivity. The concept of how fast the

work is done and how well it is done was the approach taken by the interviewers during discussions with s employees to try and facilitate considered responses. If the Modified SWS were to be rolled out more broadly, the productivity result would be easier to understand when coupled with an explanation of how it would affect the employee's wages. This information was not provided in the Trial because the results did not impact on wages and ADEs were concerned about employees' reaction to receiving their results in the context of the no-prejudice Trial. However, in future the provision of results to employees should focus on breaking down the concept of productivity into how fast the work is done and how well it is done, compared to a person working at full capacity. Some employees may also need a parent or other support person, possibly an advocate, present to understand their results. This was an option in the Trial, but, as not all results meetings had occurred before our interviews, it is not possible to systematically assess the proportion of employees who had a family member present when they received their results.

3.5 Was the information for supervisors/ support workers adequate?

ADE management representatives reported that they received enough information to explain the process to supervisors/ support workers (see Figure 4).

Figure 4. ADE management representatives' perceptions of the information for supervisors/ support workers



Interviews indicate that supervisors/ support workers directly involved in collecting timings had a clearer understanding of the Modified SWS than those who were not directly involved. Interviews also indicate the potential risk of benchmarks being skewed (either faster or slower), which suggests a need to ensure ADE staff are brought on-board through a change management process and to include validation checks for benchmarks.

3.6 What improvements would be needed for any future application of the Modified SWS?

The evaluation has identified a range of improvements to the provision of information, training and support that would support more consistent implementation of the Modified SWS if it is to be used in ADEs.

Change management

- Specifically recognise the introduction of the Modified SWS as a change management exercise, likely to encounter some resistance, and the need to communicate the rationale for the approach to ADE staff collecting timings and setting benchmarks and bring them on-board.

Training

- Make training a pre-requisite for timings staff and assessors.
- Streamline training—beginning with an overview of the Modified SWS and then provide time for ADEs to work through duty and task breakdowns with assessors (using the app), and the group to trouble-shoot implementation issues and common misperceptions.
- Consider potential to group ADEs by business type for training to respond to requests for guidance that is more tailored to the ADE context.
- Consider including an assessment at the end of training to ensure comprehension and competence.
- Use a training feedback survey with closed questions to provide standardised data on whether training is achieving its objectives, and inform any adjustments required.

Implementation resources and support

- Provide a guidelines document that describes that describes the process; provides examples of duty and task breakdowns, task descriptions, benchmarking options and use of performance standards; and responds to FAQs.
- Develop an ongoing process for information sharing between ADEs that supports troubleshooting on timing particular tasks.
- Give further consideration to how supported employees can be supported to understand the Modified SWS process and what a productivity assessment result means for them.

4. Implementation of the Modified SWS

4.1 Can the Modified SWS be applied consistently by ADEs and assessors?

4.1.1 Was the process implemented as intended?

Trial application data and interviews indicate that not all elements of the Modified SWS were implemented consistently by ADEs and assessors or as set out in the guidelines. The Trial timeframe and confusion about some elements of the new process exacerbated implementation issues. A longer implementation period, improvements to the training, information and support strategy (suggested in Section 3.6) and a quality assurance process (including validation checks for each phase of the assessment process–benchmarking, internal timings, external timings) would assist in ensuring consistency if the Modified SWS was implemented in ADEs.

For 3 sites, they believed the training said only time 1 task. For 1 site, they believed the training said choose 3-4 tasks

Identifying employees' major duties and associated tasks

The intention was for ADEs and assessors to collaborate to establish the major duties and associated tasks for each employee. Follow-up data suggests this collaboration occurred in most cases. At a couple of sites, interview data indicated that there were differences of views between the ADE and assessor about the number of tasks that needed to be timed on. Additionally, one ADE said that their assessor did not time supported employees on all tasks initially identified because the employees reportedly told the assessor they were not confident in the tasks that they were slower at and the assessor did not time them on these tasks.

Follow-up data indicates that while all assessors and most ADEs reported that they were clear about how to establish the tasks each employee should be timed on, responses from some ADEs indicate confusion about this point. Three ADEs reported that they thought they were required to time each employee on only one task, and two ADEs thought that they were required to time each employee on three to four tasks. Moreover, many ADEs said that the Trial timeframe affected decision-making about the number of tasks they timed employees on. Both assessors and ADEs referred to product availability, employees' absence from work and weather, in particular, affecting the number of tasks they timed employees on.

Some ADEs also felt certain employee tasks could not be timed and did not time on these (e.g. driving, supervisory/ support work and customer service roles, which they felt did not consist of replicable tasks with consistent conditions).

The average number of tasks employees were timed on varied considerably across ADEs (see Table 2).

Table 2. Average, minimum and maximum number of tasks timed

Average number of tasks employees timed on	Number of ADEs	Minimum number of tasks employee timed on	Maximum number of tasks employee timed on
1	8	1	3
2	5	1	4
3	4	1	5
4	2	2	7
6	1	6	9

Note: Tasks where no assessor timing was recorded were excluded from the overall productivity calculation of 6 employees from 3 ADEs (1 of these employees was excluded from the analysis sample because they had an overall productivity of >100%).

On average, supported employees were timed on 2 tasks. Almost half of employees were timed on only 1 task, and nearly one-quarter on 2 tasks (see Table 3).

Table 3. Number of supported employees, number of tasks timed

Number of tasks	Number of employees	Percent of total employees
1 task	80	47%
2 tasks	39	23%
3 tasks	24	14%
4 tasks	10	6%
5 tasks	6	4%
6 tasks	3	2%
7 tasks	4	2%
8 tasks	2	1%
9 tasks	1	1%
Total	169	100

The evaluation does not have data on the number of duties and associated tasks each employee regularly undertakes in their role to quantitatively assess exactly how many employees were timed on the right number of tasks. This analysis would be difficult even if this data were available because it would be difficult to independently verify which duties constituted major duties and which associated tasks should be timed. However, on the whole, interview and follow-up data indicate that while some of the employees only timed on one task only undertake one major task, others were not timed on all major duties and associated tasks and, in a small number of cases, employees were timed on tasks they do not regularly undertake.

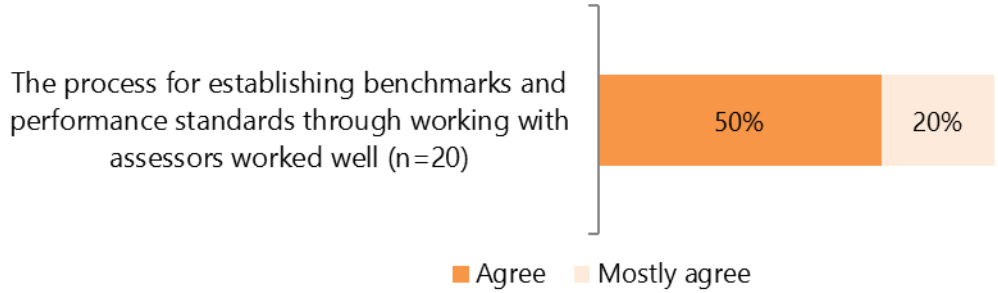
Establishing benchmarks and performance standards

Once duties and tasks were identified, the intention was for ADEs to work collaboratively with their assessor to set a benchmark for the time required to complete a certain amount of something (e.g. processing 10 pieces of timber or cleaning one room) or the amount of something that could be completed in a certain time period. The benchmark was to include a performance standard (e.g. room must be cleaned to standard required for contract, including no dirt residue left on surfaces, etc.). As in the SWS, the ADEs and assessors were given the option of using an award wage co-worker, employer data, industry standards, or customer contract and production specifications in the benchmarking process.

Over two-thirds of ADE management representatives thought the process for establishing benchmarks and performance standards with assessors worked well (see Figure 5). However,

interviews with ADEs and some assessors identified practical challenges with the process and some concerns about the accuracy of the benchmarks that were set for use in the Trial.

Figure 5. ADE management representatives' views of the collaborative benchmarking process



ADEs all used supervisors or support workers to set their benchmarks. The process was reportedly more **time-consuming** for ADEs with:

- multiple task types
- multiple sites and/or crew-based work
- outdoors work that can be affected by weather
- tasks that were set up rather than done as part of regular work.

It was challenging to set an **accurate benchmark** in ADEs that:

- do not have staff who regularly complete the tasks supported employees do
- have slowed machines to suit supported employee capabilities.

The evaluation also identified the following issues affecting the **accuracy of some benchmarks.**

- Not all task descriptions included performance standards.
- Not all tasks for which it may have been appropriate included safe work practices (e.g. putting on personal protective equipment [PPE]).
- In many cases, the benchmark times set were of a very short duration.

The guidelines do not specify a required benchmark length, but interviews identified concerns that short benchmarks did not produce accurate results (see section 5.1). The benchmarks used for the tasks timed in the Trial varied considerably across ADEs. However, many were less than 10 minutes (see Table 4).

Table 4. Duration of benchmarks

Duration of benchmark (minutes)	Number of tasks (set by time)	Number of tasks (set by amount)	Percent of tasks
5 minutes or less	8	63	42%
6–10 minutes	11	23	20%
11–30 minutes	29	10	23%
60 minutes	10	3	8%
More than 60 minutes	1	0	1%
Total	72	99	100%

In follow-up data, some ADEs and assessors indicated they considered what benchmark length would enable an accurate assessment of an employee's productivity or they referred to existing benchmark lengths. In other cases, it is not clear, how decisions were made about the benchmark length.

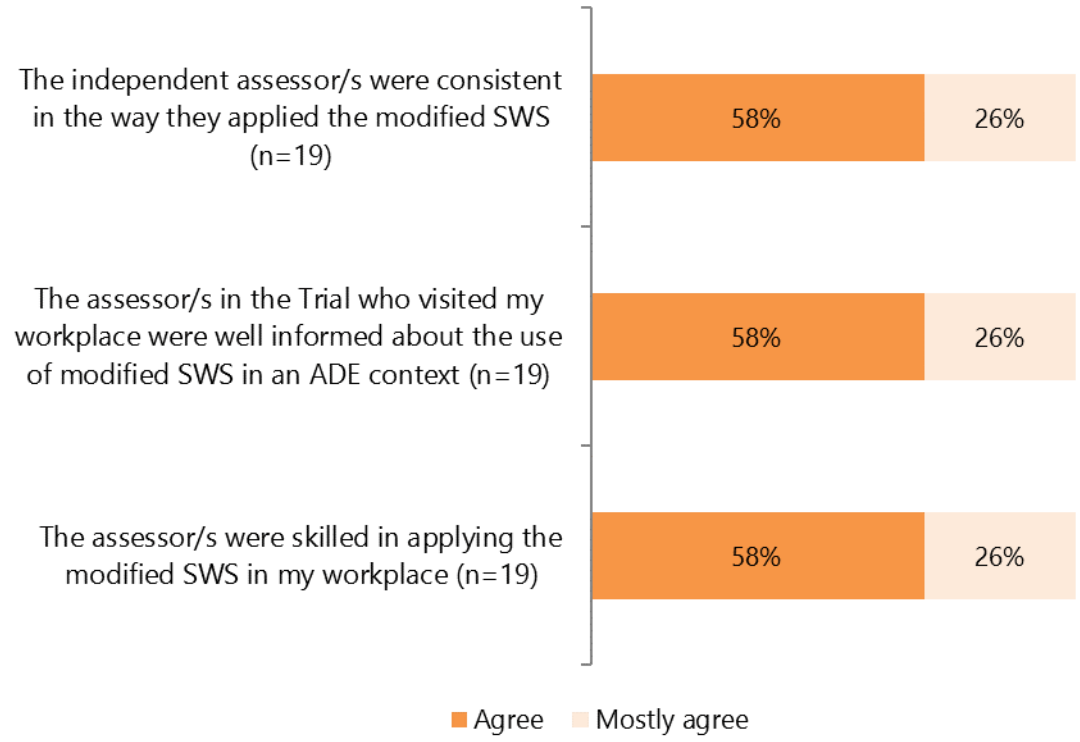
In interviews, a few ADE staff mentioned difficulties setting a benchmark of an appropriate length. For example, one ADE found the amount of work set for their benchmark took supported employees too long to complete, but instead of resetting the benchmark, they halved the amount of work the employee was required to do and doubled their timing. This ADE said they were not clear that they could have set a benchmark by time rather than amount until after they had finished the process.

