Job Placement and Job Placement Fee Guidelines

V2.3

Disclaimer
This document is not a stand-alone document and does not contain the entirety of Disability Employment Services Programme Providers' obligations. It should be read in conjunction with the Disability Employment Services Deed and any relevant Guidelines or reference material issued by the Department of Social Services under or in connection with Disability Employment Services Deed.
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# Job Placement and Job Placement Fee Guidelines

## Document Change History:

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<tr>
<th>Version</th>
<th>Start Date</th>
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<tr>
<td>2.3</td>
<td>16 Jan 15</td>
<td>2 Feb 15</td>
<td></td>
<td><strong>Policy:</strong> Clarification of the definition of Open Employment.</td>
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<tr>
<td>2.2</td>
<td>25 August 14</td>
<td>25 August 14</td>
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<td><strong>Policy:</strong> Document has been streamlined, including the insertion of policy advice previously contained in supporting documentation.</td>
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<tr>
<td>2.1</td>
<td>10 April 14</td>
<td>10 April 14</td>
<td>24 August 14</td>
<td><strong>Policy:</strong> Additional information inserted in Attachment A to ensure consistency with Attachment F of Outcome Guidelines (p.11-14). Clarification that a Job Placement Start Date can be before the vacancy referral date (p.8). <strong>Formatting:</strong> Update references to the Department administering the DES programme. Update system references to refer to the Department’s IT System.</td>
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<tr>
<td>2.0</td>
<td>01 July 12</td>
<td>01 July 12</td>
<td>10 April 14</td>
<td><strong>Policy:</strong> Insertion of Attachment A – Non-Payable Placements (p11-14). Clarification that Pre-Existing Employment is a Non-Payable Placement (p7 – Section 1). <strong>Narrative:</strong> Clarification that Job Placements must only be anchored if there is reasonable expectation that the placement will lead to a minimum of 26 Consecutive Weeks of Employment (p8 – Section 3). <strong>Policy:</strong> The Job Placement Start Date can be backdated up to 28 days, including to a date prior to the Vacancy creation date (p8 – Section 3).</td>
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<tr>
<td>1.3</td>
<td>17 Mar 11</td>
<td>17 Mar 11</td>
<td>30 June 12</td>
<td><strong>Narrative:</strong> Clarification that the Job Placement Start Date is the ‘Result Date’ (p8 – Section 3). Clarification that the Wage Subsidy box must be ticked where a Wage Subsidy has been negotiated (p8 – Section 3). Clarification that a Job Placement is confirmed by entering a Referral Result of ‘Placement Confirmed’ (p8 – Section 3). Clarification that a Job Placement should not be verified where the employment benchmark hours have not been met (p9 – Section 4). Clarification that Job Placement Fees are not able to be claimed for Participants in the Ongoing Support phase of DES (p9 – Section 5). <strong>Policy:</strong> DES providers must enter details of Pre-Existing Employment when recording a Vacancy (p7 – Section 1).</td>
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<tr>
<td>1.2</td>
<td>01 Dec 10</td>
<td>01 Dec 10</td>
<td>17 Mar 11</td>
<td><strong>Policy:</strong> Job Placement Fees cannot be claimed for Participants who work fewer than 8 hours over 10 Consecutive Working Days (p9 – Section 4).</td>
</tr>
<tr>
<td>1.1</td>
<td>18 Aug 10</td>
<td>18 Aug 10</td>
<td>01 Dec 10</td>
<td><strong>Narrative:</strong> Clarification that once a Vacancy has been created, a Participant must be referred to that Vacancy (p4 – Box 1, p7 – Section 1). Insertion of</td>
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Background
These Guidelines outline the Disability Employment Services (DES) Programme provider’s (hereon referred to as ‘DES provider’) responsibilities and required actions in recording Job Placements in the Department’s IT Systems and claiming Job Placement Fees.

The primary objective of DES is to assist Participants into sustainable employment that is consistent with their needs and capacity. The Disability Employment Services Deed defines a Job Placement as ‘Employment for a Participant in a Vacancy that is not a Non-Payable Placement’.

