



Australian Government



Eligibility, Referral and Commencement Guidelines

V 1.5

Disclaimer

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

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Document Change History

Version	Effective Date	End Date	Change & Location
1.5	1 July 2021		<p>Policy: Revised eligibility criteria precluding commencement in the DES program of people who are non-allowees (except for defined cohorts) or assessed as able to work 30+ hours per week.</p> <p>Narrative: Revised structure of eligibility, referral and commencement information.</p>
1.4	14 September 2020	30 June 2021	<p>Clarification: Amended to clarify that auto commencement can also be triggered if the Job Plan is agreed to online by the Participant if other conditions required for commencement are met.</p>
1.3	9 March 2020	13 September 2020	<p>Narrative: Various Department name changes</p>
1.2	3 Dec 2018	8 March 2020	<p>Policy: Updated Privacy Consent Form at Attachment B in line with amendments to the DES 2018 Grant Agreement under Direction No. 2.</p> <p>Terminology: Amendments made to reflect changes in the DES Grant Agreement - Direction 2 Terminology: 'Electronic Calendar' replaces 'Electronic Diary'.</p> <p>Added information on Pre-release Prisoners.</p> <p>Formatting: Throughout guideline</p>
1.1	10 Sep 2018	2 Dec 2018	<p>Revised and updated the Disability Employment Services Privacy Consent Form, Participant Declaration and Disability Employment Services Provider Declaration; updated terminology in line with amendments to the Grant Agreement under Direction No. 2 and corrected some formatting and grammatical issues.</p>
1.0	1 July 2018	9 Sep 2018	Original version.

Background

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

Relevant Disability Employment Services Grant Agreement clauses

Clause 81 – Specialist Service Providers

Clause 85 – Referrals

Clause 87 – Direct Registration of Participants without a Referral

Clause 91 – Appointments with Participants

Clause 92 – Initial Interview

Clause 93 – Contact services

Annexure A – Definitions

Reference documents relevant to this guideline

- Direct Registration Guidelines
- Job Plan and Setting Mutual Obligation Requirements Guidelines

Explanatory notes

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

Eligibility

Overview

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

Providers must confirm a job seeker's eligibility for DES Program Services before Commencement, regardless of how the job seeker presents at the Provider's site.

Eligibility for DES

DES eligibility requirements apply at the time of a job seeker's Referral and must be checked by the Provider before the job seeker is Commenced in the program. Once a job seeker has Commenced as a DES Participant, their eligibility is not tested and in most instances Participants who cease to meet eligibility requirements are not exited from DES. A Commenced Participant can usually receive DES services for the duration of their current Period of Service (see the *DES Period of Service Guidelines*).

Note: Providers should not exit, or refer for a new ESAt, a Commenced Participant because they are listed on the Department's IT Systems as ineligible for DES. Changing circumstances may result in a Participant becoming ineligible for a new DES referral after commencing their DES program, but this does not make them ineligible to continue receiving support in their current DES Period of Service.

Role of the ESAt/JCA in determining eligibility

Unless exempt (see below), a job seeker must have a Valid ESAt or JCA recommending DES before they can be Commenced in the program. An ESAt is an assessment conducted by Services Australia to:

- confirm a person's disability, injury or health condition;
- identify a person's vocational and non-vocational barriers to finding and maintaining employment, and relevant interventions to overcome these barriers;
- determine the person's work capacity and ongoing support needs; and
- refer the person to an appropriate service.

A JCA provides the same assessment but also considers a person's eligibility for the Disability Support Pension (DSP). In these Guidelines, reference to an ESAt includes a JCA, unless otherwise specified.

A Valid ESAt is one that has been finalised within the previous two years and contains a recommended Referral to either the DES-Employment Support Service (DES-ESS) or the DES-Disability Management Service (DES-DMS). A DES Provider can only Commence an eligible job seeker with a Valid ESAt recommending Referral to the service the DES Provider is contracted to deliver.

