



**Australian Government**



# **Outcome 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 Disability Employment Services Grant Agreement.

## Table of Contents

<i>Table of Contents</i>	2
Document Change History:	3
Background	4
Policy	4
Disability Employment Services Grant Agreement Clauses:	6
Reference documents relevant to these Guidelines:	6
Explanatory Note:	6
<i>Four-week and Employment Outcome Fees:</i>	7
<i>Education Outcome Fees:</i>	19
<i>Attachment A – Employment Benchmarks</i>	27
Summary	27
Four-week Outcomes based on hours worked	27
Full Outcomes and Pathway Outcomes based on hours worked (13, 26 and 52-week Outcomes)	27
Change in Employment Benchmark during a Period of Service	28
Employment Outcomes for Participants Commenced in DES while in Pre-Existing Employment	28
Employment Outcomes for Participants with an Employment Benchmark of 0	29
Employment Outcomes for Participants with an Employment Benchmark showing as ‘Not Determined’	29
Employment Outcomes for Participants that have previously achieved an Education Outcome	29
Summary	30
Claiming a Bonus for an Apprenticeship (including an Traineeship)	31
Claiming a Bonus for Directly Related Employment	32
Qualifying Training Course	32
Directly Related Employment	32
<i>Attachment C - Permissible Break in an Employment activity during a Outcome period</i>	35
Summary	35
‘Permissible Break’ for Participants who lose their Employment	36
Summary	36
<i>Attachment D – ‘Voluntary Change in Employment’</i>	41
Summary	41
<i>Voluntary Change in Employment:</i>	42
<i>Attachment E – Non-Payable Outcomes</i>	44
Summary	44
Self-Employment (Four-week Outcomes)	45
Government funded program, including a Work Trial program	45
Non-ongoing employment or a Work Trial	45
Contrived employment	47
A position that is not in Open Employment	47
Recurring employment	49
Outcome Fees and Recurring employment	49
Ongoing Support and Recurring employment	49
Pre-existing employment – (Four-week Outcome)	50
Pre-existing employment – (13-week Outcome, 26-week Outcome and 52-week Outcome)	50
Own Organisation/Related Entity	51
Qualifying Education Outcome	51
<i>Inappropriate work</i>	52

## Outcome Guidelines

### Document Change History:

Version	Effective Date	End Date	Change and Location
1.2	9 March 2020		<b>Narrative:</b> Statement of intent for Education Outcomes <b>Narrative:</b> Introduction of Jobseeker Payment
1.1	03 December 2018	8 March 2020	<b>Narrative:</b> change from Account Manager/Contract Manager to 'Relationship Manager' <b>Policy:</b> Update of Clause Numbers to align with Grant Agreement Direction 2
1.0	01 July 2018	02 December 2018	Original version of document

## Background

These Guidelines provide information about a Provider's responsibilities and required actions when claiming Outcome Fees under the Disability Employment Services Grant Agreement (the Grant Agreement). References to 'the Department' in these Guidelines refer to the Department of Social Services.

## Policy

DES is primarily an employment program for people with disability and providers should focus their efforts on facilitating employment outcomes by identifying labour market opportunities in the context of participants' skills and abilities. To this end, employment assistance should be focused on addressing participants' barriers to employment for the purpose of placing them into jobs as soon as is practicable.

Generally, the department would not expect to see large numbers of education placements. Education placements should be considered only in specific circumstance for those participants who do not possess tangible vocational skills or work experience. Where a placement in an education activity is deemed appropriate, these placement should be in vocational activities directly related to opportunities in the local labour market, with consideration of a participant's skills and abilities.

There are options for participants to engage in education activities not related to employment through other State-based and Federally funded programs.

Outcome Fees are generally paid to a Provider when a Participant on their caseload has maintained sustainable employment or education for a specific period of time. The Department will pay a Provider an Outcome Fee for each Participant who has satisfied the requirements under the Grant Agreement for a:

- Four-week Outcome;
- Full Outcome (13-week, 26-week or 52-week Outcome);
- Pathway Outcome (13-week, 26-week or 52-week Outcome); or
- Bonus Outcome (13-week or 26-week Outcome).

Four-week Outcomes are payable when a Participant is placed in a job and they work, at a minimum, hours equivalent to three times their weekly Employment Benchmark over a Four-week Period (refer to [Attachment A](#) for further information on Employment Benchmarks). A Provider can claim up to four Four-week Outcomes for the same Participant during a Period of Service. This means that Participants can try a range of jobs, building their skills and experience, or gradually increase their hours.

Full and Pathway Outcomes are paid for both Employment and Education Outcomes. The payments associated with a Pathway Outcome are less than the payments for a Full Outcome. 13, 26 and 52-week Employment Outcomes are paid to Providers for Participants who remain in Open and Ongoing Employment for 13, 26, 52 Consecutive Weeks, respectively. 13-week and 26-week Education Outcomes are paid to Providers in recognition of Participants making progress towards sustainable employment through education. Only eligible cohorts can meet the requirements for a 26-week Education Outcome. Combination Education and Employment Outcomes are also available for eligible cohorts.

A Provider can only claim one 13, 26 and 52-week Outcome for the same Participant during a Period of Service. The only exception to this rule is that a 13-week Pathway Employment Outcome can be claimed (if eligibility requirements are met), where the Provider previously claimed a 13-week Pathway Education Outcome for the Participant in the same Period of Service.

**Note:** A Participant will start a new Period of Service if they lose employment after the 26-week outcome and Exit, and recommence in the DES program

A Bonus Fee of 20 per cent on top of payments for 13 and 26-week Full and Pathway Outcomes is available when a Participant undertakes specific employment (please refer to [Attachment B](#) for more information on Bonus Fees).

**Note:** Please refer to separate guidelines for the following Outcomes and Outcome Fees:

- Work Assist Outcomes (refer to Work Assist Guidelines);
- PaTH Internship Outcome (refer to Managing PaTH Internships Guidelines); and
- Provider Seasonal Work Incentive Payment for a QSHW Outcome (refer to the Seasonal Work Incentive Trial Guidelines).

**Disability Employment Services Grant Agreement Clauses:**

Clause 147 – Outcome Fees

Annexure A – Definitions

Annexure B – Disability Employment Services

**Reference documents relevant to these Guidelines:**

Documentary Evidence for Claims for Payment Guidelines

Program Summary, Review and Exits Guidelines

Ongoing Support Guidelines

DES Outcomes Supporting Document

**Explanatory Note:**

All capitalised terms have the same meaning as in Disability Employment Services Grant Agreement.

References in this document to ‘Apprenticeships’ include Traineeships.

In this document, ‘must’ means that compliance is mandatory and ‘should’ means that compliance represents best practice.

## Four-week and Employment Outcome Fees:

Who is Responsible:	What is Required:
<p><b>1. The Provider</b></p> <p>Records Vacancy for an Employment activity</p>	<p>The Provider is expected to work with Employers to source suitable Vacancies. They must record the Vacancy and relevant details in the Department’s IT Systems. The Provider may also enter relevant Vacancy details where a Participant finds their own Employment after Commencing in DES. The Provider can claim Outcome Fees for Employment Placements which meet the relevant requirements, regardless of whether the Employment Placement was found by the Provider or the Participant.</p> <p>Where a Provider is entering a Vacancy for a job in which the Participant was Employed when they Commenced in DES (but working less than their Employment Benchmark), the 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.</p>
<p><b>2. The Provider</b></p> <p>Refers the Participant to the Vacancy</p>	<p>The Provider may 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.</p> <p>Vacancy details for all jobs that the Participant works must be entered into the Department’s IT System. However, an Employment Placement referral can only be made against one Vacancy. The Provider can choose to refer the Participant to any current Vacancy to set the Employment Placement Start Date.</p>
<p><b>3. The Provider</b></p> <p>Confirms the Employment Placement</p>	<p>Once the Provider believes that the Participant is likely to work hours equivalent to three times their Employment Benchmark Hours over the next four weeks, the Provider should confirm the Employment Placement by setting the Employment Placement Start Date. This is the first day of the Four-week Period. This may be on the first day of the Employment Placement, or on a later date.</p> <p>The Provider can decide when to confirm a Employment Placement, noting that the Employment Placement must be confirmed before any Four-Week Outcome can be claimed or the Participant can be moved to Post Placement Support.</p> <p>The Provider must not set the Employment Placement Start Dates unless there is a reasonable expectation that the Participant will continue in the Employment for a minimum of 13 Consecutive Weeks of Employment.</p>

Who is Responsible:	What is Required:
	<p>To confirm a Employment Placement on the Department’s IT Systems, the Provider must:</p> <ul style="list-style-type: none"> <li>• select a Referral Result of ‘Placement Confirmed,’ and</li> <li>• enter the Result Date. This is the Employment Placement Start Date.</li> </ul> <p>The Provider can specify an actual Employment Placement Start Date of up to 56 days before the current date (i.e. the placement can be backdated); <u>however, the date cannot be prior to 1 July 2018 or prior to the Participant Commencing with the Provider.</u> The Employment Placement Start Date may be before the date recorded as the Participant’s referral to the Vacancy, where relevant.</p> <p>Once the Employment Placement is confirmed, the Provider should monitor the Participant’s hours over the Four-week Period. If the Provider wishes to set the Anchor Date, refer to <b>Step 5.</b></p> <p>Notes:</p> <ul style="list-style-type: none"> <li>• The Provider must not confirm an Employment Placement that is a ‘Non-Payable Outcome’ under the Grant Agreement. Refer to <u>Attachment E</u> for more details.</li> <li>• If a Wage Subsidy has been negotiated with the Employer, the Wage Subsidy tick box must be ticked prior to confirming the Employment Placement.</li> </ul> <p>Four-week Outcomes will not be generated for Employment Placements that are confirmed when a Participant is Suspended. Any period of Suspension must therefore be ended, or a period of volunteering entered, before an Employment Placement is confirmed. The Provider should wait until the day after ending a Suspension to confirm the Employment Placement, as the Department’s IT Systems consider the Participant to have been Suspended on the end date of a Suspension. Employment Placements can be confirmed on the same day that a period of volunteering is entered.</p> <p><b>Note for Providers delivering DES prior to 1 July 2018:</b> all placements will need to be verified before 30 June 2018 in order to attract a Job Placement Fee. If the Provider does not verify the placement before this time, or the participant has not met the requirements for a Job Placement Fee, the Employment Placement start date will be set to 1 July 2018.</p>