DES providers may claim a Job Placement Fee for placing a Participant into a Job Placement, in which the Participant achieves their Job Placement Hours within the required timeframe.

Note: In some circumstances Participants may find their own Employment. In these cases, the DES provider must still record the Employment details in the Department’s IT Systems and follow the normal steps in this process to be eligible to claim a Job Placement Fee.

References to ‘the Department’ in these Guidelines refer to The Department of Social Services.
Flow Chart: Process for Claiming a Job Placement Fee

1. DES provider records the Vacancy on the Department’s IT Systems.

2. DES provider refers the Participant to the Vacancy.

3. DES provider confirms Job Placement by setting the Job Placement Start Date.

4. DES provider verifies the Participant has worked the Job Placement Hours within 10 Consecutive Working Days.

5. The Department’s IT Systems determines if the DES provider may be eligible to claim a Job Placement Fee for the Participant.

6. If Job Placement is verified by the Department’s IT Systems, a Tax Invoice is automatically generated.

7. DES provider submits claim for a Job Placement Fee by accepting the Tax Invoice, provided that the DES provider has the required Documentary Evidence.
Note: This should not be read as a stand-alone document, please refer to the Disability Employment Services Deed.

Disability Employment Services Deed Clauses:
Clause 122 – Job Placement Fees
Annexure A – Definitions

Reference documents relevant to these Guidelines:
Outcome Guidelines
Documentary Evidence for Claims for Payment Guidelines
Job in Jeopardy Guidelines
Job Placement Job Aid

Explanatory Note:
1. Italicised text is a hyperlink to the relevant reference material.
2. All capitalised terms have the same meaning as in the Disability Employment Services Deed In this document, "must" means that compliance is mandatory and "should" means that compliance represents best practice.
## Recording a Job Placement and Claiming a Job Placement Fee:

<table>
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<th>Who is Responsible:</th>
<th>What is Required:</th>
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<tr>
<td>1. The DES provider</td>
<td>DES providers are expected to work with Employers to source suitable Vacancies. They must record the Vacancy and relevant details in the Department’s IT Systems.</td>
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**Disability Employment Services Deed Clause Reference:**
- Clause 34.5

**Other references:**
- Documentary Evidence for Claims for Payment Guidelines
- Job Placement Job Aid

Where a DES provider is entering a Vacancy for a job in which the Participant was employed when they commenced in DES, the DES provider must specify that the job is Pre-Existing Employment in the Comments field, and the average number of hours per week that the Participant worked in the position prior to commencing in DES.

| 2. The DES provider | The DES provider should enter into the Department’s IT Systems the date the Participant is referred to the Vacancy. This can be done when the Vacancy is created, or at a later time. A Vacancy referral date must be entered before the Job Placement can be confirmed. |

A DES provider may be eligible to claim a Job Placement Fee where the combined hours worked by a Participant in more than one job equal or exceed the Job Placement Hours.

Vacancy details for all jobs that the Participant works must be entered into the Department’s IT System. However, a Job Placement referral can only be made against one Vacancy. The DES provider can choose to refer the participant to any current Vacancy to set the Job Placement Start Date.

| 3. The DES provider | Once the DES provider believes that the Participant is likely to achieve their Job Placement Hours within the next 10 Consecutive Working Days, the DES provider should confirm the Job Placement by setting the Job Placement Start Date. This is the first day of the period in which a Participant may work the hours required to make a Job Placement Fee available. |

The DES provider can decide when to confirm a Job Placement, noting that:
- the Job Placement must be confirmed before any Job Placement Fee can be claimed or the Participant is moved to Post Placement Support; but that...
### Who is Responsible:
- Documentary Evidence for Claims for Payment Guidelines
- Outcome Guidelines
- Job in Jeopardy Guidelines
- Job Placement Job Aid

### What is Required:
- to claim the Job Placement Fee, Job Placement Hours for the Participant must be achieved in the 10 Consecutive Working Days from the Job Placement Start Date.