Note: An ESAt is Valid for only one complete Period of Service. If a Participant completes a DES Period of Service - by obtaining at least a 26 week outcome, or by completing at least 18 months of Employment Assistance – the Participant cannot Commence a new DES Period of Service until a new Valid ESAt/JCA is conducted the Participant's exit from DES, even if the previous ESAt/JCA was finalised within the previous two years. The new ESAt/JCA is required to determine whether the person still requires support from DES, following the completed Period of Service. For more information, refer to Appendix A of the *Program Review, Program Summary and Exits Guidelines*.

Note: An ESAt must be Valid only at the time the job seeker is referred to DES. Providers should not exit, or refer for a new ESAt, a Commenced Participant because the Participant's ESAt was conducted more than two years previously. If a new ESAt/JCA is conducted and recommends a different employment service, the Participant will be Referred to the new service in the assessment.

ESAt Exempt Job Seekers

The following specific job seeker groups do not require an ESAt or JCA referral, and can be Commenced if they meet general DES eligibility requirements and the specific eligibility requirements set out in the relevant Guidelines:

- Eligible School Leavers (ESL) – refer to the *Eligible School Leaver Guidelines*;
- Special Class Clients (SCC) [*DES-DMS only*] – refer to the *Direct Registration Guidelines*; and
- Work Assist Participants - refer to the *Work Assist Guidelines*.

General eligibility requirements

A job seeker is eligible for DES if they:

- have a disability, injury or health condition;
- are aged at least 14 years but have not yet attained the Age Pension qualifying age;
- are at or above the minimum legal working age in their state or territory;
- have a future work capacity with intervention of at least eight hours per week;
- are an Australian resident;
- are not studying full time, unless the job seeker is an ESL; and
- are not working at or above their Employment Benchmark hours (not applicable for Work Assist Participants, National Disability Insurance Scheme (NDIS) participants, and/or participants in the Disability Employment Continuity of Support program).

Additionally, from 1 July 2021 a job seeker must:

- have a future work capacity with intervention of less than 30 hours per week; and
- be in receipt of an income support payment, except where the job seeker is:
 - ESAt/JCA exempt (Eligible School Leaver, Special Class Client or Work Assist);
 - a current NDIS participant;
 - a Pre-Release Prisoner; or
 - undertaking a DES program to satisfy Program of Support requirements.

Information about how these eligibility requirements are checked is set out below.

Disability, injury or health condition

A job seeker's eligibility for DES due to disability, injury or health condition is normally determined by an ESAt based on available certified medical evidence. For job seekers who are ESAt/JCA exempt, Providers must confirm the job seeker's disability, injury or health condition as described in the Guidelines for the relevant cohort as set out above.

DES helps people to overcome barriers related to disability, injury or a health condition and to remediate those conditions where possible. If a Participant's circumstances are sufficiently improved that their recommended service is updated to another employment service in a 'change of circumstances' ESAt, the Participant can choose to transfer to the alternative service, but can also choose to remain in DES until the end of their current Period of Service.

Age

The Department's IT Systems will confirm that a job seeker is of working age at the time of the job seeker's Referral or Commencement in DES.

Participants who reach Age Pension qualifying age while Commenced in DES can complete their current Period of Service (including Extended Employment Assistance if required). They can complete Outcomes, and the Provider can claim associated Outcome fees. They can also receive Ongoing Support, if required, for as long as needed.

Work Capacity

A job seeker's capacity for work is normally determined by an ESAt or JCA based on available certified medical evidence. The assessed work capacity also determines their Employment Benchmark.

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

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

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

If a new ESAt determines that a current DES Participant is no longer capable of working eight hours per week, even with the ongoing support of their Provider, the Participant must be exited from DES. This is one instance where updated circumstances can end a Participant's Period of Service early.

For Eligible School Leavers and Special Class Clients, who are ESAt/JCA exempt, Providers are responsible for assessing whether the job seeker has the capacity to work at least eight hours a week within two years of Commencing in DES with the assistance of the DES Provider. Refer to the relevant Guidelines for further information.

