



**Australian Government**

**Department of Social Services**

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# **OPERATIONAL GUIDELINES**

## **Disability Employment Continuity of Support (DECoS) program**

**1 April 2021 to 30 June 2023**

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**Version 1**

**April 2021**

## Acronyms and Abbreviations

|       |   |
|-------|---|
| ADE   | Australian Disability Enterprise                |
| ASIC  | Australian Securities and Investment Commission |
| CBF   | Case Based Funding                              |
| CRRS  | Complaints Resolution and Referral Service      |
| DEA   | Disability Employment Assistance                |
| DECoS | Disability Employment Continuity of Support     |
| DSS   | Department of Social Services                   |
| EAP   | Employment Assistance Plan                      |
| FAM   | Funding Arrangement Manager                     |
| NDIA  | National Disability Insurance Agency            |
| NDIS  | National Disability Insurance Scheme            |
| WBPA  | Work Based Personal Assistance                  |

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## 1. Definitions

**‘Act’** means the *Disability Services Act 1986* (Cth).

**‘Advocate’** means a person with the legal authority to act on behalf of a Supported Employee. This person cannot be Employed by the Outlet or ADE, or be a signatory for the Outlet or ADE.

**‘Agreement’** the Grant Details, Supplementary Terms, the Commonwealth Standard Grant Conditions (Schedule 1) and any other document referenced or incorporated in the Commonwealth Standard Grant Agreement, including these Operational Guidelines (these Guidelines).

**‘Approved Support Worker’** for the purposes of WBPA, means a person who:

- a) holds a minimum qualification of a Certificate III in Disability Work;
- b) has industry specific training in the provision of personal care; or
- c) is a registered nurse (or with equal qualifications) who is qualified to administer medical interventions.

**‘Audit and Compliance Strategy’** means the strategy described in paragraph 6 of these Guidelines.

**‘Australian Disability Enterprise (‘ADE’)** has the same meaning as ‘Supported Employment Services’ under section 7 of the Act

**‘Case’** means the record on the Disability Case Portal that identifies a Supported Employee’s period of Employment.

**‘Case Anniversary Date’** means the recurring date CBF payments will be made for a Supported Employee, derived from the Intake Completion Date of a Case on the Disability Case Portal.

**‘Case Base Funding (‘CBF’)** means the type of payment paid by DSS to an ADE for the delivery of the Activity to people with disability in a supported Employment environment.

**‘CBF Helpdesk’** means the DSS helpdesk available via email to assist ADEs with any Case Based Funding queries.

**‘Certificate of Compliance’** has the same meaning as in section 6A of the Act.

**‘Certification Body’** has the same meaning as in section 6A of the Act.

**‘Client Consent and Information Form’** is the form provided on the Literature tab of the Disability Case Portal.

**‘Complaints Resolution and Referral Service’ (‘CRRS’)** is the service available for clients to discuss any concerns they may have about ADEs that are funded by the Australian Government.

**‘Continuity of Support (‘CoS’)** the Australian Government is committed to providing CoS to existing clients of Commonwealth disability programs who are ineligible for the NDIS.

CoS will assist these clients to achieve similar outcomes to those they were aiming to achieve prior to the introduction of the NDIS.

**‘Disability Case Portal’ (‘The Portal’)** means the DSS online funding management system (previously known as FOFMS).

**‘Disability Employment Assistance (‘DEA’)** has the same meaning as the Activities in the NDIS Transition Programme Guidelines.

**‘Disability Employment Continuity of Support (‘DECoS’)** the DECoS program will provide funding for supports and services that enable former DEA clients who are confirmed ineligible for the NDIS to participate in and retain employment.

**‘Employ’ or ‘Employed’** means to engage an individual in Employment.

**‘Employment’** means Work in an ADE that:

- a) complies with minimum standards and conditions established by Commonwealth, State or Territory law; and
- b) is at a wage determined under an applicable:
  - i. award;
  - ii. special wage permit;
  - iii. certified agreement;
  - iv. individual Employment contract or workplace agreement; or
  - v. any other industrial instrument or decision,

and which, in DSS’ opinion, is a reasonable industrial instrument for you to apply in the circumstances for all Cases to which paragraphs (a) and (b) above apply.

Employment does not include:

- i. Periods during which the Supported Employee is on leave or receiving workers’ compensation payments.
- ii. Other unpaid activities including work experience, graduated return to work, work trials, work experience and workplace training or assessment.

**‘Employment Assistance’** means providing appropriate support and services to people with disability to enable each individual to fully participate in Employment in a suitable work environment.