Who is Responsible:	What is Required:
	<p>The Participant will start a new Four-week Period. Providers will not have the functionality to retrospectively verify placements after 29 June 2018.</p>
<p><b>4. The Provider</b></p> <p>Provide Appropriate Assistance to the Participant during the Four-week Period</p>	<p>When the Participant is in Employment, the Provider will continue to deliver services to help the Participant transition into Employment, providing necessary support to assist the Participant to maintain the Employment.</p> <p>If the Participant has worked, on average, their Employment Benchmark Hours for three weeks over the Four-week Period, the Provider may be eligible to claim a Four-week Outcome.</p> <p>The Provider can only claim the Four-week Outcome at the end of the Four-week Period.</p> <p>The Provider is not eligible to claim a Four-week Outcome where:</p> <ul style="list-style-type: none"> <li>• a Four-week Outcome has already been claimed for the Participant in that Employment Placement;</li> <li>• the Provider has already claimed four Four-week Outcomes for that Participant in a Period of Service;</li> <li>• the Participant has not worked their Employment Benchmark Hours for at least three weeks over the Four-week Period (as an average);</li> <li>• the Participant is self-employed;</li> <li>• the Participant is performing substantially the same duties with the same Employer for which the Provider has previously claimed a Four-week Outcome for the Participant; or</li> <li>• the Employment Placement is for any other Non-Payable Outcome (outlined in Annexure A of the Grant Agreement).</li> </ul> <p>If the requirements for a Four-week Outcome have been met, the Provider may claim a Four-week Outcome by completing the claim for payment in the Department’s IT Systems. Refer to <b>Step 7</b> for information on claiming the Outcome Fee.</p>
<p><b>5. The Provider</b></p> <p>Anchor the Employment Placement in the Department’s IT System</p> <p><i>Disability Employment Services Grant Agreement Clause References:</i></p> <ul style="list-style-type: none"> <li>• Clause 147</li> </ul>	<p>When a Participant has been placed into an Employment activity, the Provider may select a date (Anchor Date) to trigger a Participant’s progress towards achieving a Full or Pathway Outcome at any time after commencement in the activity.</p> <p>An Employment Placement is Anchored by moving a Participant into the Post Placement Support phase of DES, which sets the Anchor Date. The Provider can set the Anchor</p>

<b>Who is Responsible:</b>	<b>What is Required:</b>
<ul style="list-style-type: none"> <li>Annexure A – Definitions</li> </ul>	<p>Date while the Participant is working towards a Four-week Outcome without interrupting the Four-week Period.</p> <p>The Provider should select the ‘Employment’ anchor type. The date that the Provider moves a Participant into Post Placement Support on the Department’s IT System is the start date (Anchor Date) of the 13-week and 26-week Period.</p> <p>The Anchor Date may be the same date as the Employment Placement Start Date or any date thereafter, once the Provider has determined that the Participant is likely to meet the requirements of a 52-week Outcome. This would include where a Participant undertakes Employment, Unsubsidised Self-Employment, an Apprenticeship or Traineeship which would:</p> <ul style="list-style-type: none"> <li>generate sufficient income to cause their basic rate of Income Support Payment to cease; or</li> <li>result in the Participant working the required number of hours, on average, each week over the 13-week Period, 26-week Period and 52-week Period to meet the requirements for an Outcome.</li> </ul> <p>The Anchor Date for an Employment activity can be reset (re-anchored) at any time during the 26-week Period. For example, if the Provider sets the Anchor Date for an Employment activity while a Participant was tracking towards a Pathway Outcome, and the Participant’s hours of work increased, the Provider could re-anchor the Employment Placement in order to achieve a Full Outcome. An Employment Placement can be re-anchored by returning the Participant to Employment Assistance, then returning the Participant to Post Placement Support. A Participant can only generate one 13-week Outcome during their Period of Service. If the Provider re-anchors the placement after the 13-week Outcome has been achieved, the Provider cannot claim another 13-week Outcome.</p> <p>Where a Participant is employed in more than one job, the Employment Placement should only be anchored once the combined total of hours worked is likely to lead to an Employment Outcome.</p> <p><b>Note:</b></p> <ul style="list-style-type: none"> <li>Where the Participant’s Anchor Date was prior to 1 July 2018, the Provider cannot claim a 52-week Outcome.</li> </ul>

Who is Responsible:	What is Required:
	<ul style="list-style-type: none"> <li>• When anchoring the Participant, the Anchor Date <b>must not</b> be earlier than the Employment Placement Start Date, or the 13-week Outcome, 26-week Outcome and the 52-week Outcome Fee cannot be claimed.</li> <li>• Anchor Dates cannot be backdated.</li> <li>• The 13-week Period starts on the Anchor Date and ceases when the Participant achieves a 13-week Outcome.</li> <li>• The 26-week Period starts on the Anchor Date and ceases when the Participant achieves a 26-week outcome.</li> <li>• The 52-week Period starts on the day after the 26-week Period and ceases when the Participant achieves a 52-week outcome.</li> </ul>
<p><b>6. The Provider</b></p> <p>Provide Post Placement Support to the Participant as required during the 13-week Period, 26-week Period or 52-week Period (if applicable)</p> <p><i>Grant Agreement Clause Reference:</i></p> <ul style="list-style-type: none"> <li>• Clause 95.3</li> </ul>	<p>During the 13-week Period or 26-week Period, DES Providers must continue to offer appropriate Post Placement Support services to the Participant. This would include supporting the Participant to settle into the Placement, and addressing any issues that may arise.</p> <p>When a Participant is placed into a job, the types of assistance that a DES provider may deliver during Post Placement Support include:</p> <ul style="list-style-type: none"> <li>• assistance with job design, or assistance to adjust to duties or learn new skills;</li> <li>• organising workplace assessments and modifications, including through liaison with the JobAccess provider;</li> <li>• providing assistance and information for Employers and staff to support Participants in the workplace;</li> <li>• continuing to support the Participant and the Employer throughout any wage subsidy placement as outlined in the DES Wage Subsidy Guidelines, and the Wage Subsidy Agreement, as applicable.;</li> <li>• where appropriate, considering eligibility for the Supported Wage System; or</li> <li>• arranging access to Work Based Personal Assistance, where appropriate.</li> </ul> <p>Providers must also deliver Post Placement Support to the Participant during the 52-week Period, if the Participant is not in Ongoing Support. Please refer to <b>Step 10</b> for more information about the 52-week Period.</p>

Who is Responsible:	What is Required:
	<p>Where the Participant’s Anchor Date is prior to 1 July 2018, the Participant is not eligible to receive Post Placement Support after achieving the 26-week Outcome. These Participants must enter Ongoing Support or Exit the program after the 26-week Outcome.</p> <p>If the Participant achieves a 13-week Outcome, refer to <b>Step 7</b> and <b>Step 9</b>. If the Participant does not achieve a 13-week Outcome, refer to <b>Step 8</b>.</p>
<p><b>7. The Provider</b></p> <p>Claim Outcome Fees for Employment activities</p> <p><i>Disability Employment Services Grant Agreement</i></p> <p><i>Clause References:</i></p> <ul style="list-style-type: none"> <li>• Subclause 18.6</li> <li>• Subclause 18.7</li> <li>• Clause 147</li> <li>• Definition of ‘Full Outcome’</li> <li>• Definition of ‘Pathway Outcome’</li> <li>• Definition of ‘Bonus’</li> </ul>	<p>When a Participant is placed into an Employment activity, the Participant must be paid at least the minimum wage to which the Participant is entitled in respect of that Employment, unless there is a Supported Wage System wage assessment agreement in place, as set out in the Supporting Document for Outcomes.</p> <p><b>When an Outcome is achieved based on reduction in Income Support Payment (13-week, 26-week and 52-week Employment Outcomes)</b></p> <p>DES providers may use the <i>Job Seeker Rate Reduction Result (JRRR)</i> and <i>Job Seeker Employment Hours Result (JEHR)</i> tools to monitor a Participant’s earnings progress and hours worked as declared to Centrelink. These tools will be automatically run from when the Participant starts in the Employment activity that, if completed, satisfies the requirements for a 13-week Outcome, 26-week Outcome and 52-week Outcome. The JRRR or JEHR cannot be used to support a claim for the Four-week Outcome.</p> <p>Further, where a DES Provider holds Documentary Evidence that a Participant is working a different number of hours or earning a different amount through his or her Employment activity than is being declared to Centrelink, the Provider must enter the relevant hours and earnings information into the Department’s IT System within five working days. This information will then be sent to Centrelink automatically through the Department’s IT System.</p> <p><b>Where an Outcome is achieved based on hours worked relative to a Participant’s Employment Benchmark</b></p> <p>Where a DES Provider is claiming an Outcome Fee based on hours worked over a Four-week Period, 13-week Period, 26-week Period or 52-week Period, and where the Provider chooses not to use the JRRR or JEHR, the Provider must enter the required information into Department’s IT System and</p>

Who is Responsible:	What is Required:
	<p>upload the appropriate Documentary Evidence for the claim, as set out in the <i>Documentary Evidence for Claims for Payment Guidelines</i>.</p> <p>Although a Participant may have worked during an Outcome period, the Participant must also have remained employed for the entirety of that Outcome period. For example, if a Participant with an Employment Benchmark of 15 hours worked 195 hours in 10 Consecutive Weeks from the Anchor Date but lost their Employment before the completion of the 13-week Period, an Outcome would not be payable.</p> <p>Refer to <a href="#">Attachment B</a> for advice on claiming a Bonus.  Refer to <a href="#">Attachment C</a> for advice on Permissible Breaks.  Refer to <a href="#">Attachment D</a> on Voluntary Change in Employment.</p> <p><b>Claiming an Outcome with Pre-Existing Employment</b>  For Outcome claims for a Participant who was commenced in DES while in Pre-Existing Employment, refer to <a href="#">Attachment A</a>.</p> <p><b>Claiming an Outcome based on Unsubsidised Self-Employment</b>  Unsubsidised Self-Employment means self-employment where a Participant does not receive a personal income subsidy of any kind. Income Support Payments are not considered a personal income subsidy. Personal income subsidies are income paid by government or the private sector that off-sets expenses or supplements income that can be directly attributed to the participant’s self-employment.</p> <p>Providers cannot claim a Four-Week Outcome for Unsubsidised Self-Employment.</p> <p>DES Providers can claim an Outcome based on Unsubsidised Self-Employment for NEIS Participants, where all requirements for an Outcome are met. NEIS Assistance is not considered a personal income subsidy. For the avoidance of doubt, NEIS Allowance must not be included in any calculations of income earned for a self-employment placement, as it relates to an Outcome.</p> <p>Where a Participant who is in Unsubsidised Self-Employment earns enough income to cause the Participant’s Basic Rate of Income Support to cease, and all other requirements of a Full Outcome are met, a Full Outcome Fee may be claimed.</p>