Job seekers are eligible for Work Assist only if they have been working for at least eight hours per week and require assistance to continue working at their normal hours of employment.

Job seekers with an assessed work capacity of 30 or more hours per week are ineligible to commence a DES period of service from 1 July 2021, but current Participants with this work capacity can complete their existing Period of Service and can continue to receive existing Ongoing Support.

Australian Residency

To be eligible for DES a job seeker must be an Australian resident. An Australian resident is a person who resides in Australia and is one of the following:

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

New Zealand citizens living in Australia who have not been granted permanent residency are generally holders of protected or non-protected SCVs. A New Zealand citizen is a protected SCV holder, and therefore eligible for DES, if he or she:

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

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

Additionally, from 1 July 2014 eligible job seekers who are not permanent residents can access DES-ESS (but not DES-DMS) if they hold either:

- a Temporary Protection Visa (TPV); or
- a Safe Haven Enterprise Visa (SHEV).

Job seekers who are studying

Providers are responsible for checking whether a job seeker is a studying on a full-time basis. Full-time students are generally ineligible to Commence in DES, except as Eligible School Leavers.

Where a job seeker with Mutual Obligation Requirements or participation requirements who is Referred to the Provider by Services Australia declares they are studying full-time, the Provider should ask the job seeker if they have notified Services Australia of their full-time study.

- If Services Australia has been notified, the job seeker meets the eligibility requirement, as Services Australia has determined that the job seeker must participate in DES.
- If the job seeker has not notified Services Australia, they should be referred back to Services Australia to discuss their circumstances.

Job seekers who are undertaking part-time study may be eligible to Commence in DES provided they are looking for work and meet all other eligibility criteria.

Employment Benchmark hours

Providers are responsible for checking whether a job seeker is already working at their Employment Benchmark hours at Commencement. When determining whether a job seeker is working at or above their Employment Benchmark hours, the DES Provider should consider the hours that the Participant normally works in their job, discounting periods of leave or recently reduced/increased hours. Job seekers who are already working at a level defined as being an appropriate outcome through DES are considered ineligible as they are unable to benefit from DES.

If a job seeker is commenced before the Provider becomes aware of the employment conditions, the placement is considered Pre-Existing Employment and the Provider is ineligible to claim any Outcome Fee for that placement under paragraph (x) of the definition of Non-Payable Outcome in the DES Grant Agreement.

A Participant working below their Employment Benchmark at the time of commencement in DES can achieve an outcome by increasing their employment hours to their Employment Benchmark while in DES. Refer to the *DES Outcome Guidelines* for further information.

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

Eligibility from 1 July 2021

Job seekers with a 30+ hour work capacity

From 1 July 2021, job seekers are not eligible to commence a DES program if they have in the 'Work Capacity' field of the ESAt/JCA either:

- "Baseline Work Capacity: 30+ hours per week"; or
- "Capacity for work within 2 years with Intervention: 30+ hours per week".

These job seekers with a higher capacity for work are eligible for support through other employment services. The Department's IT Systems will not allow these job seekers to be Commenced in DES.

Any Participant who commenced DES with these assessed capacities before 1 July 2021 can continue their current Period of Service or Ongoing Support, and fees may be claimed for these Participants as they fall due.

Job seekers not in receipt of an Income Support Payment

From 1 July 2021, job seekers must normally be in receipt of an Income Support Payment to be eligible for DES. Job seekers who are not in receipt of an Income Support Payment or pension (non-allowees) may commence a DES-ESS or DES-DMS program if they are:

- ESAt/JCA exempt (Eligible School Leaver, Special Class Client or Work Assist); or
- have a Valid ESAt/JCA and are within one of the following cohorts:
 - a current NDIS participant;
 - a Pre-Release Prisoner; or
 - undertaking a DES program to satisfy Program of Support requirements.

A non-allowee is eligible to commence as a current NDIS participant where:

- the Provider has and retains documentary evidence showing the non-allowee is receiving supports under the NDIS;
- the Provider records that the non-allowee is an NDIS participant in the Special Placement section of the job seeker Eligibility screen; and
- the job seeker meets other DES eligibility requirements, including a Valid ESAt referral.

