



# Submission to the inquiry into the current capability of the Australian Public Service (APS)

**NATIONAL DISABILITY INSURANCE AGENCY  
AND NATIONAL DISABILITY INSURANCE  
SCHEME QUALITY SAFEGUARDS COMMISSION**

**Community and Public Sector Union (PSU Group)**  
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## Foreword

“The NDIS is the best thing to happen to Australia since Medicare”.

This was the opening line from an NDIA planner presenting at the Joint Standing Committee into the National Disability Insurance Scheme in April 2020.

Like most people working in the NDIA he shares a passion for, and commitment to, the objectives of the scheme. However, this planner – like many staff in the NDIA – holds grave concerns for the agency’s ability to meet its own objectives under the NDIS Act.

This concern is in no small part due to the average staffing level cap (ASL cap), which has forced the NDIA to outsource crucial work for the most vulnerable people in our community. The ASL cap has led to systemic under-staffing, significant workload-related stress, and insecure working conditions for people performing critical work. For workers who identify with having a disability these issues are magnified further, which is particularly concerning given the NDIA aims to be an employer of choice for people with disabilities. Ultimately, it is the participant who suffers most from backlogs in decision making, subpar planning outcomes, relentless reviews of decisions, and assembly line style approvals which place the entire long-term financial viability of the scheme at risk.

## Introduction

The Community and Public Sector Union (CPSU) is the primary union representing people working in the National Disability Insurance Agency (NDIA) and the National Disability Insurance Scheme Quality Safeguards Commission (NDIS QSC or the Commission). We are committed to providing a strong voice for our members in key public policy and political debates.

The CPSU welcomes the opportunity to make a submission to this Inquiry into the current capability of the Australian Public Service (APS). We have talked to and surveyed our members in both NDIA and the Commission, and their feedback is a key component of this work.

The National Disability Insurance Scheme was launched in 2013, and the full roll-out began in 2016.

In December 2020 this process was completed with the NDIS QSC taking on responsibility for the final jurisdiction in the establishment of this scheme – Western Australia. And while they build on a long history of state-based arrangements, the NDIA and the NDIS QSC are relatively new agencies in the APS pantheon. They have come into existence through a time of staffing freezes, staffing caps and a predilection for outsourcing, labour hire and external consultancies in the APS. This has made their journey more difficult than it needed to be and poses some unique challenges for these relatively new organisations. The critical nature of the work they do requires a serious commitment from the government to building the staffing and ICT capability to do the work required of them now and into the future.

This submission deals predominantly with the issues of labour hire in the NDIA. An NDIS QSC case study is used to demonstrate problems with the outsourcing of recruitment programs.

## Labour hire in the NDIA

From its inception, the NDIA has been plagued by the scourge of labour hire.

The NDIS was designed to be fully funded with an initial estimate of 10,595 public service staff in 2018–19<sup>1</sup> to properly deliver the NDIS. But in its first budget fell victim to the Coalition Government’s staffing cap:

A key contributor to controlling growth in public sector staffing levels is the decision to reduce the number of permanent public service positions in the National Disability Insurance Agency from a projected peak of 10,595 in 2018–19 to a maximum of 3,000 and to use more efficient non-government models to achieve the same outcomes.

Agency Resourcing, Budget Paper No. 4 2016–17 (p.132)

This initial decision set the NDIA up from the start to be an agency destined to struggle with what is cynically labelled a blended workforce. In reality, this is a staffing model designed to make it as difficult as possible for an agency to succeed. It is a model that works against the APS capability we should be striving to achieve.

There have been modest and welcome shifts in the staffing cap since then, but until it is completely removed and overall staffing numbers lifted, the full potential of the Agency and the National Disability Scheme as a whole will not be reached.

### Where are we at now, five years down the track?

As of 30 October 2019, the NDIA People and Culture Branch reported that the agency’s workforce was made up of 3,529 APS staff and 2,331 labour hire/contractors.<sup>2</sup> Less than two weeks earlier,<sup>3</sup> the government had announced a dramatic increase in the NDIA staffing cap by more than 800 FTE to 4,000 ASL, or FTE APS staff.<sup>4</sup> At its peak, the NDIA employed 4,392 APS staff and 1,744 labour hire staff in March of 2020.<sup>5</sup> The NDIA has since reduced its APS headcount to 4,062<sup>6</sup> to comply with their assigned ASL cap of 4000, which has been secured until 2024.<sup>7</sup> The number of labour hire staff has also seen a decrease to 1,554 personnel.<sup>8</sup>