Who is Responsible:	What is Required:
	<p>Where an Outcome Fee is being claimed on the basis of hours worked, the Participant must work the required number of hours relative to their Employment Benchmark, on average, each week of the 13-week Period , the 26-week Period and the 52-week period for the relevant Outcome Fee to be payable. A Participant in Unsubsidised Self-Employment may be in receipt of some Centrelink Income Support during an outcome period, and still meet the requirements of an Outcome Fee based on self-employment, provided that all other requirements for the Fee have been met (for example, that the self-employment is not subsidised, and that the wage the Participant is entitled to has been achieved).</p> <p><b>Claiming an Outcome where the Participant receives commission</b></p> <p>An Outcome Fee may be claimed where a DES provider places a Participant into an Employment activity where a commission is paid in addition to the minimum ordinary terms and conditions of employment made under the relevant workplace laws. However, if the Employment activity pays commission as either part of, or as the entire remuneration, an Outcome Fee cannot be claimed.</p> <p><b>Claiming an Outcome where the Participant has transferred DES providers during an Outcome period</b></p> <p>Where a Participant transfers while progressing towards an Outcome Fee, the Outcome Fee is only available to the Provider with whom the Participant is Commenced at the time the Outcome Fee becomes claimable. The Provider must have Documentary Evidence that demonstrates they assisted the Participant to maintain the Employment activity, Education activity or combination Education/Employment activity.</p> <p><b>Note:</b> Only one Outcome Fee for a 13-week Period can be claimed by a DES provider per Participant during a Period of Service. Any subsequent claim for an Outcome Fee for a 13-week Period will be generated in the amount of \$0.00 by the Department’s IT System. DES providers are still eligible to claim an Outcome Fee for a 13-week Period if a Participant’s previous DES provider claimed an Outcome Fee for a 13-week Period in the same Period of Service.</p> <p>Providers that claim a 13-week Pathway Outcome for an Education activity are still eligible to claim a 13-week Pathway Outcome for an Employment activity for that Participant,</p>

Who is Responsible:	What is Required:
	<p>under clause (d) of the definition of a Pathway Outcome. Once a 13-week Pathway Outcome for an education activity has been achieved, the Provider can follow the process for claiming a 13-week Employment Outcome. Refer to Attachment A – Employment Benchmarks- for further information on this type of 13-week Pathway Employment Outcome.</p> <p>Refer to <b>Step 9</b> for further information on claiming an Outcome Fee. If the Participant does not achieve a 26-week or 52-week Outcome, refer to <b>Step 8</b>.</p>
<p><b>8. The Provider</b></p> <p>End the Outcome period</p>	<p>If the Participant does not meet the requirements of an Outcome while working toward a 13-week Outcome or a 26-week Outcome (for example, the Participant is no longer working the required number of hours), the Provider must return the Participant to the Employment Assistance phase of DES, using an appropriate Anchor End reason.</p> <p>If the Participant does not meet the requirements of an Outcome during the 52-week Period, the Provider must Exit the Participant.</p> <p><b>Note:</b> If a Participant loses their Employment and the Provider believes there is any prospect of securing alternative Employment for the Participant within 28 Calendar Days, the Participant should remain in the Post Placement Support or Ongoing Support phase of DES. The Provider should extend the claim period by entering the number of days of 'Permissible Break'. If alternative Employment for the Participant was not able to be found within 28 Calendar Days, the Provider should:</p> <ul style="list-style-type: none"> <li>• return the Participant to the Employment Assistance phase using the 'Permissible Break' Anchor End Reason (if the Participant is working toward a 26-week Outcome),</li> <li>• Exit the Participant (if the Participant has achieved a 26-week Outcome and is working towards a 52-week Outcome)</li> </ul>
<p><b>9. The Department</b></p> <p>Payment is automatically transferred to the Provider through the Department's IT System</p>	<p>The Provider must render a Tax Invoice for the Outcome Fee to the Department within 56 days of the payment being available at the end of the Outcome period. Payment will then be transferred to the Provider through the Department's IT System on acceptance of the Tax Invoice.</p> <p>The Department monitors the appropriateness of claims for Outcomes Fees through normal DES program assurance</p>

<b>Who is Responsible:</b>	<b>What is Required:</b>
<p><i>Grant Agreement Clause Reference:</i></p> <ul style="list-style-type: none"> <li>• Subclause 143.1</li> </ul>	<p>activities including desktop monitoring, provider visits and audits and Participant feedback.</p> <p><b>Submitting a special claim</b> If the Department’s IT Systems does not make available a claim that the Provider believes satisfies the requirements of an Outcome, the Provider is able to submit a special claim or an Automated Special Claim. The Automated Special Claim process can also be used to downgrade an Outcome, e.g. the Department’s IT Systems have calculated a Full Outcome however the Provider believes that only a Pathway Outcome can be justified.</p> <p>Automated Special Claims cannot be used for:</p> <ul style="list-style-type: none"> <li>• Outcomes claims outside of the 56 day claim period;</li> <li>• Outcome claims for Participants transferred to a different DES provider;</li> <li>• Full Outcomes based a combination of Education and Employment activity; and</li> <li>• Education Outcomes</li> </ul> <p>The Department will monitor the use of Automated Special Claims. If a DES provider uses the facility in a manner that is assessed by the Department as high risk or fraudulent, their access to the process may be removed.</p> <ul style="list-style-type: none"> <li>• If the Participant achieves a 26-week Outcome, refer to <b>Step 10 and 11.</b></li> </ul>
<p><b>10. The Department</b></p> <p>The day after the 26-Week Period concludes the 52-Week Period commences</p> <p><i>Disability Employment Services Grant Agreement Clause References:</i></p> <ul style="list-style-type: none"> <li>• Definition of ‘26-week Period’</li> <li>• Definition of ‘52-week Period’</li> </ul>	<p>The day after the 26-week Period concludes, the 52-week Period will commence. The Department’s IT Systems will automatically record the Participant’s details on this day for use in determining eligibility for an Outcome Fee at the end of the 52-week Period.</p> <p>DES providers are not required to enter any of this information into the Department’s IT System.</p> <p>Participants with an Anchor Date prior to 1 July 2018 will not start the 52-week Period. These Participants will Exit the Program or enter Ongoing Support, if required.</p>
<p><b>11. The Provider</b></p>	<p>Once a Participant has achieved an Outcome Fee for a 26-week Period, the Provider must make an assessment of</p>

<b>Who is Responsible:</b>	<b>What is Required:</b>
<p>Move Participant to Ongoing Support phase or continue in Post Placement Support</p> <p><i>Disability Employment Services Grant Agreement Clause Reference:</i></p> <ul style="list-style-type: none"> <li>• Clause 121</li> </ul> <p><i>For further information on Ongoing Support requirements please refer to the:</i></p> <ul style="list-style-type: none"> <li>• Ongoing Support Guidelines</li> </ul>	<p>whether or not the Participant requires any Ongoing Support to maintain their Employment activity, in accordance with the Ongoing Support Guidelines.</p> <p>If the Participant requires Ongoing Support, the Participant should be moved to the Ongoing Support phase of DES after the 26-week Outcome. If no Ongoing Support is required, the Participant will stay in Post Placement Support while they work toward the 52-Week Outcome, except if they were anchored prior to 1 July 2018, in which case they must be Exited.</p> <p>Providers can move a Participant from Post Placement Support to Ongoing Support at any point in the 52-week Period.</p> <ul style="list-style-type: none"> <li>• If the Participant enters Ongoing Support refer to <b>Step 12.</b></li> <li>• If the Participant continues in Post Placement Support refer to <b>Step 13.</b></li> <li>• If Participant’s Anchor Date is prior to 1 July 2018, <b>Proceed to Step 13.</b></li> </ul>
<p><b>12. The Provider</b></p> <p>Continue delivering Ongoing Support</p> <p><i>Disability Employment Services Grant Agreement Clause Reference:</i></p> <ul style="list-style-type: none"> <li>• Clause 121</li> </ul> <p><i>For further information on Ongoing Support requirements please refer to the:</i></p> <p>Ongoing Support Guidelines</p>	<p>The Provider will deliver Ongoing Support while the Participant works toward a 52-week Outcome.</p> <p>If the Participant no longer needs Ongoing Support during the 52-week Period, the Provider should move the Participant into Post Placement Support.</p> <p>If the Participant no longer needs Ongoing Support <i>after</i> the 52-week Period, they will Exit the program in accordance to the Ongoing Support Guidelines.</p> <p>When the Participant achieves a 52-week Outcome while in Ongoing Support, the Participant will continue in DES and the Provider will continue to deliver the appropriate level of Ongoing Support.</p> <p>A Participant that does not meet the requirements for a 52-week Outcome, but maintains their Ongoing Support eligibility will stay in Ongoing Support and should not be Exited from the program.</p> <ul style="list-style-type: none"> <li>• <b>End of process.</b></li> </ul>

<b>Who is Responsible:</b>	<b>What is Required:</b>
<p><b>13. The Provider</b></p> <p>Exit the Participant as an Independent Worker</p> <p><i>Disability Employment Services Grant Agreement Clause Reference:</i></p> <ul style="list-style-type: none"> <li>• Clause 128</li> </ul>	<p>Where a Participant is in Post Placement Support and achieves a 52-Week Outcome, the Participant will automatically Exit the program as an Independent Worker. If the Participant’s Anchor Date was prior to 1 July 2018, and Ongoing Support is not required, the Participant should be Exited as an Independent Worker with the reasons entered into the Department’s IT Systems.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• A Participant cannot be Exited while there is an Outcome Fee claim with a ‘pending’ status. The Exit will be able to be actioned once the claim has a status of ‘approved’.</li> <li>• <b>End of process.</b></li> </ul>

## Education Outcomes Statement of Intent

DES providers are expected to deliver an individualised service that considers each participant’s abilities and career aspirations as well as the barriers they need to overcome. When developing a participant’s Job Plan, DES providers must consider the participant’s needs, including by placing a participant into a qualifying education course only where the course supports that participant’s longer-term employment prospects and has a direct link with employment opportunities in the local labour market.

DES providers must take into account the broader employment market for future placements, as well as other factors that may limit the participant’s employment within a field such as criminal record, language and technical literacy. For example, providers must complete a criminal history check before referring a participant to undertake qualifications to work with vulnerable people (aged care or child care); and should confirm participants have the necessary technical and English literacy to complete an online course independently before enrolling them in such a course.

Where a participant is being placed into an education course that will satisfy the requirements of a Full Education Outcome, the participant has the right to refuse entry into the course if it does not align with their career goals or aspirations. Please note, participants can only attract one Full Education outcome during their life as a DES participant. Once a qualification is achieved at a Certificate III level or higher (i.e. Year 12 equivalent), the participant will not qualify for a further Full Education Outcome.

### Education Outcome Fees:

Who is Responsible	What is Required
<p><b>1. The Provider</b></p> <p>The Provider enters the Education activity.</p>	<p>If the Participant commences in an Education activity that, if completed, meets the requirements for a 13-week Outcome and/or a 26-week Outcome:</p> <ul style="list-style-type: none"> <li>the Provider must enter the Education activity details into the Department’s IT System. The details can be entered at any time until 56 days after commencement in the Education activity.</li> </ul> <p>If the Participant commences in an Education activity and an Employment activity (combination of Education and Employment), that if completed meets the requirements for an Outcome, both activities must be entered in the Department’s IT Systems.</p>
<p><b>2. The Provider</b></p> <p>Anchor the Education Placement or combined Employment/Education Placement in the Department’s IT System</p>	<p>When a Participant has been placed into an Education activity, the Provider must anchor the Education Placement by moving the Participant into Post Placement Support in the Department’s IT System within 56 days of the start date of the Education activity. The start date of the Education Placement is the Anchor Date. An Education Placement cannot be re-anchored.</p>

*Disability Employment  
Services Grant Agreement  
Clause References:*

- Clause 147
- Annexure A –  
Definitions

Where a Participant is undertaking an Outcome based on a combination of Education and Employment (in accordance with clauses (c) (ii), (f) or (h) of the definition of a Full Outcome in the DES Grant Agreement), the Anchor Date for the 13-week Period is the Anchor Date of the Education component. The Provider must move the Participant to Post Placement Support to anchor the Placement within 56 days of the start of the Education activity.

