Australian Government

Disability Employment Services

Eligibility, Referral and Commencement Guidelines

V 1.2

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

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Document Change History

Version	Effective Date	End Date	Change & Location
1.3	9 March 2020		**Narrative:** Various Department name changes
1.2	3 Dec 2018	8 March 2020	**Policy:** Updated Privacy Consent Form at Attachment B in line with amendments to the DES 2018 Grant Agreement under Direction No. 2. **Terminology:** Amendments made to reflect changes in the DES Grant Agreement - Direction 2 Terminology: 'Electronic Calendar' replaces 'Electronic Diary'. Added information on Pre-release Prisoners. **Formatting:** Throughout guideline
1.1	10 Sep 2018	2 Dec 2018	Revised and updated the Disability Employment Services Privacy Consent Form, Participant Declaration and Disability Employment Services Provider Declaration; updated terminology in line with amendments to the Grant Agreement under Direction No. 2 and corrected some formatting and grammatical issues.
1.0	1 July 2018	9 Sep 2018	Original version.

Background

These Guidelines specify Disability Employment Services (DES) Program Providers' (hereon referred to as 'DES Provider') responsibilities and required actions for confirming eligibility, receiving Referrals and Commencing a job seeker in DES.

Relevant Disability Employment Services Grant Agreement clauses

Clause 81 – Specialist Service Providers

Clause 85 – Referrals

Clause 87 – Direct Registration of Participants without a Referral

Clause 91 – Appointments with Participants

Clause 92 – Initial Interview

Clause 93 – Contact services

Annexure A – Definitions

Reference documents relevant to this guideline

- Direct Registration Guidelines

- Job Plan and Setting Mutual Obligation Requirements Guidelines

Explanatory notes

- All capitalised terms have the same meaning as in the *Disability Employment Services Grant Agreement.*
- In this document, 'must' means that compliance is mandatory and 'should' means that compliance represents best practice.

Eligibility

Overview

This section of the *Eligibility, Referral and Commencement Guidelines* provides an overview of eligibility criteria for DES. It explains general eligibility criteria, as well as eligibility criteria for specific job seeker groups. It also outlines the role of the Employment Services Assessment (ESAt) or Job Capacity Assessment (JCA) in determining job seeker eligibility and provides eligibility criteria for ESAt/JCA exempt groups.

Note: A DES Provider must check a job seekers eligibility for DES Program Services before Commencement, regardless of how the job seeker presents at the Provider's site.

Role of the ESAt/JCA in determining eligibility

In most cases, a job seeker will be Referred to a DES Provider following an ESAt or JCA. An ESAt/JCA is an assessment used to identify a person's vocational and non-vocational barriers to finding and maintaining employment, their work capacity and ongoing support needs. The ESAt/JCA also recommends the most appropriate employment services assistance and can also identify interventions that may help a person to overcome their identified barriers.

With the exception of ESAt/JCA exempt job seekers (see below), job seekers Referred to DES must have a Valid ESAt/JCA with a recommended Referral of either DES-Employment Support Service (DES-ESS) or DES-Disability Management Service (DES-DMS). A DES Provider can only Commence a job seeker who has a Valid ESAt/JCA with a recommended Referral for the service which the DES Provider is contracted to deliver.

Note: There are specific arrangements in relation to the requirement for a New ESAt/JCAs for job seekers recommencing in DES following an Exit. For more information, refer to Appendix A of the *Program Review, Program Summary and Exits Guidelines.*

ESAt/JCA Exempt Job Seekers

Specific job seeker groups can Directly Register with a DES Provider and are not required to undertake an ESAt or JCA. The job seeker groups that are eligible to Commence in DES without an ESAt or JCA are:

- Eligible School Leavers (ESL) – refer to the *Eligible School Leaver Guidelines*;
- School Leaver Trial - refer to the *School Leaver Trial Guidelines*;
- Special Class Clients (SCC) – eligible for DES-DMS only (refer to the *Disability Management Service – Special Class Clients Guidelines*); and
- Work Assist Participants - refer to the *Work Assist Guidelines*.