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1 Commonwealth Government (2016, May). 2016-17 Budget Paper No.4 – Part 2: Staffing of Agencies. [https://archive.budget.gov.au/2016-17/bp4/Budget2016-17\\_BP4.pdf](https://archive.budget.gov.au/2016-17/bp4/Budget2016-17_BP4.pdf)

2 Minutes 30th of October 2019 ACN.

3 On the 17th of October 2019.

4 <https://www.canberratimes.com.au/story/6443093/ndia-gets-new-ceo-800-extra-staff/>

5 As at 31st of March 2020.

6 As of the 6th of November 2020.

7 CPSU and NDIA Operations Meeting 8 October 2020 Minutes, page 3, title 'Budget'.

8 As of the 26th of August 2020.

To rein in costs, NDIA Deputy CEO, Jeremy Dean, sent an email on 8 October 2020 to all labour hire staff, directing them to go without work for 20 business days every financial year. The agency initially justified this direction as a ‘wellbeing measure’ to ensure staff were taking adequate breaks. Unfortunately for labour hire staff, most take minimal time off because they are not entitled to any form of paid leave. The agency later admitted the measure was also a budgetary one. The saga which ensued highlighted some of the key issues with labour hire use in the NDIA.

Trying to establish who has a duty of care to labour hire staff in terms of their wellbeing quickly turned into a complex affair. The NDIA sources its 1,500+ contractors from 46 different labour hire suppliers.<sup>9</sup> Each of these labour hire agencies supplies workers on individual contracts, with most contracted on a casual basis. Roles that are outsourced to the 46 labour hire suppliers perform key agency functions such as Actuaries, Accountants, Business Support Officers, Planners, Review Officers, Legal Officers, EL Managers, ICT staff, Call Centre staff and Senior Executive staff.

Business Support Officers (BSOs) have been outsourced since the beginning of the NDIS rollout, while review team specialists have been outsourced since the team was devised and implemented in 2018. Call Centre staff, the first point of contact for the public in most cases, have also been outsourced since 2018 to SERCO.

Labour hire workers have always performed critical work for the agency – and the need for the work they do is only increasing. Workloads have increased across all service delivery functions and the number of both labour hire and APS staff has decreased over the last year, just as the agency has reached full scheme.

It has been clear from the establishment of the NDIA that the large labour hire workforce was engaged in work that was ongoing and core to the operations of the agency. The work that labour hire staff do is ongoing NDIA work and this will not change.

It was only by increasing the staffing cap for APS staff by 800 FTE that 592 existing labour hire staff were able to come onboard as APS staff in the NDIA in late 2019/early 2020. This was an excellent result for labour hire staff, who are often seeking secure work with the NDIA and routinely denied the ability to apply for APS jobs. It is an outcome that should be extended across the organisation.

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9 Letter from Brad Nash, 20 March 2020, to Beth Vincent-Pietsch.

# Labour hire and casualisation: Eroding staff working conditions and public service capability

When labour hire staff were directed to take 20 days unpaid leave per year, it only compounded the disparity of conditions between APS and labour hire staff who are both doing critical work. As one former labour hire planner stated immediately after the announcement:

Lack of entitlements would see me go without pay during Christmas, avoid taking time off work when I was sick or when I had family duties to perform.

This was the regime already in place when the direction to take 20 days unpaid leave was made in October last year. The subsequent toll on labour hire morale and their income because of the direction was summarised by one BSO as follows:

The wage as a casual labour hire worker APS 3 is so minimal, it is very hard to be able to afford leave for 20 days.

Labour hire employment conditions also have implications during times of crises. At the height of the pandemic, paid leave in the event of labour hire staff contracting COVID-19 was (and to an extent, continues to be) a significant source of anxiety. The agency does, as it did then, require all labour hire suppliers to pay for only 1 day of paid emergency leave in the event staff were forced to isolate. This was also the case during the east coast bush fires of late 2019/early 2020 if a site was forced to close due to fire danger.