A DES provider would therefore normally confirm a Job Placement once they have a reasonable expectation that the Participant will achieve their Job Placement Hours. This may be on the first day of the Job Placement, or on a later date.

To confirm a Job Placement on the Department’s IT Systems, the DES provider must:
- select a Referral Result of ‘Placement Confirmed’ and
- enter the Result Date. This is the Job Placement Start Date.

The DES provider can specify an actual Job Placement Start Date of up to 28 days before the current date (i.e. the placement can be backdated). The Job Placement Start Date may be before the date recorded as the Participant’s referral to the Vacancy, where relevant.

Once the Job Placement is confirmed, the DES provider should monitor the Participant’s hours of work over the next 10 Consecutive Working Days.

### Notes:
- A DES provider must not confirm a Job Placement that is a ‘Non-payable Placement’ under the Deed. See Attachment A for more details.
- If a Wage Subsidy has been negotiated with the Employer, the Wage Subsidy tick box must be ticked prior to confirming the Job Placement.
- Job Placement Fees will not be generated for Job Placements that are confirmed when a Participant is suspended. Any period of suspension must therefore be ended, or a period of volunteering entered, before a Job Placement is confirmed. DES providers should wait until the day after ending a suspension to confirm the Job Placement, as the Department’s IT Systems consider the Participant to have been suspended on the end date of a suspension. Job Placements can be confirmed on the same day that a period of volunteering is entered.
- Job Placement Fees are not payable for Job in Jeopardy Participants Please see the Job in Jeopardy Assistance Guidelines for more information.

### Anchoring the Placement
The DES provider may also choose to start the 13 Week Period by setting the Anchor Date of the Job Placement. A DES provider must
<table>
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<td>not anchor a Job Placement unless there is a reasonable expectation the job will be for at least 26 Consecutive Weeks. The Anchor Date can be the same date as the Job Placement Start Date. The 13 Week Period for an Outcome Fee will not start until the Anchor Date of the Placement is set. Please see the Outcome Guidelines for information on anchoring. A Participant must not be moved into Post Placement Support before the Job Placement is confirmed in the Department’s IT Systems.</td>
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</table>

4. The DES provider

Verify Job Placement

Disability Employment Services Deed Clause Reference:
- Clause 122.3
- Clause 122.4
- Annexure A

Other references:
- Documentary Evidence Guidelines
- Job Placement Job Aid

Verifying a Job Placement allows the DES provider to claim a Job Placement Fee, if eligible.

The DES provider verifies a Job Placement on the Department’s IT Systems by entering the Job Placement Fee Date (the date that the Participant completed their Job Placement Hours) and the number of hours worked, and ticking a placement verification statement.

If the Participant has worked sufficient hours over the 10 Consecutive Working Days from the Job Placement Start Date to meet or exceed their Employment Benchmark (i.e. has achieved their Job Placement Hours), the DES provider may be able to claim a Job Placement Fee. If a Participant’s benchmark has been updated, the most recent benchmark at the Job Placement Fee Date is the relevant benchmark for assessing if the requirements for a Job Placement Fee have been satisfied.

Where a Participant is working more than one job to achieve the relevant Job Placement Hours, the combined hours worked in all jobs must be entered against the chosen Job Placement. The DES provider should note in the Comments field the actual hours worked in each job, including the Vacancy ID(s) of any other job(s). Documentary Evidence must be retained to support the Job Placement Fee claim, and must cover all jobs and the total hours worked.

The DES provider must not verify the Job Placement:
- until they can confirm that the Participant has achieved their Job Placement Hours within 10 Consecutive Working Days from the Job Placement Start Date, and
- unless there is a reasonable expectation that the Participant will continue in the Job Placement for a minimum of 13 Consecutive Weeks of Employment.