A non-allowee is eligible to commence as a Pre-Release Prisoner where:

- corrective services refer a job-ready prisoner in the last 12 months of their sentence who is considered suitable to be issued a license to undertake paid work;
- the Provider records that the non-allowee is a Pre-Release Prisoner in the Special Placement section of the job seeker Eligibility screen; and
- the job seeker meets other DES eligibility requirements, including a Valid ESAt referral.

A non-allowee is eligible to commence as a person undertaking DES to satisfy Program of Support requirements where:

- the Provider has and retains a signed statement or email by the non-allowee that they intend to claim the Disability Support Pension, subject to Program of Support requirements;
- the Provider records that the person is undertaking a Program of Support in the Special Placement section of the job seeker Eligibility screen; and
- Services Australia has not already made a final assessment of the non-allowee's DSP claim (ie, completing a Program of Support is a relevant factor in such an assessment).

Non-allowee Participants who commenced DES before 1 July 2021 can continue their current Period of Service or Ongoing Support, and fees may be claimed for these Participants as they fall due.

More information about the registration of non-allowees within these cohorts is available from the Direct Registration Guidelines.

Specific job seeker groups

Workers Compensation Recipients

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

From 1 July 2021, these job seekers are ineligible to commence DES if they are not in receipt of an allowance.

Job seekers who receive NDIS funding

Job seekers who are receiving NDIS supports are eligible to commence a DES program if they meet other DES eligibility requirements, including that they are assessed in an ESA as being able to work at least eight hours per week in open employment. NDIS participants using Supports in Employment funding in their plan (for instance, in an Australian Disability Enterprise) are not required to cease this employment while they are participating in DES.

From 1 July 2021, non-allowees who are current NDIS recipients will remain eligible for DES if they meet other eligibility requirements. The person can be commenced only where the Provider has Documentary Evidence the person is receiving NDIS support and has recorded that the person is an NDIS participant as a Special Placement on the job seeker's Registration screen.

Pre-release prisoners (PRPs)

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

Providers must initially complete a Registration in the Department's IT System (refer to the *Direct Registration Guidelines*).

Referral

Overview

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

Referral

A job seeker cannot be Commenced in DES until they have been validly Referred to the Disability Management Service (DES-DMS) or the Employment Support Service (DES-ESS).

Unless the job seeker is ESAt/JCA exempt as described in the Eligibility section of these Guidelines, a job seeker must have a recommended service Referral to DES-DMS or DES-ESS in a Valid ESAt or JCA, conducted after any DES Period of Service the job seeker may previously have completed. Job seekers who are ESAt/JCA exempt do not need a service referral.

A Referral connects a job seeker with a particular Provider of the recommended DES service, and is usually made by an Assessor as part of the ESAt/JCA containing the service recommendation. Referrals can also be made by other Services Australia staff, the Department (DSS), the National Customer Service Line (NCSL), jobactive or other DES Providers, using a Valid ESAt/JCA service referral.

A job seeker can also Refer themselves to a particular Provider through Direct Registration.

- If the job seeker has a Valid ESAt/JCA recommending Referral to the DES service delivered by that Provider, the Provider can undertake any required eligibility checks and then Commence the job seeker if they are eligible.
- If the job seeker does not have a Valid ESAt/JCA, the Provider can refer the job seeker to an ESAt/JCA to determine the job seeker's eligibility and recommended service referral.

Participant choice of Provider

Job seekers must choose a Provider at the ESAt/JCA recommending Referral to DES-DMS or DES-ESS. To inform this choice, Services Australia provides information about the services available in the job seeker's local area. Information is available on the JobAccess website for the job seeker to view, prior to their ESAt or JCA.

Where a Referral is made at another time using a recommended Referral in a Valid ESAt/JCA to DES-DMS or DES-ESS, the job seeker must be offered a choice of Provider using the same information.