These job seekers can be immediately Commenced in DES provided that they meet general DES eligibility requirements and the specific eligibility requirements set out in the relevant Guidelines.

DES Specialist Service Providers

DES Providers contracted as DES Specialist Service Providers assist a self-defined group of job seekers (for example, job seekers with hearing impairment, intellectual disability or youth). In accordance with clause 81 of the Disability Employment Services Grant Agreement (DES Grant Agreement), DES Specialist Service Providers must not Commence a Participant who is not a member of the relevant Specialist Service Group for which the Provider is contracted to deliver Program Services.

Eligibility requirements for DES

General eligibility

A job seeker is eligible for DES if they:

- have a disability, injury or health condition;
- are aged at least 14 years but have not yet attained the Age Pension qualifying age;
- are at or above the minimum legal working age in their state or territory;
- have a future work capacity with intervention of at least eight hours per week;
- are an Australian resident (see information below);
- are not studying full time (unless the job seeker is an ESL or School Leaver Trial Participant)*; and
- are not working at or above their Employment Benchmark hours (not applicable for Work Assist Participants and people who receive National Disability Insurance Scheme (NDIS) funding for supported employment, and/or Australian Disability Enterprise (ADE) participants).

*Refer to "Job seekers who are studying" heading below for more information.

Australian Resident

To be eligible for DES a job seeker must be an Australian resident. The only exception to this requirement is where a job seeker is either a Temporary Protection Visa (TPV) holder or a Safe Haven Enterprise Visa (SHEV) holder (see Note 2 below for more information).

An Australian resident is a person who resides in Australia and is one of the following:

- an Australian citizen; or
- the holder of a permanent resident visa; or
- a Special Category Visa holder (SCV) who is a protected SCV holder (see Note 1).

Note 1: New Zealand citizens living in Australia who have not been granted permanent residency are generally holders of protected or non-protected SCVs. Only New Zealand citizens who hold protected SCVs are eligible for DES. A New Zealand citizen who is a protected SCV holder is someone who:

- was in Australia on 26 February 2001 as a SCV holder; or
- was outside Australia on 26 February 2001, but was in Australia as a SCV holder for a total of 12 months in the two years prior to that date, and subsequently returned to Australia; and
- has a certificate issued under the *Social Security Act 1991* stating that they were residing in Australia on a particular date (these certificates are no longer issued).

New Zealand citizens who do not meet these requirements (e.g. they arrived in Australia after 26 February 2001) are non-protected visa holders and therefore are ineligible for DES.

Note 2: From 1 July 2014 eligible job seekers who are not permanent residents but who hold a current TPV or SHEV, can access DES-ESS. TPV and SHEV holders are not eligible for DES–DMS.

Employment Benchmark hours

Employment Benchmark hours are the number of hours that a Participant must work each week, on average, to achieve a Full Outcome. Participants will have an Employment Benchmark of 0, 8, 15, 23 or 30 hours per week. The Employment Benchmark is determined by the Department's IT Systems and is generally based on a Participant's work capacity as assessed through the ESAt or JCA. Refer to the *DES Outcome Guidelines* for further information.

Specific job seeker groups

Job seekers with a 0-7 hour work capacity

Job seekers with a "Capacity for work within 2 years with Intervention: 0-7 hours per week" in the 'Work Capacity' field of the ESAt/JCA are generally ineligible for DES. However, a job seeker with 0-7 hours work capacity is eligible for DES if:

- they are assessed as being able to work more than eight hours, and
- are suitable to be placed in Ongoing Support, and
- have an accompanying note in the 'Recommendation' field of the ESAt/JCA Report stating "The client can achieve 8+ hours per week with DES Ongoing Support", they are eligible for DES.

Note: See **Attachment A** - DES TRWC 0-14 and PCW 0-14 Provider Action Matrix for more information.

Workers Compensation Recipients

Job seekers who are receiving workers compensation payments are generally considered to be employed and are therefore ineligible for DES unless they are required to participate in DES as a condition of receiving their Income Support Payment from the Services Australia.