**‘Employment Assistance Program (‘EAP’)** means a plan which reflects the Employment goals of the Supported Employee. The EAP should incorporate strategies for the achievement of their goals through training, development and support. The EAP is agreed between the ADE and the Supported Employee (and their Advocate where required).

**‘Employment Assistance Services’** means providing support in the workplace to a Supported Employee of yours, which is directly relevant to their Employment and results in them being paid a wage from you.

**‘Exit’ or ‘Exited’** has the meaning given under Item B.6 of the Grant Details.

**‘Funding Arrangement Manager (‘FAM’)** is the officer responsible for the ongoing management of the grantee and their compliance with the grant agreement.

**‘Commonwealth Standard Grant Agreement’** sets out the relationship between the parties to the agreement, and specifies the details of the grant.

**‘Immediately’** means on the same day.

**‘Officer’** includes any employee, agent, subcontractor (or its employee, agent or subcontractor) or volunteers of an ADE.

**‘Open Employment’** refers to employment where an employee with a disability is engaged in the mainstream workforce. Employment opportunities available to people with disability and without disability are generally considered Open Employment. Disability Employment Services and job active providers support job seekers to secure Open Employment.

**‘Outlet’** means any location in which the Activity is undertaken for Supported Employees, including work crews, and/or contract labour arrangements. It can mean an Outlet, administrative business or unit, as notified to us.

**‘Quality Assurance’** means the certification system that Certification Bodies use to independently audit ADEs against the *Disability Services Act (National Standards for Disability Services) Determination 2014* (Cth).

**‘Return from Suspension’** means the situation where a Supported Employee’s Case record is ‘Returned from Suspension’ on the Disability Case Portal following a period of Suspension, or the Case record is restarted on the Disability Case Portal within 12 months of Exiting the same ADE and before the Activity Completion Date.

**‘Start’ or ‘Started’ or ‘Starting’** for a Supported Employee means having a Case commenced on the Portal in accordance with these Guidelines.

**‘Supported Employment Services’** has the same meaning as in section 7 of the Act.

**‘Supported Employee’** means a person with disability whom you Employ and provide the Activity for in accordance with the Agreement.

**‘Suspension’ or ‘Suspend’** means a period longer than one month and less than 12 months when the Supported Employee is absent from Work or not able to Work the minimum of eight hours per week and the Supported Employee’s Case is Suspended on the Disability Case Portal. This includes any Suspensions under the original DSS DEA Program.

**‘Target Group’** has the same meaning as in section 8 of the Act.

**‘Work’** means any exertion of effort by the Supported Employee to produce a product or to provide a service at the Outlet and which is directly related to the Supported Employee being paid a wage.

**‘Work Based Personal Assistance (‘WBPA’)** means additional assistance provided to a Supported Employee who, due to their physical or neurological disability or medical condition, require additional assistance in Employment from an Approved Support Worker who: provides personal assistance with feeding to mouth (transfer of food/liquid to the Supported Employee’s mouth), or feeding by tube; or, personal hygiene, such as care of catheter or toileting support; and/or, who administers medical intervention.

**‘WBPA Fees’** means the payment by that name set out in the Grant Details.

## 2. Introduction

- 2.1. The Operational Guidelines – Disability Employment Continuity of Support (the Guidelines) provide an overview of the framework for delivering Supported Employment Services under DECoS, and form the basis of the funding relationship between the DSS and DECoS providers (you).
- 2.2. DSS may update the Guidelines from time to time, and DSS will notify you if we make any changes. However, it is your responsibility to ensure you are familiar with the content and requirements of the current version of these Guidelines.

### ***The DECoS program***

- 2.3. The DECoS program is one of a number of CoS programs delivered by Commonwealth, state and territory governments.
- 2.4. The DECoS program will run from 1 April 2021 to 30 June 2023.
- 2.5. From 1 April 2021, the DECoS program will provide funding for supports and services that enable former DEA clients confirmed ineligible for the NDIS to participate in and retain employment.
- 2.6. Clients (Supported Employees) funded through the DEA program confirmed ineligible for the NDIS (due to their age, residency, citizenship or disability type), will be eligible for the DECoS program at an approved DECoS provider.

## 3. ADE Responsibilities and Accountabilities

### ***Your organisation's obligations and relationship***

- 3.1. Your obligations are set out in the Grant Details of the Commonwealth Standard Grant Agreement.
- 3.2. Specific actions you must complete by 1 May 2021 are set out in Items B.13 and B.14 in the Grant Details.
- 3.3. The Activity must only be provided for a Supported Employee at the Outlet or Outlets as notified to us.
- 3.4. Where a Supported Employee works at more than one of your Outlets, only one Outlet can receive payments for that Supported Employee at any time.
- 3.5. The Activity must only be provided for a Supported Employee at the Outlet specified against their case in the Portal.
- 3.6. When entering any date in the Portal, you must always enter the date of the day on which you are entering the information. At no time should dates be backdated in the Portal.
- 3.7. You must Immediately notify DSS of any relevant matters affecting services funded by DSS including any serious allegations or matters referred to investigatory bodies including the police, any complaints bodies or any regulatory bodies including Australian Securities and Investment Commission (ASIC) and the National Disability Insurance Scheme (NDIS) Commission.
- 3.8. Any information provided by you or your Officers must be true, accurate, complete and not misleading in respect of all material.