Collaborative working relationships

The nature of the working relationship established between the ADE and their assessor seems to have been important to the benchmarking process. Some ADEs and assessors worked more closely together in the pre-assessment process than others and some were better able to come to an agreement on what constituted a reasonable approach to matters such as task breakdown, task descriptors and benchmarks.

The majority of ADE management representatives agreed (58%) or mostly agreed (26%) that their assessor/s was consistent in the way they applied the Modified SWS, well informed about the use of the Modified SWS in an ADE context and skilled in applying it in their ADE (see Figure 6). Staff members were also generally positive about their assessor and the assessors ability to work well with their supported employees. However, there were some differences of views within and across ADEs about the accuracy and consistency of advice provided by assessors, the way assessors worked with the ADE (including the amount of work each put into the benchmarking process and whether assessors kept appointments) , and assessors' ability to work well with all supported employees.

Figure 6. ADE management representatives' views of assessors' skills



About half of the assessors said they had had a positive collaborative relationship with their ADE. Others noted challenges. Some felt that the ADE staff members' pre-established view that the Modified SWS would not work in an ADE context shaped their attitude towards the process and others felt the ADE was not fully committed to the trialling the process, so did not commit the time required to effectively implement the entire process.

Collection of internal and external timings

Interviews with ADE staff indicate internal timings were not always collected at least one week apart, as intended, or at different times of day, which would have assisted in capturing varying performance. It is not possible to quantify these findings using the Trial application data because the time and date of manual timings collected before June 3 were not adjusted.

In addition to the ADEs that did not include performance standards, some do not seem to have held employees to performance standards when timing (i.e. did not require the employee to meet the standard set). In some cases, this was because the task would usually have been finished off by a supervisor, so asking the employee to finish the task caused frustration and could not always be adhered to. In other cases, it was reportedly difficult to hold conditions against which to assess performance consistent (e.g. timber quality, levels of cleanliness of tray, or amount of work to be done in a gardening task). In some cases, the assessor or the ADE questioned the consistency of implementation of the others' timings and whether performance standards had been adhered to. Additionally, one ADE reported that

their assessor cut off timings before tasks were complete because they did not feel the employees would complete the task in time.

Additionally, in several ADEs, interviews with ADE staff and a few supported employees suggest supported employees did not receive the level of support they usually do/ the level of support they needed during timings. There seems to have been some misunderstanding about the expectation that the normal level of support should be provided during a timing.

Validation of internal and external timings

As part of the process for collecting internal timings and external timings, ADEs and assessors were able to mark a timing for a validation discussion to decide whether to exclude the timing if it was not reflective of a supported employee's usual performance. Interviews with ADEs and assessors and trial application data indicate there was not always a robust validation discussion to exclude invalid internal or external timings because of the Trial timeframe and/or the limited number of timings collected.

Three ADEs excluded a total of 26 internal timings, and 8 assessors excluded a total of 27 timings, out of the 2370 timings in the final Trial sample (i.e. 2%). These exclusions related to 25 employees from 10 ADEs.

However, comments in the app indicate that up to 10% of timings that were included in final productivity calculations could potentially have been excluded as invalid because the task was not done to quality, was incomplete, task conditions varied, the employee was particularly upset or distracted, or particularly focused. This was the case across many of the ADEs, although the issue was more concentrated in some ADEs than others. The potentially invalid timings include both internal and external timings—though slightly more internal timings.

Additionally, the Trial application data indicate there was a productivity variation of greater than 20% between internal timings for about one-third of employees/ tasks (see Table 5).

Table 5. Difference in productivity (internal timings only)

Difference highest–lowest timing	Number of tasks	Percent of tasks	Number of employees	Percent of employees
0–5%	67	18%	23	14%
6–0%	79	21%	34	20%
11–20%	107	29%	56	33%
21–40%	76	21%	38	22%
41–60%	26	7%	12	7%
61–80%	6	2%	1	1%
81–100%	5	1%	2	1%
> 100%	4	1%	3	2%
Total	370	100%	169	100%

It is not possible to assess from the Trial data whether for those with a higher level of variation between timings, this is representative of their usual productivity. However, it is possible to assess whether ADEs followed the instructions in training to take additional timings when there was greater than 20% variation between timings to ensure an accurate reflection of a supported employee's performance (including if that performance was usually variable). In most cases, additional timings were not taken where there was greater than 20% variation between internal timings (see Table 6). Interviews indicate the Trial timeframe affected ADEs' and assessors' ability to take additional timings.

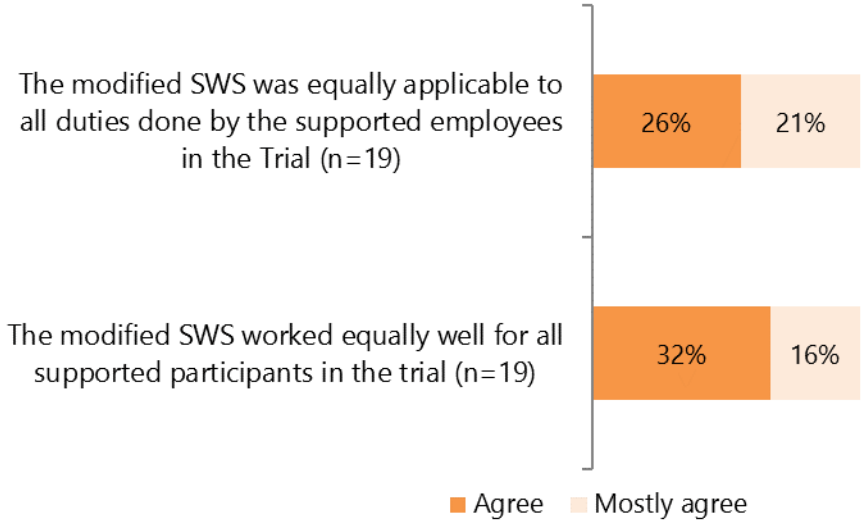
Table 6. Number of internal timings taken/ task for employees with greater than 20% variation between timings

Number of internal timings/ task	Number of tasks	% of tasks
2	2	2%
3	87	74%
4	13	11%
5	7	6%
6	0	0%
7	2	2%
8	5	4%
9	1	1%
Total	117	100%

4.1.2 Was the process equally applicable for all duties and all supported employees?

Less than half of the ADE management representatives surveyed agreed that the process was equally applicable for all duties and all supported employees (see Figure 7).

Figure 7. ADE perceptions of the Modified SWS processes



Interviews indicate the process was more difficult to implement consistently in ADEs with duties and tasks that:

- are normally completed as a group or in a production line
- are completed on varying products (e.g. in a packaging environment)
- vary with the weather (e.g. gardening)
- vary across the seasons
- have varying conditions (e.g. the level of dirtiness of a room to be cleaned or tray to be washed).

The main challenges ADEs raised related to supported employee characteristics were timing supported employees who:

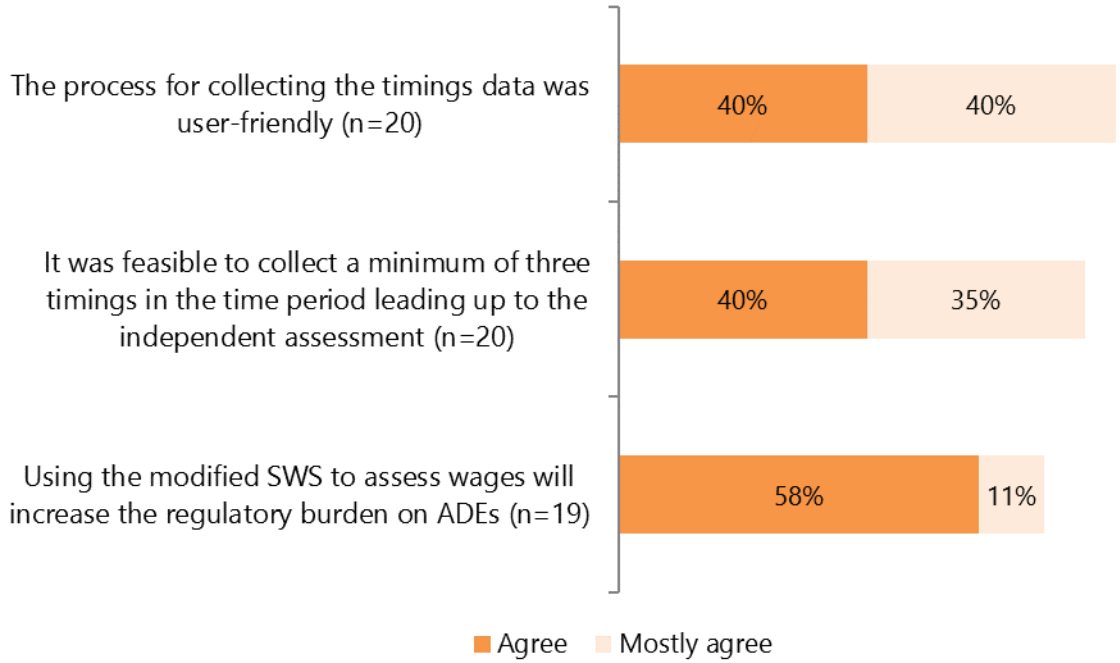
- would not normally complete a task to the required standard on their own
- regularly take days off
- have fluctuating productivity due to issues around their disability, health or personal issues
- take longer to complete a task that was set by amount because they do not remain on task.

A few ADE staff also noted concern that employees with anxiety or an autism spectrum disorder could be more concerned about the timings process than others. It is difficult to confirm this in interview data from supported employees because we only had data on an employee's primary disability and most participants had an intellectual disability recorded as their primary disability.

4.2 Is the Modified SWS feasible to apply across ADEs and job types?

Over three-quarters of ADE management representatives reported the timings process was user-friendly and it was feasible to collect the three internal timings (see Figure 8). However, some of the staff we spoke to felt that it was difficult to implement the process within the Trial timeframe.

Figure 8. ADE perceptions of the Modified SWS feasibility



Trial application data show that a full set of internal and external timings was not able to be collected for all supported employees during the short Trial timeframe.

- Ten supported employees had no external timings taken on any task.
- Five supported employees had no external timings taken on some tasks.
- Eleven supported employees had <3 internal timings, 31 had <3 external timings, and 4 with <3 of both.[1]
- The number of valid internal timings per task varied from 1–8; the range was the same for valid external timings.

Some supported employees withdrew or were withdrawn from the Trial. The reasons for this varied: a few employees became very ill or injured themselves (or had a relative who was ill that required them to take time off work), 2 were transferred to other duties, 1 became too anxious about the process, and 1 was transferred from employment to community engagement activities. In other cases, it was not possible to collect a complete set of timings because the employee took leave, the weather affected the ability to complete certain tasks or a certain product was not available to work on. Additionally, ADEs with seasonal work could not capture the required data on the range of tasks an employee usually undertakes.