Job seekers who are working in Open Employment

Job seekers who are working may be eligible for DES, as long as they are not working at or above their Employment Benchmark hours at the time of Commencement. When determining whether a job seeker is working at or above their Employment Benchmark hours, the DES Provider should consider the hours that the Participant normally works in their job, discounting periods of leave or recently reduced/increased hours.

Note: A DES Provider should keep documentary evidence to support their decision.

Job seekers who receive National Disability Insurance Scheme (NDIS) funding for supported employment and/or Australian Disability Enterprise (ADE) employees

Supported employment/ADE employees may be Commenced in DES provided they have a Valid ESAt or JCA and meet all other eligibility criteria for DES. The supported employment/ADE employee is not required to cease their supported/ADE employment while they are participating in DES.

Note: A supported employment /ADE employee Commencing in DES as an ESL can be Directly Registered by the DES Provider without an ESAt or JCA if the Participant's eligibility has met all the requirements in the DES Grant Agreement and the relevant Guidelines.

Job seekers who are studying

Full-time students are generally ineligible to Commence in DES (the exception to this are ESLs or School Leaver Trial Participants who are full-time secondary school students). There may be occasions, however, where a job seeker with a Mutual Obligation Requirements or participation requirement who is Referred by Services Australia, declares they are studying full-time. Where this occurs, the DES Provider should ask the job seeker if they have notified Services Australia. If Services Australia has been notified they should be Commenced as Services Australia has determined that the job seeker must participate in DES. If the job seeker has not notified Services Australia they should be referred back to Services Australia to discuss their circumstances. Job seekers who are undertaking part-time study may be eligible to Commence in DES provided they are looking for work and meet all other eligibility criteria.

Participants who have reached Age Pension qualifying age while Commenced in DES

Participants who reach Age Pension qualifying age while Commenced in DES may choose to remain in DES until the end of their period of service (including a 26 week period of Extended Employment Assistance). If they are working toward an Outcome, the DES Provider is still eligible for Outcome fees due. However, once exited, job seekers who have reached Age Pension qualifying age are ineligible for DES. Participants who reach Age Pension qualifying age while in Ongoing Support can remain in DES until they exit.

Pre-release prisoners (PRPs)

The Pre-release Prisoners (PRP) policy provides access to employment services to adult prisoners who have been referred to an employment services provider by a state or territory corrective services agency. PRP policy in DES aims to maximise employment opportunities for people leaving prison and reduce their reliance on welfare by improving their job search skills and building connections with employers at the earliest opportunity.

A PRP job seeker must be referred to a DES provider by a state or territory corrective services agency. PRP job seeker is considered to 'remain in legal custody' and does not qualify for any Services Australia administered payment.

PRP Eligibility

A PRP job seeker must meet *all* of the following criteria at the same time when they are being referred to a DES Provider:

- be in the last 12 months of their sentence;
- be considered by corrective services case managers to be granted a license for release to engage in paid work; and
- be considered job ready

DES Providers must initially complete a Registration in the Department's IT System (refer to the DES Direct Registration Guidelines) and then apply the 'Pre-release Prisoner' Special Client Type indicator to the job seeker's record.PRP job seekers who are referred to a DES provider are Directly Registered in accordance with the *DES Direct Registration Guidelines* and the *Eligibility, Referral and Commencement Guidelines*.

PRP job seekers will be referred for an ESAt to determine their eligibility for DES. Where an ESAt is required, the DES provider should notify corrective services that the PRP job seeker requires a referral. Corrective services need to be involved in the process and to agree to the referral for an ESAt.

Where a PRP job seeker is subsequently released from prison, claims an Income Support Payment from Services Australia, and has a Mutual Obligation Requirement, the DES Provider must remove the Special Client Type identifier at their first Contact with the job seeker after their release.

