



Our Reference: P18/2347  
Your Reference: GS:cj

Mr Stewart Little  
General Secretary  
Public Service Association of New South Wales  
GPO Box 3365  
SYDNEY NSW 2001

Attention: Mr Greg Shaw, Industrial Officer  
By email: [gshaw@psa.asn.au](mailto:gshaw@psa.asn.au)

Dear Mr Little

**Re: PSA response proposal end of Mobility Pathway Operating Principles and NDIS Mobility Pathway Evaluation Terms of Reference**

Thank you for your correspondence of 28 May 2018 regarding the above matters. I will address those requests relating to NSW IR that you have included as marked-up versions of the summary documents provided to you at our meeting of 16 May 2018.

I can now confirm that both the End of Mobility Pathway Operating Principles (MP Operating Principles) and the NDIS Mobility Pathway Evaluation Terms of Reference (Evaluation ToR) have been endorsed by the NDIS Steering Committee, having noted that the reference to the PSA as a 'partner' in the Evaluation ToR, may change. NSW IR will amend the Evaluation ToR to reflect the Association's wish to be referred to as a 'stakeholder' and look forward to their participation.

I have also been advised by the Department of Premier and Cabinet (DPC) that to ensure an objective process, they are seeking to engage an external provider to conduct and write up interviews and run focus groups for the evaluation. As discussed at our update meeting, participants will be selected from across all streams of the Mobility Pathway activities including participants who were successfully placed and those who were not successful in a placement. The Evaluation Report will be made available to all stakeholders following endorsement by the Secretaries Board in September 2018. Recommendations contained in the final report will contribute to considerations for any future placement projects.

As advised by the Department of Family and Community Services (FACS) at our meeting and in their correspondence in March, the Mobility Pathway will cease at the end of June along with the contract that DPC has with INS to run the Pathway. Employees placed in time limited roles due to extend past 30 June 2018 will continue to participate in the Pathway until either they are placed in an ongoing role or the Pathway ends, whichever occurs first.

Between June 2018, and when the time limited role ends, employees will be the responsibility of FACS and able to use the skills and resources gained through the Pathway to proactively look for and apply for suitable roles on I Work for NSW. If an employee has not found an ongoing role and the time limited role ends, they will be declared excess and the Managing Excess Employees Policy (MEE Policy) applies. At that point, the employee will have the choice of electing Voluntary Redundancy or formal redeployment under the MEE Policy.



Following from our meeting of 16 May 2018, attached are the Draft Meeting Actions and Minutes. I also provide below, responses arising from the Action items assigned to NSW IR:

- **NSW IR Action item:** Statement requested regarding **voluntary** early exit from the Mobility Pathway for employees with time limited roles or an extension of their substantive role post 30 June 2018.
  - **Voluntary Exit from Mobility Pathway**  
Mobility Pathway participants who have been assigned or will be assigned to a time limited role may, **at their own election**, cease mobility pathway activities prior to the conclusion of the Pathway. Participants who remain active in the Mobility Pathway, irrespective of being assigned to a time limited role extending beyond project close, will continue to be matched through the Mobility Pathway until the end of June 2018.
- **NSW IR Action item:** Statement summarising the process if someone has a pending interview for a placement role or a pending decision from an interview.
  - **Mobility Pathway - Pending decisions**  
Funding ceases at the end of June 2018 for roles that are to be deleted. To ensure employees have the mandatory two weeks' decision period for acceptance of voluntary redundancy, the last date that a letter declaring an employee excess can be withheld pending interview or outcome is 14 June 2018.

Where a role is to be deleted and an employee declared excess, prior to 14 June 2018, FACS will consider withholding issuing excess letters to any participant that has an interview date or is pending an interview outcome at the time letters are to be issued. The latest that these employees will receive the letter declaring them excess is 14 June 2018.

FACS will work with INS, DPC and clusters to ensure outstanding pathway activities, interviews and outcomes of interviews, are concluded and communicated to participants as early as possible.

- **NSW IR Action item:** Verify the legal standing on whether a letter declaring an employee excess can be rescinded.
  - NSW IR sought advice from the Crown Solicitor's Office and in summary the response was that once an employee is declared excess the declaration cannot be revoked (rescinded).  
  
Therefore, in a situation where an employee receives a letter declaring them excess, and the employee has an interview or outcome of interview still pending, which subsequently provides a placement into an ongoing role, the employee can elect redeployment and FACS will facilitate that redeployment as a priority.

I understand the Association's other requests for information relating to the MP Operating Principles are being discussed directly with FACS.



Thank you for taking the time to provide your comments and if you have any questions, please contact Anna Kulesz, Director NSW IR Transformation at [anna.kulesz@industrialrelations.nsw.gov.au](mailto:anna.kulesz@industrialrelations.nsw.gov.au) or on 9228 5910.

Yours sincerely



Vicki Telfer  
**A/Deputy Secretary**  
**People Strategy Group (NSW Treasury)**

1 June 2018

Attached: *NDIS Mobility Pathway PSA Update Meeting 16 May 2018 - Draft Meeting Actions and Minutes*

cc: John Bailey, Director Workforce Strategy and Planning, Family and Community Services

Bettina Cassano, Principal Policy Officer, NDIS Reform Branch, Department of Premier and Cabinet