### ***You must not charge fees***

- 3.9. You must not charge a Supported Employee a fee of any kind which is directly or indirectly related to the provision of the Activity.
- 3.10. You may impose a charge, on a strict reimbursement of costs basis only, for services unrelated to the Activity, such as transport services. You are not permitted to make the purchase of any such services by the Supported Employee a prerequisite or requirement for the provision of the Activity, or to, in any way create that impression.

### ***Information about your ADE***

- 3.11. Information about your ADE needs to be made available and accessible to people with disability and their Advocates. This information should be accurate, complete and current.

## **4. CBF Core Fees**

- 4.1. CBF is an outcomes based funding model where funding is paid based on a Supported Employee's individually assessed support needs.
- 4.2. Funding must only be used for the purpose for which it is provided, and as specified in the Grant Details will be paid monthly in arrears.
- 4.3. CBF payments are made to you via the Portal. You can only apply for and accept CBF payments for Supported Employees consistent with the Grant Details, where you are the employer, and the Supported Employee receives ongoing Employment in your Outlet.
- 4.4. If DSS identifies you have received incorrect payments, DSS can recover such payments by off-setting the recovered amount against your future payments or through invoice.

## **5. Procedures – The CBF Model**

- 5.1. To receive funding for a supported employee you must:
  - a) Confirm the individual can be a DECoS Supported Employee and ensure eligibility requirements are met as defined in Items B.4 and B.5 of the Grant Details.
  - b) On accepting a Supported Employee for Employment, seek their consent as described in paragraph 7 of these Guidelines for the disclosure of their personal information.
  - c) Contact the CBF Helpdesk to have a Case created on the Portal. Follow the DECoS Task Cards on the Literature Tab on the Portal for assistance.
- 5.2. You must:
  - a) Complete an EAP with the Supported Employee within the first four months of their Employment.
  - b) Arrange a WBPA assessment and support if required or requested from the Supported Employee (or their Advocate).
- 5.3. A Supported Employee may Exit the Outlet at any time. If this occurs, you must Immediately Exit the Supported Employee's Case on the Portal.
- 5.4. Exited Supported Employees may re-enter the same Outlet, or Start at a new Outlet or another DECoS provider, so long as they continue to meet the eligibility criteria in Items B.4 and B.5 of the Grant Details.



- 5.5. You must Suspend or Exit the Case on the Portal as per the Suspension and Exit rules contained in paragraphs 13 and 14 of these Guidelines, respectively.
- 5.6. When entering any date in the Portal, you must always enter the date on which you are entering the information. At no time should dates be backdated in the Portal.

## 6. Quality Strategy for Disability Employment

### ***Quality Strategy for Disability Employment***

- 6.1. The Quality Strategy for Disability Employment includes a quality assurance system. It requires services funded under the Act to be independently assessed and certified as complying with the Act and instruments made under that Act including the *Disability Services Act (National Standards for Disability Services) Determination 2014*. All disability employment services must meet the requirements of the independent quality assurance system to receive funding under the Agreement. Refer to section B.18 of the Grant Details for further information.
- 6.2. Information on the Quality Strategy for Disability Employment is available on the DSS website ([www.dss.gov.au/our-responsibilities/disability-and-carers/program-services/for-service-providers/quality-strategy-for-disability-employment](http://www.dss.gov.au/our-responsibilities/disability-and-carers/program-services/for-service-providers/quality-strategy-for-disability-employment)).

### ***Audit and Compliance Strategy***

- 6.3. The Audit and Compliance Strategy is used to facilitate continuous quality improvements for DECoS providers. The Audit and Compliance Strategy allows DSS to manage potential fraud and compliance risks. The findings from the Audit and Compliance Strategy will help to identify areas of compliance weakness and areas to improve business processes, policy and system controls.
- 6.4. DSS may conduct audits to verify information submitted by you. For the purpose of audits under paragraph 6.3 of these Guidelines, DSS may provide 10 Business Days' notice to gain physical access to your premises and exercise rights of inspection under clause CB4 of the Supplementary Terms.
- 6.5. DSS may also require these audits to be independently reviewed.