The impact of outsourcing essential services however does not stop at the worker. As a current NDIA employee who reflects on their experience as a labour hire planner puts it:

My role was to complete the normal tasks of an APS planner with limited authority from the Minister. This meant that I would conduct planning meetings, assess allied health reports, determine reasonable and necessary under the NDIS Act. However, unlike APS planners I was not able to approve actual NDIS plans, complete overtime work, approve assistive technology, and for a significant amount of time raise a review, essentially doubling the work required. This also required other staff members to stop their work in order to raise work items for me as I did not have delegation. This distracted staff from their work as well created time lags in my workflow making participants and their family anxious as I could not provide accurate information of when work would be completed. A case in point was where I had 10 plans (roughly 2 ½ days' worth of work) waiting for approval. This was not because I did not have the skills or knowledge to do the work, it was because as a labour hire I did not have delegation from the Minister.

The backlog in reviews of planning decisions has been particularly pronounced. In a report to the Agency Consultative Network in November 2019,<sup>10</sup> the NDIA noted that a key reason for the increase of 800 FTE to the staffing cap was to address this.

Yet in the review team space, core work is almost exclusively performed by labour hire staff who have undergone incessant restructures and changes to keep up with the workload. This culminated in what has almost become a taboo subject in the NDIA: the ‘fast flow’ process. As a current member of the review team writes:

Many LH staff were recruited during the infamous fast-flow process to address an extreme backlog of review requests which required over 12,000 reviews to be completed. Currently that number (of staff) has reduced, as many staff left due to the unrelenting nature of their employment, and the high demands placed on staff to perform to an unreasonable level.

Under ‘fast flow’, if a review application met certain criteria, then it was not required to undergo the stringent requirements set out under s34 of the NDIS Act. Thus plans under review were being approved in an assembly line style process with little oversight and regard for whether a plan cost a thousand dollars or a million dollars to fund. Fast flow has since been abandoned by the agency, which means all reviews must now be assessed under s34 of the NDIS Act and approval given by a staff member with delegated authority. This invariably takes significantly more time for staff to address the backlog of work. The reverberations of fast flow continue to be felt, particularly in relation to delegated authority, as a current member of the review team explains:

One primary concern with the use of LH staff in the internal review space is that these reviews must be completed by an APS worker who can be delegated the legislative power by the CEO. LH staff have been working in a role and have been given discretionary decision-making powers outside of what the NDIS Act and Delegation Matrix would permit. This includes being able to make a decision and inform a participant/representative of a review outcome with no consultation by a delegate (as was often the case during fast flow).

Without fast flow, and less staff to perform the work required due to significant staff turnover, members of the review team continue to experience high work-related stress. KPI pressure often leads to:

... an incentive for staff to ‘cut corners’ or overlook issues in the interests of meeting the Branch and Team targets.

Internal reviews require specialised knowledge and as a result, high turnover has:

... led to chronic skill drain, where due to lack of opportunities for job security, growth, and new opportunities, staff take their knowledge and experience and have been leaving the Agency. This is a huge waste of knowledge and experience which is a great disservice to the Agency, Scheme, and participants.

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10 Agency Consultative Network Meeting 3/2019, Tuesday 26 and Wednesday 27 November 2019.

As stated earlier in this submission, these dysfunctions lead to poor quality decision-making and it is ultimately the participant who is impacted the most.

It is not just people who identify with disabilities in the community who are impacted by these processes. The NDIA's Disability Strategy and Action Plan 2018–2020 states the agency's goal was to *"have a workforce with at least 15 per cent of our employees identifying they live with disability by 2020"*.

And yet many staff who identify with a disability, employed as APS or labour hire, continue to experience added pressures not experienced by other staff – particularly in relation to Assistive Technology (AT) which staff who identify with having a disability require to perform critical work for the NDIA. As this staff member notes:

Because people are having issues with assistive technology and everything is taking longer and they're not able to reach their KPI's consistently, some employees have had their KPI's adjusted but most haven't ... as a result they are consistently stressing, panicking, coming into work worried about the next time they had to go to their team leader and explain that their assistive tech isn't working and worried about the repercussions because they're expected to perform.

The emotional toll this takes on staff with disabilities is serious and is systemic:

I've had discussions with many employees with disability and when they break down in tears with you it's heartbreaking to see. What management is not realising, is this [is] significantly impacting people's self-esteem and self-worth and it's becoming a big issue.

A former labour hire planner (now an APS planner) writes about the issue of pay parity below:

In my office we had business support officers who could not speak to their agency asking to see a copy of their contract in order to arrange work life balance. Planners, who despite doing the same job, were paid differently. When negotiations for contracts happened, we found out that other staff were being paid up to \$10 more per hour ... Pay between staff performing exactly the same role is often disparate and many labour hire agencies prohibit their employees from discussing their pay, making it difficult to ask for parity.