The Provider should select the appropriate anchor type, depending on whether the Participant is working towards an Education Outcome or an Outcome based on a combination of Education and Employment. An Outcome based on a combination of Education and Employment cannot be re-anchored.

**Note:** Before setting the Anchor Date for a DES Participant, the Provider must check that the Employment and/or Education activities undertaken by the Participant is not a Non-Payable Outcome as set out in Annexure A of the Grant Agreement. See Attachment E for more detail on Non-Payable Outcomes.

**Note:** For an Outcome based on a combination of Education and Employment, the Anchor Date **must not** be earlier than the Employment Placement Start Date, or an Outcome Fee will not be able to be claimed.

**Change in Circumstances of a Principal Carer during the 13-week Period or 26-week Period**

If due to unforeseen circumstances the Participant loses their Principal Carer status during the 13-week Period and the 26-week Period, the Participant can still be eligible for Outcomes under clause (e), (f), (g) or (h) of the definition of a Full Outcome. The requirements that were applicable to the Participant at the start of the relevant 13 and 26-week Period must be met.

If the status of a Principal Carer changes due to the Participant's youngest child turning 16 while working toward a 13 or 26-week Outcome, a DES Provider can still claim the Outcome Fee. The requirements that were relevant to the Participant at the time of the start of the relevant period must be met.

	<p>If the Participant’s status as a Principal Carer changed during the 13-week Period, the 26-week Full Outcome under clause (e), (f), (g) or (h) is not available to be claimed by the Provider.</p>
<p><b>3. The Provider</b></p> <p>Provide Post Placement Support to the Participant as required during the 13-Week Period or 26-Week Period</p>	<p>The Provider must deliver Post Placement Support during the 13-week Period or 26-week Period, as appropriate. Supports must assist the Participant to undertake their Education activity or combination of Education and Employment.</p> <ul style="list-style-type: none"> <li>• If the Participant achieves a 13-week Education Outcome, refer to <b>Step 4</b>.</li> <li>• If the Participant does not achieve a 13-week Education Outcome, refer to <b>Step 5</b>.</li> </ul>
<p><b>4. The Provider</b></p> <p>Claim Outcome Fees for Education activities</p> <p><i>Disability Employment Services Grant Agreement Clause References:</i></p> <ul style="list-style-type: none"> <li>• Subclause 18.6</li> <li>• Subclause 18.7</li> <li>• Clause 147</li> <li>• Definition of ‘Full Outcome’</li> <li>• Definition of ‘Pathway Outcome’</li> <li>• Definition of ‘Bonus’</li> <li>• Definition of ‘Qualifying Education Course’</li> </ul>	<p>All Education Outcome that fall due after 1 July 2018 must meet the following criteria for payment, except for 26-week Education Outcome where the associated 13-week Education Outcome fell prior to 1 July 2018 (criteria under the DES Deed applies).</p> <p><b>Where an Outcome is achieved based on a Qualifying Education Course</b></p> <p>To be eligible for an Outcome Fee for an Education activity, the course must meet all the requirements of a Qualifying Education Course in the Grant Agreement, unless the Participant meets the requirements for an Outcome in accordance with clauses (c) (ii), (f) and (h) of the definition of a Full Outcome. DES providers must obtain and upload the appropriate Documentary Evidence that the Participant passed the Education activity. This includes a statement of attainment and/or a written statement issued by the training institution confirming a Participant is successfully continuing to pass their course requirements. All DES Participants are required to pass course requirements in order to attract funding for the DES Provider (at least up until the claim for the Outcome Fee becomes available). Please refer to the Documentary Evidence for Claims for Payment Guidelines for a list of all required Documentary Evidence.</p> <p>A Semester of a Qualifying Education Course must be at least 13 weeks and normally no more than 26 weeks of Full-Time Study. Where a training institution does not define course Semesters, the course must be of at least 26 weeks duration of Full-Time Study. Semester dates will still need to be entered into the Department’s IT Systems. Semester 1 start and end dates must be the start date of the course and at least 13 weeks after the start of the course. Semester 2 must</p>

	<p>have an end date at least 26 weeks after the start of the course and must be at least 13 weeks in duration.</p> <p>A course is considered full-time study if it represents a standard student load for the equivalent of a full-time student for the purposes of the Higher Education Loan Programme (paragraph (a) of the definition of Full-Time Study in the DES Grant Agreement) or if it is a course that includes at least 15 class contact hours per week (paragraph (b) of the definition).</p> <p>A course is also considered full-time study if the relevant training institution determines that it is a full-time course <b>and</b> the course meets the requirements of any Guidelines (paragraph (c) of the definition of Full-Time Study in the DES Grant Agreement). The requirements of these Guidelines for such purposes include that the course must require the DES Participant to attend at least 15 hours per week comprising:</p> <ul style="list-style-type: none"> <li>• for courses delivered face to face, time attending lectures, tutorials or other formal course activities that are part of course requirements; and</li> <li>• for distance education or online courses, time spent attending online lectures and tutorials or completing online quizzes that are part of course requirements, even if these are not described as ‘class contact hours’ by the training institution.</li> </ul> <p>For Full Outcomes, the Qualifying Education Course must be at least a Certificate III qualification. There is no minimum or maximum certificate or qualification level for a course to meet the requirements for a Pathway Outcome. The course may be related to any vocational or non-vocational field.</p> <p><b>Claiming a Full Outcome based on an Education activity.</b> Full Outcomes based on an Education activity are available for Participants that undertake a Certificate III qualification course (or higher) and are:</p> <ul style="list-style-type: none"> <li>• Principal Carers, for Education activities of 30 or more hours per fortnight;</li> <li>• Disability Support Pension Recipients with compulsory participation requirements; or</li> <li>• Participants who have not completed Year 12 or equivalent.</li> </ul> <p><b>Updating a Participant’s Education level attainment through the Job Seeker Classification Instrument (JSCI)</b></p>
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	<p>Where the level of educational attainment changes following the completion of an Education course, the Provider must re-run the JSCI to reflect the change in circumstances of the participant.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• Participants who have previously completed Year 12 and received some recognition of achievement by a State or Territory board but who have <i>not</i> been awarded a Year 12 certificate may also be eligible to claim a Full Outcome if they meet the Full Outcome requirements.</li> <li>• The Year 12 equivalent is a Certificate III qualification or higher, in accordance to the Australian Qualifications Framework.</li> <li>• Principal Carers can qualify for a Full Outcome by studying less than Full-Time (see ‘Claiming a Full Outcome based on a combination of an Education activity and Employment activity’, below).</li> <li>• Participants assigned to Funding Level 5 will generate an Education Outcome at the Level 4 rate for both Full and Pathway Outcomes.</li> </ul> <p>Full Outcomes are available at the completion of the first and second Semesters of the Qualifying Education Course (not at the end of 13 and 26 weeks of study). Where a training institution does not define course Semesters and the course is at least 26 weeks in duration, when undertaken at a Full-Time Study rate, the Provider can claim the 13-week Full Outcome after the participant has completed at least 13 weeks of the course. The 26-week Full Outcome can be claimed after the Participant has completed at least 26 weeks of the course.</p> <p><b>Claiming a Pathway Outcome based on an Education activity</b>  Pathway Outcomes based on an Education activity are available for Participants who complete at least one Semester of an Education Activity and do not meet the requirements for a Full Outcome. Refer to (b) of the definition of Pathway Outcome in the Grant Agreement for more information on Pathway Outcome eligibility for Education Activities. The Provider can claim a 13-week Pathway Outcome at the completion of the first Semester of a Qualifying Education Course. Where a training institution does not define course Semesters, the Provider may claim the 13-week Pathway Outcome after the participant has completed at least 13 weeks of the course. The course must still be of at least 26 weeks duration.</p>
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	<p>Claims for a 26 Week Pathway Outcome at the completion of the second Semester are precluded under subclause 143.3 of the Grant Agreement.</p> <ul style="list-style-type: none"> <li>• If the Participant meets the requirements for an Education Outcome, <b>proceed to Step 6.</b></li> </ul> <p><b>Claiming a Full Outcome based on a combination of an Education activity and Employment activity.</b></p> <p>The Provider may claim Full Outcomes Fees for a combination of Education and part-time Employment or Unsubsidised Self-Employment or an Apprenticeship or Traineeship for:</p> <ul style="list-style-type: none"> <li>• Principal Carers in receipt of a Parenting Payment, JobSeeker Payment, Youth Allowance (other) or Special Benefit, for Education and Employment activities anchored on or after 1 July 2018 (see (f) and (h) of the definition of Full Outcome in the Grant Agreement);</li> <li>• Participants who have not completed Year 12 (or equivalent); and</li> <li>• Disability Support Pension Recipients (Compulsory Requirements)</li> </ul> <p>where all Grant Agreement requirements for both the study and part-time Employment activity are met.</p> <p>The requirements for a Principal Carer include:</p> <ul style="list-style-type: none"> <li>• The Participant must work at least 20 hours per fortnight;</li> <li>• The Participant must complete one Semester of a course which meets the clause (a) and (b) of the definition of a Qualifying Education Course; and</li> <li>• The total amount spent by the Participant in paid Employment and study (contact and non-contact hours) is not less than 30 hours each fortnight.</li> </ul> <p>Where a training institution does not define course Semesters and the course is at least 26 weeks in duration, when undertaken at a Full-Time Study rate, the Provider can claim the 13-week Full Outcome after the participant has completed at least 13 weeks of the course. Semester dates will still need to be entered into the Department’s IT System. Semester 1 start and end dates must be the start date of the course and at least 13 weeks after the start of the course. Semester 2 must have an end date at least 26 weeks after the start of the course and must be at least 13 weeks in duration.</p> <p>The requirements for other eligible Participants other than Principal Carers include:</p>
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	<ul style="list-style-type: none"> <li>• The Education activity is on a part-time basis (as defined by the training institution).</li> <li>• The Participant must complete <ul style="list-style-type: none"> <li>○ one Semester of a single qualification course of two or more Semesters in duration, or</li> <li>○ where a training institution does not define course Semesters and the course is at least 26 weeks in duration, when undertaken at a Full-Time Study rate, the Provider can claim the 13-week Full Outcome after the participant has completed at least 13 weeks of the course.</li> </ul> </li> <li>• The part-time Employment must be for an average of 8, 10, 15 or 20 hours per week averaged over the Semester, for Participants with an Employment benchmark of 8, 15, 23 and 30 hours respectively.</li> </ul> <p>The Full Outcome Fee can only be claimed at the end of the Semester against the Education activity. The Anchor Date of the Education activity must always be the actual Semester Start Date and cannot be re-anchored. 52-week Outcomes are not available for Combination of Education and Employment Outcomes.</p> <ul style="list-style-type: none"> <li>• If the Participant meets the requirements for an Education Outcome, <b>proceed to Step 6.</b></li> </ul> <p><b>Claiming an Outcome where the Participant has transferred DES providers during an Outcome period</b></p> <p>Where a Participant transfers while progressing towards an Outcome Fee, the Outcome Fee is only available to the Provider with whom the Participant is commenced at the time the Outcome Fee becomes claimable. The Provider must have Documentary Evidence that demonstrates they assisted the Participant to maintain the Education activity or combination Education/Employment activity.</p> <p><b>Note:</b> Only one Outcome Fee for a 13-week Period can be claimed by a DES Provider per Participant during a Period of Service. Any subsequent claim for an Outcome Fee for a 13-week Period will be generated in the amount of \$0.00 by the Department’s IT System. Providers are still eligible to claim an Outcome Fee for a 13-week Period if a Participant’s previous DES Provider claimed an Outcome Fee for a 13-week Period in the same Period of Service.</p>
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	<p>Providers that claim a 13-week Pathway Outcome for an Education activity are still eligible to claim a 13-week Pathway Outcome for an Employment activity for that Participant.</p>
<p><b>5. The DES Provider</b></p> <p>End the Education Placement/Combination Education and Employment activity</p>	<p>If the Participant does not meet the requirements of an Outcome (e.g. withdraws from their Education activity), the DES Provider must return the Participant to the Employment Assistance phase of DES using an appropriate Anchor End reason.</p> <p>A Participant that achieves a 13-week Pathway Outcome for Education must also be returned to Employment Assistance.</p> <p>The DES Provider should continue to assist the Participant to find Employment if the Participant is:</p> <ul style="list-style-type: none"> <li>• Activity-Tested and is not meeting participation requirements or wants to look for Employment; or</li> <li>• Non-Activity Tested and wishes to look for Employment.</li> </ul>
<p><b>6. The Department</b></p> <p>Payment is automatically transferred to the Provider through the Department's IT System</p> <p><i>Grant Agreement Clause Reference:</i></p> <ul style="list-style-type: none"> <li>• Subclause 147.1</li> </ul>	<p>The Provider must render a Tax Invoice for the Outcome Fee to the Department within 56 days of the payment being available at the end of the Outcome period. Payment will then be transferred to the Provider through the Department's IT System on acceptance of the Tax Invoice.</p> <p>The Department monitors the appropriateness of claims for Outcomes Fees through normal DES program assurance activities including desktop monitoring, provider visits and audits and Participant feedback.</p>