## 7. Consent and privacy

- 7.1. You agree to use your best endeavours to obtain consent from Supported Employees (or their Advocate) to use and disclose personal information about them to DSS and Services Australia as relevant in accordance with your obligations under the Agreement and the *Privacy Act 1988* (Cth) ('Privacy Act'):
  - a) by 1 May 2021;
  - b) if the client has not previously provided consent; or
  - c) if DSS directs you to obtain consent.
- 7.2. The consent you obtain from a Supported Employee (or their Advocate) must be consistent with the Client Consent and Information Form available on the Literature tab on the Portal. When using the Client Consent and Information Form you must insert your ADE name and contact details into the header.
- 7.3. You should ensure Supported Employees (or their Advocates) understand providing consent for the disclosure of personal information is voluntary. Supported Employees must be aware of the implications of providing or withholding consent, for example, access to a service would not be available if consent is not given to the collection of a specific item of personal information. You should inform and explain the matters set out in the Client Consent and Information Form to the Supported Employee.

- 7.4. If you are unable to obtain Supported Employee consent, you must:
- a) contact your FAM to discuss the reasons why the Supported Employee withheld or withdrew consent and a possible solution to how the Supported Employee can access Employment; and
  - b) document your attempts and the reasons why in the Supported Employee's file.
- 7.5. When obtaining Supported Employee consent you are required to ensure you have explained to the Supported Employee (or their Advocate) the purposes for the use and collection of their personal information including what the personal information will be used or collected for, such as:
- a) determining access to and delivery of the Activity under the Act through your Outlet;
  - b) your Outlet disclosing some or all of the client's personal information as listed in the Client Consent and Information Form to DSS or to another contracted service provider when they commence providing the client with the Activity; and
  - c) DSS disclosing, from time to time, the client's personal information to other Commonwealth, state or territory government departments and authorities (including National Disability Insurance Agency (NDIA), and to researchers for evaluation, research and reporting purposes.

### ***Signing by Supported Employees***

- 7.6. You or your Officers are not permitted to sign a form under the Agreement on behalf of a Supported Employee under any circumstances.

## **8. Supported Employee Eligibility Requirements**

- 8.1. A Supported Employee is eligible under DECoS if they meet the requirements as specified under Items B.4 and B.5 of the Grant Details.
- 8.2. The Target Group consists of persons with a disability that:
- a) is attributable to an intellectual, psychiatric, sensory or physical impairment or a combination of such impairments;
  - b) is permanent or likely to be permanent; and
  - c) results in:
    - a substantially reduced capacity of the person for communication, learning or mobility; and
    - the need for ongoing support services.
- 8.3. Reasonable evidence must be gathered to determine if a person meets these requirements.
- 8.4. Any documentary evidence used to determine an individual's eligibility for Employment Assistance Services in an ADE must be retained on the Supported Employee's file. Documentary evidence includes either hard copy (paper) or soft copy (electronic) documents.
- 8.5. Such evidence may include reports/assessments from medical or other specialists (general practitioner/specialist, physiotherapist, rehabilitation practitioners and psychiatrists), reports or other records on participation in treatment/rehabilitation programs, school based assessments, or reports and interviews with the person and those providing care or support to the person.

## 9. Accessing an ADE

- 9.1. New job seekers cannot become a Supported Employee funded under the DECoS program.
- 9.2. A former DEA client may be eligible to commence as a Supported Employee under the DECoS program, if they:
  - a) transitioned to the NDIS;
  - b) become ineligible for the NDIS after 31 March 2021; and
  - c) otherwise meets the eligibility criteria in Items B.4 and B.5 of the Grant Details.
- 9.3. A DECoS provider can receive funding for any Supported Employee who meets the eligibility criteria in Items B.4 and B.5 of the Grant Details.
- 9.4. Contact the CBF Helpdesk if you have further questions or require assistance.

## 10. Funding

- 10.1. The types of funding available under the DECoS comprises of:
  - a) CBF core fees (Employment Maintenance Fee)
  - b) CBF Additional Fees – (WBPA)
  - c) Quality Assurance Certification and Surveillance payments.
- 10.2. Further details and the total amount of funding payable to you is specified in the Grant Details.
- 10.3. The total amount of the funding payable under the grant agreement will be calculated based on the number of Supported Employees you provide the Activity to.
- 10.4. Payments will be made to DECoS providers monthly, in arrears, via the Portal. Further details on the timing of payments is specified under B.15 of the Grant Details.
- 10.5. DSS will not pay you funding for a person who has a plan in effect under section 37 of the *National Disability Insurance Scheme Act 2013*.
- 10.6. You cannot receive funding from more than one source to deliver the same Activity to an individual Supported Employee.