A current labour hire BSO says of her circumstances:

No amount of loading makes up for the fact that there is no job security, all of our contracts state that the LHW BSO contractors can be dismissed with an hour's notice ... My rate of \$36.75 is ... less than somebody who started 18 months after me and is on an hourly rate of \$42.15.

When a labour hire worker with no entitlement to overtime remarked on how she is paid for working extra hours, she said:

There is no TOIL. People are expected to work without pay.



A labour hire staffer who has worked on rolling contracts with the NDIA as a Business Support Officer says of her experience:

I was employed as a BSO Business Support Officer ... through DFP recruitment in June 2018 after an extensive recruitment round in Aug/Sept 2017 ... (Being labour hire) excludes people from applying for NDIA positions as well as not being able to access personal loans / home loans or other forms of credit.

Preventing existing labour hire staff from applying for APS roles is common throughout the agency, with labour hire often told by either the NDIA or their labour hire agency that they are forbidden from applying for certain APS roles, limiting labour hire workers' chances of gaining secure work. This also denies the NDIA of the opportunity to take on someone permanently who has a good working knowledge of the scheme.

It is widely and openly acknowledged by senior NDIA staff that labour hire staff cost the agency more than their APS equivalents. NDIA in Senate Estimates claim that labour hire contractors are paid about the same hourly rate on average as the APS equivalent.<sup>11</sup> In addition to this, labour hire companies are paid a margin. NDIA claims it would be “a significant diversion of resources”<sup>12</sup> to determine what that margin is but based on reports from other agencies it is likely to be between 12% and 15%. This is money that would be much better spent on direct APS employment.

## **Under-investment and outsourcing in ICT has resulted in substandard ICT**

Until late 2020, the NDIA relied almost exclusively on Services Australia for ICT support. This often led to significant delays. As a staff member remarked on the difficulties experienced by staff seeking ICT support:

for a long time we only had services Australia and it was painful, you couldn't call anyone. Now we have an internal team you can call. Still takes ages but it is easier.

Since then, an internal ICT support team has been introduced within the agency. The NDIA describes this service as follows:

The ICT Service Desk allows the NDIA to provide a support service for all members of the NDIA and Partners.

The current internal service rollout for the NDIA is still in transition, and often acts as an intermediary between the NDIA and Services Australia. Plans for the future of ICT services in the NDIA include transitioning from CRM to ACE – the former being heavily

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11 NDIA SQ17-00019: 2017-18 Supplementary Budget Estimates Hearings

12 DSS SQ20-0009555: Budget Estimates, October 2020.



reliant on Services Australia’s infrastructure, and the latter to be directly controlled by the NDIA. The NDIA has also outsourced parts of ICT framework to SERCO – as a staff member explains:

There has recently been an internal ICT support team introduced within the agency, however many of the ICT services we use are provided by Services Australia - so we have to go through them to get fixes/changes/updates. There’s also some involvement by the NCC (national contact centre - run by SERCO) who sometimes administer a satisfaction survey after an ICT support ticket is completed.

The NDIA has been in operation since 2013, however their ICT infrastructure is still in its infancy. Delays in ICT response rates and job completions also inevitably have an effect on productivity. An example from a current NDIA staff member:

For APS staff, their IT profile is attached to their APS number. So if an APS 6 planner with higher delegation takes leave for 2 weeks, their role will need to be backfilled and this is often done through offering lower level staff an opportunity to ‘act up’ temporarily on higher-duties. When a staff member successfully acquires higher-duties, their APS number will change to reflect this and so will their IT profile. As a result of the delays dealing with IT, a staff member may have to wait several days before they can access their IT system until such time as their profile is updated to reflect their temporary APS level.

Such delays add extra burden to an already under-resourced service delivery framework and as an NDIA manager describes:

This may be a disincentive for managers to provide higher duties opportunities and subsequently leave critical roles unfilled as a result.

Owing to the small size of their ICT department, the agency often relies on tech savvy workers on an ad hoc basis to assist with local IT matters. As one staff member notes:

Anyone who knows enough about computers is used all the time.