Job seekers not in receipt of an Income Support Payment

Job seekers are not required to be in receipt of an Income Support Payment to be eligible for DES. However, where a job seeker is Referred to DES–DMS and is not receiving Income Support Payments from Services Australia, the job seeker must meet the *DES Non-beneficiary Income Test for a Waiver of Program Fees* or meet the requirements of one of the other cohorts to be eligible (refer to *Disability Management Service Participants Not Receiving Income Support Guidelines*).

Referral and Commencement

Background

This section of the *Eligibility, Referral and Commencement Guidelines* specifies a DES Provider's responsibilities and required actions for receiving Referrals of and Commencing eligible job seekers.

While ESAt or JCA Assessors will generally determine the program for which a Referred job seeker is eligible, DES Providers must check a job seeker's eligibility for DES once a job seeker is Referred (refer to the *Direct Registration Guidelines* for more information) prior to Commencing the job seeker in Program Services.

Provider choice

In most cases a job seeker will be Referred to a DES Provider by a Services Australia ESAt or JCA Assessor. Referrals can also be made by Services Australia, the Department (DSS), jobactive Providers or by another DES Provider.

Job seekers must choose a DES Provider at the time of initial Referral. To inform this choice, Services Australia provides information about the services available in the job seeker's local area. Information will also be available on the JobAccess website, for the job seeker to view, prior to their ESAt or JCA.

DES Providers must not impose terms and conditions on job seekers or Participants that compels a person to stay with their organisation, or restricts a person to non-individualised service. Obligations placed on a person must not remove their right to choose and change DES Providers whilst in the Program, nor reduce or restrict their rights under the DES Grant Agreement, DES Program policy, related Australian Government policy or applicable Australian law.

Under *clause 15* of the *DES Grant Agreement*, Providers must act in good faith towards the Department and Customers, and in a manner that maintains the good reputation of the Services. Providers must not engage in any practice that dishonestly or improperly manipulates Records, Outcomes or the Services with the effect of maximising payments to, or otherwise obtaining a benefit for, the Provider or any other person.

Providers must not offer goods and services to a job seeker or Participant unless they are directly related to the DES objectives, or in accordance with the *Service Guidelines*. This includes, but is not limited to cash, gifts, holidays and non-program related travel and consumer goods (e.g. televisions). Where the goods or services directly obligates and ensures a Participant's compliance with a standardised arrangement (i.e. where an arrangement has not factored an individual's personal circumstances or preferences), or obligates a person to remain with a particular Provider before they receive what is being offered, the Department considers this to be an inducement.

Furthermore, where the cost of the goods or services is disproportionate to what is reasonable for a person to use in seeking and gaining employment, the Department will regard the goods or services as constituting a gift rather than an employment seeking aid.

A Provider must not impose terms and conditions on a job seeker or Participant which are outside the scope of the DES Grant Agreement. Should a Provider levy terms and conditions related to the provision of goods and services, they must be on terms that are:

- Reasonable and in the best interests of the job seeker or Participant, which do not reduce or restrict their rights under the DES Grant Agreement, DES program policy, Australian Government policy or Australian law;
- Clear, transparent and understandable/plainly evident to the job seeker or Participant;
- Reasonable and do not expose the job seeker or Participant to costs or liabilities they do not understand or are not able to meet;
- Transparent and not misleading, and must comply with the standards for advertising practices and contractual claims under Australian Consumer Law, which includes information about ownership and further contractual or financial responsibilities.

Should a job seeker or Participant decline any such offers or inducements, the Department does not consider this grounds for a Provider to refuse accepting and assisting a person.

Providers are encouraged to contact the Department if they are unsure whether a good or service is appropriate.

Requirement to complete the Disability Employment Services Privacy Notification and Consent Form

Where a job seeker is Referred to a DES Provider by Services Australia, a *Disability Employment Services Privacy Notification and Consent Form* (Attachment B) must be completed and signed by both the job seeker and the DES Provider prior to Commencing the job seeker in DES. The purpose of the form is to notify the job seeker about privacy arrangements in relation to the collection, storage, use and disclosure of their personal information and to gain the job seeker's consent for the DES Provider and the Department to share this information with other parties including other government agencies and employment services Providers. This consent form does not need to be completed for job seekers who are Directly Registered as privacy information is included in the DES *Direct Registration Form*, which must be signed by both the job seeker and the DES Provider.