Over two-thirds of management representatives felt the process would increase the regulatory burden on ADEs. Many ADE staff involved in setting the benchmarks and collecting the timings found implementing the process time-consuming. This is to be

[1] The 10 employees with no assessor timings were excluded from the sample; the 5 employees with no assessor timings on a task had that task excluded from their productivity calculation but were included in the sample; those with less than 3 of either type of timing were included in the sample.

expected with any major new process. However, the random selection of supported employees (from across different sites and crews) exacerbated the challenges for ADEs with multiple sites and crew-based work because they could not time all of their staff on the same day in the same place. The time limitations of the Trial period also intensified the work involved and contributed to impacts on ADEs' work.

ADE staff reported that, in some cases, the benchmarking and timings process distracted other employees from their work, disrupted other employees' schedules (which some employees find distressing), stopped other employees' from being able to work during timings (for group based and production tasks), halted or slowed production/ completion of tasks, and affected the ADE's ability to meet contract deadlines. One small ADE reported that production almost came to a halt during the independent assessments as almost all staff were involved. Some supported employees also said they felt the process was distracting them or affecting their ability to complete their work.

A longer implementation period would assist ADEs to manage the process through staff leave and work schedules and enable ADEs with seasonal work to collect timings on all major duties and associated tasks each supported employee undertakes. If the process was implemented for all employees, and ADEs could time employees at the same site or in the same crew at the same time, this would reduce the hours required to implement the process for each employee. Over time, as ADE staff became accustomed to the process, the amount of work would also reduce.

However, some ADE staff were concerned about their ability to integrate the process into their work were it to be implemented across ADEs. This was particularly the case for ADEs with:

- multiple task types across different business streams
- multiple sites and crew-based work
- work on varying products
- a need to set up tasks in a simulated environment or tasks that do not actually need to be done to ensure consistent task conditions.

Some ADE staff noted that additional staff resourcing would be required if the Modified SWS were to be implemented.

Assessors, on the other hand, indicated that there could be some efficiencies in implementing the process in ADEs compared to implementing the SWS in open employment because they could establish a benchmark to be used in assessing multiple employees and could potentially complete multiple assessments in one visit to an ADE site.

4.2.1 How helpful was the Trial application?

DSS developed an application (app) to collect the Trial data, provided each ADE and assessor with an ipad to use the app, and were on call for IT and user support issues during the Trial.

ADEs and assessors could choose to use the timer function in the app to collect timings or collect them manually and then enter the data into the application

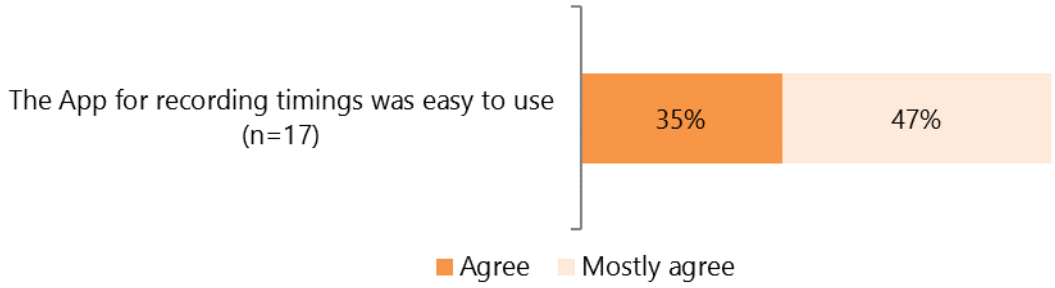
Staff interviews and feedback provided to DSS indicate not all ADE staff and assessors used the app for timings. There were five main reasons for this:

- there were multiple staff timing, but only one app
- multiple timings were taking place simultaneously (and the app did not initially have the capacity to manage this)
- the timer considered a phone or stopwatch more appropriate in the work environment, particularly because these were less bulky and less likely to get damaged in the weather (for outdoor tasks)
- the timer was familiar/ comfortable with using their phone or a stopwatch
- the timer had experienced technical issues with the app, which had not been fixed when they were collecting timings or which made them mistrust that the app would work and their data would not be lost.

Some ADEs and assessors also encountered difficulties sharing their data to enable external timings and the calculation of the final productivity assessment. This seems to have happened particularly when a complete set of timings had not been taken.

Despite the issues, many ADE management representatives agreed or tended to agree the application was easy to use (see Figure 9).

Figure 9. ADE management representatives' perceptions of the trial application



ADEs and assessors used the user guide when they encountered difficulties and generally found this helpful, but many also had to seek support from the DSS team to address issues. It is likely that there would be a lower proportion of technical issues in any future use of the application now that adjustments have been made. However, there would be an ongoing need to resource a helpdesk function to troubleshoot technical issues and assist people with log-in issues.

There would also likely be a need to make the application functional across various platforms. However, if this was done, consideration would need to be given to how compliance with privacy legislation would be ensured.

The cost of resourcing the rollout and helpdesk functions would need to be weighed against the benefits. ADE staff noted the app was also valuable because it:

- could save time by assessors and ADEs sharing task descriptions
- provide a useful record of performance over time
- allow ADEs to show supported employees their performance over the different timings, making the results easier to understand
- calculate productivity percentages automatically.

Additionally, validation checks could be added to the application to support consistent implementation.

Some stakeholders suggested potential improvements to the app, in addition to those that had been made during the Trial, including providing the capacity to:

- provide more interactive guidance/ a help function within the app for timers who are less technically savvy
- copy and paste data into the app for task descriptions
- use the app for timings to set the benchmarks
- have more duties and allocate more tasks per duty
- use more specific options than 'unit' (e.g. to identify the number of kilos of a product completed to the nearest 100 grams not only the nearest kilo)
- record employees' working hour to the nearest half hour not the nearest hour
- remain open during a timing (not log out because of inactivity).

4.3 Are the Modified SWS processes acceptable to ADEs and supported employees?

Many ADE staff found the process time consuming and some noted difficulties integrating the process into their regular work.

Most supported employees said they were okay with both the internal and external timings process. For internal timings, being familiar with the staff member and having the process explained helped. For external timings, getting to know the assessor in advance, the assessor being friendly and explaining what they were doing helped.

A small proportion of supported employees had mixed or negative feelings about the process (feeling nervous or pressured). This is to be expected in any wage assessment process. However, supported employees suggested a range of things that would have made them feel more comfortable with the process, which would fit within the Modified SWS. These include: the timings process being less obvious, being reminded of timings and the purpose of the timings, meeting the assessor in advance, having timings further apart, being timed on a range of tasks and their usual tasks (mentioned by some of those who were not),

being timed in a group (mentioned by some who work this way normally), and having the rationale for the timings explained.

The fact that those who were accustomed to timings were generally comfortable with the process suggests that many employees could get used to the process over time, with the right conditions of implementation.

5. Perceived accuracy of the Modified SWS

5.1 Does the Modified SWS provide an accurate assessment of the productivity of supported employees in ADEs?

Only about one-third of ADE management representatives agreed (25%) or mostly agreed (10%) that that the Modified SWS produced a reasonably accurate assessment of supported employees' productivity. Interviews indicate ADE staff had mixed views of the accuracy of the assessments; many believed the assessments over-estimated at least some of their employees' productivity. Some assessors thought that the results accurately reflected supported employees' productivity, while others thought the results overestimated employees' productivity, based on their impressions and information provided by ADE staff.

Most of the factors perceived as limiting the accuracy of the results could be addressed through compliant implementation of the Modified SWS. A longer implementation timeframe and validation checks would support this. However, there remained questions about how to accurately and fairly assess: employees who do not usually complete a task to the required standard on their own and employees completing tasks as a group or on a production line.

5.1.1 Issues of implementation

Response to being timed

Staff from all ADEs raised concerns about supported employees' response to being timed, although in some cases there were differences of view among staff about whether and how the timings and independent assessment process had affected supported employees. Assessors also noted this as the biggest factor affecting the accuracy of timings. ADE staff thought that many supported employees tended to work faster because they wanted to impress the assessor or staff member timing them, they wanted to outdo other supported employees, they associated a better time with better pay or simply because someone was watching them. In some cases, it wasn't so much that supported employees went faster, but that they stayed on task more than usual. However, some supported employees reportedly slowed down because they were nervous, wanted to impress, wanted to get the task done well or were distracted by talking to the assessor/ staff member timing them.

About half of the supported employees interviewed said that they worked at their normal pace during the timings—though more said they did so for the internal than the external timings. Those who went faster said they did so because they were nervous, wanted to impress, felt pressured or were more focused with someone watching. The few who went slower were concerned about quality, waiting for stock, nervous or doing something they

weren't familiar with. Some employees felt they got faster or slower over the three timings. Some also mentioned that co-workers distracting them during the timings.

Staff and assessors, who expressed a view, had differing perceptions about the characteristics of supported employees who sped up and those who slowed down and whether supported employees worked faster when being timed by ADE staff or the independent assessor. Data show that 49% of supported employees had a higher productivity result from assessor than internal timings. In some cases, supported employees, reportedly slowed down between their first and last timing because they 'got over it', stopped noticing that they were being timed or relaxed into it; while in others, supported employees reportedly got faster over time. It is not possible to assess this pattern in the data because it is not clear which was the first and which the last timing for manual timings without the dates adjusted.

Supported employees getting accustomed to the assessment process and to assessors, conducting timings more discretely and conducting longer timings were suggested as ways of reducing the assessor effect.

Duration and timing of tasks

Another significant concern among ADEs was that the duration and time at which timings were collected did not produce an accurate result. Some assessors also noted the need to time for longer or to collect timings over a longer timeframe. From the app data, it is clear that many benchmarks were of short duration. It is not possible to accurately assess if timings were taken at differing times of day or at least a week apart because the time and date of manual entries to the app were not initially corrected, but some ADE staff interviewed said that timings had not been taken at different times of day or at least a week apart.

There were differing views about the ideal length of a timing. There were some suggestions that on certain production tasks it would be more accurate to count the number of products (or the element of the product the employee is responsible for) that the supported employee had completed at the end of the day. However, there were also indications that this would not be possible for other tasks for which the variables could not be controlled for a day (e.g. offsite gardening).

There were also different views about the ideal timeframe over which to collect timings. Some ADEs suggested collecting timings over three months or a year, particularly to capture differences in productivity for supported employees with episodic conditions or to capture the range of tasks completed by an employee in different seasons. A few supported employees also said they thought timings should have been further apart. On the other hand, some ADE staff either thought an extended timeframe unnecessary or indicated it would be difficult to manage because some supported employees rotate between jobs or the nature of the ADE's work changes when contracts change.

Group and production line tasks

Some supported employees usually complete tasks in a group (e.g. palette making and certain cleaning tasks) or on a production line, but were timed completing these tasks on their own or in a simulated setting. In these cases, ADEs questioned the representativeness of the timings. Some supported employees would not have been used to completing a whole task on their own, while others would usually have their speed determined by the person before and after them in the line.

Other issues

The issues identified with implementation were also identified as affecting accuracy of timings.