If a job seeker has been referred for an ESAt/JCA after registering directly with a Provider, the job seeker's Referral will normally be to the Provider with which they registered. This recognizes that the job seeker has already exercised choice in registering with that Provider. However, job seekers can exercise choice of Provider at any time and may elect to choose a different Provider.

Creating sessions in the Electronic Calendar

A Referral to a Provider occurs when a job seeker is referred to an available Initial Appointment in the Provider's Electronic Calendar. If a Provider has no open Initial Appointments scheduled, a Referral cannot be completed. Provider must therefore manage their own Electronic Calendar to ensure that sufficient Initial Appointment sessions are available to enable Referrals.

Commencement

Overview

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

When a job seeker Commences a DES program, they become a Participant and their Period of Service commences. Providers also need to Commence delivery of services to an existing Participant who transfers to the Provider during their Period of Service.

Commencement

A job seeker can be Commenced when:

- the job seeker attends an Initial Appointment with the Provider; and
- the Department's IT Systems show the job seeker has a current Referral to the Provider; and
- the Department's IT Systems show the job seeker has a Valid ESAt assessment confirming their eligibility for DES, or that that job seeker is ESAt/JCA exempt; and
- the Provider confirms any additional eligibility requirements not confirmed in the ESAt, such as employment hours at commencement; and
- the job seeker signs a Job Plan.

The Job Plan does not need to be signed at the Initial Appointment as job seekers can take some time to think about the plan, as described in the *Job Plan and Scheduling Mutual Obligation Requirements Guidelines*.

DES Specialist Service Providers

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

Disability Employment Services Privacy Notification and Consent Form

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

Direct Registration

Where a job seeker directly registers with a Provider and the job seeker has a Valid ESAt that was conducted after any previously completed DES Period of Service, the Provider may Commence the job seeker without referring them for another ESAt. A Provider must only directly register a job seeker if they have confirmed that the job seeker is not currently Referred to another Provider, and that the job seeker meets the relevant eligibility requirements. Where a job seeker requires but does not have a Valid ESAt, a Provider must refer the job seeker to a Services Australia Assessor. Refer to the *Direct Registration Guidelines* for more information.

Commencement conditions

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

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

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

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

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

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

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

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

Process: Creating Appointments to receive Referrals

Who is Responsible:	What is Required:
<p>1. Provider</p> <p>Provider accesses their Electronic Calendar to create available sessions.</p> <p><i>Grant Agreement Reference:</i></p> <ul style="list-style-type: none"> • Clause 91 	<p>Providers must ensure they have the correct access levels and security levels to create sessions in their Electronic Calendar on the Department's IT Systems.</p> <p>Providers should consider the following when deciding on how many sessions to create:</p> <ul style="list-style-type: none"> • the organisation's Maximum Caseload within the specified Site; • the programs which have been identified by the Provider to be delivered at that Site; and • any subcontracting arrangements the Provider may have in place.
<p>2. Provider</p> <p>Provider considers types of sessions to be created.</p> <p><i>Grant Agreement Reference:</i></p> <ul style="list-style-type: none"> • Clause 91 	<p>Providers must ensure their Electronic Calendar has the following types of available sessions for Services Australia to use:</p> <ul style="list-style-type: none"> • Initial Interview (required for new Referrals); • Re-engagement (including for Reconnections); and • Contacts (which may be booked following a Change of Circumstance Reassessment or a Programs Review). <p>Note: Providers must ensure that their Electronic Calendar always has available Appointments for all of the above session types within the next two Business Days, unless otherwise agreed with the Department.</p>
<p>3. Provider</p> <p>Provider considers format of sessions to be created and creates session in the Provider's Electronic Calendar.</p>	<p>When deciding on the format of the session the Provider should consider whether it is an individual or group session.</p> <p>Note: All sessions will be automatically available for all DES programs delivered at that Site. The session format will default to an individual session.</p>
<p>4. Provider</p> <p>Provider meets with the job seeker.</p> <p><i>Grant Agreement Reference:</i></p> <ul style="list-style-type: none"> • Clause 91 	<p>The Provider must meet with the job seeker and conduct the Contact, Initial Interview or Re-engagement Appointment at the Appointment time (date) as recorded in the Department's IT Systems.</p>
<p>5. Provider</p> <p>Provider records the Appointment result in the Department's IT Systems.</p>	<p>Appointment results for Initial Appointments must be recorded as soon as possible, and within five days of the Appointment.</p> <p>Appointment results for other Appointments must be recorded on the same day as the Appointment.</p> <p>Appointment results cannot be recorded as 'attended' until the job seeker has presented at the time of the Appointment.</p> <p>End of Process.</p>