### ***Spending of Funding***

- 10.7. CBF is only to be used for eligible Activities under Item B.7 of the Grant Details.
- 10.8. You may allocate CBF resources between Supported Employees to achieve Employment for all your Supported Employees, which may include:
  - a) providing some Supported Employees with less assistance than the amount of CBF paid by DSS in respect of them; and
  - b) providing some Supported Employees with more assistance than the amount of CBF paid by DSS in respect of them.
- 10.9. If you do not spend the CBF allocated to a particular Supported Employee you must allocate the funding to another Supported Employee to help them maintain Employment.
- 10.10. If you only provide the Activity to one Supported Employee who requires less assistance than the amount of CBF paid by DSS in respect of them, any excess amount of CBF may be used in a manner permitted under Item B.7 of the Grant Details.

## 11. WBPA

- 11.1. WBPA payments are for Supported Employees who, due to their physical or neurological disability or medical condition require additional assistance:
  - a) from an Approved Support Worker, to provide personal assistance with feeding by mouth or tube or personal hygiene, such as a catheter; and/or
  - b) from a registered nurse to administer medical interventions.
- 11.2. If a Supported Employee (or their Advocate) requests WBPA, you must undertake an assessment and provide the support where required.
- 11.3. If DSS requests WBPA for a Supported Employee, you must arrange an assessment and provide the support where required.
- 11.4. To determine the type and amount of additional assistance required by the Supported Employee, an assessment and written report must be undertaken by a qualified assessor.
- 11.5. The person who performs an assessment under paragraph 11.4 of these Guidelines is a person who
  - a) either:
    - is qualified as an occupational therapist;
    - is a registered nurse; or
    - holds a human services qualification in assessing personal care needs; and
  - b) provides you with a written report regarding whether (in their professional opinion), due to the Supported Employee's physical or neurological disability or medical condition, the Supported Employee requires regular assistance whilst in Employment:
    - with feeding by mouth (transfer of food/liquid to the Supported Employee's mouth) or feeding by tube; and/or
    - with personal hygiene such as care of catheter or toileting support; and/or
    - from a registered nurse to administer medical interventions. If the Supported Employee requires medical assistance a registered nurse must assess this level of assistance.
- 11.6. The written report in accordance with paragraph 11.4 of these Guidelines is made by completion of the WBPA Requirements Form.
- 11.7. The WBPA Requirements Form is an agreement between the Supported Employee and the ADE about the WBPA needs of the Supported Employee and how these needs will be met.
- 11.8. The provision of WBPA must also be included in the Supported Employee's EAP.
- 11.9. If the Supported Employee's WBPA requires adjustment, a new assessment must be completed and relevant supports provided where required.
- 11.10. When you receive a written report under paragraph 11.4 of these Guidelines confirming a Supported Employee requires WBPA you must ensure the Supported Employee is provided with such assistance by an Approved Support Worker.
- 11.11. If medical intervention is required, then it must be administered by a registered nurse.
- 11.12. WBPA claims can be submitted from the time the Supported Employee becomes eligible for CBF until the Supported Employee either ceases Employment or no longer requires WBPA (whichever occurs first).

- 11.13. WBPA Fees are payable in arrears upon receipt of a correctly completed WBPA Claim Form, provided it is submitted to DSS within three months after the WBPA was provided.
- 11.14. Any WBPA Fees paid are reimbursed for the number of hours actually provided or purchased by you.
- 11.15. WBPA Fees are paid at a rate specified in the Grant Details according to who delivers the WBPA and the number of hours that have been directly provided or purchased.
- 11.16. You cannot claim, and DSS will not pay, for more than 10 hours of WBPA per Supported Employee per week.
- 11.17. WBPA cannot be claimed for support or hours above what the assessor has determined on the WBPA Requirements Form.
- 11.18. When WBPA is provided by an agency separate to you and the agency providing the WBPA has a minimum call out, that minimum call out may be included in the WBPA hours that you purchase.
- 11.19. For the purposes of verification, all WBPA that is provided or purchased must be recorded by you and you must:
  - a) maintain invoices for all WBPA purchased including hours and support provided; and
  - b) keep a record of the WBPA hours and support provided by you.
- 11.20. WBPA Fees are not payable when a Supported Employee is Suspended or Exited.
- 11.21. A WBPA Fact Sheet (See: DECoS WBPA Factsheet) is available from the Literature tab on the Portal to help you further understand your WBPA responsibilities and requirements.
- 11.22. The WBPA Claim Form (See: DECoS WBPA Claim Form) and Requirements Form (See: DECoS WBPA Requirements Form) are available from the Literature tab on the Portal.
- 11.23. Completed and signed forms should be submitted to your FAM.