- **Consistent task conditions**: Some ADE staff were concerned about their ability to hold task conditions consistent. This was particularly a concern for gardening tasks that can vary depending on the weather, cleaning tasks that can be more of less difficult depending on the initial level of dirt, and timber processing tasks in which speed is affected by timber quality and hardness. Some assessors also mentioned these difficulties.
- **Major duties and associated tasks**: Some supported employees were not timed on all major duties and associated tasks. In a small number of cases, supported employees were also timed on tasks they do not usually do.
- **Adherence to performance standards**: There was some confusion about the inclusion and application of performance standards. Additionally, some ADEs questioned how differing levels of performance could be measured when an employee does not usually complete a task to standard on their own.
- **Support provided during timings**: Interviews with ADEs and a few supported employees indicate that at least some supported employees did not receive their usual level of support during timings. Additionally, some ADEs also noted that they did not feel providing a high level of support and prompting would have produced a fair assessment of a supported employees' productivity.
- **Accuracy of benchmarks**: The issues identified with the benchmarking process likely contributed to a number of results of over 100%: 11 employees had an overall productivity >100% (excluded from Trial data analysis), 15 a task level productivity of >100% and 30 at least one timing of >100%.
- **Units of measurement**: One ADE mentioned that because the app did not allow decimal points recorded in units, they had to round what the employee produced during a timing up or down to the nearest kilogram, which could substantially change their result.
- **Use of validation process**: While not generally mentioned by ADEs, the lack of robust validation discussions and exclusion of unrepresentative timings could have contributed to inaccuracies in the assessment.
- **Proportion of time spent on tasks**: The proportion of time spent on each task affects the weighting that is given its calculation in the overall productivity result. Some ADEs noted that if the SWS was implemented across ADEs it would be difficult for them to

accurately identify what proportion of their time supported employees would spend on certain tasks because the nature of their work is difficult to predict (e.g. where affected by contracts) or because of the way employees rotate between or change roles. In the Trial data, one employee was recorded as only working one hour per week because the task they were trialled on was not their usual task.

5.1.2 Other factors ADEs considered important

Stakeholders—mostly ADE staff—also identified other factors that they believe are not considered in the Modified SWS but should be included to produce an accurate assessment of productivity in an ADE context. These were the way jobs are designed in ADEs, competency, varying levels of support provided, and work, health and safety practices. The latter could be included in a Modified SWS assessment, if implemented as intended, as could the element of competency related to the quality of work produced. However, questions remain about job design/ skills and support levels provided.

Job design

Most ADEs were concerned that Modified SWS does not consider the way duties are set in an ADE context to suit the capabilities and preferences of supported employees, which means that some supported employees only complete one or a small number of the tasks in an award wage job. Some ADEs felt that the assessment needed to factor in the range and complexity of tasks an employee undertakes or there could be an impact on jobs, job design or employees' choice to develop and take on more complex tasks. For others, the concern was that if the range and complexity of tasks undertaken was not considered supported employees' who do more complex tasks at a slower rate could be disadvantaged compared to those who do fewer and less complex tasks; comments from a few supported employees also raised this issue.

Two ADEs felt that employees doing more complex tasks had actually received lower results than those doing simpler tasks in the Trial. Other ADEs might not have been able to identify this as actually happening in the Trial because the employees selected were not representative of all employees from each ADE. Further, it is not possible to test this in the trial app data because of the issues identified in implementation of the Modified SWS. In any case, identifying which tasks are of a higher level than others would be a somewhat subjective process.

One assessor suggested that the issue of accounting for job design was related more to ADEs needing to use grade levels within employment awards more than they currently do than to a need to further modify the SWS.

Interviews indicate that consideration of whether and how the number and complexity of duties and tasks undertaken by an employee should be incorporated in any assessment needs to account for the levels of tasks available in an ADE compared to the level of tasks the

employee could complete. For example, one supported employee mentioned that they used to undertake a higher-level and more highly-paid duty, but this was no longer available for them to complete.

One ADE also questioned whether the Modified SWS could account for supported employees undertaking tasks that sit under different awards.

Competencies

A common theme among ADE staff was the need for the assessment to include competencies. In some cases, this was related to the need to assess employees' range and level of skills, which overlaps with concerns about job design (described above). In others, it related to the need to assess the quality of work produced, which relates to the issues around the use of performance standards in the Trial. ADE staff did not always seem to connect these two concepts. The feedback related to the perceived need to assess competency needs to be considered in light of the nature of the issues raised with the competency element of the BSWAT assessment in the Fair Work Commission.

Support provided

Some ADEs thought the process should account for the varying levels of support needed by, and provided to, supported employees, which is inherent in the nature of supported employment. In some cases, this related to the level of support, prompting and supervision required to undertake their work. In others, it related to the broader supports provided, including emotional support and support with life issues, or the behaviour support an employee required (which can involve reassigning certain supported employees to different tasks when they do not get along or are disrupting others' work). It is unclear whether some of the latter issues could be captured in a timing of sufficient length or would be captured in accounting for supervision/ support.

Safe work practices

A number of ADEs considered that to be accurate the assessment should consider safe work practices because of the importance of these practices and/or the need to provide regular reminders. They commented about how these practices are assessed as part of their existing wage assessment tools. Putting on safety gear or setting up a task safely could potentially have been included in a timing, but this does not seem to have been considered in all cases in which it would have been relevant.

The practice of not reducing wages

Some ADEs also noted that they do not reduce supported employees' wages when their productivity reduces over time—not as something to be factored into an assessment, but something to be considered in assessing the applicability of the Modified SWS to ADEs.

5.2 What are the perceptions and impact of the modifications?

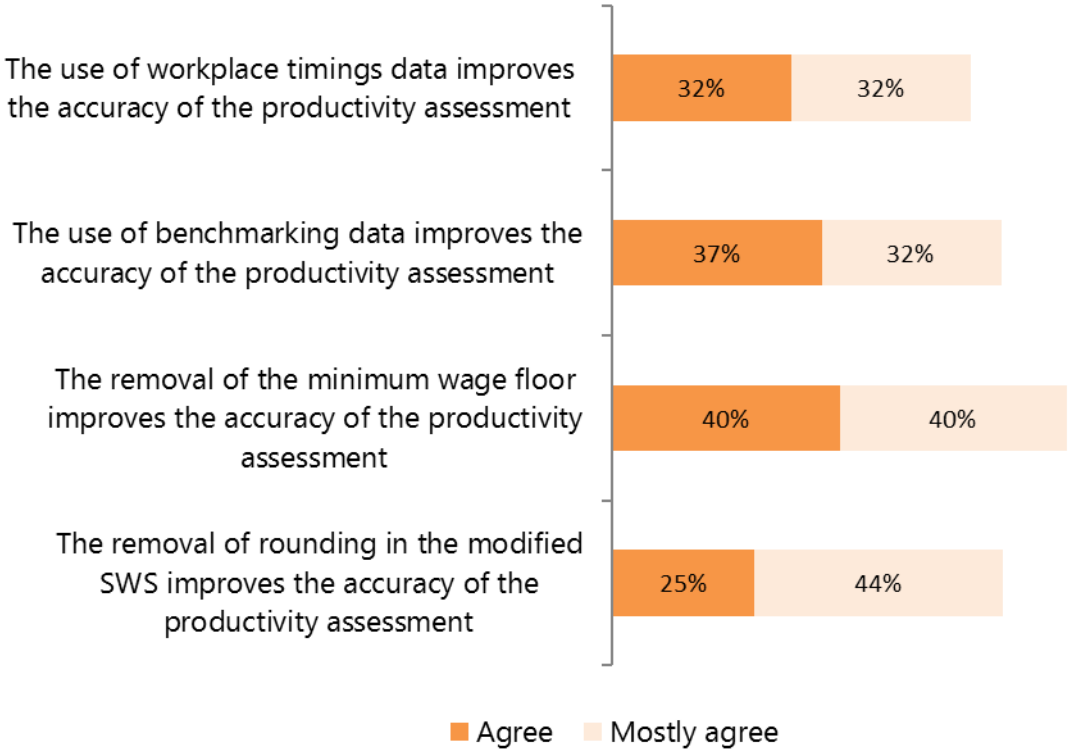
5.2.1 Perceptions

ADEs were not all clear about the modifications. Of those who responded to the survey questions (i.e. did not respond 'don't know'):

- the majority supported the removal of the minimum wage floor
- over two-thirds supported the removal of rounding
- about two-thirds were positive about the inclusion of internal timings (see Figure 10).

Assessors were generally positive about the use of internal timings (provided they could be done consistently) and the removal of the minimum wage floor, but had mixed views on rounding.

Figure 10. ADE perceptions of the accuracy of the Modified SWS assessments



Comments in ADE interviews reflected support for removal of the minimum wage floor. ADEs felt this was more accurate for supported employees with lower productivity who are able to work fewer hours. The majority of assessors also thought that the removal of the minimum wage floor was both necessary to get ADEs on board, and appropriate considering the low productivity or work hours of some employees. Some assessors went further to say that the minimum wage floor could encourage discrimination against lower-productivity workers by

discouraging ADEs from employing them. However, a few felt the minimum wage floor is appropriate for any employee, including those working in an ADE.

There was less feedback about rounding from ADEs. A couple of ADE staff thought that if rounding for supervision was not included, supervision should still be factored into the assessment. One thought that rounding to the nearest 5% would be more accurate and administratively efficient and another thought that it should be possible to adjust further than within the decile to reflect supported employee performance. Assessors were split as to whether removal of rounding was a positive or negative modification. Some mentioned that they liked being able to use rounding because it allowed them to arrive at a final productivity scores that reflect an employee's usual work rate and supervision required, and allowed for more negotiation with the ADE. While some did not think there should be rounding for supervision in ADEs and that mathematical rounding would disadvantage employee's whose wages would be rounded down to the nearest decile and advantage those whose wages would be rounded up. Another suggestion was for rounding only to the nearest 5%.

ADE staff interviewed generally felt internal assessments improved the accuracy of the assessment because they could be collected over a longer timeframe and/or because staff were familiar with supported employees work patterns, so would understand what was usual and what was not. Some assessors were uncertain of the accuracy of the internal timings, because of the difference between those and their own. They expressed that ADEs have less experience and more reason for bias than independent assessors. A few assessors believed the concept of internal timings was good, but only if they could be shown to be consistent internally.

While not asked directly, several ADE staff also noted the value of independent assessments to reduce bias from the process or promote accountability and transparency. Some others saw the value of these assessments, but felt that supported employees worked faster or slower for independent assessments and the process would be costly. For this reason, a couple suggested that independent assessments would be better conducted only for a sample of supported employees or when internal results were challenged. Others felt external assessments were not needed at all and that internal assessments would produce more accurate results. A couple ADE staff also noted concerns about the sufficiency of the assessor workforce for full-scale implementation. While some supported employees felt more comfortable with internal staff, others were comfortable with their assessor, and one supported employees suggested there should only be independent assessments.

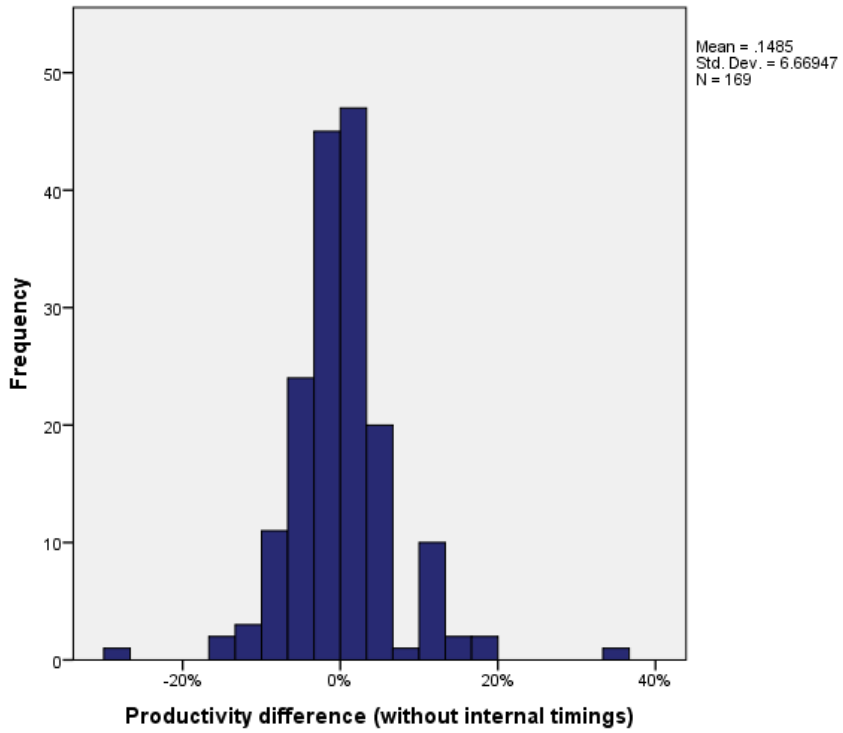
5.2.2 Impact

Internal timings

The overall impact of using internal and external timings rather than only external timings is mixed. Almost half of employees (49%) had higher productivity outcome when calculated

based only on external timings than when calculated only on internal timings. For over half of the employees, the difference between using only external timings and using both internal and external timings is +/- 3% in the productivity result (see Figure 11).