Direct Registration

DES Providers can register job seekers who approach them directly for services. This is known as Direct Registration. Where a job seeker has a Valid ESAt or JCA, a DES Provider may Commence a job seeker in DES after they Directly Register the job seeker without referring them for an ESAt. A DES Provider must only Directly Register a job seeker if they have confirmed that the job seeker is not currently Registered with another DES Provider, and that the job seeker meets the relevant eligibility requirements. Where a job seeker does not have a Valid ESAt or JCA, a DES Provider must refer the job seeker to a Services Australia Assessor. Refer to the *Direct Registration Guidelines* for more information.

Creating sessions in the Electronic Calendar

The DES Provider must ensure that sessions are available in the Electronic Calendar to receive Appointments.

Creating Appointments to receive Referrals to Program Services using the Department's IT Systems

Who is Responsible:	What is Required:
1. The DES Provider DES Provider accesses their Electronic Calendar on the Department's IT Systems to create available sessions to receive Referrals to Program Services. *Disability Employment Services Grant Agreement Clauses Reference:* • Clause 91	DES Providers must ensure that they have the correct access levels and security levels to create sessions in their Electronic Calendar on the Department's IT Systems. DES Providers should consider the following when deciding on how many sessions to create: • the organisation's Maximum Caseload within the specified Site; • the programs which have been identified by the DES Provider to be delivered at that Site; and • any subcontracting arrangements the DES Provider may have in place.
2. The DES Provider DES Provider considers types of sessions to be created. *Disability Employment Services Grant Agreement Clauses Reference:* • Clause 91	DES Providers must ensure that their Electronic Calendar has the following types of sessions: • Initial Interview; • Re-engagement (including for the purpose of Reconnection); and • Contacts, which may be booked by Services Australia and ESAt Assessors, following a Change of Circumstance Reassessment or a Programs Review by an ESAt Assessor. **Note:** DES Providers must ensure that their Electronic Calendar always has available Appointments for all of the above session types within the next two Business Days, unless otherwise agreed with the Department.
3. The DES Provider DES Provider considers format of sessions to be created and creates session in the DES Provider's Electronic Calendar.	When deciding on the format of the session the DES Provider should consider whether it is an individual or group session. **Note**: All sessions will be automatically available for all DES programs delivered at that Site. The session format will default to an individual session.
4. The DES Provider DES Provider must meet with the job seeker on the date of the Appointment booked in the Department's IT Systems. *Disability Employment Services Grant Agreement Clauses Reference:* • Clause 91	The DES Provider must meet with the job seeker and conduct the Contact, Initial Interview or Re-engagement Appointment at the Appointment time (date) as recorded in the Department's IT Systems.

Who is Responsible:	What is Required:
5. The DES Provider DES Provider must record the results of all Appointments in the Department's IT Systems.	Appointment results must be recorded on the same day as the Appointment (or as soon as possible thereafter). Appointment results cannot be recorded as 'attended' until the job seeker has presented at the time of the Appointment. **End of Process.**

Referrals to Program Services and conducting an Initial Interview

Who is Responsible:	What is Required:
1.a Job seeker Job seeker is Referred to DES by Services Australia or a Services Australia Assessor.	A job seeker has attended Services Australia or is Referred by a Services Australia Assessor. Note: If the Referral is the result of a Change of Circumstances Reassessment or a Program Review for the job seeker the DES Provider will be required to make an Appointment after receiving notification of the assessment outcome.
1.b Job seeker Job seeker Direct Registers with a DES Provider. *Disability Employment Services Grant Agreement Clauses Reference:* • Clause 87	Job seeker Directly Registers with a DES Provider in accordance with the *Direct Registration Guidelines*.
2. The Department The Department's IT Systems confirm if the job seeker is currently or has previously been (within last 13 weeks) connected to a DES Provider.	The Department's IT Systems will check the job seeker's record and determine if the job seeker is connected with a DES Provider, or has been connected with a DES Provider within the last 13 weeks. • If the job seeker has not been connected with a DES Provider in the last 13 weeks, **Proceed to Step 3** • If the job seeker is currently connected with a DES Provider, or has been within the previous 13 weeks, the job seeker must remain with that DES Provider, unless the Provider does not deliver the Program Services required, **Proceed to Step 5** • If the job seeker has been connected with a DES Provider in the previous 13 weeks, but that Provider does not offer the Program Services required (as a result of a new ESAt/JCA or Ongoing Support Assessment), **Proceed to Step 3**
3. The Department The Department's IT Systems shows DES Provider list for job seeker.	The Department's IT Systems will display a list of all DES Providers near the job seeker's residential address and eligible Program Service to Services Australia and the Services Australia Assessor.