## **12. The EAP**

- 12.1. You must develop an EAP for each DECoS Supported Employee who accesses your service.
  - a) For existing employees, you are required to do this within four months of executing your DECoS agreement.
  - b) For DECoS Supported Employees who have transferred from another ADE (DECoS provider), you are required to develop an EAP within four months of them commencing with your ADE.
- 12.2. You and the Supported Employee must review their EAP no less than every 12 months and when significant change occurs (e.g. Work role or health status changes).
- 12.3. A suggested EAP is available on the Literature tab on the Portal.
- 12.4. After the EAP is developed, agreed to by the Supported Employee and is signed and dated by both parties, you must deliver the Activity to the Supported Employee in accordance with the agreed EAP.

12.5. The EAP must:

- a) comply with the *Disability Services Act (National Standards for Disability Services) Determination 2014*;
- b) comply with these Guidelines;
- c) outline the planned Employment goals of the Supported Employee and how the goals will be achieved;
- d) outline the hours of Employment agreed by you and the Supported Employee;
- e) outline the training planned and delivered to address competency shortfalls identified during wage assessments;
- f) outline the WBPA requirements, if any, and how these needs will be met;
- g) outline retirement or transition to retirement planning where appropriate for employees aged over 55 years (or earlier if required);
- h) be revised as required or requested by the Supported Employee or these Guidelines; and
- i) be signed and dated by the Supported Employee (or their Advocate).

### 13. Suspensions

- 13.1. If a Supported Employee is not at Work or is unable to Work the minimum of eight hours per week for any reason, for a period which will be, or which you reasonably expect to be, longer than one month, then you must Suspend the Supported Employee's Case on the Portal Immediately. Exceptional circumstances are outlined in paragraph 13.6 and paragraph 13.7 of these Guidelines. This includes where the period commenced under the DECoS Program.
- 13.2. When you are advised in advance of a period of absence of more than one month in writing or verbally by the Supported Employee (or their Advocate), then you must Suspend their Case on the Portal on the Supported Employee's last day of Work.
- 13.3. There are circumstances where you may not be aware of the period of absence in advance. In these instances the Case must be Suspended Immediately on the Portal either:
- a) when you are advised the expected duration of the absence will be more than one month; or
  - b) when one month has elapsed and you were not advised of the period of absence.
- 13.4. You must retain evidence on file of any advice that a Supported Employee will be absent and of any attempts you have made to contact a Supported Employee (or their Advocate) during an absence.
- 13.5. Periods of Suspension on the Portal are usually for a minimum of one month to a maximum of 12 months. For periods greater than 12 months, refer to Exits at paragraph 14 of these Guidelines.
- 13.6. If a Supported Employee is not able to attend Work due to the Christmas shutdown of the ADE, is on sick leave or maternity leave, or is being paid workers' compensation, the Suspension period from Work may be extended to two months. If a Supported Employee is absent due to workers' compensation, sick leave or maternity leave, you must retain evidence on their file.
- 13.7. In some circumstances, Supported Employees may take different leave types, which combine one month and two month absence periods. If this occurs, the maximum allowed absence from Work is two months.



- 13.8. DSS will Suspend or direct you to Suspend a Supported Employee's Case if DSS becomes aware you are no longer providing the Activity to a Supported Employee or DSS becomes aware the Supported Employee is no longer working the required minimum hours per week.
- 13.9. Any overpayments that arise through your failure to Suspend a Supported Employee's Case on the Portal will be treated as a repayable amount in accordance with paragraph 4.4 of these Guidelines.
- 13.10. You must provide an appropriate Suspension reason when you Suspend a Supported Employee's Case on the Portal. A list of Suspension reasons and descriptions is available from the Literature tab on the Portal.
- 13.11. DSS will make no payment to you for any Activities that are provided to a Supported Employee whose Case is Suspended.
- 13.12. When entering any date in the Portal, you must always enter the date of the day on which you are entering the information. At no time should dates be backdated in the Portal.
- 13.13. This clause also applies to any period of Suspension commenced under the DEA Program. Any time served in a period of Suspension under the DEA Program is recognised under this Agreement.