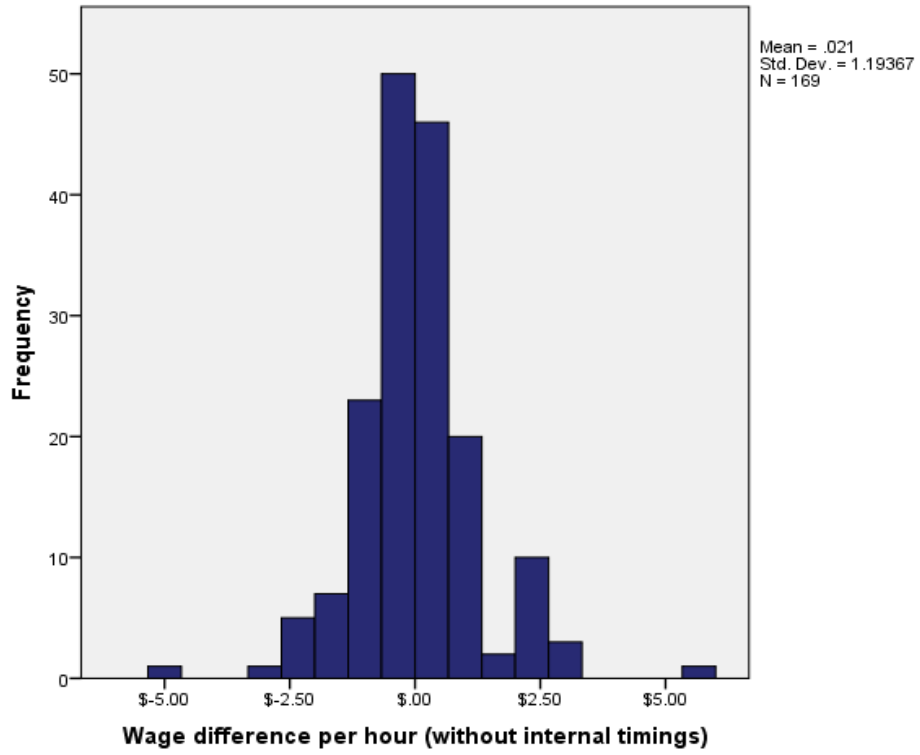
Figure 11. Impact of internal timings (in % productivity)



Note: Calculated by using assessor productivity results minus Trial productivity results (including assessor and internal timings)

If only external timings were used, 82 employees would have received a higher hourly wage and 86 a lower hourly wage. For the majority, the difference between using only external timings and using both external and internal timings lies between $1 more or less per hour (see Figure 12).

Figure 12. Impact of internal timings (in $)



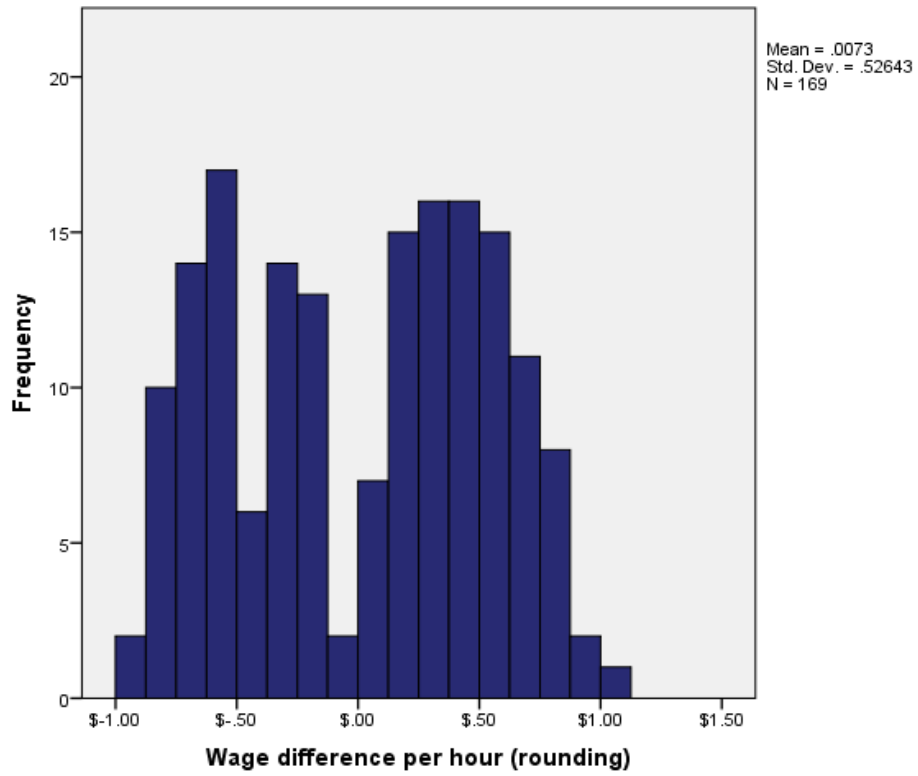
Note: Calculated by using assessor wage outcomes minus Trial wage outcomes (including assessor and internal timings)

Some assessors perceived the value of internal timings as being that these ensure ADEs trust the results, rather than having an actual impact on productivity scores.

Removal of rounding

With the introduction of arithmetic rounding, 90 employees would receive a wage increase and 78 a wage decrease, so this would make a minimal difference to wages overall (average of 2 cents less per hour). For all but one, the difference lies between $1 more or less per hour (see Figure 13).

Figure 13. Impact of rounding



Removal of minimum wage floor

A total of 35 employees would have a weekly wage of less than $82 if assessed under the Modified SWS, as implemented in the Trial.[2] On average, the employees receiving less than $82 per week would receive $28.80 more per week, if the wage floor was included.

As most employees in the Trial received a result of greater than $82 per week, the average increase across the whole sample was $5.97 per week.[3]

[2] Analysis excludes supported employees recorded as working less than 8 hours or more than 40 hours per week, assumed to be errors.
[3] Denominator is 162 employees with appropriate recorded working hours

5.3 What improvements do stakeholders suggest to the Modified SWS?

While assessors were positive about future use of the Modified SWS, the majority of ADE management representatives (90%) would not support implementation of the Modified SWS, as it currently stands, in their organisation. The perceived impact of the introduction of the Modified SWS on ADE viability was a major concern that shaped this view, so were concerns about the accuracy of the assessments.

The two ADE management representatives that indicated support for future use of the Modified SWS also agreed that the process produced a reasonably accurate productivity result. One of these was a current user of the SWS, while the other felt the Modified SWS was better than their current tool, but suggested timings would need to be taken further apart to provide a more accurate assessment.

Most of the other ADEs who indicated they would not support implementation of the Modified SWS in its current form **agreed (23%) or mostly agreed (46%) that they would support with further modifications to improve the accuracy of the assessment**. Suggested improvements reflect issues raised with the accuracy of the assessments (discussed above).

Supported employees found it difficult to comment on whether the Modified SWS should be used because many did not understand how their wages are currently calculated and struggled to understand their productivity result from the Trial. Some employees suggested improvements that would make them more comfortable with the timings process (discussed in chapter 4), while others made suggestions related to how the overall process was implemented (e.g. that quality should have been considered in their timings and that they should have been timed for longer, on a range of tasks or on the tasks they normally undertake or received support they needed).

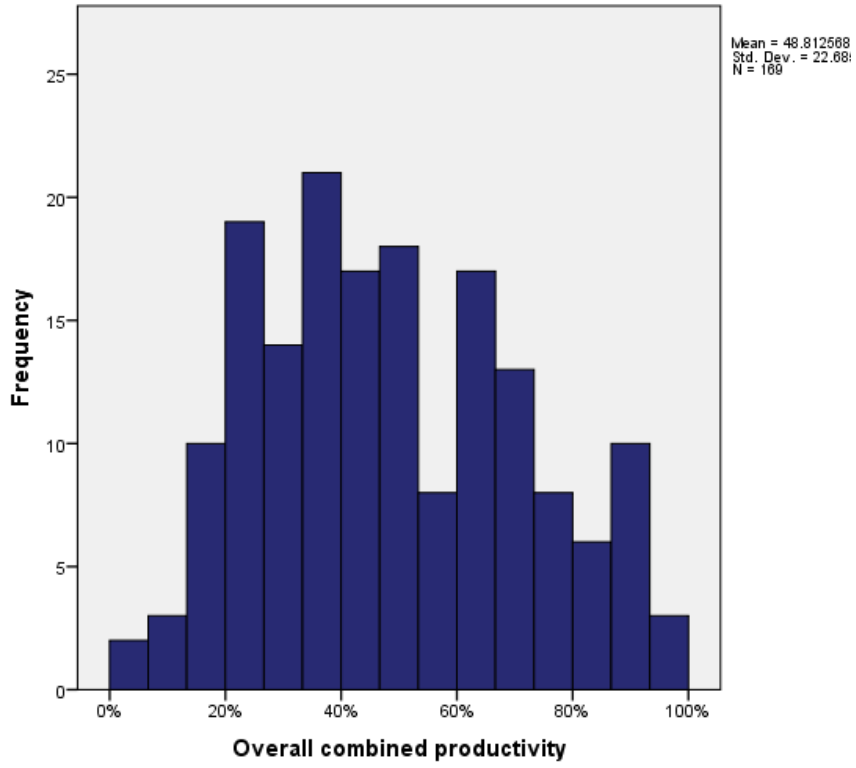
6. Wage outcomes

6.1 What are the productivity and wage outcomes when using the Modified SWS?

Given the inconsistencies in implementation, the outcomes data do not provide a reliable indication of the wage outcomes that would be produced with a Modified SWS. They are presented here as outcomes of the Trial, but should not be relied on to predict the wages bill, if a Modified SWS was introduced.

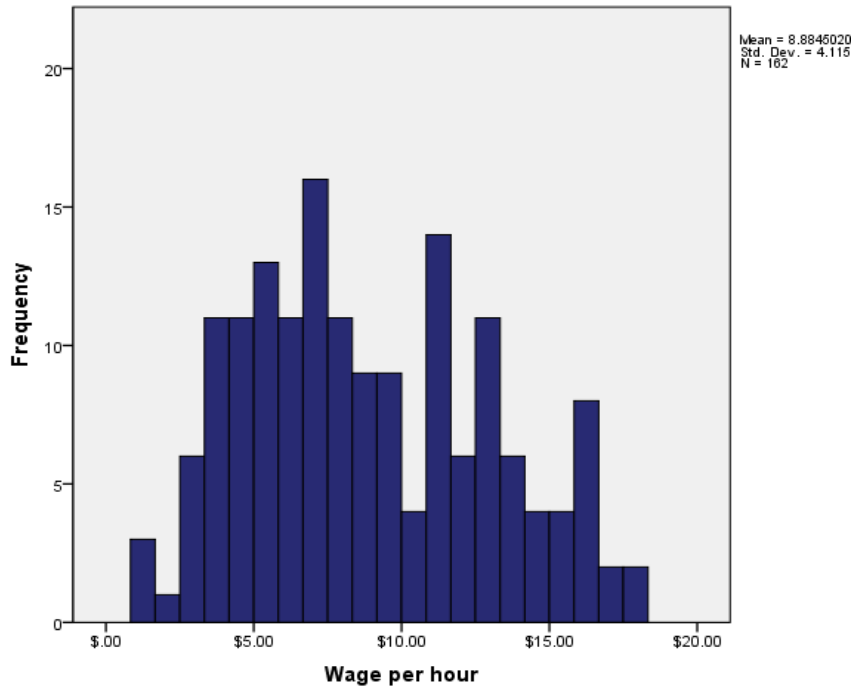
Across the sample the average productivity outcome was 48.9%. Over half of employees had a productivity outcome between 30 and 70% (see Figure 14).