## Attachment A – Employment Benchmarks Summary

Each Participant will have an Employment Benchmark identified on the Department’s IT Systems. The Employment Benchmark gives the number of hours that a Participant must work each week, on average, to achieve a Full Outcome. Employment Benchmarks are also relevant for Four-week Outcomes and Pathway Outcomes. Participants will have an Employment Benchmark of either 8, 15, 23 or 30 hours per week. The Employment Benchmark is generally based on a Participant’s capacity for work within two years with intervention as assessed through an Employment Services Assessment or Job Capacity Assessment. This is also known as a participant’s future work capacity.

Participant	Employment Benchmark
Future work capacity of 0-7 hours per week	0
Future work capacity of 8-14 or 8+ hours per week	8
Future work capacity of 15-22 hours per week	15
Future work capacity of 23-29 hours per week	23
Future work capacity of 30+ hours per week	30
Special Class Clients (Disability Management Service only)	8
Eligible School Leavers who are directly registered	8
Principal Carer Parents, or recipients of Parenting Payment without participation requirements	15
Carer Payment recipients who choose to work reduced hours due to caring responsibilities	15

### Four-week Outcomes based on hours worked

Fees for Four-week Outcomes will be payable where the participant works at least their Employment Benchmark Hours for three weeks over the Four-Week Period, on average.

For example, if the Participant has an Employment Benchmark of 8 hours, the Provider will be eligible to claim the Four-week Outcome Fee if the Participant works 24 hours over the Four-week Period.

### Full Outcomes and Pathway Outcomes based on hours worked (13, 26 and 52-week Outcomes)

Fees for Full Outcomes based on hours worked (see definition of ‘Full Outcome’ (b)) will be payable where the Participant works a minimum of their Employment Benchmark hours, on average, each week for over the 13, 26 and 52-week Periods.

Fees for Pathway Outcomes based on hours worked (see definition of ‘Pathway Outcome’ (a)) will be payable where a Participant works on average for the duration of the 13-week Period, the 26-week Period and the 52-week Period:

- at least 10 but less than 15 hours per week where the Participant has an Employment Benchmark of 15 hours;
- at least 15 but less than 23 hours per week where the Participant has an Employment Benchmark of 23 hours; or

- at least 20 but less than 30 hours per week where the Participant has a 30 hour Employment Benchmark.

A Full Outcome based on a combination of Employment and Education (see definition of 'Full Outcome' (c) (ii), (f) and (h)) will be payable where a Participant meets the requirements of the Education component, and works on average for the duration of the 13-week Period, 26-week Period:

- 8 hours per week where a Participant has an Employment benchmark of 8 hours;
- 10 hours per week where a Participant has an Employment benchmark of 15 hours;
- 15 hours per week where a Participant has an Employment benchmark of 23 hours;
- 20 hours per week where a Participant has an Employment benchmark of 30 hours;
- 20 hours per fortnight where a Participant is a Principal Carer.

### **Change in Employment Benchmark during a Period of Service**

A Participant's Employment Benchmark may change following an Employment Services Assessment or Job Capacity Assessment which assesses the Participant with a different work capacity, or if the Participant changes Income Support Payment.

The new Employment Benchmark will apply for any subsequent Employment Placements anchored into Post Placement Support.

If the Provider anchors an Employment Placement and the Employment Benchmark subsequently reduces, the Provider is eligible to claim an Outcome based on the lower Employment Benchmark. In these cases, the Outcome Fee will need to be processed as a special claim.

If a Participant has already been anchored in an Employment Placement and their Employment Benchmark subsequently increases, the Provider is eligible to claim Outcome Fees for both the 13-week Period, 26-week Period and the 52-week Period based on the Employment Benchmark that applied at the Anchor Date. The claim for Outcome Fee for the 13-week Period can be claimed normally; however the claim for the Outcome Fee for the 26-week Period will need to be processed as a special claim if the Employment Benchmark increased before the Outcome claim for the 13-week Period.

### **Employment Outcomes for Participants Commenced in DES while in Pre-Existing Employment**

A DES provider may be eligible to claim an Outcome Fee for Participants who were working in Pre-Existing Employment for fewer hours per week on average than their Employment Benchmark at the time of their Commencement, where the Participant's hours of Employment increase to meet the requirements of an Outcome. Please refer to **Attachment E** for more information.

<b>Participant's Employment Benchmark</b>	<b>Hours worked per week at Commencement</b>	<b>Potential eligibility for an Outcome Fee</b>
8	Less than 8	Full Outcome
15	Less than 10	Pathway Outcome or Full Outcome
15	10 to less than 15	Full Outcome
23	Less than 15	Pathway Outcome or Full Outcome
23	15 to less than 23	Full Outcome
30	Less than 20	Pathway Outcome or Full Outcome
30	20 to less than 30	Full Outcome

### **Employment Outcomes for Participants with an Employment Benchmark of 0**

Participants with a future work capacity of 0-7 hours per week will be assigned an Employment Benchmark of 0 by the Department's IT Systems. Generally, Participants with an assessed future work capacity of 0-7 hours per week must be Exited (see Exits Guidelines). Where a Participant with a future work capacity of 0-7 is not required to be Exited, Outcome Fees may be payable for Participants with an Employment Benchmark of 0 where the requirements of an Outcome Fee based on an 8 hour Employment Benchmark are met. To Claim an Outcome, the Provider must contact their Relationship Manager to update the Participant's benchmark to 8 hours on the Department's IT Systems.

### **Employment Outcomes for Participants with an Employment Benchmark showing as 'Not Determined'**

A small number of DES participants have their Employment Benchmark in Department's IT System appearing as 'Not Determined.' Outcome Fees will not automatically generate while a DES participant has an Employment Benchmark showing as 'Not Determined'. Until a system change is implemented, a manual fix is needed to restore the Participant's Employment Benchmark in order for DES providers to claim eligible fees. Please refer to the Outcomes Supporting Document for information regarding the manual fix.

### **Employment Outcomes for Participants that have previously achieved an Education Outcome**

Under the DES Grant Agreement, a Provider can only claim one 13, 26 and 52-week Outcome for the same Participant during a Period of Service. However, under clause (d) of the definition of a Pathway Outcome, if the Participant achieves a 13-week Pathway Outcome for an Education Activity, the Provider may subsequently claim an additional 13-week Pathway Employment Outcome, as long as the Participant works at least their Pathway Outcome hours over the 13-week Period. Where the Participant has an eight-hour Employment Benchmark, the Participant will need to work, on average, eight hours per week in order to generate an 13-week Employment Pathway Outcome.

## **Attachment B – Claiming a Bonus**

### **Summary**

A 'Bonus' is an additional Fee that is payable to the Provider if the Participant achieves a Full Outcome or a Pathway Outcome by undertaking either:

- (a) an Apprenticeship (including a Traineeship); or
- (b) paid Employment which is Directly Related Employment and the Provider has recorded any information required to be recorded on the Department's IT System, as specified in any Guidelines.

Directly Related Employment means Employment that is directly related to a field of study that the Participant has previously completed in a Qualifying Training Course.

A Bonus is payable in relation to the 13-week Outcome and the 26-week Outcome. The Provider can claim a Bonus for both Full and Pathway Outcomes. Providers cannot submit multiple Bonus payments for a Participant, and only one Bonus can be claimed during each of the 13-week Period and 26-week Period.

A Bonus is not available in relation to the Four-week Outcome and the 52-week Outcome.