## **14. Exits**

- 14.1. When you become aware that a Supported Employee will not be at Work or is unable to Work the minimum eight hours per week for any reason, for a period which is, or which you reasonably expect to be, longer than 12 months, then you must Exit the Supported Employee's Case on the Portal Immediately.
- 14.2. When you are advised of an Exit in advance in writing or verbally by the Supported Employee (or their Advocate), then you must Exit the Case on the Portal on the Supported Employee's last day of Work.
- 14.3. There are circumstances where you may not be made aware of an Exit in advance. In these circumstances the Case is Exited Immediately either:
  - a) when the Supported Employee (or their Advocate) advises you they are no longer employed by you; or
  - b) when 12 months has elapsed following the Suspension of the Case on the Portal.
- 14.4. You must Exit a Supported Employee's Case on the Portal Immediately if:
  - a) the Supported Employee no longer requires the Activity from you;
  - b) the Supported Employee is not able to Work the minimum eight hours per week and where a Suspension is not appropriate;
  - c) the Supported Employee is no longer employed by you;
  - d) DSS instruct you to Exit a Supported Employee's Case;
  - e) the Supported Employee's Case has not been returned from Suspension within 12 months; or
  - f) the Supported Employee has a plan in effect under section 37 of the *National Disability Insurance Scheme Act 2013*.
- 14.5. You must retain evidence on file of any advice that a Supported Employee will be absent and any attempts you have made to contact the Supported Employee during the absence.

- 14.6. DSS will Exit, or direct you to Exit, a Supported Employee's Case if DSS becomes aware you are no longer providing the Activity to a Supported Employee.
- 14.7. Any overpayments that arise through your failure to Exit a Supported Employee's Case on the Portal will be recovered in accordance with paragraph 4.4 of these Guidelines.
- 14.8. You must provide an appropriate Exit reason when you Exit a Supported Employee's Case on the Portal. A list of Exit reasons and descriptions is available from the Literature tab in the Portal.
- 14.9. DSS will make no payment to you for any Activities that are provided to a Supported Employee whose Case has been Exited.
- 14.10. When entering any date in the Portal, you must always enter the date which you are entering the information. At no time should dates be backdated in the Portal.

## **15. Returns from Suspension (or Exit)**

- 15.1. When a Supported Employee's Case is returned from Suspension in the Portal (this includes where the period commenced under the DEA Program):
  - a) if they recommence with the same Outlet within 12 months from the date of the Case's Suspension or Exit, you must treat them as if the Case has "Returned from Suspension" and contact the CBF Helpdesk to return the case in the Portal.
  - b) if they recommence with the same Outlet greater than 12 months from the date of the Case's Suspension or Exit, you must treat them as a new Supported Employee, provided they are eligible under the Grant Details, and you must contact the CBF Helpdesk to have a new Case created for them in the Portal.
  - c) if they commence with you as a new employee at any time, you must treat them as a new Supported Employee, provided they are eligible under the Grant Details. You must contact the CBF Helpdesk to have a new Case created for them in the Portal.
- 15.2. The period of 12 months (or 24 months if returning from Open Employment) commences from the first date on the Portal of either the Suspension or Exit.
- 15.3. If a Case is Suspended on the Portal and then Exited, the 12 months starts from the date of the Suspension and not the date the status was changed to Exited. The 12 months is the total period of absence from an Outlet.
- 15.4. If a Supported Employee's Case is suspended or exited in accordance with paragraphs 13 or 14 of these Guidelines respectively, and the Supported Employee returns to work earlier than expected, the Case can be returned from Suspension immediately as per paragraph 15 of these Guidelines.
- 15.5. You must obtain and retain evidence that a Supported Employee has accessed Open Employment before the Case can be returned from Suspension under paragraph 15 of these Guidelines.
- 15.6. You must provide an appropriate return from Suspension reason when requesting a return of the Supported Employee's Case in the Portal.
- 15.7. DSS will resume making payments to you when you correctly return a Supported Employee's Case from Suspension on the Portal. The payments will commence on the Supported Employee's next Case Anniversary Date, provided all other requirements under the Agreement have been met.



- 15.8. The return of a Case from Suspension on the Portal has no retrospective effect and payments will not be backdated.
- 15.9. The return of a Case from Suspension is actioned on the Portal on the first day the Supported Employee recommences Work with your Outlet.
- 15.10. At no time should dates of Suspension, Exit or otherwise be backdated in the Portal. When entering any date in the Portal, you must always enter the date of the day on which you are entering the information.

## **16. Hours of Work and Wages**

### ***Hours of Work***

- 16.1. All Supported Employees should be given the opportunity to have hours of Work based on their tailored individual needs and not predetermined by you. Business and individual skills requirements may also play a part in determining the hours a Supported Employee is able to Work.
- 16.2. DSS recognises many people with disability choose part-time hours for flexibility, to accommodate health problems (including mental health) and other personal circumstances such as transportation and mobility issues.
- 16.3. You must not restrict the hours of Employment to a person with a disability based solely on the minimum Employment Outcome.
- 16.4. When a Supported Employee increases their hours of Work, this must be included in their EAP as outlined in paragraph 12 of these Guidelines.
- 16.5. To meet this obligation, you will need to develop robust business structures and financial controls that enable the generation of sufficient income to cope with peaks and troughs in the demand for goods and services. Your strategic business plan should ensure Supported Employees can access the working hours they feel capable of undertaking, regardless of demand.