Figure 14. Distribution of productivity outcomes



Across the sample, the average wage outcome was $8.90 per hour—the minimum was $1.10 and maximum $17.80. For over half, the outcome was between $5 and $12.50 per hour (see Figure 15).

Figure 15. Distribution of wage outcomes



The average weekly wage outcome was $209.54 – the minimum was $16.01 and maximum was $676.94. [4]

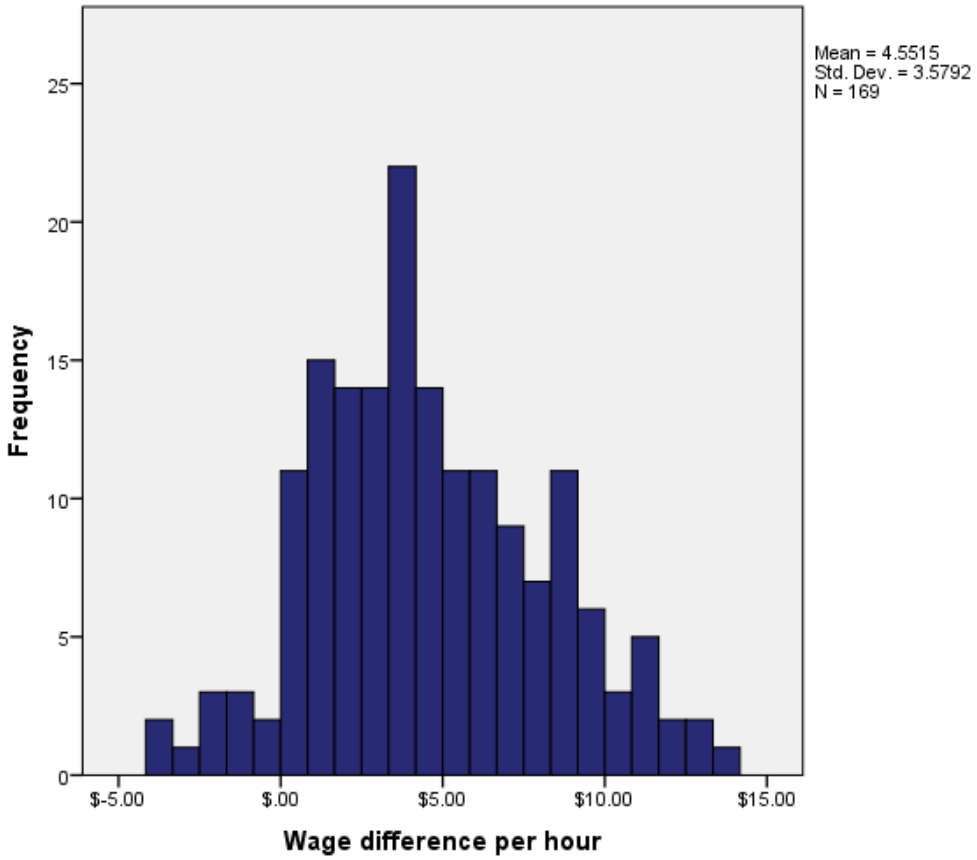
[4] Analysis excludes supported employees recorded as working less than 8 hours or more than 40 hours per week, assumed to be errors.

6.2 How do these outcomes compare to existing wage tools?

6.2.1 Overall

For the majority (158/ 169) of supported employees the outcome would have been a wage increase. For over half, the increase would have been in the range of $2.50–$7.50 per hour (see Figure 16).

Figure 16. Distribution of wage increases

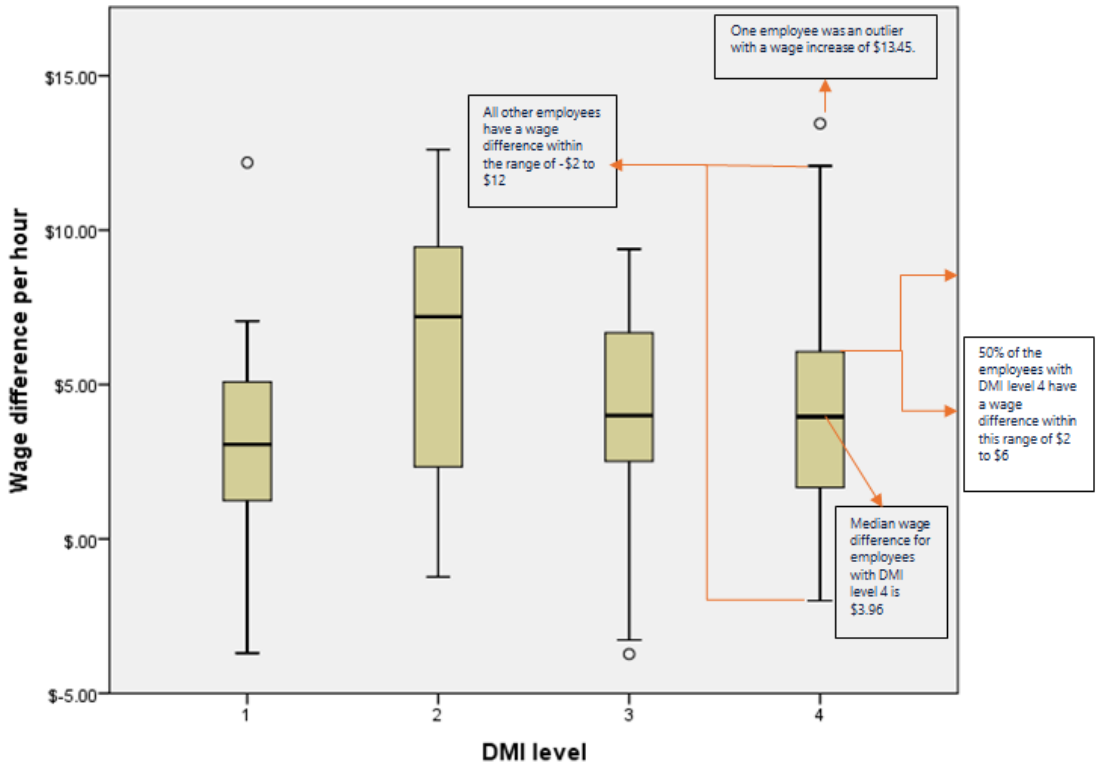


6.2.2 Variation by key characteristics

Differences by DMI, disability type and ADE are presented, but should be interpreted with caution because of the issues identified with implementation.

Results show a higher wage increase for employees at DMI Level 2 (see Figure 17). It is unclear if this relates more to issues of implementation than accurately representing a difference for this cohort.

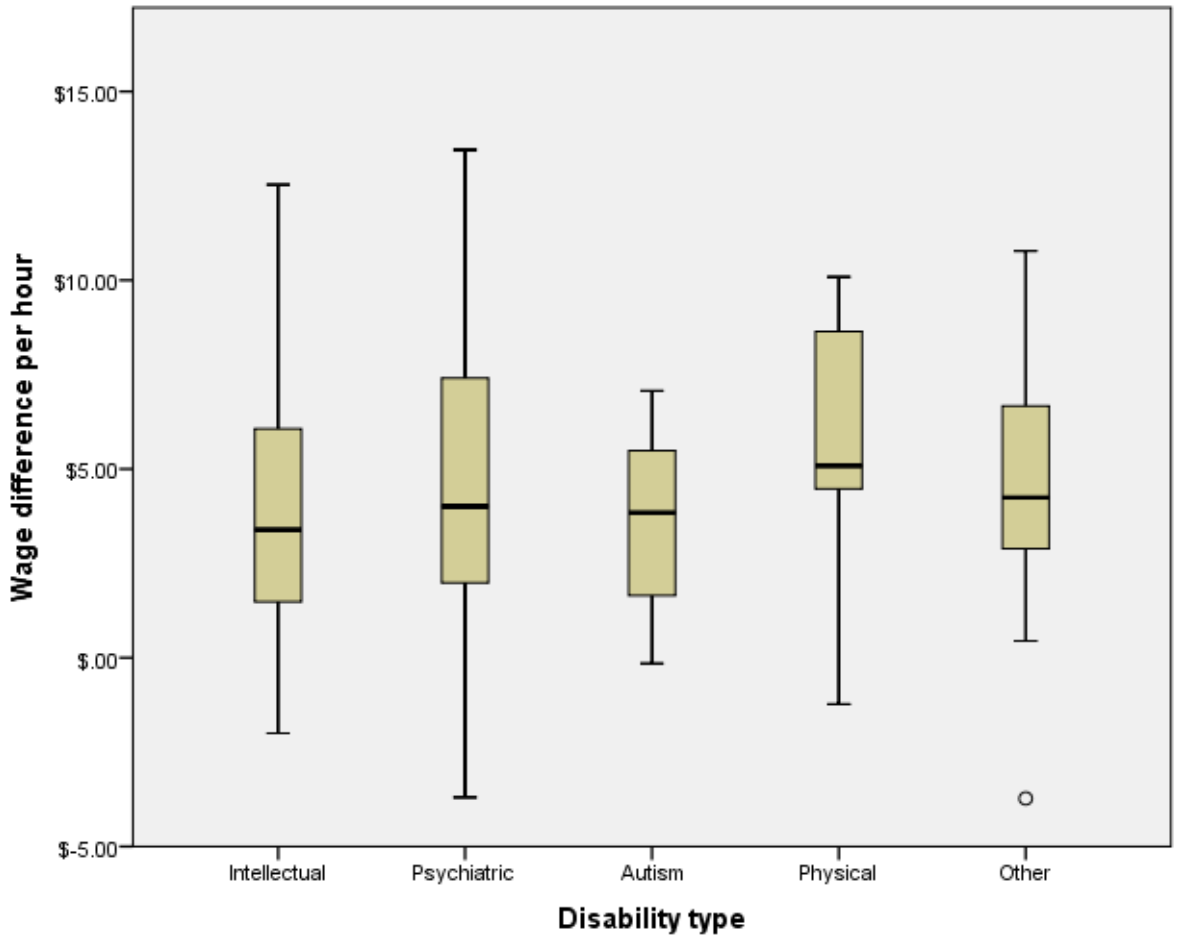
Figure 17. Wage outcomes by DMI level



Source: Trial app data DMI level 1 n= 9, DMI level 2 n= 20, DMI level 3 n=39, DMI level 4 n=92

Average wage differences were fairly consistent by disability type (see Figure 18). There was more variation for people with psychiatric disabilities, perhaps reflecting comments that these employees may be less comfortable with timings than others.