## Claiming a Bonus for an Apprenticeship (including an Traineeship)

Who is Responsible:	What is Required:
<p><b>1. The Provider</b></p> <p>Create a Vacancy for an Apprenticeship or Traineeship</p>	<p>DES Provider places an Apprenticeship or Traineeship Vacancy in the Department's IT System.</p>
<p><b>2. The Provider</b></p> <p>Enter an Employment Placement Start Date and anchor the Apprenticeship</p>	<p>The Provider enters an Employment Placement Start Date and moves the Participant into Post Placement Support, which will set an Anchor Date for the Apprenticeship or Traineeship in the Department's IT System.</p> <p>This will flag a potential Outcome Fee with a Bonus.</p>
<p><b>3. Participant</b></p> <p>The Participant remains in an Apprenticeship and meets the requirements for a Full Outcome or Pathway Outcome</p>	<p>For a DES provider to be eligible for the Bonus the Participant must meet all the requirements for an Outcome.</p> <p>The Participant must remain in the Apprenticeship or Traineeship for the entire 13-week Period and/or the 26-week Period to be eligible for a Bonus Fee. Should the start date of a Participant's Apprenticeship or Traineeship be after the Anchor Date of the 13-week Period, no Bonus Fee would be payable on the Outcome Fee for the 13-week Period, however the Provider may claim a Bonus for the 26-week Outcome.</p>
<p><b>4. The Provider</b></p> <p>Claim an Outcome Fee with an Apprenticeship Bonus</p>	<p>Outcome Fees with a Bonus for undertaking an Apprenticeship or Traineeship are claimed by the Provider in exactly the same way as other Outcome Fees. The Provider will submit the Tax Invoice through the Department's IT System. Once the Outcome Fee has been claimed in the Department's IT System, the Bonus will be calculated and the Provider can then claim the Bonus Fee</p> <ul style="list-style-type: none"> <li>• <b>End of process.</b></li> </ul>

### **Claiming a Bonus for Directly Related Employment**

A Bonus may be paid for an Outcome that is Directly Related Employment. To be eligible for this type of Bonus, the Participant's Employment activity must be:

- preceded by a Qualifying Training Course; and
- Employment in a core field of study undertaken in the Qualifying Training Course directly related to the Employment activity.

The Employment activity must also meet all the requirements for an Outcome Fee and the training must meet the requirements of a Qualifying Training Course, as defined in the Grant Agreement.

### **Qualifying Training Course**

A Qualifying Training Course (QTC) must be:

- Certificate II level or above.
- Successfully completed so that the Participant receives the relevant qualification.

The training course:

- must commence before the Anchor Date for the Directly Related Employment; and
- may have commenced before the start of the Participant's current Period of Unemployment.

The training course must be completed:

- after the start of the Participant's current Period of Unemployment;
- not more than 12 months before the Anchor Date for any Directly Related Employment; and
- before or during the 13-week Period or 26-week Period relating to the Directly Related Employment.

### **Directly Related Employment**

To be eligible for the Bonus, the Employment activity must be in an occupation directly related to the field of study of the Qualifying Training Course. Generic modules within a Qualifying Training Course, such as general hygiene or safety modules, will not be considered for a Directly Related Employment Bonus.

Examples of this are a *Certificate III in Business Administration* which included the unit '*Deliver and Monitor Service to Customers*' leading to a position as a Call Centre Operator, or a *Certificate III in Investigative Services* which included the unit '*Store and protect information*' leading to a position as a Records Management Officer.

## Directly Related Employment:

Who is Responsible:	What is Required:
<p><b>1. The Provider</b></p> <p>The Participant commences in a Qualifying Training Course (QTC) and the Provider enters the details in the Employment IT System</p> <p><i>Disability Employment Services Grant Agreement Clause References:</i></p> <ul style="list-style-type: none"> <li>• Definition of 'Qualifying Education Course'</li> <li>• Definition of 'Qualifying Training Course'</li> </ul>	<p>Where a Participant has commenced a QTC, details of the activity must be entered into the Department's IT System. This allows the Department's IT System to check the dates, and a Bonus will be automatically available for eligible Outcomes.</p> <p>The Participant may have commenced in a QTC at any time prior to the Anchor Date of the Directly Related Employment, including courses that were commenced:</p> <ul style="list-style-type: none"> <li>• prior to 1 July 2018; or</li> <li>• before the current Period of Unemployment.</li> </ul> <p>A QTC must be completed:</p> <ul style="list-style-type: none"> <li>• no more than 12 months before the Anchor Date for the Directly Related Employment; and</li> <li>• before, or during, the 13-week Period or 26-week Period relating to the Directly Related Employment.</li> </ul> <p>If the course was commenced before the current Period of Unemployment the Provider must enter the details of the course into the Department's IT System immediately after the Participant Commences in DES.</p>
<p><b>2. The Department</b></p> <p>The Participant commences in an Employment activity that is related to the Qualifying Training Course</p>	<p>At the time when the Participant is placed in the Employment activity, the Department's IT System will perform a check to determine if the Participant has commenced or completed a QTC within all the required time frames. If the system detects an eligible QTC a potential Bonus flag will be created on the potential Outcome payments record. DES providers do not have to perform any further action at this time.</p>
<p><b>3. Participant</b></p> <p>The Participant completes the QTC before or during the 13-week Period, the 26-week Period, or the 52-week Period</p>	<p>The Participant must complete the QTC which results in the attainment of a qualification of not less than Certificate 2 level. Participation in the QTC is not sufficient to meet the requirements for a Bonus.</p>
<p><b>4. Participant</b></p> <p>The Participant meets all requirements for a Full Outcome or a Pathway</p>	<p>The Participant must continue in the Employment activity that is the Directly Related Employment and meet all the requirements of an Outcome.</p>

<b>Who is Responsible:</b>	<b>What is Required:</b>
Outcome in Directly Related Employment for the 13-week Period or 26-week Period	
<p><b>5. The Provider</b></p> <p>The Provider submits the Outcome Fee claim through the Department's IT System</p>	<p>Outcome Fees with a Directly Related Employment Bonus are claimed by DES provider in exactly the same way as other Outcome Fees. The Provider must declare that the QTC is directly related to the Employment.</p> <p>For auto claims, DES providers will submit the Tax Invoice for the Outcome Fee the Department's IT System. Once the Outcome Fee has been claimed in the Department's IT System, the Bonus will be calculated and the Provider can then claim the Bonus Fee.</p> <ul style="list-style-type: none"> <li>• <b>End of process.</b></li> </ul>

## Attachment C - Permissible Break in an Employment activity during a Outcome period

### Summary

The *Disability Employment Services Grant Agreement* requires that for an Employment Outcome to be payable, a Participant must remain in an Employment activity 'each week' or 'each fortnight' for the duration of the Four-week Period, 13-week Period, 26-week Period and the 52-week Period.

The Department recognises that some situations may arise that are beyond the control of the Participant or the Provider and that interfere with a person's capacity to continue in an Employment activity without a break. Accordingly, DES providers may claim an Outcome Fee for a Full Outcome or a Pathway Outcome where there is a break or breaks up to a **maximum of 4 weeks** (or 28 calendar days) for every 13 weeks of Post Placement Support or Ongoing Support.

Permissible breaks are not available for the Four-week Outcome. If the Participant is working toward a Four-week Outcome while in Post Placement Support (if the Anchor Date was set during the Four-week Period), and takes a Permissible Break:

- the Four-week Period will continue, and
- the 13-week Period will pause for the duration of the Permissible Break.

As such, it is possible for a Participant to not meet the requirements of a Four-week Period, but achieve a 13-week Outcome by working their required hours after a Permissible Break.

Outcome Fee claims incorporating a 13-week Period, the 26-week Period and/or the 52-week Period which includes one or more Permissible Breaks are available for both Full Outcomes and Pathway Outcomes. Principal Carer Parents are entitled to an additional Permissible Break of up to a maximum of eight weeks for an Employer initiated shutdown over the Christmas period, providing that the Participant will resume their Employment in the New Year.

It is up to the Provider to decide whether or not to enter a Permissible Break for some or all of a Participant's period of absence from the relevant Employment activity. If a Participant meets the requirements for an Outcome for a 13-week Period, 26-week Period and/or 52-week Period that includes the period the Participant was absent, the Provider does not need to enter the Permissible Break.

## **'Permissible Break' for Participants who lose their Employment**

### **Summary**

'Permissible Break' provisions recognise that extra time may be needed to successfully find alternative Employment for Participants with disability when they lose their Employment. DES providers have up to 28 Calendar Days in which to find and place a Participant into alternative Employment if a Participant loses their Employment during a 13-week Period, 26-week Period or the 52-week Period.

If the Participant loses their Employment over the Four-week Period, they will not be eligible for the Four-week Outcome. The Provider may start a new Four-week Period if a Permissible Break is taken during the 13, 26 or 52-week Outcome Period and the Participant commences in new Employment. Starting a new Four-week Outcome in these circumstances will not interrupt the 13, 26 or 52-week Outcome.

Providers can change the dates of a Permissible Break, if needed, prior to submitting a claim for payment.

Please note this policy does not apply to Participants who voluntarily leave their Employment Placement (refer to [Attachment D](#) - 'Voluntary Change in Employment' Suspensions for Participants who voluntarily change Employment during a 13-week Period or 26-week Period).

**Note: This should not be read as a stand-alone document, please refer to the Disability Employment Services Grant Agreement**

## Permissible Breaks

Who is Responsible:	What is Required:
<p><b>1. The Provider</b></p> <p>Participant begins Employment and the Anchor Date is entered by the Provider in the Department's IT Systems</p>	<p>The Participant enters into an Employment Placement that meets the requirements of an Outcome. When the Provider moves the Participant into Post Placement Support an Anchor Date is created in the Department's IT System. The Anchor date is the start of the 13-week Period.</p>
<p><b>2. The Provider</b></p> <p>Participant loses their Employment during the 13-week Period, 26-week Period or 52-week Period</p>	<p>A break of up to 28 Calendar Days is allowed where a Participant loses their Employment Placement, for every 13 weeks of Post Placement Support and Ongoing Support.</p> <p>If during this break the Participant commences a new Employment Placement, the relevant 13-week Period, 26-week Period or 52-week Period can continue.</p> <p>This type of break may be used for the loss of more than one Employment Placement during the 13-week Period or 26-week Period or 52-week Period, providing the total period of unemployment is not more than 28 Calendar Days in each of the 13-week Period or every 13 weeks of the 26-week Period or 52-week Period.</p> <p>For example, if the full 28 Calendar Days are used during the 13-week Period, this will extend the 13-week Period from 13 weeks up to 17 weeks for an Outcome claim. Up to a further 28 Calendar Days would also be available for that Participant between the 13-week Outcome and the 26-week Outcome, which would extend the 26-week Period from 26 weeks to 30 weeks.</p> <p>If, however, the Participant only uses 14 Calendar Days in the 13-week Period, this will extend the 13-week Period from 13 to 15 weeks for an Outcome claim. If the Participant again loses their job between the 13-week Outcome and the 26-week Outcome, the Provider may enter up to another 28 Calendar Days of a Permissible Break.</p> <p>The 13 weeks of Employment will comprise the time the Participant was employed in the first job and the required time to make a total of 13 weeks from the second job or subsequent jobs.</p> <p>On loss of the Participant's job:</p>