5. The DES provider

Once the DES provider verifies that a Participant has achieved their Job Placement Hours, the DES provider may be eligible to claim a
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<tr>
<td><strong>Claim Job Placement Fee</strong></td>
<td>Job Placement Fee. DES providers do not have wait until the completion of 10 Consecutive Working Days to claim a Job Placement Fee. A Job Placement Fee can be claimed after the DES provider has confirmed the Job Placement and the Participant has completed the relevant Job Placement Hours.</td>
</tr>
<tr>
<td><strong>Disability Employment Services Deed Clause Reference:</strong></td>
<td>The DES provider is not eligible to claim a Job Placement Fee where:</td>
</tr>
<tr>
<td>- Clause 122</td>
<td>- a Job Placement Fee has already been claimed for the Participant in that Job Placement;</td>
</tr>
<tr>
<td>- Annexure A – Definition of Non-Payable Placement</td>
<td>- the DES provider has already claimed four Job Placement Fees for that Participant in a Period of Service;</td>
</tr>
<tr>
<td><strong>Other references:</strong></td>
<td>- the Participant has worked fewer than 8 hours over 10 Consecutive Working Days from the Job Placement Start Date;</td>
</tr>
<tr>
<td>- Documentary Evidence for Claims for Payment Guidelines</td>
<td>- the Participant is in the Ongoing Support phase of DES;</td>
</tr>
<tr>
<td>- Job Placement Job Aid</td>
<td>- the Participant is self-employed;</td>
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<td>- the Participant is performing substantially the same duties with the same Employer for which the DES provider has previously claimed a Job Placement Fee for the Participant; or</td>
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<td></td>
<td>- the Job Placement is for any other Non-Payable Placement.</td>
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**Notes:**
- A Job Placement Fee may be payable following a Break in Employment or Change in Employment, provided that requirements for a Job Placement Fee are met. No Job Placement Fee is payable following a Change in Employment if the Participant is receiving Ongoing Support.

If no Job Placement Fee is claimable, **end of process**.

If the requirements for a Job Placement Fee have been met, the DES provider may claim a Job Placement Fee by completing the claim for payment in the Department’s IT Systems.

**End of process.**
Attachment A – Non-Payable Placements

Summary
Clause 122.4 (a) (ii) of the DES Deed provides that Job Placement Fees are not payable in relation to a Non-Payable Placement. The primary objective of DES is to assist job seekers with disability secure and maintain sustainable ongoing Employment in the open labour market, with the intent that DES providers are committed to helping Participants find Employment that suits the Participant’s goals and abilities.

There are a range of placements which fall within the definition of ‘Non-Payable Placements’ in Annexure A of the DES Deed. These include the placement of a Participant into any:

- Placements in programmes funded by the Commonwealth or by a state or territory government (see paragraph (l) of the definition of ‘Non-Payable Placement’ in Annexure A);
- non-ongoing Employment or a Work Trial, as specified in any Guidelines (see paragraph (o) of the definition of ‘Non-Payable Placement’ in Annexure A);
- position that is contrived Employment as specified in any Guidelines (see paragraph (r) of the definition of ‘Non-Payable Placement’ in Annexure A);
- position that is not Open Employment as specified in any Guidelines (see paragraph (s) of the definition of ‘Non-Payable Placement’ in Annexure A).
  - Placements where the type of work is inappropriate for the Participant based on their ESAt or JCA or because they only have a Partial Capacity to Work (see paragraph (h) of the definition of a Non-Payable Placement in Annexure A);

The following provides clarification and further information on the above ‘Non-Payable Placements’.

Placements in programmes funded by the Commonwealth or by a state or territory government
Placements in a programme funded by the Australian Government, or a state or territory government, including a Complementary Service is a Non-Payable Placement, unless the following conditions are met:

- Participants are placed into a position that is ongoing Employment and are paid a wage or salary;
- there is an employee-Employer relationship;
- the position is consistent with workplace relations laws, including relevant award pay and conditions;
- Participants are covered by the relevant occupational health and safety requirements.