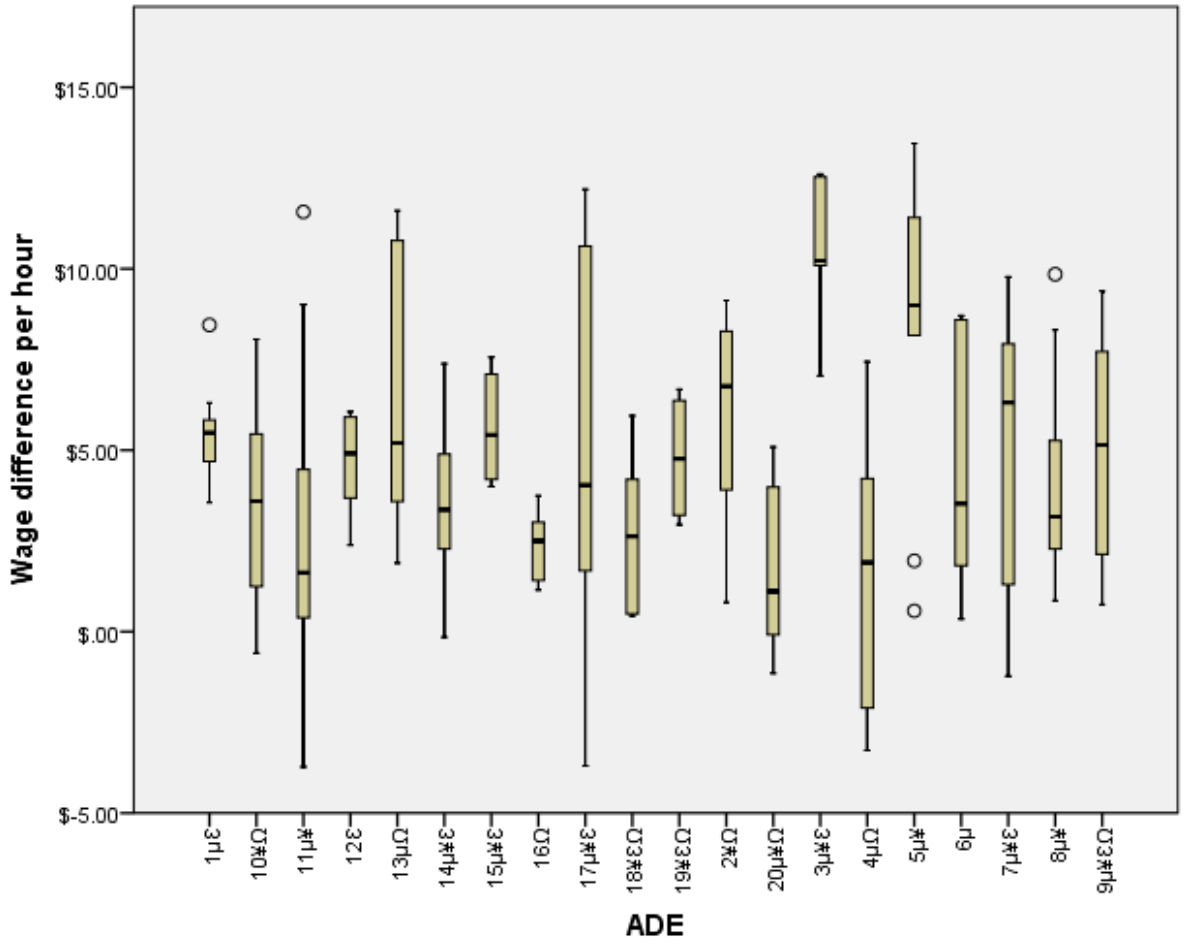
Figure 18. Wage increase by disability type



Source: Trial app data. Intellectual disability n =125, Psychiatric disability n = 19, Autism n = 14, Physical n = 10, Other n = 23.

There were substantial differences in wage increases across the participating ADEs (see Figure 19). At least part of this difference is likely due to issues of implementation, thought it may also relate to existing wage tools and the characteristics of employees in the sample from that ADE (as employees in each ADE were not representative of the ADE employee population as a whole or the employees in that ADE).

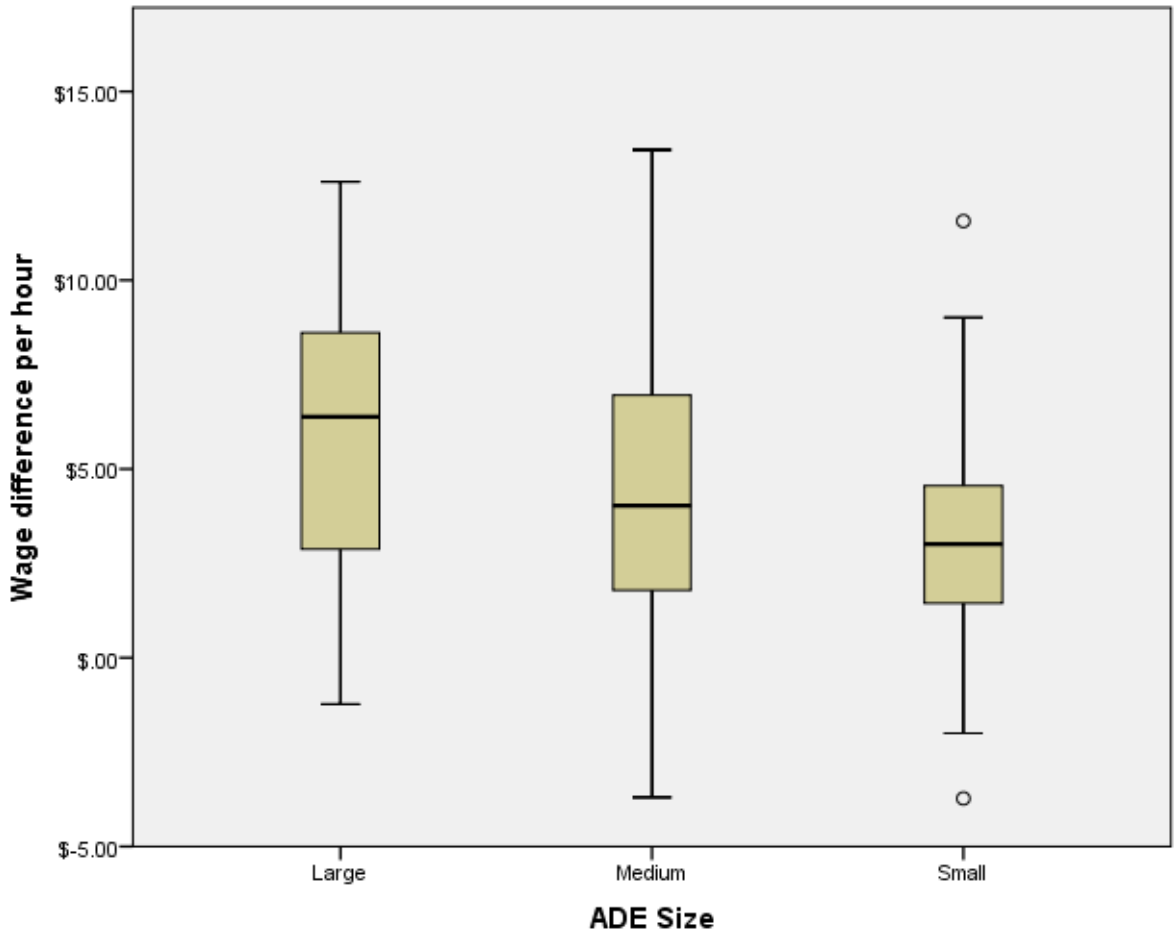
Figure 19. Wage increases by ADE



Source: Trial app data.
Key: Employees timed on an average of 1 task=α, Benchmark time less than 10 minutes=μ, Timing productivity greater than 100%=¥, No exclusions made for potentially invalid timings=Ɛ, Some employees have insufficient timings= Ω

In the Trial, wage increases were lower in smaller ADEs, but this may not hold across broader population given that one of the smaller ADEs was currently using the SWS and another of the smaller ADEs implemented the Modified SWS more consistently than others.

Figure 20. Wage increases by ADE size



Source: Trial app data. Small ADE n= 27, medium ADE n= 112, large ADE n=30.

6.2.3 Perceptions

ADE staff tended to prefer their current wage assessment tool to the Modified SWS or to identify both tools as having issues. A few said they felt that any wage assessment process will have issues. Some ADEs felt their current tools were more holistic—taking into account factors such as competencies, the complexity of the tasks performed, compliance with safe work practices, general work behaviours and level of support required, as well as productivity. The Modified SWS could have covered many of these factors if implemented as intended. Issues identified with existing tools were the ways in which these can limit wage progression. Some also noted the value of the inclusion of independent assessments in the Modified SWS and the value of a process that was easy to explain to supported employees. Where there

were differences of view among staff in the ADE, supervisors tended to have more positive views of the Modified SWS than managers and staff collecting timings.

At interview the majority of supported employees could not compare the way their wages are currently worked out with the Modified SWS because they indicated they were unclear about the current approach and found the productivity results provided in the Trial difficult to understand. However, some felt that the Modified SWS was better because they were unhappy with the current approach or because they thought that the Modified SWS was clearer. Comments from the few who thought their current tool was better related to issues of implementation rather than issues with the Modified SWS itself (e.g. that the assessment should take account of quality and that they should be timed longer, or multiple tasks or on a task they usually undertake).

7. Conclusions and implications

7.1 Conclusions

The Trial has not provided a clear case that the Modified SWS can be consistently applied by ADEs and assessors to provide an accurate assessment of supported employee productivity across the range of ADE operating contexts. However, it has not definitively proven that it cannot.

Many of the inconsistencies of implementation and issues affecting the accuracy of results could be addressed by: refining the provision of information, training and support; introducing a quality assurance process (including validation checks at each stage—benchmarking, internal timings, external timings); and providing a longer timeframe for implementation.

However, clearer direction is needed on how employees should be assessed when they do not complete tasks to standard on their own and to ensure consistency and fairness for employees completing tasks in a group or on a production line. Additionally, questions remain about whether the assessment could or should take into account the range and complexity of duties and tasks undertaken by the employee, and the level of support and supervision the employee needs.

7.2 Implications

It is beyond the remit of the evaluation to recommend whether or not the Modified SWS should be implemented in ADEs. This decision needs to be considered in light of whether the process can or should account for issues identified in the Trial and the costs and benefits of the Modified SWS compared to alternative options.

While the extent to which wages would increase if the Modified SWS was used is unclear, any wage increases will have implications for the viability of certain ADE operating models. Opportunities to increase ADE viability and improve wage assessment outcomes for supported employees may come through other policy and industrial settings that have not been evaluated through the Trial. However, ADEs may also face challenges to viability with technological developments disrupting traditional job roles and an ageing workforce, and potential new competitors within the NDIS market.

As well as any impact on wages, implementation of the Modified SWS would have resourcing implications for ADEs and the Government that need to be considered. Costs to government would include the cost of the independent assessment process. Consideration would need to be given to how parties would fund the training and ongoing support ADEs would require to collect internal timings, if the option to collect internal timings was retained.

If the Modified SWS (in its current or a further modified form) is to be implemented in ADEs, the Trial has identified the following needs for implementation:

Change management

- Consider an appropriate period over which to phase in the approach and how wage increases will be managed.
- Specifically recognise the introduction of the Modified SWS as a change management exercise, likely to encounter some resistance, and the need to communicate the rationale for the approach to ADE staff collecting timings and setting benchmarks and bring them on-board.

Training

- Make training a pre-requisite for timings staff and assessors.
- Consider potential to group ADEs by business type for training to respond to requests for guidance that is more tailored to the ADE context.
- Streamline training—beginning with an overview of the Modified SWS and then provide time for ADEs to work through duty and task breakdowns with assessors (using the app), and the group to trouble-shoot implementation issues and common misperceptions.
- Consider including an assessment at the end of training to ensure comprehension and competence.
- Use a training feedback survey with closed questions to provide standardised data on whether training is achieving its objectives, and inform any adjustments required.

Implementation resources and support

- Provide a guidelines document that describes the process and provides examples of duty and task breakdowns, task descriptors, benchmarking options and ways of assessing against performance standards.
- Develop an ongoing process for information sharing between ADEs that supports troubleshooting on timing particular tasks.
- Give further consideration to how supported employees can be supported to understand the Modified SWS process and what a productivity assessment result means for them.

