

# Work Based Personal Assistance Guidelines

**V1.0**

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

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Work Based Personal Assistance Guidelines

### Document Change History

| Version | Effective Date | End Date | Change and Location |
| --- | --- | --- | --- |
| 1.0 | 1 July 2018 |  | Original version of document. |

### Background

This Guideline outlines the responsibilities and required actions of a Disability Employment Services- Employment Support Services (DES-ESS) provider (herein referred to as ‘DES-ESS provider’) in regard to assessing a DES-ESS Participant’s eligibility for Work Based Personal Assistance and the provision of Work Based Personal Assistance, including Work Based Personal Assistance Only.

The Department of Social Services is herein referred to as ‘the Department’.

Work Based Personal Assistance is additional regular personal support for eligible DES-ESS Participants in Employment, Unsubsidised Self-Employment and, Apprenticeships (including Traineeships). It is available to any DES Participant (including Work Assist) who has commenced in the Employment Support Service program and requires support within the workplace because of their physical or neurological disability or medical condition. Work Based Personal Assistance is not available for DES Participants in the Disability Management Service program.

DES-ESS providers are responsible for providing or purchasing Work Based Personal Assistance for DES-ESS Participants, and can claim Work Based Personal Assistance Fees for up to ten hours of assistance per week, per DES-ESS Participant.

### Additional Information - National Disability Insurance Scheme

The National Disability Insurance Scheme commenced in four trial sites in July 2013 with full coverage across Australia by 2019.

The National Disability Insurance Agency delivers Work Based Personal Assistance to participants in trial sites who meet requirements to enter the National Disability Insurance Scheme.

DES-ESS providers must not deliver Work Based Personal Assistance to any DES-ESS Participant that:

• currently receives the WBPA service and has a funded plan under the National Disability Insurance Scheme; or

• does not currently receive WBPA services and meets the requirements to enter the National Disability Insurance Scheme.

Other DES-ESS Participants that require personal support may receive Work Based Personal Assistance from a DES-ESS provider.

### Disability Employment Services Grant Agreement Clauses:

Clause 22 – Evidence to support claims for payment

Annexure A – Definition

Section 5F Program Services (95)

Section 5K Work Based Personal Assistance Only (127

Section 5M Participant Suspension and Exit from Program Services (132)

Section 5N Fees and Ancillary Payments (145)

### Reference documents relevant to this guideline:

Documentary Evidence Guidelines

Working Right Checklist

Department of Immigration and Citizenship Visa Entitlement Verification Online website

### Explanatory Note:

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

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

### Work Based Personal Assistance

| Who is Responsible: | What is Required: |
| --- | --- |
| 1. The DES-ESS provider/ DES-ESS ParticipantIdentify the need for Work Based Personal AssistanceDisability Employment Services Grant Agreement Clauses References:* Section 5F Program Services
* Section 5K Work Based Personal Assistance Only
* Section 5M Participant Suspension and Exit from Program Services
* Section 5N Fees and Ancillary Payments
 | In discussion with the DES-ESS Participant, a DES-ESS provider is responsible for identifying the DES-ESS Participant’s need for Work Based Personal Assistance or Work Based Personal Assistance Only.Work Based Personal Assistance and Work Based Personal Assistance Only provide support from:* specially trained personnel, either employed by the DES-ESS provider or from another agency, who provide personal assistance with feeding by mouth or tube or personal hygiene, such as care of catheter; or
* a registered nurse to administer medical interventions.