A placement through a programme funded by the Australian Government or a state or territory government is considered to be a Non-Payable Placement until such time as ongoing Employment is offered to the Participant and the conditions set out above are met. This applies to Commonwealth, State or Territory funded programmes, including but not limited to the Indigenous Employment Programme, Jobs Fund, Queensland Government’s Green Army and Victoria Works for Mature Age Workers. For the avoidance of doubt, Job Placement Fees are never payable for employment in an Australian Disability Enterprise where the DES Participant is also an Australian Disability Enterprise participant.
Non-ongoing employment or a Work Trial
For the purposes of paragraph (o) of the definition of Non-Payable Placement, each at Annexure A to the Disability Employment Services Deed, all Employment is considered to be non-ongoing, unless the Employment is, at the Anchor Date:

- offered on a permanent or ongoing basis; or
- subject to a fixed term contract of Employment and there is a reasonable expectation that the contract will be extended at the completion of the contract; or
- subject to a fixed term contract of Employment and there is a reasonable expectation that the contract will be followed by another contract of Employment; or
- casual or seasonal Employment where there is a reasonable expectation that Employment will continue to be available.
- An Apprenticeship (including Traineeships) where there is a reasonable expectation that the Apprenticeship would be followed by further Employment at the end of the Apprenticeship.

For example, a provider would normally have a reasonable expectation that a fixed term contract will be extended or followed by another contract where:

- the Employer has indicated that further Employment is likely to be offered if the Participant performs satisfactorily in the initial contract period; or
- the Employer frequently offers further Employment to DES Participants that have completed an initial fixed term contract; or
- the DES Participants that have completed a fixed term contract for a particular job with an Employer, frequently transition into alternative Employment.

DES providers are encouraged to retain evidence that demonstrates a reasonable expectation that a fixed term contract or Apprenticeship will be extended or followed by further Employment.

DES providers may arrange placements for Participants to, for example:

- gain paid work experience;
- build work capacity; and/or
- build confidence.

This is considered to be a valuable intervention for those Participants, particularly those who have had a long period of disengagement from the workforce. A placement of this type is non-ongoing employment until such time as the Employer offers ongoing employment. DES providers must not anchor such employment placements until the employment is ongoing.

A position that is contrived employment
The Placement of a Participant into a position that is contrived employment is a Non-Payable Placement for the purposes of the Deed. This is intended to ensure that the best interests of the Participants are met and that quality outcomes for the Participants are achieved.
Contrived employment is an arrangement, as determined by the Department in its absolute discretion, whereby a DES provider or another person creates an artificial work opportunity for a Participant for the purpose, or with the effect of, maximising payments to, or otherwise obtaining a benefit for, the Provider or any other person. Where there is evidence available to the Department
to form a view that the DES provider has placed Participants in positions that are contrary to the objectives of the Deed, the Department may deem those Placements to be contrived employment.

The Department monitors programme data for patterns of Job Placements which indicate that a DES provider is contriving employment arrangements to maximise any benefits to the DES provider and/or Employers.

Where the Department has reasonable grounds to believe that a DES provider and another person have contrived employment arrangements to maximise Job Placement Fees, Outcome Fees, performance ratings, Wage Subsidies or any other payments under the Deed, the Department may deem these Job Placements to be Non-Payable Placements under paragraph (r) of the definition of 'Non-Payable Placement' in Annexure A of the Deed.

If the Department determines that a DES provider has made a claim for a Job Placement Fee in relation to a contrived employment arrangement, the Department may exercise its right to seek remedies under the Deed including for breach under clause 56 of the Deed.

A position that is not in Open Employment

Paragraph (s) of the definition of Non-Payable Placement in the Deed includes a position “that is not in Open Employment, including as is specified in any Guidelines”. This is intended to ensure that Participants are assisted to find work in the open labour market alongside employees without a disability.

‘Open Employment’ is defined in Annexure A of the Deed as “Employment where an employee with a disability is engaged in the mainstream workforce, alongside employees without disability and any requirements provided in the Guidelines have been met”.

Outcome Fees are not payable where a Participant is employed in an environment or under conditions which do not meet this definition of Open Employment.