### ***Entering Weekly Wages and Hours on the Portal***

- 16.6. At the commencement of the DECoS program, weekly hours will need to be verified and updated in the Portal for each Supported Employee funded under this program.
- 16.7. This information must then be reviewed and updated if you believe there will be a period of sustained change, including:
  - a) when changes to hours are reflected in the employee's EAP,
  - b) in response to changes following to a wage assessment, and
  - c) whenever a sustained change to either hours or wages is implemented.

## **17. Disputes and Complaints**

- 17.1. You are required to have complaints handling procedures in place as part of meeting the requirements under the *Disability Services Act (National Standards for Disability Services) Determination 2014*.
- 17.2. Where a dispute arises between you and a Supported Employee, you must use your best endeavours to resolve the dispute in accordance with the relevant Outlet's complaints handling procedures and complaints and dispute policy as certified by your Certification Body.

- 17.3. The CRRS is available to investigate complaints about Commonwealth Government funded Disability Employment and Advocacy services (see paragraph 18 of these Guidelines).
- 17.4. You are obligated to implement and maintain a complaints register as set out in Item B.11 of the Grant Details.

## **18. CRRS**

- 18.1. The CRRS (phone 1800 880 052) is available to investigate complaints about Commonwealth Government funded Disability Employment and Advocacy services.
- 18.2. When you provide information and advice to Supported Employees about making complaints, you must also give them information and contact details for the CRRS.
- 18.3. You must cooperate with the CRRS and DSS to resolve complaints by:
- a) providing any relevant documentation to the CRRS or DSS related to the complaint (including policy and procedures, records, etc.);
  - b) allowing staff from the CRRS to access your premises to inspect relevant records; and/or
  - c) allowing your Supported Employees and your Officers to be interviewed by CRRS staff.
- 18.4. You must also assist and allow your Supported Employees to access Advocacy support when dealing with a complaint or dispute.

## **19. The Portal**

- 19.1. The Portal is a web-based system that assists in the management of DSS agreements. This system is used to enter information about Supported Employees, the services they receive and to claim payments.
- 19.2. Data contained on the Portal is subject to the Privacy Act. Any unauthorised use or disclosure of data contained on the Portal may be a breach of the Privacy Act.
- 19.3. It is a criminal offence for unauthorised persons or devices to connect to the Portal. Usage of the Portal is monitored. Evidence of suspected misuse may be used in a court of law.
- 19.4. You should notify the govGPS Helpdesk Immediately when Officers at your Outlet leave. You should complete the “DEA System Access Request Form” available on the Literature Tab on the Portal and choose the “Remove User” check box.
- 19.5. Cases on the Portal must have up-to-date caseworker information to ensure important information about the Portal for all cases is delivered correctly.

## **20. Acknowledgement and Promotion**

- 20.1. The following wording is to be used to acknowledge the financial support of DSS: ‘Funded by the Australian Government Department of Social Services’.
- 20.2. In circumstances where funding is also received from other sources for Supported Employment, the words ‘part funded’ may be used.

## 21. Resources

- 21.1. There are a number of “Task Cards” also available on the Literature Tab in the Portal, which contains step-by-step instructions on entering information and completing assessments in the Portal.

## 22. Contact Information – Where you can go for assistance

**Table of contacts for assistance**

|               | <b>For issues or queries relating to...</b>  | <b>Who to contact</b>   |
|---------------|--|---|
| The Portal    | Technical issues<br>Passwords<br>Add or remove Portal users  | govGPS Helpdesk<br>Ph: 1800 020 283<br><a href="mailto:govGPS.Helpdesk@dss.gov.au">govGPS.Helpdesk@dss.gov.au</a> |
| The Portal    | Day to day management of Supported Employee<br>Case records<br>Entering information into the Portal<br>Assistance with how to use the Portal                                   | CBF Helpdesk<br><a href="mailto:Helpdesk.CBF@dss.gov.au">Helpdesk.CBF@dss.gov.au</a>                              |
| The Agreement | Payment issues<br>Questions about the DECoS program or policy<br>Supported Employee eligibility<br>Complaints and notifiable incidents   | FAM   |
| CRRS          | The CRRS is a free service for people with disability who are users of Australian Government funded: Disability Employment Services; ADE; and/or Disability Advocacy services. | <a href="#">CRRS Website</a><br>Ph: 1800 880 052  |