As mentioned earlier, the agency aims to have at least 15% of its workforce identifying with having a disability. Unfortunately, NDIA workers with a disability feel that the agency’s ICT services is one of many areas in which the organisation continues to fail them. As a staff member with a disability remarks:

The NDIA continuously talks about people with a disability being the centre of everything we do, meaning our participants. They carry on about being the employer of choice of people with a disability, but this is not true ... There’s rampant discrimination that takes place and it’s horrible to see. If the whole purpose of this agency is to improve the lives of Australians with a disability, does that not include working at the NDIA as well?

When dealing with ICT, the issues for staff who identify with a disability in the NDIA are particularly pronounced, as noted by an APS planner:

The biggest issues for people [with a] disability is assistive technology, probably more impacts people with visual impairments but can affect people across the board. First part of the issue is getting the technology we need, but then our CRM system doesn't work well with assistive technology ... I know one Planner who uses assistive technology and [management] adjusted her KPI's because of all the delays and problems with our IT, but she's regularly in tears because essentially she feels incompetent not able to do the work ... Like everyone else she wants to progress and have a career, but because we don't have the tools ... it's really challenging and her mental health ...

More broadly however, ICT services are still not perceived positively:

There's not a lot of ICT support in general ... There is a team you can contact as part of shared services but they're not directly part of the NDIA.

Although some staff acknowledge that improvements have been made by bringing elements of their ICT support inhouse, the experience of people with disabilities in particular demonstrates that the agency's approach is still lacking. Increasing direct access to an internal NDIA ICT team would help the agency better support its own staff. This in turn would help staff who identify with having a disability, and those who do not, to service the needs of hundreds of thousands of participants nationwide.

## **Bargaining policy and NDIA capability**

In November 2019 the NDIA released its notice of employee representational rights (NERR), initiating the bargaining process for the agency's second stand-alone Enterprise Agreement. Being one of the youngest agencies in the APS, the NDIA has never experienced bargaining outside of the parameters imposed by the Coalition Government's APS Workplace Bargaining Policy. Unfortunately for NDIA, that bargaining process was severely hampered by the range of restrictions that characterise the policy. In particular, casual conversion clauses and other pathways facilitated by Enterprise Agreements for staff to transition from labour hire to APS, once a possibility for workers in insecure working conditions in the public service, are now prohibited by this policy. This entrenches the increasing disparity between conditions for labour hire and APS staff in the agency.

One of the strengths of the enterprise bargaining system in Australia was the opportunity it provided for employers and staff to negotiate around innovation and positive change with strong staff engagement. For a new agency like NDIA this could be especially useful. However the Coalition Government's bargaining policy actively works against this, with its prohibition on anything that can be considered an enhancement – essentially anything new. Combined with the scaling back of consultative rights and refusal to allow policy and procedural arrangements to be part of an agreement, this denies staff and the agency the advantages that could come from genuine, good faith bargaining.

## Conclusion

**Is this a more efficient non-government model to achieving the same outcomes?** The decision by the Coalition Government to establish this agency, one of the biggest social reforms in Australia in a generation, with a core permanent workforce of less than a third of what was originally intended has in no way demonstrated the hypothesis that this model of public sector staffing and administration is more efficient. And it has certainly not been better for the clients or the staff.

The excessively high use of labour hire in NDIA is causing hardship to those working on those conditions and impact negatively on organisational capability. The experience for participants, far too often, is deficient plans and significant delays when requesting reviews. This ultimately affects the ability of NDIS participants to have true choice and control through every step of the NDIS process.

Even the Productivity Commission has recommended the removal of the ASL cap on directly employed NDIA staff:

The Commission recommends that the Australian Government remove the cap on directly employed staff. This is on the basis that the NDIA is best placed to determine the most effective and efficient staff mix to deliver the scheme, within the constraints of its capped operating budget.<sup>13</sup>

But, as stated earlier, until it is completely removed and overall staffing numbers listed, the full potential of the Agency and the National Disability Scheme as a whole will not be reached.

While this is not the only capability restraint on the NDIA – ICT deficiencies and draconian bargaining policies are just some of the others – this stands as the greatest barrier.

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13 Productivity Commission (2017, October). National Disability Insurance Scheme (NDIS) Costs, Study Report, Canberra. Retrieved from <http://www.pc.gov.au/inquiries/completed/ndis-costs/report/ndis-costs2.pdf>

## ADDENDUM

# NDIS QSC – a case study in failed recruitment outsourcing

On 4 September 2020 – in response to community concerns exposed in the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability – Minister Stuart Robert announced the NDIS Quality Safeguards Commission (The Commission) received 100 more staff and \$92.9 million extra funding over the next four years to expand its compliance and investigative capacity and start operations in Western Australia.<sup>14</sup>

At 30 June 2019 the NDIS QSC had a total of 79 labour hire/contract staff, representing 25.8% of the total workforce by headcount.<sup>15</sup> The Commission's ASL for 2019–20 was 237, and for 2020–21 this was increased to 350, in line with the Minister's announcement.