Work Based Personal Assistance can be provided at any time for a DES-ESS Participant in Employment or Unsubsidised Self-Employment, or who is in an Apprenticeship (including a Traineeship). Work Based Personal Assistance may be started, varied or ended as required by the DES-ESS Participant’s needs.Work Based Personal Assistance Only provides the same support available under Work Based Personal Assistance to DES-ESS Participants who have completed a period of Ongoing Support and are not entitled to receive other services.**Proceed to Step 2** |
| 2. The DES-ESS providerConfirm that the DES-ESS Participant does not meet requirements to enter the National Disability Insurance Scheme.Disability Employment Services Grant Agreement Clauses References:* Section 5F Program Services
* Section 5K Work Based Personal Assistance Only
* Section 5M Participant Suspension and Exit from Program Services
* Section 5N Fees and Ancillary Payments
 | The National Disability Insurance Agency delivers a range of services to individuals with disability, including Work Based Personal Assistance.From 1 July 2013, where a need for Work Based Personal Assistance is identified for a DES-ESS Participant in a National Disability Insurance Scheme trial site, the DES-ESS provider must: * check whether the National Disability Insurance Agency or the Department has provided advice to the person that they have met requirements to enter the National Disability Insurance Scheme; and
* check with the DES-ESS Participant whether they have tested their eligibility to enter the National Disability Insurance Scheme.

DES‑ESS Participants who are in an active trial site and who meet requirements to enter the National Disability Insurance Scheme can receive Work Based Personal Assistance from the National Disability Insurance Agency. DES-ESS providers must not purchase or deliver Work Based Personal Assistance for such a Participant.Up to date information regarding trial sites and roll out of the full scheme is available at the National Disability Insurance Scheme website, (www.ndis.gov.au).DES-ESS Participants outside an active trial site can receive Work Based Personal Assistance under DES. * Where the DES-ESS Participant is not in a National Disability Insurance Scheme trial site, or
* Where a DES-ESS Participant in a National Disability Insurance Scheme trial site does not meet requirements to enter the National Disability Insurance Scheme, **proceed to Step 3**
* Where a DES-ESS Participant in a National Disability Insurance Scheme trial site meets requirements to enter the National Disability Insurance Scheme, refer the Participant to the National Disability Insurance Agency and do not provide any Work Based Personal Assistance.

**End of process** |
| **3. The DES-ESS provider**Determine eligibility and document need for Work Based Personal AssistanceDisability Employment Services Grant Agreement Clauses References:* Section 5N Fees and Ancillary Payments
 | Work Based Personal Assistance and Work Based Personal Assistance Only are available only to DES-ESS Participants.Where Work Based Personal Assistance is required, a DES-ESS provider must determine the requirements for providing Work Based Personal Assistance in the Work Based Personal Assistance requirements form (see **Attachment A** for a copy of the Work Based Personal Assistance requirements form). The form should be completed by an assessor with industry specific qualifications in assessing personal care needs, such as an occupational therapist, a registered nurse or a person with certification or qualification in the disability services field.The Work Based Personal Assistance requirements form should be completed as soon as possible after the need for Work Based Personal Assistance is identified, and should be kept on the DES-ESS Participant’s file. This form is an agreement between all parties about what the DES-ESS Participant’s Work Based Personal Assistance needs are and how they will be met, including the hours of assistance required.The DES-ESS Participant’s Job Plan should also be updated to include the delivery of Work Based Personal Assistance. |
| **4. The DES-ESS provider**Provide Work Based Personal Assistance or Purchase Work Based Personal AssistanceDisability Employment Services Grant Agreement Clauses References:* Section 5N Fees and Ancillary Payments
 | Work Based Personal Assistance is available only to DES-ESS Participants.Where Work Based Personal Assistance is required, a DES-ESS provider must determine the requirements for providing Work Based Personal Assistance in the Work Based Personal Assistance requirements form (see **Attachment A** for a copy of the Work Based Personal Assistance requirements form). The form should be completed by an assessor with industry specific qualifications in assessing personal care needs, such as an occupational therapist, a registered nurse or a person with certification or qualification in the disability services field.The Work Based Personal Assistance requirements form should be completed as soon as possible after the need for Work Based Personal Assistance is identified, and should be kept on the DES-ESS Participant’s file. This form is an agreement between all parties about what the DES-ESS Participant’s Work Based Personal Assistance needs are and how they will be met, including the hours of assistance required.The DES-ESS Participant’s Employment Pathway Plan should also be updated to include the delivery of Work Based Personal Assistance. |
| **5. The DES-ESS provider**Submit claim for provision of Work Based Personal Assistance and Work Based Personal Assistance OnlyDisability Employment Services Grant Agreement Clauses References:* Section 5N Fees and Ancillary Payments
 | Work Based Personal Assistance Fees are claimed in arrears on the Department’s IT Systems and are paid at a standard hourly rate.Once per 28 day period, the DES-ESS provider can submit a claim for the provision of Work Based Personal Assistance on the Department’s IT Systems that details:* the number of hours of Work Based Personal Assistance provided (a maximum of 10 hours per week can be claimed per Participant);
* the date that Work Based Personal Assistance was provided; and
* whether the Work Based Personal Assistance was delivered in house or purchased from a specialist provider.