Quality assurance

- Introduce a quality assurance process. This might include validation checks in the data, and an audit function that involves checking a sample of results through a repeat of the process.
- Consider the costs of rolling out and providing help desk support for the app, against the potential benefits (particularly the ability to include validation rules).

Appendix 1. Employee sampling

1. Initial Trial sample

Recruitment

The initial sample of 200 supported employees was selected to represent the ADE population. A total of 46 selected supported employees either chose not to participate or were unable to participate. We made every effort to adhere as closely as possible to ADE population characteristics when selecting replacements for supported employees. As agreed with the Steering Committee, our main focus was on aligning the Trial population with the ADE population in terms of disability type and DMI level, but we also paid attention to other key characteristics. Table 2 shows all replacements requested and made by ADE. In three cases, we could not make a replacement from within the same ADE, so we made a replacement from another ADE (meaning that 3 ADEs were asked to have 11 participating supported employees, and 3 others to have 9 participating supported employees).

Table 7. Total replacements made

ADE	Replacements requested	Replacements made	No equivalent replacement available
1	4	3	1
3	3	3	0
12	7	7	0
16	1	0	1
5	1	1	0
13	1	1	0
7	8	8	0
10	4	4	0
9	1	1	0
6	1	1	0
8	3	3	0
4	2	2	0

ADE	Replacements requested	Replacements made	No equivalent replacement available
19	3	2	1
15	1	1	0
14	3	3	0
18	3	3	0
Replaced with other ADEs: 3, 8, 17	n/a	3	n/a
Total	**46**	**46**	**0**

Table 3 shows that the main reason selected employees did not participate was that they declined to do so.

Table 8. Reasons for decline

Reasons for Replacement	n
Refused	31
On Leave	6
Not an employee anymore	2
Retired last month	2
Difficult to benchmark/ not suitable	2
Absent from work	1
Ongoing assessment using current tool	1
Injured	1
Total	**46**

Participant sample compared to ADE population

After we stopped providing replacements on 17 May, 9 supported employees withdrew. At commencement, the Trial sample included 191 supported employees, with characteristics broadly in line with overall ADE population as demonstrated in the tables below.

Table 9. Disability type – Trial compared to ADE population

Disability type		Trial (n=191)	Overall ADE (n=17,223)
Intellectual	125	65.4%	64.5%
Psychiatric	19	9.9%	9.4%
Autism	14	7.3%	6%
Physical	10	5.2%	5.2%
Acquired Brain Injury	5	2.6%	2.7%
Down syndrome	5	2.6%	2.7%
Neurological	4	2.1%	2%
Cerebral palsy	2	1%	1%
Fragile X syndrome	2	1%	0.3%
Specific Learning	2	1%	1.6%
Visually Impaired	2	1%	1.2%
Williams syndrome	1	0.5%	0.1%
Asperger's Disorder*	0	0%	0.50%

*As discussed with DSS, a replacement could not be found for the employee with Asperger's who was unable to participate.

Table 10. DMI level – Trial compared to ADE population

Current DMI level		Trial (n=191)	Overall ADE (n=17,223)
1	11	5.8%	6%
2	28	14.7%	14.6%
3	46	24.1%	23%
4	96	50.3%	52%
No DMI recorded	10	5.2%	4.3%

Table 11. Transition to NDIS – Trial compared to ADE population

NDIS		Trial (n=191)	Overall trial participant population (n=17,223)
NDIS	19	9.9%	13.5%
Not NDIS	172	90.1%	86.5%

Table 12. Age group – Trial compared to ADE population

Age		Trial (n=191)	Overall ADE (n=17,223)
20 and under	8	4.2%	3.2%
20 to 30	40	20.9%	23.4%
30 to 40	55	28.8%	21.3%
40 to 50	45	23.6%	24.1%
50 to 60	31	16.2%	20.1%
60+	12	5.8%	8.1%

Table 13. Gender – Trial compared to ADE population

Gender		Trial (n=191)	Overall ADE (n=17,223)
Male	131	68.6%	65.3%
Female	59	30.9%	34.7%
Missing	1		

Table 14. Country of birth – Trial compared to ADE population

Birth Country		Trial (n=191)	Overall ADE (n=17,223)
Australia	161	84.3%	91.4%
Other than Australia	21	11%	7.6%
Unknown/ missing	9		

Table 15. Indigenous type – Trial compared to ADE population

Indigenous Status		Trial (n=191)	Overall ADE (n=17,223)
Aboriginal or Torres Strait Islander	5	2.6%	2.4%
Not Indigenous	176	92.1%	Not available
Not asked/Not stated/ Did not wish to answer	10	5.3%	Not available

2. Final trial sample

Exclusions

A total of 22 exclusions were made for Trial data analysis—10 supported employees who did not have a complete set of Trial data, 11 who had an overall productivity result of over 100% and 1 who had a timing of 0 minutes (which affected their overall productivity result).

Table 16. Exclusions

ADE	Overall productivity greater than 100%	No external timings	Timing of 0 minutes
3	6		
15	1	3	
19	2	1	
17		2	
12		2	
20	1	1	
10	1		
7		1	
9			1
Total	11	10	1

The Trial data analysis uses data from 169 employees.

A standard rule that could be consistently applied for employees with productivity outcomes over 100% was agreed with DSS. These were considered outliers for the reasons below.

- The two employees excluded from ADE 19 were timed on only one task and no quality information was specified for these tasks. None of the other employees from ADE 19 included in the sample were timed on the same task as these two. One of the employees excluded also had insufficient number of timings (a total of 4 timings per task, with just 1 assessor timing recorded).
- Of the 5 employees excluded from ADE 3, 3 had an overall productivity between 100 and 140%, one had an overall productivity of 170% and two had a productivity of greater than 200%. These five employees were timed on a single task that had a benchmark time of only 3 minutes. Others in this ADE were also only timed on this one task.
- The one employee excluded from ADE 10 had insufficient number of timings taken per task.
- The one employee excluded from ADE 15 was timed on a task with a benchmark time of 2 minutes. None of the other employees from this ADE included in the sample were timed on the same tasks as this employee.
- The one employee excluded from ADE 20 was timed on three tasks. None of the other employees from this ADE included in the sample were timed on the same tasks as this employee.

In a few cases, other employees from the same ADE could potentially have also been excluded from the sample because of identified issues with tasks and benchmarks. However, the decision was made to retain these employees in the sample because a range of implementation issues were identified across the Trial sample.

Adjustments

All supported employees with at least one assessor timing taken for any of the tasks were included in the sample. Tasks where no assessor timing was recorded were excluded from the overall productivity calculation of 6 employees from 3 ADEs (1 of these employees was excluded from the analysis sample because they had an overall productivity of >100%).

Employees with less than 3 valid internal and/or external timings (11 with <3 internal timings, 31 with < 3 valid external timings, and 4 with < 3 of both) were included in the final sample as this situation was considered representative of implementation in any future roll out. Productivity outcomes for these employees use the timings taken.

For 15 supported employees with task level productivity of >100%, we rounded this down to 100% and recalculated their productivity. However, we did not adjust individual timings of over 100% (for 30 supported employees from 10 ADEs).

The supported employees with total working hours of less than 8 hours (n =6) or more than 40 hours a week (n=1) were excluded from all analysis on wage outcomes per week, but not the rest of the analysis.

Data quality

Any timings that were taken manually and entered in the App later on by DSS were assumed to have correct productivity calculations.

As the app only enabled units to be recorded in whole numbers, assessments based on units (e.g. kilograms) may be inaccurate, as results had to be rounded up or down to the nearest whole number.

It is not possible to assess whether timings were taken at least one week apart and at different times of day because it was not possible to edit the time for timings taken manually until an update on July 3.

Participant sample by ADE

The final sample includes participants from all 20 ADEs, but some ADEs had fewer than intended participants with a complete Trial dataset.

Table 17. Trial sample by ADE

ADE	n	%
2	10	5.90%
5	10	5.90%
6	10	5.90%
18	10	5.90%
11	10	5.90%
13	10	5.90%
14	10	5.90%
1	9	5.30%
7	9	5.30%
8	9	5.30%
10	9	5.30%
16	9	5.30%
14	8	4.70%
17	8	4.70%
9	8	5.30%
12	8	4.70%
20	7	4.10%
15	6	3.50%
3	5	2.90%
19	4	2.40%
Total	169	100%

About two-thirds of participating supported employees were from medium-sized ADEs.

Table 18. Number of participants from ADEs of different sizes

ADE Size	n	%
Large	30	18%
Medium	112	66%
Small	27	16%
Total	169	100%

Note: A small ADE has <20 participants, a medium ADE 20–100 participants and a large ADE > 100 participants

Participant sample compared to ADE population

The final Trial sample includes 169 supported employees, with characteristics broadly in line with overall ADE population as demonstrated in the tables below.

Table 19. Disability type – Trial compared to ADE population

		Trial (n=169)	Overall ADE (n=17,223)
Intellectual	111	65.7%	64.5%
Psychiatric	18	10.7%	9.4%
Autism	13	7.7%	6%
Physical	9	5.3%	5.2%
Acquired Brain Injury	5	3.0%	2.7%
Down syndrome	3	1.8%	2.7%
Neurological	2	1.2%	2%
Cerebral palsy	2	1.2%	1%
Fragile X syndrome	2	1.2%	0.3%
Specific Learning	2	1.2%	1.6%
Visually Impaired	1	0.6%	1.2%
Williams syndrome	1	0.6%	0.1%
Asperger's Disorder	0	0%	0.50%

Table 20. DMI level – Trial compared to ADE population

Current DMI level		Trial (n=169)	Overall ADE (n=17,223)
1	9	5.3%	6%
2	20	11.8%	14.6%
3	39	23.1%	23%
4	92	54.4%	52%
No DMI recorded	9	5.3%	4.3%

Table 21. Transition to NDIS – Trial compared to ADE population

NDIS		Trial (n=169)	Overall trial participant population (n=17,223)
NDIS	16	9.4%	13.5%
Not NDIS	153	90.6%	86.5%

Table 22. Age group – Trial compared to ADE population

Age		Trial (n=169)	Overall ADE (n=17,223)
20 and under	7	4.1%	3.2%
20 to 30	36	21.3%	23.4%
30 to 40	43	25.4%	21.3%
40 to 50	42	24.9%	24.1%
50 to 60	32	18.9%	20.1%
60+	9	5.3%	8.1%

Table 23. Gender – Trial compared to ADE population

Gender		Trial (n=169)	Overall ADE (n=17223)
Male	111	65.7%	65.3%
Female	58	34.3%	34.7%

Table 24. Country of birth – Trial compared to ADE population

Birth Country		Trial (n=169)	Overall ADE (n=17223)
Australia	142	87.1%	91.4%
Other than Australia	21	12.9%	7.6%
Unknown/ missing	6		

Table 25. Indigenous type – Trial compared to ADE population

Indigenous Status		Trial (n=169)	Overall ADE (n=17223)
Aboriginal or Torres Strait Islander	5	3.0%	2.4%
Not Indigenous	155	91.7%	Not available
Not asked/Not stated/ Did not wish to answer	9	5.3%	Not available

Table 26. Trial supported employee working hours per week

Hours per week	n	%
Less than 5*	5	3.0%
5–10*	21	12.4%
10–20	60	35.5%
20–30	49	29.0%
30–40	33	19.5%
Greater than 40*	1	0.6%
Total	169	100%

*Supported employees recorded as working < 8 hours per week or > 40 hours per week were excluded from analysis using weekly wages as these were assumed to be errors because funding requirements mean supported employees must work a minimum of 8 hours per week and 40 hours is above standard working hours.

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