This news was welcomed by Commission staff and the community. The Commission went to tender to procure HR and recruitment services and engaged a private company at a cost of about \$500,000 for these services.

What should have been a positive and encouraging change in the Commission has become a process characterised by poor administration and questionable practices.

Recruitment is a significant body of work across the APS. It is work that historically done in house, and in times past was a very centralised process tightly controlled by the Public Service Board, the precursor of the current APSC. Over the last decade most agencies have outsourced a significant part of this work. What the NDIS QSC experience shows that not maintaining internal competency in key aspects of what is standard human resources work, leaves an organisation vulnerable to a process that causes anxiety and frustration for the applicants, and is highly likely to mean that the agency hasn't achieved the best outcome it could have from the process. When we are considering how to build APS capability, good recruitment practices are a key part of that.

Below are a number of stories provided to the CPSU by people involved in this process. They raise the following issues:

- Potential applicants were randomly called for interviews without notice and were unable to reschedule. In one case, an applicant happened to be driving with their kids in the car at the time.
- Concerns were raised by applicants who experienced 'cold calling' and conducting interviews without prior appointments.
- The online application process was glitchy and unclear. Some applicants inadvertently applied for an interstate position; and in one case, the applicant was successful but unable to accept the role because it was interstate.

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<sup>14</sup> <https://ministers.dss.gov.au/media-releases/6206>

<sup>15</sup> DSS SQ20-000955. Budget Estimates, October 2020

- There was no ability to review the information submitted as part of the application process.
- There have been concerns raised about XXXXXXXX's use of Facebook as part of the recruitment process. For example, inviting applicants to join Facebook groups to ask unmoderated questions which is out-of-step with the APSC's rules around social media use.
- Concerns have been raised that XXXXXXXX inadvertently mixed up people's applications with other people who have the same first name. They then responded to applicants providing responses to their applications to the wrong people, potentially breaching privacy. On one occasion they also sent psychometric testing to the wrong applicant.
- A number of applicants received notifications that they were successful for their roles on the Australian Public Service Employment Gazette, only to be later advised that there had been an error in the recruitment process.
- Staff don't believe the process is fair and merit-based, and many internal Commission staff and contractors were not interviewed for roles that they are currently acting in or are holding via a labour hire/APS contract.
- The recruitment process is extremely slow, meaning that some staff offered roles may have already been offered roles elsewhere as they close to the end of their contract, or didn't want to wait around with the uncertainty of whether or not they were successful.
- Some of the staff conducting pre-interview phone screenings, and scribes appeared to be outsourced and were not XXXXXXXX staff.
- There are concerns regarding inconsistencies with referee checking, with one applicant asked to email the referee reports to her referees and then asked to email their responses back to XXXXXXXX within two weeks.
- A lack of transparency and inability to review applications and pick up on errors once submitted. Further, there was no mechanism to correct errors, and no avenue of appeal, meaning some staff were unable to progress in the selection process due to small administrative errors.

## 1. Worker story – NDIS QSC

I'm so frustrated with the bulk recruitment agency XXXXXXXX, and the recruitment process.

I have shared my experiences with a majority of staff and can confirm my experience is not an isolated case. Most APS4 to APS6 staff have applied for roles within our office, either across the team or within the same team.

We all received a phone interview at or around early December 2020 as part of the shortlisting process. During this time, many staff noticed that XXXXXXXX appear to have no accurate information in relation to individual applications as well as the advertised roles.

This can be evidenced by:

- One staff member was advised that her application was for a role in ACT when she applied for a role in QLD. This staff member was advised that XXXXXXXX believed it is the applicant's error and was unable to rectify the error.
- Another colleague was phone interviewed for a role that their manager felt does not exist.
- XXXXXXXX representatives do not seem to know the actual levels and roles that staff applied for and needed to ask applicants to provide such details.
- Staff who applied for multiple roles only received phone interviews for one role. There has been no update on other roles they applied for. I acknowledge applicants will usually receive an update at the end of the process if they deemed unsuitable. However, it seems unusual for zero staff to be considered suitable for multiple roles. In particular, some staff have not received any information about the roles that they applied for, in the same team and the same role that they are currently acting in.
- I was informed by the NDIS QSC management that the panel interview will be carried out from the Australian Day week 2021. However, none of us have heard anything regarding the interview invitation since February 2021. It appears that sadly, none of the exiting Commission staff in my office are considered suitable for Commission roles.