Positions that are not in Open Employment

Positions in the following situations are not considered to be Open Employment:

- where a Participant is employed in a work crew, work area or enclave where the majority of the employees (excluding supervisors and support workers) have disability; or
- where a Participant is employed in an Australian Disability Enterprise (ADE) (not as an Australian Disability Enterprise participant) to do the same or similar tasks as Australian Disability Enterprise participants;

Indicators that the Placement is in Open Employment:

- The position is in the mainstream workforce;
- The Employer and any organisation where the Participant is placed by the Employer is a commercial business or organisation; or if it is a social firm or venture, is operating on a commercial basis;
- The position is available to the open labour market including people without disability; or involves functions and conditions comparable to those of a similar role in a commercial business;
- ADE participants are not part of the work area; or are present but perform duties that are entirely or substantially distinct from those of the Participant (the Participant must not be an ADE Participant);
- The position involves day-to-day contact with customers or non-employees without disability in the physical work environment;
- The position involves interaction with other employees (excluding supervisors and support workers) and non-employees in the physical work environment, a majority of whom do not have disability or are not in a work experience position e.g. Work for the Dole; and
- The position usually involves working independently without co-workers in the physical work environment.

Indicators that the Placement is not in Open Employment:

- The Employer and any organisation where the Participant is placed by the Employer is a social firm or venture focussing on the employment of people with disability and is not operating on a commercial basis;
- The position involves functions or conditions that are not comparable to those for a similar role in a commercial business;
- ADE participants are employed to perform duties that are mostly similar to those of the Participant even if at a lower level of independence, complexity or work rate; and
- The position involves interaction mainly with other employees and non-employees in the physical work environment, who have disability or are in a work experience position e.g. Work for the Dole.

Case studies and examples of Placements that are not in Open Employment are available in the Outcomes Supporting Document.

**Departmental approval**

In exceptional circumstances, DES Providers may seek prior approval from the Department to confirm a Job Placement where the Provider considers that the position may not be in Open Employment, such as where a DES Participant would be employed in a work area where the majority of employees would have disability.

The Department will consider such requests for approval on a case by case basis. In any such cases, the Employment Placement must not be confirmed until the Department notifies the DES provider that it has approved such a Placement.

**Inappropriate work**

Paragraph (h) of the definition of Non-Payable Placement in the DES Deed provides that a position is a Non-Payable Placement, ‘where the type of work is inappropriate for the Participant based on their ESAt or JCA or because they only have a Partial Capacity to Work.’

A Participant’s ESAt or JCA includes information about a Participant’s disability, injury or health condition and an assessment of the severity of these conditions. Employment may be considered inappropriate under this Non-Payable Placement where the nature and intensity of the duties of the Employment position are inconsistent with the Participant’s assessed condition in the ESAt or JCA, or the terms of their Partial Capacity to Work. For example, where a Participant has suffered a spinal injury, manual work involving lifting heavy objects would appear to be inappropriate.

The Department recognises that Participants may be able to work more than the maximum hours in the assessed capacity bandwidth in the Participant’s ESAt or JCA. Similarly, Participants with a Partial Capacity to Work can accept Employment well in excess of 15 hours per week and may work up to
full-time hours. While the Participant’s work capacity and Employment Benchmark are determined in consideration of a Participant’s assessed condition, a Participant working above their assessed work capacity would not normally fall under this Non-Payable Placement unless the duties of their position are inconsistent with their disability, injury or health condition.

Where the Department is concerned that a Job Placement may be inappropriate based on the conditions set out in the Participant’s ESAt or JCA or because of their Partial Capacity to Work, the provider will first be contacted to determine whether there are reasons why the placement is appropriate. If a provider is concerned that a placement may appear to be inappropriate based on a Participant’s conditions, they are encouraged to retain relevant evidence about the Participant’s conditions or Employment duties.

If a DES provider is concerned that a Participant has found Employment that is inappropriate for their disability, injury or health condition, the DES provider should discuss these concerns with the Participant. Where the Participant insists on continuing with the inappropriate Employment, the DES provider should document their conversation with the Participant. The DES provider should not confirm the Job Placement or claim Job Placement Fees where they believe the position is inappropriate.