Work Based Personal Assistance Fees are paid at the rates set out in Table 8 of Annexure B2 Program Fees in the Disability Employment Services Deed. At 1 July 2014, rates were $35.00 per hour (GST inclusive) for Work Based Personal Assistance provided by the DES‑ESS provider and $45.00 per hour (GST inclusive) for Work Based Personal Assistance purchased from another provider.If the DES-ESS Participant no longer requires Ongoing Support, the Provider should Exit the Participant from DES. If Exited, the DES-ESS Participant can become a Work Based Personal Assistance Only Participant.Work Based Personal Assistance Only payments can continue to be claimed through the Miscellaneous payments screen on the Department’s IT Systems after the Participant has Exited as long as the Participant remains employed in the same position. The administration burden of co-ordinating and administering the Work Based Personal Assistance can be counted towards an Instance of Flexible Ongoing Support. For example, where a DES-ESS Provider calculates that the time taken in administering Work Based Personal Assistance will exceed four hours in a six month period, then the DES-ESS provider may retain the DES-ESS Participant in DES Flexible Ongoing Support. If the DES-ESS Participant is kept in Flexible Ongoing Support for this purpose an annual Ongoing Support Assessment will be required.The DES-ESS provider must retain documentary evidence of the Work Based Personal Assistance provided or purchased for the DES-ESS Participant. Refer to the Documentary Evidence for Claims for Payment Guidelines for more information. **Proceed to Step 6** |
| **6. The Department’s IT Systems**Displays Tax InvoiceDisability Employment Services Grant Agreement Clauses References:* Section 5N Fees and Ancillary Payments
 | When the DES-ESS provider submits a Work Based Personal Assistance claim, the Department’s IT Systems will display a Tax Invoice for the appropriate amount. This amount will be the actual number of hours of Work Based Personal Assistance provided (maximum of 10 hours per week, per Participant) at the provided or purchased Work Based Personal Assistance rate.The Tax Invoice will be displayed on the Department’s IT Systems after the claim has been submitted.**Proceed to Step 7** |
| **7. The DES-ESS provider**Submit Tax Invoice on the Department’s IT SystemsDisability Employment Services Grant Agreement Clauses References:* Section 5N Fees and Ancillary Payments
 | The DES-ESS provider can submit the Tax Invoice by certifying that the details are correct on the Department’s IT Systems.The Department’s IT Systems will process the submitted Tax Invoice and will pay the Work Based Personal Assistance Fee to the DES-ESS provider on the next scheduled fortnightly payment date. |



### Attachment A

### Work Based Personal Assistance Requirements Form

Disability Employment Services – Employment Support Service (DES-ESS) providers should use this form to determine a DES-ESS Participant’s Work Based Personal Assistance (WBPA) requirements. It is an agreement between all parties about what the DES-ESS Participant’s WBPA needs are and how they will be met.

This form must be completed by an assessor with industry specific qualifications in assessing personal care needs, such as an occupational therapist or a registered nurse. Keep this form on the DES-ESS Participant’s file. It does not need to be submitted to the Department of Social Services.