The recruitment process should be a merit-based process. But the issues we have identified mean we have no confidence in the recruitment process and unfortunately not everyone has the right to appeal according to the legislation. As such, many of us have been forced to consider applying for roles with other organisation, as we feel our hard work and effort was not adequately recognised and awarded through this recruitment process.

## 2. Worker story – NDIS QSC

The applicant experienced “cold calling” for the pre-interview phone screening; and was able to reschedule the interview due to operational requirements at the time of the cold call. The XXXXXXXX staff member was in QLD, and the applicant had applied for a role in Victoria. There appeared to be a lot of confusion from XXXXXXXX who were continually under the impression the role applied for was in QLD, not Victoria.

Following the pre-screening interview, the applicant was cold called 3-4 times, over 4-5 weeks and asked multiple times to undertake an initial phone screening on the spot. On each occasion the applicant advised XXXXXXXX that the screening had already taken place.

The applicant was on leave over the Christmas/New Year period and had not realised that a request to undertake the psychometric testing had been sent via email. When the staff member located the request via email, the link advised that it had expired, and the test could no longer be undertaken. The applicant phoned XXXXXXXX and had to arrange to have the tests resent on 4 January 2021.



The applicant was invited to a formal interview via Microsoft teams and experienced technical difficulties. When the applicant phoned the XXXXXXXX staff member listed as the contact for technical difficulties regarding the interview, there was no answer, and the call was patched back to head office and then forwarded to voicemail.

Following formal interview, the applicant was contacted by the scribe on the interview panel and asked to provide email addresses for referees. The scribe appeared to be outsourced; was not from XXXXXXXX and had an email address from a private consulting company which ended up in the applicant's junk mail folder and could have gone unnoticed.

Overall, the application process was clunky and extremely slow; communication between the applicant, XXXXXXXX and the Commission was poor.

### **3. Worker story – NDIS QSC**

During the psychometric testing phase, I received not only the tests specific to my own application, but also that of another applicant. A colleague mentioned they had not received any request for testing yet, and the I then realised they had in fact received that person's request and link to the psychometric testing.

Had my colleague and I not spoken, it is possible that the failure to send the tests to the correct person may have gone unnoticed and the person missing the test request may have failed to advance to the next stage of the recruitment process.

Further to this, I applied for two roles and undertook psychometric testing for both, only to be advised that they had progressed to the next phase for one role and not the other based on the result of the tests. I felt confused about not reaching the next phase for one role, given the process for both roles and psychometric testing for both was identical.

At the finalisation of the process the successful candidates for both roles were gazetted prior to unsuccessful candidates being advised of the outcome. Following this, the successful candidates were told there was a mistake and the gazette notification promptly removed. Once the unsuccessful candidates were notified; the successful candidates were re-gazetted.

### **4. Worker story – NDIS QSC**

XXXXXXX doesn't appear to know how to run a recruitment and selection process. Their overall approach was amateurish, to say the least. Taxpayer money has been spent on a largely unsuccessful process. We actually have the people and experience local to have done this inhouse.

I was not given any information or instructions on the software needed to participate in online interviews (which it turned out they didn't have). I felt that the initial interview round was conducted by someone who didn't understand the position I was applying for, meaning their assessment of whether someone was suitable was very 'surface level'.



I applied 3-4 months ago and still haven't heard back. I shared concerns that many potentially good candidates may have already found other positions and might be likely to avoid a workplace with such shoddy recruitment practices in the future.

## **5. Worker story – NDIS QSC**

I experienced “cold calling” and was not provided any notice and asked to conduct a phone interview on the spot. The interviewer appeared to be outsourced and was not a XXXXXXXX staff member, and their conduct was not considered to be professional.

The timeframe for the recruitment process has been very slow; it has taken October 2020 to February 2021, and as yet there is still no announcement on recruitment outcomes. It's very unsettling for staff who may be on contract and whose contract may be due to expire in the near future.

