

NDIS Launch Transition Agency Workforce Arrangements

Barwon Launch site

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1 Introduction

Paragraph 10 of the Bilateral Agreement signed between the Commonwealth and Victoria on 7 December 2012, commits the Parties to agree to a separate appendix by mid-February 2013 detailing the arrangements that will support an effective approach to managing the workforce commitments and needs of Victoria and the Agency in the Barwon launch site area, including arrangements for local area coordination.

In discussion between the Parties, it has been agreed that the elements that this arrangement is to cover include:

- Nature of employment with the Agency
- Terms of employment with the Agency
- Training
- Treatment of entitlements of state employees
- Communicating workforce activities

2 Background

The Bill to establish the NDIS was read into Parliament at the end of 2012. This Bill establishes the NDIS Launch Transition Agency (the Agency).

The Agency recognises and values the skills of the Victorian Government Department staff involved in disability support related programs in the Barwon area and that these skills will be a valuable contribution to a successful launch. The Agency acknowledges the significant local knowledge and experience across existing capabilities, in particular the well-established experience in the development and management of individualised support package arrangements that exists in the Barwon area. Further, it is acknowledged that Victoria will need to retain capability during transition at the same time as the Agency will need to build capability. Victoria and the Agency acknowledge that this situation requires an agreed approach to workforce.

3 Objectives of the Arrangements

Both Parties agree that the appointment of an appropriately skilled workforce to the NDIS Agency within the required timeframes is essential to the success of the launch of the NDIS in the Barwon Area.

It is acknowledged that the Agency will commence operations in an environment where some capability – either in part or in whole – exists as state government employee functions or contracted functions.

The objective of these arrangements is to ensure:

- The workforce requirements of the Agency are clearly articulated
- The workforce requirements of the Agency are able to be fulfilled within the required timeframes
- That the Victorian Government is able to manage the availability of Victorian state government employed staff to deliver Victoria's existing disability related services to existing clients during the transition period

- That the Victorian Government is able to provide clear advice to existing contracted organisations of changes to their contracted functions where they are performing functions that will be performed by the NDIS Agency
- That Victorian Government employed staff, particularly those performing functions relevant to people with disability that are in some aspects similar to those to be performed by the Agency and where the Victorian Government will cease to perform these functions at some stage during the period of the launch in the Barwon area (materially affected staff) have clear information on the NDIS employment options and the overall recruitment approach of the Agency. These arrangements have been developed through consultation between the Agency and Victorian Government officers and are documented in the *Barwon NLTA Workforce Information Fact Sheet*
 - Information on these arrangements will in particular be made available to relevant staff identified by the Victorian Government working on specific elements of the following programs:
 - DHS: Intake and response
 - DHS: Facilitation
 - DHS: Disability Support Register coordination
 - DHS: Service Planning team
 - DHS: Individualised funding team
 - DHS: ISP allocations
 - DHS: Case management
 - DHS: Futures for Young Adults (FFYA) planning
 - DHS: Outreach support
 - DEECD: ECIS Intake, Specialist Children's Services

This includes staff in management and administrative support functions associated with these roles.

4 Nature of Employment

4.1 Non-ongoing appointments

In December 2012 and January 2013 a limited number of positions with the Agency have been filled on a non-ongoing basis using the Expression of Interest process that has been on the NDIS website since September 2012.

Non-ongoing roles to date have been filled using the following options:

- Temporary Reassignment. (This has been used for existing APS employees only)
- Non-ongoing employment contracts. (These have been used for State Government public servants or staff from other organisations who have decided to take leave without pay thereby becoming engaged by and paid for by FAHCSIA. This requires individuals to make their own arrangements with their employer).
- Secondments. These arrangements have been used for State Government public servants or other non-APS organisations where an employee remains with their current employer and subject to the terms and conditions of that employer. Under these arrangements:
 - A secondment agreement is signed by the current employer and the Agency
 - The current employer invoices the Agency in respect of salary and employer superannuation payments made while the employee works for the Agency and costs will be reimbursed.

- Leave entitlements are accrued in accordance with the existing employer terms and conditions and funded by the current employer

These positions have been for “business critical” requirements to enable the Agency to commence implementation work.

4.2 Ongoing Appointments

Ongoing positions were advertised from late February 2013, – see *Staffing needs - numbers and timing of appointment*.

These positions were advertised via www.apsjobs.gov.au and defined as “expected vacancies.” Offers of employment to those selected will commence in early April and any resulting merit list may be used for up to 12 months.

- Given the passage of the legislation on Thursday 28 March 2013, staff selected will be appointed as ongoing staff to the Agency.
 - Those staff on a secondment arrangement will remain on the current terms of that secondment and those on specified term contracts will remain on this contract until superseded by any recruitment and selection process that the individual may be successful in.

Individuals who submitted an EOI relevant to the positions being advertised will be advised of the formal recruitment process and will be required to submit an application if they are seeking a permanent appointment. Victorian Government Departments with materially affected staff will facilitate this approach and ensure that staff on maternity leave or other forms of leave are aware of the advertised positions.

5 Terms of Employment

Staff on secondment would continue to receive their current employer entitlements. Other staff on transfer or employed from outside of government will be covered by the current FaHCSIA provisions.

Upon commencement of the Agency as a separate entity, the FaHCSIA Enterprise Agreement will apply via the enabling legislation or a s24(1) determination under the *Public Service Act 1999*.

Employees will then be consulted on the Agency employment framework during the latter half of 2013 in accordance with the Australian Public Service Bargaining Framework as it is important that this not be commenced until there is a representative number of staff on board to ensure fair and equitable contribution by all staff. This framework allows for staff to be represented by a union.

6 Training

All staff recruited to the Agency will be offered training in core APS obligations and Agency business processes. This may require the officer to be away from their place of residence for short periods of time.

7 Entitlements

7.1 Victorian state government public servants

Arrangements to allow the recognition of certain entitlements will be implemented including Annual Leave and Long Service Leave. This will be subject to funding associated with recognised entitlements (annual and long service leave) being transferred with the employee in line with current APS policy.

As a general guide, under the existing FaHCSIA EA:

- long service leave from state government employees is generally recognised as an existing entitlement

It is acknowledged that the treatment of the majority of entitlements has been clarified and further queries will be discussed should this be required.

Where staff have accrued an entitlement by reason of having sufficient service to access a full or pro-rata long service leave entitlement this will require a transfer of funding from Victoria to the Commonwealth.

7.2 Superannuation

In accordance with the FACHSIA EA, the Agency will make compulsory employer contributions as required by the applicable legislation and fund requirements.

FaHCSIA's current default superannuation fund is the Public Sector Superannuation Accumulation Plan (PSSap). FAHCSIA will provide employer superannuation to members of the PSSap of no less than 15.4% of an employee's fortnightly contribution salary.

Where an employee exercises superannuation choice, employer superannuation contributions will be no less than 15.4% of an employee's fortnightly contribution salary. This will not be reduced by any other contributions made through salary sacrifice arrangements. This clause does not apply where a superannuation fund cannot accept employer superannuation contributions (e.g. unable to accept contributions for people aged over 75).

7.3 Travel and other incidentals

The FAHCSIA EA outlines travel policy that will apply in the initial period of employment with the Agency.

8 Communications

While it is acknowledged there is no requirement from the state to be actively involved in local recruitment, the Agency Launch Site Manger will keep the local state managers advised about recruitment activities. This will occur at the weekly implementation working group meetings.

At the request of DHS, the Agency will provide information to local state employees about employment opportunities and processes.