**Assessment details**

|  |  |  |
| --- | --- | --- |
| DES-ESS Participant: |  | Job Seeker ID: |
|  |  |  |
| DES-ESS Provider outlet: |  | Outlet ID: |
|  |  |  |
| WBPA Assessment conducted by: |  | Assessment date: |
|  |  | / / |

**Employment details**

|  |  |
| --- | --- |
| Employer: |  |
|  |  |
| Job description: |  |
|  |  |
| Days and hours of work: |  | Start date: |
|  |  | / / |
|  | End date: |
|  | / / |

**National Disability Insurance Scheme check**

*Eligible DES-ESS Participants must access WBPA through the National Disability Insurance Scheme*

|  |  |  |  |
| --- | --- | --- | --- |
| Is the National Disability Insurance Agency operating in this region? | No |  | *Continue to next page* |
|  |  |  |  |
|  | Yes |  | *Answer next question* |
|  |  |  |  |
| Does the DES-ESS Participant meet requirements to enter the National Disability Insurance Scheme? | No |  | *Continue to next page* |
|  |  |  |  |
|  | Yes |  | **Do not provide WBPA** |

**Assessment of Participant’s WBPA Needs**

Include estimate of normal requirements based on the DES-ESS Participant’s typical employment for a 4 week period. Include the minimum call out time, if applicable.

**A: Personal Assistance Needs**

|  |  |  |  |
| --- | --- | --- | --- |
| **Task** | **Hours per instance** | **Frequency over 4 weeks**  | **Total Hours over 4 weeks** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  | **Total A:**  |  |

**B: Medical Assistance Needs**

|  |  |  |  |
| --- | --- | --- | --- |
| **Task** | **Hours per instance** | **Frequency over 4 weeks**  | **Total Hours over 4 weeks** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  | **Total B:**  |  |

|  |  |
| --- | --- |
| **Total WBPA hours (A+B):**  |  |

Note: DES-ESS providers will be paid WBPA Fees at the provided or purchased rates set out in the *Disability Employment Services Deed* for the actual number of hours provided as set out in the DES-ESS provider’s claim for payment. WBPA fees are capped for each eligible DES-ESS Participant at a maximum of 10 hours per week.

**Authorisation**

Please sign and date this form to confirm that:

* To the best of your knowledge the details in this form are true and correct; and
* You understand that the information in this form may be shared with other Australian Government departments, agencies, authorities and other state/territory agencies when required by law or for program administration, monitoring and evaluation purposes.

|  |  |  |  |
| --- | --- | --- | --- |
|  | Signature: |  | Date: |
| **DES-ESS Participant:**  |  |  | / / |
|  |  |  |  |
| **DES-ESS Provider representative:** |  |  | / / |
|  |  |  |  |
| **WBPA Assessor:** |  |  | / / |



### Attachment B

### Work Based Personal Assistance Transition to the National Disability Insurance Scheme

#### Information for providers

The roll-out to a National Disability Insurance Scheme (NDIS) commenced on 1 July 2016.

The transition to the NDIS will occur over a number of years. People will gain access to the scheme at different times, depending on where they live and how old they are. For information on the start dates in each state and territory visit the NDIS website at <http://www.ndis.gov.au/>

#### Changes to disability programs

Funding for a range of Commonwealth funded disability programs will transition to the NDIS. Work Based Personal Assistance (WBPA) supports delivered under the Disability Employment Services – Employment Support Service (DES-ESS) program, will also be transitioning to the NDIS.

For DES-ESS providers, this will mean claims for WBPA cannot be submitted for DES-ESS participants who have a funded plan under the NDIS; or who meet the requirements to enter the NDIS.

Providers that deliver WBPA are encouraged to register to deliver services under the NDIS as it commences in their area. Find out more at <http://www.ndis.gov.au/providers>

There will be significant opportunities for providers under the NDIS. In exercising choice and control, NDIS participants will be looking for quality providers that deliver the services they want, and in a format that best meets their needs. Providers delivering WBPA are well placed to become a provider of choice under the NDIS for existing and new clients.