4. Services Australia Assessor Services Australia Assessor provides job seeker with information relating to all DES Providers in the vicinity of the area where the job seeker resides, including information on DES Specialist Service Providers, if any.	To enable job seeker choice, Services Australia' Assessors may supply, where available, the following information about DES Providers, to assist the Participant to make an informed choice: • location from the job seeker's residential address; • performance Ratings for DES providers; • DES Specialist Service Providers; and • any information provided under local arrangements for job seekers' information (this may include organisational pamphlets, Fact Sheets, or other information that related to the Services they deliver).
5. The DES Provider DES Provider has available session(s) in the Department's IT Systems to receive a Referral to DES. Services Australia or the Services Australia Assessor books the job seeker into an appointment in the job seeker's recommended Program.	It is the responsibility of DES Providers to create sessions at the site level in the Department's Electronic Calendar to receive job seeker Referrals. The job seeker selects a DES Provider from the list of Providers and Services Australia or the Services Australia Assessor books an Appointment for the job seeker from the selected Appointments in the DES Provider's Electronic Calendar. Services Australia or the Services Australia Assessor then notifies the job seeker of the appointment details.
6. The DES Provider DES Provider prepares to conduct the Initial Interview.	DES Providers will be alerted to Referrals via booked Appointments in their Electronic Calendar. Where the job seeker is being Directly Registered and is identified as being ESAt/JCA exempt, or already has a Valid ESAt/JCA with a recommended Referral of DES, the DES Provider may proceed to the Initial Interview (refer to the Direct Registration Guidelines) without having to arrange an ESAt for the job seeker. DES Providers should complete the following pre-interview checks: • checking that an ESAt/JCA report has been submitted (if one was needed to determine eligibility); • attempting to contact the Participant to confirm the appointment via the Participant's preferred contact method. The Department's IT Systems will automatically send an Appointment reminder via mobile phone or email, if that is the preferred method of contact. **Note:** reminder messages are sent as a service to assist Participants – they are not a notification for the purposes of compliance action; • making arrangements to cater for a job seeker's special needs, if required. If needed, the DES Provider is to contact the job seeker to reschedule for a time when the special needs arrangements are available; and • checking previous participation, any ESAt/JCA information, Comprehensive Compliance Assessments, and previous Job Plans.

	Note: Services Australia will only book Appointments with a DES Provider for a time after they expect to have submitted the ESAt/JCA report. DES Providers are required to cater to a Participant's special needs and should consider whether any of the following apply to the Participant: • the need for an interpreter service • a Job Seeker Incident Report (JSIR); • a vulnerability; or • whether the job seeker has a disability requiring assistance (e.g. universal access/wheelchair access).
7. The DES Provider DES Provider must check job seeker's eligibility for Program Services. *Disability Employment Services Grant Agreement Clauses Reference:* • Clause 92	The DES Provider must check that the job seeker meets the eligibility criteria for DES. The DES Provider must also ensure that all information in the Job Seeker Classification Instrument (JSCI) is correct.
8. The DES Provider DES Provider must provide the specific information and services to all job seekers, regardless of their Program. *Disability Employment Services Grant Agreement Clauses Reference:* • Clause 92 Document References: Job Plan and Setting Mutual Obligation Requirements Guideline	At the Initial Interview, the DES Provider must: • check that they are talking to the correct Participant; • explain the types of services that may be provided in the relevant Program; • explain the relevant Service Guarantee and the Code of Practice; • explain to a job seeker with Mutual Obligation Requirements their rights and obligations under Social Security Law and the consequences of not meeting their obligations; • explain to a Disability Support Pension (DSP) recipient under 35 years of age, who is subject to Compulsory Requirements, their rights and obligations regarding compulsory activities. During the Initial Interview, the DES Provider must negotiate a Job Plan with each Participant, which includes any Interventions required at that point. The Initial Interview must be conducted face-to-face. The Provider should discuss with the Participant, which mode of contact the Participant prefers to receive services. DES Providers may choose to complete the appropriate résumé summary fields in the Department's IT Systems.