<b>Who is Responsible:</b>	<b>What is Required:</b>
	<ul style="list-style-type: none"> <li>• If the Provider believes there is any prospect of securing alternative Employment for the Participant within the ‘Permissible Break’ limit, <b>proceed to Step 3.</b></li> <li>• Should the Provider believe that the Participant has no prospect of obtaining alternative Employment within the ‘Permissible Break’ limit, the Provider should return the Participant to Employment Assistance, <b>proceed to Step 6.</b></li> </ul>
<p><b>3. The Provider</b></p> <p>The 28 Calendar Day period to find a new Employment Placement begins the first Calendar Day directly following the last day of the Participant’s Employment</p>	<p>The 28 Calendar Day period in which to find another Employment Placement will begin on the first Business Day directly following the day the previous Employment Placement ends and will conclude 27 Calendar Days later unless a new Employment Placement is entered into the Department’s IT System prior to that day.</p> <p>Where the Participant commences a new Employment Placement within the 28 Calendar Days, any remaining days are available to be used if the second Employment Placement ends due to redundancy or other reason beyond the Participant’s control during the 13-week window.</p>
<p><b>4. The Provider</b></p> <p>The Provider works with the Participant to secure a subsequent Employment Placement within the 28 Calendar Day time period</p>	<p>DES providers should work with potential Employers and the Participant to source and secure a Vacancy and place the Participant into that Vacancy in accordance with Outcome Guidelines and reference materials.</p> <p>If a Participant has ceased Income Support Payment and goes back onto Income Support Payment in the period(s) between Employment Placements this will not impact on a DES provider’s eligibility to claim an Outcome if all the requirements of Disability Employment Services Grant Agreement have been met.</p>
<p><b>5. The Provider</b></p> <p>The Provider must enter all subsequent Employment Placements into the Department’s IT System</p>	<p>It is important that DES providers enter the details of all subsequent Employment Placements into the Department’s IT System and retain Documentary Evidence as verification.</p> <ul style="list-style-type: none"> <li>• <b>Proceed to Step 7</b></li> </ul>
<p><b>6. The Provider</b></p>	<p>During the 13-week Period and the 26-week Period, if there is no prospect of alternative Employment being found on loss of</p>

<b>Who is Responsible:</b>	<b>What is Required:</b>
<p>The Provider returns the Participant to the Employment Assistance phase of DES</p>	<p>job, or if the Provider is unable to obtain alternative Employment for the Participant within the 28 Calendar Day timeframe, the Provider will need to move the Participant back into Employment Assistance.</p> <ul style="list-style-type: none"> <li>• If there is no prospect of alternative Employment at the time of job loss, the Provider would select the 'Ceased Employment' Anchor End reason. This will return the Participant to the Employment Assistance phase of DES. <b>End of process.</b></li> <li>• If the Provider believed there was some prospect of finding alternative Employment at the time of job loss, but was unable to obtain alternative Employment for the Participant within the 28 Calendar Day window, the Provider should select the 'Permissible Break' Anchor End reason. This Anchor End reason allows the Provider to backdate the start date of the return to the Employment Assistance phase by the number of days of 'Permissible Break' entered (up to 28 Calendar days). Backdating the Employment Assistance start date allows the Provider to be paid Service Fees for the period of 'Permissible Break', in acknowledgement of the work undertaken during the break to find alternative Employment for the Participant. <b>End of process.</b></li> </ul> <p>If the Participant loses their Employment during the 52-week Period, and there is no prospect of alternative Employment, the Provider should Exit the Participant.</p>
<p><b>7. The Provider</b></p> <p>Participant remains in the Employment activity for the full 13-week Period or 26-week Period</p>	<p>In order to claim an Outcome Fee for the 13-week Period, the 26-week Period and the 52-week Period, the Participant must remain in the Employment activity for the duration of the Outcome Period from the Anchor Date.</p> <p>The number of Calendar Days before the second job starts are not included in the calculation.</p>
<p><b>8. The Provider</b></p> <p>The Provider submits an Outcome Fee claim</p>	<p>When submitting a claim, wages and hours worked evidence will be required for all jobs. Outcomes must meet all requirements for Outcomes contained in Disability Employment Services Grant Agreement.</p> <p>Note that where the JRRR is used to make a claim, claims must be submitted as a special claim through the Overrides</p>

<b>Who is Responsible:</b>	<b>What is Required:</b>
	<p>and Special Claims application in the Department's IT System for a Relationship Manager to process. Other Outcome Fee claims involving a Permissible Break will be made available in the Department's IT System without the need to make a special claim.</p> <ul style="list-style-type: none"> <li>• <b>End of process.</b></li> </ul>

## **Attachment D – 'Voluntary Change in Employment'**

### **Summary**

'Voluntary Change in Employment' breaks are available in recognition that Participants and their DES providers should not be penalised for finding alternative Employment during Post Placement Support (except for Job in Jeopardy participants) and/or during Ongoing Support.

Under this policy, where a Participant voluntarily changes their Employment during a 13-week Period, 26-week Period or a 52-week Period, there can be a break of up to 7 Calendar Days between Employment Placements without the Provider having to re-anchor the Outcome.

## Voluntary Change in Employment:

<b>Who is Responsible:</b>	<b>What is Required:</b>
<p><b>1. The Provider</b></p> <p>Participant begins Employment and the Anchor Date is entered in the Department's IT System</p>	<p>The Provider places the Participant into an Employment activity that, if completed, meets the requirements of an Outcome. The Provider enters an Employment Placement Start Date and Anchor Date into the Department's IT System, which will commence the 13 and 26-week Periods.</p>
<p><b>2. The Provider</b></p> <p>DES provider enters a 'Voluntary Change in Employment' suspension where a Participant voluntarily changes their Employment</p>	<p>A DES provider can enter a 'Voluntary Change in Employment' Suspension of up to 7 Calendar Days where a Participant voluntarily changes their Employment activity.</p> <p>The Suspension will 'halt' the counting of 13 Consecutive Weeks or 26 Consecutive Weeks in the Department's IT System, and the number of days of the Suspension will not count towards the 13-week Period or 26-week Period or 52-week Period. The 13 Consecutive Weeks of Employment will comprise the time the Participant was employed in the first job, and the required time to make a total of 13 Consecutive Weeks from the second job or subsequent jobs.</p> <p>There may be more than one Voluntary Change of Employment Suspension during a 13-week Period and/or 26-week Period. A break of up to 7 Calendar Days will apply for each Change of Employment during the 13, 26 and 52-week Outcomes.</p>
<p><b>3. The Provider</b></p> <p>The Provider has 7 Calendar Days to commence a Participant in their new job</p>	<p>The 7 Calendar Day period in which to commence the new Employment Placement will begin on the first Calendar Day directly following the last day of the previous Employment and will conclude 6 Calendar Days later.</p>
<p><b>4. The Provider</b></p> <p>The Provider must enter details of the new Employment Placement into the Department's IT System</p>	<p>It is important that DES providers enter the details of the subsequent Employment Placement into the Department's IT System and retains Documentary Evidence as verification.</p>

<b>Who is Responsible:</b>	<b>What is Required:</b>
<p><b>5. The Provider</b></p> <p>Participant remains in Employment for the duration of the Outcome period.</p>	<p>In order to claim an Outcome Fee the Participant must remain in Employment for the duration of the Outcome period. The number of Business Days of the 'Voluntary Change in Employment' Suspension are not included in the calculation.</p>
<p><b>6. The Provider</b></p> <p>The Provider may claim the relevant Outcome Fee claim in the Department's IT System</p>	<p>If requirements under the Grant Agreement have been met, the Provider can claim the relevant Outcome Fee in the Employment IT System.</p> <p><b>Note:</b> If the Participant's subsequent Employment Placement does not start within 7 Calendar Days of ceasing the earlier Employment, then the Participant must be moved back into Employment Assistance. The subsequent Employment must be entered into the Department's IT system as a new Employment Placement. The Anchor Date of this new Employment Placement will be used to track for a new Outcome which can be claimed in the Department's IT System by submitting the Tax Invoice.</p> <ul style="list-style-type: none"> <li>• <b>End of process.</b></li> </ul>

## Attachment E – Non-Payable Outcomes

### Summary

As stated at clause 143.3 of the Grant Agreement, Outcome Fees are not payable for any placement defined as a Non-Payable Outcome at Annexure A of the Grant Agreement. Placements are considered to be Non-Payable Outcomes where they do not meet the outcome objectives of the DES.

Placements that are considered Non-Payable Outcomes may be genuine employment positions that provide valuable work experience for a Participant. The Department does not make judgements about the quality of any placement because it is a Non-Payable Outcome for the purposes of the DES program.

The primary objective of DES is to assist job seekers with disability secure and maintain sustainable ongoing employment in the open labour market. The program's intent is that DES providers help Participants find Employment that suits the Participant's goals and abilities. The simultaneous placement of multiple Participants into a short term employment role (large-intake pattern placements) may be appropriate where the Provider has considered each Participant's individual goals and abilities. However, short term large-intake pattern placements designed to maximise payments or benefits could be considered contrived employment.

Unless the placement is prohibited under clause 75 of the Grant Agreement or elsewhere, DES providers may place a Participant into a Non-Payable Outcome placement. Such placements may provide work experience for the Participant and may turn into a payable outcome (for instance where an Employer initially offers a short term placement but then offers ongoing Employment after being satisfied by the Participant's performance). Providers may not claim Outcome Fees in relation to Non-Payable Outcome placements.

DES providers should record vacancies for Non-Payable Outcome placements and should place the Participant against the vacancy. DES providers should not normally anchor Non-Payable Outcome placements, because moving the Participant to Post Placement Support stops Service Fees from falling due and makes available Outcome Fees that the Provider is not eligible to claim.

DES providers are encouraged to retain Participants in Employment Assistance where the Participant is undertaking a Non-Payable Outcome placement. Service Fees that fall due while the Participant is in Employment Assistance can be claimed normally, and the Participant can be moved to Post Placement Support if they move to a placement that is a payable outcome under DES.

**Note:** *For Recurring employment placements only*, a DES provider can move the Participant to Ongoing Support if they choose to first support the Participant in Post Placement Support for 26 weeks. See the section on Recurring employment below for further details.

The following sets out further rules and information about Non-Payable Outcome conditions. The definition of 'Non-Payable Outcome' in Annexure A of the Grant Agreement contains the full list of Non-Payable Outcome conditions.

### **Self-Employment (Four-week Outcomes)**

Paragraph (dd) of the definition of Non-Payable Outcome in the Grant Agreement includes 'self-employment opportunity', in relation to a Four-week Outcome only.

The Four-week Outcome is paid in recognition of the Provider's efforts to engage with employers to find a suitable Vacancy for the Participant, and that the Provider has supported the Participant's transition to the workplace. Therefore, self-employment is not a suitable Employment Activity as it is not seen as a job opportunity with the Provider's

Providers are able to claim 13, 26 and 52-week Outcomes for Unsubsidised Self-Employment.

### **Government funded program, including a Work Trial program**

Paragraph (o) of the definition of Non-Payable Outcome in the Grant Agreement includes any "program, including a Work Trial program, funded by the Australian Government, or a state or territory government, including a Complementary Service, *unless otherwise specified in any Guidelines.*"

The conditions under which such programs are not considered Non-Payable Outcomes are that:

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

A Work Trial placement through a program funded by the Australian Government or a state or territory government is considered to be a Non-Payable Outcome 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 programs, including but not limited to the Indigenous Employment Program, Jobs Fund, Queensland Government's Green Army and Victoria Works for Mature Age Workers. For the avoidance of doubt, Outcome Fees are never payable for employment in an Australian Disability Enterprise where the Participant is also an Australian Disability Enterprise participant.