Post formal interview, I was contacted by the XXXXXXXX scribe and told that I had to arrange referee reports via email and provide the referees with two weeks to return the report. Once the referees completed the reports, I was asked to email the completed reports directly back to XXXXXXXX.

This process is extremely unprofessional, and it's my understanding that other candidates for other roles were not required to arrange their referee reports.

## **6. Worker story – NDIS QSC**

If this was done inhouse, none of this would have happened. I received a phone interview call from XXXXXXXX at 5:05 pm on a Friday afternoon, which I declined to answer as I was on another call. I subsequently called them back and had a phone interview on a Monday afternoon and was given a VC interview date in January 2021.

I worked from home that day and logged in at the time nominated, but the interview did not occur that afternoon. I got a call from my EL2 manager and she said that no one from XXXXXXXX was there to let us all into the VC session, and we would have to re-schedule.

She said it wouldn't be that day as they had two other interviews after mine, so I logged off and looked after my daughter, then got a call from XXXXXXXX around 3:30 pm, saying they'd had a cancellation and there was a spot at 4 pm. I said I was unavailable as I had made other arrangements, having been told that due to the two interviews after my allotted time, the re-schedule would be on another day.

She said she'd call my EL2 back and arrange a new time. My EL2 rang me at 4 pm to ask if XXXXXXXX had rung me about the new interview time today. I said that they had, that I had declined, and that they advised they would call her to arrange a new time. She advised that she had not heard from them. I had not heard from them until yesterday when they called to set up an interview for next Monday.

## 7. Worker story – NDIS QSC

To say this recruitment exercise has been unprofessional, inconvenient and substandard would be an understatement.

On Friday 6 November 2020, I submitted an application for ROLE A to XXXXX recruiter. On 9 November 2020, I submitted an application for ROLE B. We were required to click into respective links for over 20 positions made available at that time across Australia. Each link pertained to a specific role and location. After the link was clicked, we were required to fill in some personal information (name and addresses) and submit a pitch.

I received a confirmation email that my application had been received by the recruiter. However, none of these emails confirmed locations or any other details. Further, there were also no login or accounts, or any other mechanism made available by the recruiter where applicants could access and review applications. Additionally, I received a subsequent application form email and required to fill in our preferred location for work; I submitted LOCATION A for both.

I received an invitation to join a “Facebook Group” as part of the recruitment process. I felt that such a group was inappropriate as it was not reflective of APS values. I contacted my supervisors to advise of the Facebook group. To my knowledge, I was not the only one, and the group was removed shortly after.

In November 2020, a phone interview was arranged and completed for ROLE A. It was here the recruiter informed me that I had erroneously submitted an application for the role in LOCATION B. They informed me I might be able to change the application for LOCATION A. I was assured ROLE B, was correctly being considered for LOCATION A. Prior to this, I had not been made aware of my error as there were no review mechanisms made available to me either through confirmation emails or account logons.

On Thursday 19 November at 5:20pm, I received a call from the recruiter to conduct an ‘on the spot’ interview for ROLE B. At the time, I was in the car with my husband and two small children on my way home from work. It was not a convenient nor appropriate time to discuss the sensitive and graphic nature of my work experience. The phone call did not feel very professional either as the recruiter kept saying things like “WOW!” and “That’s great!”

After communication with the recruiter and my internal HR department, it was confirmed on 30 November 2020, the HR department that my application for ROLE A would not be considered. I had apparently clicked the incorrect link at the start of my application; the subsequent application forms filled in and given to the recruiter indicating LOCATION A preferences apparently did not count. I highlighted the issues of the ambiguous and confusing application process and the lack of transparency and lack of ability to review the application after lodgement. These positions rarely come to LOCATION A as we are a very small office. I also indicated that only 15 months ago, I was actually deemed suitable for ROLE A and highlighted my frustration at having missed out on this position again; HR could do nothing and stood by the recruiter’s decision.

Even though I have since had my interview with the panel recently for ROLE B, the recruitment exercise remains ongoing for the foreseeable future because the recruiter did not obtain enough candidates for the positions. I am now being disadvantaged as this week the candidates for ROLE B are doing psychometric testing and they will likely be interviewed in the coming weeks; their interviews will be fresh in the panel's mind and mine will not. One of my colleagues was stood up for interviews for ROLE A (the recruiter forgot to show up to let the panel and candidate into the video conference) and this has also delayed the recruitment for ROLE B as the interview as not be rescheduled four weeks after this occurred.

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