9. The DES Provider DES Provider must record attendance at Initial Interview on the Department's IT Systems. *Disability Employment Services Grant Agreement Clauses Reference:* • Clause 92	DES Provider confirms attendance at the Initial Interview by recording that the Initial Interview was 'attended' by the job seeker in the Electronic Calendar in the Department's IT Systems.
10. DES Provider The DES Provider must record completion of the Initial Interview in the Department's IT Systems, confirming that they have delivered the required services. *Disability Employment Services Grant Agreement Clauses Reference:* • Clause 92	A Participant can be Commenced into DES when: • the DES Provider has recorded a result of "Attended" at the initial interview; and • The Job Plan has been approved by their DES Provider. Once the above has occurred the Department's IT Systems will automatically Commence the Participant. If the Participant is not auto-Commenced after the above processes are complete, the Department's IT Systems will generate an error message, which will need to be actioned by the Provider. Ideally, the Participant will be Commenced at the Initial Interview. If not, the Participant must be Commenced in their Program within five Business Days of Referral or Direct Registration 2. The Participant's Period of Service starts at this point. The DES Provider should contact the Department if a Participant on their caseload has been incorrectly Commenced. **Note 2:** Every endeavour must be made to Commence the Participant within five Business Days. For those Participants who Directly Register and must be referred to an ESAt before Commencement, every endeavour must be made to Commence the Participant within five Business Days of the ESAt being submitted. Where exceptional circumstances exist where the DES Provider is unable to Commence a job seeker within five business days, the DES Provider must keep adequate documentary evidence for the reason/s.

Attachment A - DES TRWC 0-14 and PCW 0-14 Provider Action Matrix

This table shows the actions available to DES Providers when:

- Jobseekers are Referred to DES with a Temporary Reduced Worker Capacity of 0-14 hours (TRWC 0-14) or Partial Capacity to Work of 0- 14 hours (PCW 0-14)
- Participants are reassessed during their DES Program as TRWC 0-14 or PCW 0-14

Generally, PCW 0-7 jobseekers are ineligible for DES. All PCW 8-14 and TRWC 0-14 Participants are automatically suspended on a Provider's caseload and may choose to Volunteer for DES.

Type of Volunteer	**PCW 0-7**		**PCW 8-14**		**TRWC 0-7**		**TRWC 8-14**	
	At Referral	**Assessed during the Program**	**At Referral**	**Assessed during the Program**	**At Referral**	**Assessed during the Program**	**At Referral**	**Assessed during the Program**
Eligible to Volunteer	No	No	Yes	Yes	No	Yes (at DES Provider's discretion)	Yes	Yes
Wish to Volunteer	NA	Exit	Commence	Enter Volunteer period	NA	Enter Volunteer period (at DES Provider's discretion)	Commence	Enter Volunteer period
Do not wish to Volunteer	NA	Exit	Exit	Exit	NA	Remain suspended	Exit	Remain suspended

Attachment B - Disability Employment Services Privacy Notification and Consent Form

Australian Government

Disability Employment Services

Privacy and Your Personal Information

Your personal information is protected by law. Under the *Privacy Act 1988* (Cth) (Privacy Act), the Department of Social Services (the Department), its employees, agents and contracted service providers — including your Disability Employment Services (DES) Provider — is regulated in the ways they collect, hold, use and disclose personal information.