### **Non-ongoing employment or a Work Trial**

Paragraph (j) of the definition of Non-Payable Outcome in the Grant Agreement includes any "non-ongoing employment or a Work Trial, as specified in any Guidelines."

For the purposes of paragraph (j) of the definition of Non-Payable Outcome and for the purposes of paragraph (j) of the definition of Non-Payable Placement, each at Annexure A to the Disability Employment Services Grant Agreement, 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 and School Based Apprenticeships) where there is a reasonable expectation that the Apprenticeship would be followed by further Employment at the end of the Apprenticeship.

For example, a DES 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 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 non ongoing placements for Participants to:

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

These placements may be a valuable intervention for Participants who have had a long period of disengagement from the workforce and/or would not otherwise have gained Employment in the open labour market. 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.

The Department acknowledges that some anchored jobs will cease prior to 26 weeks, through no fault of the Provider, and will not routinely recover fees for employment Placements which end shortly after 26 weeks. However, to ensure that Participants are receiving the assistance and support they need to secure and maintain ongoing Employment the Department will monitor this type of placement. Where the Department is satisfied that a DES provider has anchored a position that is non-ongoing Employment, or that there is a pattern of anchoring Participants in positions with an Employer where the Employment routinely ends shortly after the Outcome for the 13 and/or 26-week Period, the Department may take remedial action under the Grant Agreement including under clause 59.

### **Contrived employment**

Paragraph (n) of the definition of Non-Payable Outcome in the Grant Agreement includes any “position that is contrived employment, as specified in any Guidelines.” 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 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. The Department will determine instances of contrived employment in its absolute discretion.

Where there is evidence available to the Department to form a view that the Provider has placed Participants in positions that are contrary to the objectives of the Grant Agreement, the Department may deem those placements to be contrived employment.

The Department monitors program data for patterns of Employment Placements which indicate that a DES provider is contriving employment arrangements to maximise any benefits to the 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 Outcome Fees, performance ratings, Wage Subsidies or any other payments under the Grant Agreement, the Department may deem these placements to be Non-Payable Outcomes under paragraph (n) of the definition of 'Non-Payable Outcome' in Annexure A of the Grant Agreement.

If the Department determines that a DES provider has made a claim for an Outcome Fee in relation to a contrived Employment arrangement, the Department may exercise its right to seek remedies under the Grant Agreement including for breach under clause 59 of the Grant Agreement.

### **A position that is not in Open Employment**

Paragraph (o) of the definition of Non-Payable Outcome in the Grant Agreement includes any “position that is not Open Employment as specified in any Guidelines.” This is intended to ensure Participants are assisted to find work in the open labour market in an integrated setting, alongside employees without disability.

‘Open Employment’ is defined in Annexure A of the Grant Agreement 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. For the avoidance of doubt, self-employment is considered to be 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 anchor an Employment 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 anchored until the Department notifies the Provider that it has approved such a Placement.

### **Recurring employment**

Paragraph (p) of the definition of Non-Payable Outcome in the Grant Agreement includes any “Recurring employment.” Unlike other Non-Payable Outcomes, Recurring employment placements may meet all of the outcome objectives of the DES program. These Placements are considered Non-Payable Outcomes only because the Government has already paid the provider for achieving the outcome.

DES providers can normally claim one Outcome Fee for the 13-week Period and one Outcome Fee for the 26-week Period per Participant, per Period of Service. The Recurring employment Non-Payable Outcome means that DES providers can claim only one Outcome Fee for a 13-week Period and Outcome Fee for a 26-week Period outcome per Participant over any number of Periods of Service, in respect of a particular Employment Placement with a particular Employer.

### **Outcome Fees and Recurring employment**

If a DES provider has claimed an Outcome Fee for a 13-week Period, and the 26-week Period subsequently ends, any further Placement into the same position by that DES provider is Recurring employment for the purposes of the 13-week Period. If the Outcome Fee for the 26-week Period has not been claimed, then the Placement would not be Recurring employment for the purposes of the 26-week Period. In these circumstances a DES provider could choose to anchor a Recurring Placement and could claim an Outcome Fee for the 26-week Period, where the Participant has met the requirements for both the 13-week Period and the 26-week Period.

### **Ongoing Support and Recurring employment**

A Participant in a Non-Payable Outcome Placement is not normally eligible for Ongoing Support, because Non-Payable Outcomes do not normally meet the objectives of the DES program. Where a Placement is a Non-Payable Outcome only because it is Recurring employment, the Participant may be eligible for Ongoing Support. This is because Recurring employment meets DES objectives and is a Non-Payable Outcome only because the Government has previously paid the provider for achieving the Employment Outcome.

Consistent with DES program policy, Ongoing Support is available only where a Participant has met outcome requirements. The Participant must therefore be anchored in the Recurring employment Placement and supported to achieve the appropriate hours/earnings for the 13-week Period and the 26-week Period. After the Provider has submitted a \$0 claim for the

26-week Period, the Participant can be moved to the appropriate level of Ongoing Support, consistent with normal processes.

**Pre-existing employment – (Four-week Outcome)**

Paragraph (aa) of the definition of Non-Payable Outcome in the Grant Agreement. Includes any Pre-Existing employment related activity in relation to a Four-week Outcome. Four-week Outcomes are paid in recognition of the Provider finding and securing a new Employment opportunity for the Participant. As such, the Four-week Outcome will not be available to claim where a Participant has Pre-Existing Employment.

**Pre-existing employment – (13-week Outcome, 26-week Outcome and 52-week Outcome)**

Paragraph (x) of the definition of Non-Payable Outcome in the Grant Agreement includes any “Pre-existing employment related activity, unless the Participant at Commencement, was working in that Pre-Existing employment related activity for less hours per week on average than their Employment Benchmark”, in relation to a 13-week Outcome, a 26-week Outcome and a 52-week Outcome.

The purpose of this Non-Payable Outcome is to recognise that an Outcome has been achieved only where the Provider has assisted the Participant to improve their Employment arrangements. It does not apply to Work Assist Participants, who by definition have Pre-Existing employment and for whom maintaining the level of the Pre-Existing Employment is a program objective.

A person is not eligible to commence DES where, at the time of Commencement, they are working in a Pre-Existing employment activity at or above their Employment Benchmark. A person’s level of Pre-existing employment is considered to be their average working hours over the previous 13 working weeks, or the average hours worked over the Participant’s Employment period in cases where the Participant has been employed for less than 13 weeks.

Where a Participant has Pre-Existing employment at Commencement at fewer hours per week than their Employment Benchmark, they are eligible to commence DES. If the Participant’s Employment Benchmark is subsequently reduced below the hours of Employment worked in the Pre-Existing employment at Commencement, the Pre-existing employment is considered a Non-Payable Outcome and the Provider may not claim an Outcome Fee.

*Example:* A Participant is able to commence DES because their Pre-existing employment of 13 hours per week is below their Employment Benchmark of 15. If the Participant’s Employment Benchmark is subsequently reduced to 8, the Participant’s hours worked at Commencement are greater than their current Employment Benchmark, so the Pre-existing employment Placement is a Non-Payable Outcome.

The Pre-Existing employment Non-Payable Outcome does not prevent a DES provider from claiming an Outcome Fee in instances where the Participant’s hours of Employment are

increased to the relevant Employment Benchmark, either through additional hours in the Pre-existing employment position or through the addition of a new Employment position.

### **Own Organisation/Related Entity**

Paragraph (p) of the definition of Non-Payable Outcome in the Grant Agreement includes any “employment within the Provider’s Own Organisation or a Related Entity, unless the Participant is so employed for:

- (i) at least 13 Consecutive Weeks from the Anchor Date for a 13-week Period;
- (ii) at least 26 Consecutive Weeks from the Anchor Date for a 26-week Period; and
- (iii) at least 52 Consecutive Weeks from the Anchor Date for a 52-week Period

in accordance with any Guidelines;”

The purpose of this Non-Payable Outcome is to allow Outcome Fees to support genuine, ongoing Employment objectives. The Provider can claim an Outcome where the Participant is employed by the Provider’s Own Organisation or a Related Entity at the beginning of the 13-week Period or the 26-week Period and changes to a different Employer in the subsequent Outcome period, provided that:

- the initial period of Employment in the Own Organisation or Related Entity was offered on an ongoing basis;
- the Participant is provided with normal Post Placement Support and searching for alternative Employment is not an activity listed in the Participant’s Employment Pathway Plan; and
- the Placement is not otherwise a Non-Payable Outcome.

If the Participant changes to a different Employer after initially being employed by the Provider’s Own Organisation or Related Entity and subsequently returns to the Provider’s Own Organisation or Related Entity, an Outcome Fee cannot be claimed.

Own Organisations and Related Entities cannot access wage subsidies and Own Organisations cannot claim a Four-week Outcome. Therefore where a Provider or Related Entity bears the full cost of ongoing Employment of the Participant, including at least the initial part of the 13-week Period, the placement is regarded as being appropriate Employment in the Participant’s interest, and Outcome Fees are available.

If a Participant is placed with an Employer and subsequently moves to a Provider’s Own Organisation or Related Entity Placement, Outcome Fees cannot be claimed for the Placement. Use of the Provider’s resources to ensure that a 13-week Period, 26-week Period or 52-week Period continues until an Outcome Fee is available may indicate that alternative Employment for the Participant has failed, and that the 13-week Period, 26-week Period or 52-week Period has been continued for the purposes of claiming an Outcome Fee.

### **Qualifying Education Outcome**

Paragraph (u) of the definition of Non-Payable Outcome in the Grant Agreement includes any “Qualifying Education Course for which the Provider has already received an Outcome Fee for a 26-week Period for that Participant in a previous Period of Service”.

The purpose of this Non-Payable Outcome is to prevent the Participant from cycling through Education Outcomes. DES pays Outcome Fees for education courses to recognise that appropriate education enhances a Participant's Employment opportunities and prospects. The primary focus of the program is to find and retain appropriate Open Employment Placements for Participants. Therefore after the Provider has claimed an Outcome Fee for a Qualifying Education Course for a 26-week Period further Outcome Fees may not be claimed for any subsequent Qualifying Education Course for the same Participant, in any subsequent Period of Service.

### ***Inappropriate work***

Paragraph (q) of the definition of Non-Payable Outcome in the Grant Agreement includes any "type of work which is inappropriate for the Participant based on their ESA or JCA or because they only have a Partial Capacity to Work".

The purpose of this Non-Payable Outcome is to ensure that the Provider considers a Participant's circumstances before referring a Participant to a particular Placement.

A Participant's ESA 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 Outcome where the nature and intensity of the duties of the Employment position are inconsistent with the Participants assessed condition in the ESA 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 ESA 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 Outcome unless the duties of their position are inconsistent with their disability, injury or health condition.

Where the Department is concerned that a Placement may be inappropriate based on the conditions set out in the Participant's ESA 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 DES 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 Provider should discuss these concerns with the Participant. Where the Participant insists on continuing with the inappropriate Employment, the Provider should document their conversation with the Participant. The

Provider should not set the Anchor Date for the Placement or claim Outcome Fees where they believe the Placement is inappropriate.