**WBPA and the NDIS**

**Client eligibility for the NDIS**

Clients will need to meet the age and citizenship requirements of the NDIS to access the scheme. All WBPA clients under the age of 65 are expected to be eligible for the NDIS once it is available in their area.

**Types of support**

NDIS planners can incorporate WBPA services into NDIS plans, at the request of each participant.

**Advising your clients**

Clients can check their expected eligibility online via the NDIS Access Checklist at <http://www.ndis.gov.au/ndis-access-checklist>

The NDIS website contains advice, information and resources to help them get started on their NDIS journey. See <http://www.ndis.gov.au/>

You should encourage your clients to request access to the NDIS once it becomes available in their area. WBPA will continue to be available to maintain the participant’s supports while their access request is processed and while their individual support plan is developed.

**Continuity of support**

For existing DES-ESS participants receiving WBPA who are assessed as not meeting the NDIS access criteria, the Commonwealth has committed to providing continuity of support. Continuity of support means clients who are ineligible for the NDIS will be supported to achieve similar outcomes, even if the arrangements for doing that change over time.

In the short term, continuity of support will be provided through your existing program funding arrangements. You will be notified once long term arrangements for providing continuity of support have been finalised.

**Resources**

**NDIS website**

The provider section of the NDIS website has information, advice and links for providers who want to work under the scheme.

Visit the NDIS Website providers page http://www.ndis.gov.au/providers

**NDIS Ready communication toolkit**

The ‘NDIS Ready’ section of the NDIS website includes a communication toolkit which provides individuals and organisations with communication materials that can help spread the word about the NDIS across a range of communications channels, including websites, intranets, social media platforms and electronic and printed newsletters. These resources may help you communicate with your clients about the scheme.

Visit the NDIS Ready page http://www.ndis.gov.au/ndis-ready

**NDIS Information Sessions**

The National Disability Insurance Agency (NDIA) is running information sessions across the country for providers and participants. These information sessions provide the opportunity to learn more about the NDIS, including the ways that your clients can apply to and access the scheme, and what other supports will be available.

For upcoming information sessions in your area visit the NDIS events page <https://www.ndis.gov.au/news/events/all>

**NDIS Provider Portal**

Providers who work under the NDIS need to register on the NDIS Provider Portal.
A new version of the NDIS Provider Portal was launched on 1 July 2016 called myplace. Access to myplace is via PRODA, an online authentication system designed to provide secure access to specific government services and is required to access the new Provider Portal. This replaces the previously used authentication process, AUSkey. Whether you are new to the NDIS, or already registered to do business, you will need to sign up to myplace.

Visit how to register to be a NDIS provider http://www.ndis.gov.au/providers/provider-toolkit.html

**NDIS Provider Toolkit**

This practical self-assessment tool helps providers check their readiness for the NDIS, and work out where they may need to enhance their capabilities. The toolkit is free for providers to use. It has been developed by National Disability Services (NDS) with funding from the Australian Government Sector Development Fund.

Visit the NDIS Provider toolkit website <https://www.nds.org.au/resources/ndis-provider-toolkit>

**Sector Development Fund projects**

Through the Commonwealth’s Sector Development Fund, a number of not for profit organisations have been funded to help the disability services sector get ready for the NDIS. The projects focus on developing the sector as a whole, including people with disability, their families, carers and providers. Information about completed projects is available on the NDIS web site. The resources include practice change and service delivery resources, operational tools, workforce planning resources and change management resources.

Visit the NDIS Sector Development Fund details website <https://www.ndis.gov.au/SDF/whatisSDF.html>

**Costing and Pricing advice**

Organisations will need to establish, and operate under, a market based, competitive, fee-for-service model prior to the NDIS commencing in their region. This practical Costing and Pricing Learning Program aims to increase costing and pricing skills for disability service providers across Australia. It has been developed by NDS and the Curtin University Not-for-profit Initiative.

Visit the NDS costing and pricing webpage
<https://www.nds.org.au/resources/costing-pricing-learning-program>