Your personal information is collected by your DES Provider on behalf of the Department, which is obligated under the terms of its DES Grant Agreement to comply with the Privacy Act when collecting, using and disclosing your personal information. Your personal information is collected for the purposes of administering DES and providing you with employment services and assistance, including to:

- determine your eligibility for participation in DES, including to assess your work environment requirements;
- assist you to find a job, which is undertaken by DES Providers on behalf of the Department;
- provide you with employment, education and training opportunities;
- assist you, where necessary and appropriate, to obtain specialist DES services;
- evaluate and monitor the programs and services provided to you by DES Providers, the Department and other contracted providers including third party providers;
- contact you about your participation in the DES program, and if applicable, your mutual obligation requirements;
- if necessary and appropriate, contact potential and actual employers on your behalf to negotiate your employment conditions and any specific requirements to ensure your work environment can accommodate your circumstances;
- ensure compliance by DES providers with their obligations under the DES Grant Agreement, including by contacting your employer if you are successful in finding work to verify any claims related to your employment submitted to the Department by your DES provider;
- help to resolve complaints made by you or your DES Provider; and
- include you in surveys conducted by the Department or on behalf of the Department.

If you do not provide some or all of your personal information, the Department may not be able to provide you with appropriate employment services and assistance.

For the purposes of administering DES and providing you specialised disability support services, your personal information may be collected from, and given to, third parties, including:

- DES Providers;
- the Department of Social Services, Services Australia, the Department of Education, Skills and Employment, the Department of Home Affairs, the Department of the Prime Minister and Cabinet and their respective contracted service Providers, and other Commonwealth agencies or entities as necessary or required;
- contracted providers of other government agencies where those providers are delivering services to you;
- parties who deliver employment services to you; or
- actual and potential employers.

Your personal information will be disclosed between DES Providers in the event you transfer to a different Provider, regardless of the reason.

Your personal information may also be used by the Department or given to other parties where you have agreed, or where it is otherwise permitted, including where it is required or authorised by or under an Australian law, such as social security law, a court or tribunal order, or where a duty of care exists.

Department of Social Services' Privacy Policy

The Department's Privacy Policy contains more information about the way the Department will manage your personal information, including information about how you may access your personal information held by the Department and your DES Provider, and seek correction of such information. The Department's Privacy Policy also contains information on how you can complain about a breach of your privacy rights and how the Department will deal with such a complaint.

The Department's Privacy Policy is available on the Department's website at https://www.dss.gov.au/privacy-policy. You can also request a copy from the Department via email at DESadmin@dss.gov.au.

Collection of sensitive information

In order to provide you with appropriate employment services and assistance, your provider may also collect sensitive information, which is a type of personal information. Sensitive information may include details of your cultural or linguistic background, any criminal record, health and medical information, and membership of a professional or trade association.

Declaration by Disability Employment Services (DES) Participant[1]

I agree to the collection of my personal information and sensitive information in accordance with this Privacy Notification and Consent form.

Name of person making the declaration:_____

Signature:_____ Date:_____

Declaration by Legal Guardian or Administrator of Participant (if applicable)[2]

I am the appointed legal Guardian or Administrator of the Participant and as such, I am authorised to sign this declaration for and on behalf of the Participant (please tick box) Yes ☐

Declaration by Disability Employment Services (DES) Provider

I am an authorised DES Provider and I declare that I have discussed this form and explained to the Participant the reasons why their personal information and sensitive information will be collected, and the purposes for which their personal and/or sensitive information may be used and disclosed in accordance with this Privacy Notification and Consent form.

Name of person making the declaration:_____

Signature:_____ Date: _____

Name of DES Provider (Organisation Name):_____

[1] **Note:** Participants under the age of 18 years can sign this declaration as long as they do not have a legal Guardian or Administrator appointed.
[2] **Note:** Where the Participant has been appointed a legal Guardian or Administrator, that person must sign this declaration in place of the Participant and check the applicable tick box.