Process: Referrals to Program Services and conducting an Initial Interview

Who is Responsible:	What is Required:
<p>1. Referrer Job seeker is Referred to Provider.</p>	<p>A Referral of an eligible job seeker to a Provider can be made by:</p> <ul style="list-style-type: none"> • an Assessor, as part of an ESAt or JCA; • other Services Australia staff, the Department or other employment services providers, at other times; or • a job seeker, who Directly Registers with a Provider in accordance with the <i>Direct Registration Guidelines</i>. <p>In this table, the term “Referrer” is used to cover these options.</p> <p>Where a job seeker Directly Registers and is identified as eligible (ESAt/JCA exempt, or has a Valid ESAt with a recommended Referral to the DES service), the Provider may proceed to the Initial Interview without arranging an ESAt (skip to Step 7).</p> <p>Where a job seeker Directly Registers before their eligibility is confirmed, the Provider must send them for an ESAt, but the Assessor would normally Refer the job seeker back to the Provider with which they registered (skip to Step 7), unless the job seeker requests another Provider during the assessment.</p>
<p>2. Department Department’s IT Systems check existing Referrals.</p>	<p>The Department’s IT Systems will check the job seeker’s record and determine if the job seeker already has a Referral to for the current service period (ie, is an active Participant or exited within the last 13 weeks and is eligible to resume the service).</p> <p>If the job seeker already has a Referral to a Provider, the job seeker must remain with that Provider unless the Provider does not deliver the Program Services required. The job seeker can choose to transfer Providers if desired. End process.</p> <p>If the job seeker does not have a current Referral, or the Provider does not offer the Program Services required (as a result of a new ESAt or Ongoing Support Assessment), a Referral can proceed.</p>
<p>3. Department Department’s IT Systems display Provider list.</p>	<p>The Department’s IT Systems display a list of all Providers near the job seeker’s residential address and eligible Program Service.</p> <p>Note: Only Providers with available appointments appear on this list. It is the Provider’s responsibility to create sessions at the site level in the Department’s Electronic Calendar.</p>
<p>4. Referrer Referrer provides job seeker with information on available Providers.</p>	<p>To enable job seeker choice, Referrers may supply, where available, the following information about DES Providers, to assist the Participant to make an informed choice:</p> <ul style="list-style-type: none"> • location from the job seeker’s residential address; • performance Ratings for Providers; • Specialist Service Providers; and • any information provided under local arrangements for job seekers’ information (e.g organisational pamphlets, Fact Sheets, other Provider information about Services).

<p>5. Job seeker Job seeker selects preferred Provider.</p>	<p>Job seeker selects their preferred Provider from the available list.</p>
<p>6. Referrer Referrer books the job seeker into an appointment.</p>	<p>The Referrer books an Appointment for the job seeker from the available Appointments in the Provider’s Electronic Calendar, and notifies the job seeker of the Appointment details.</p>
<p>7. Provider Provider prepares to conduct the Initial Interview.</p>	<p>Providers will be alerted to Referrals via booked Appointments in their Electronic Calendar.</p> <p>Providers should complete the following pre-interview checks:</p> <ul style="list-style-type: none"> • checking that an ESAt report has been submitted (if one was needed to determine eligibility); • attempting to contact the Participant to confirm the appointment via the Participant’s preferred contact method. The Department’s IT Systems will automatically send an Appointment reminder via mobile phone or email, if that is the preferred method of contact – this is not a Notification for the purposes of compliance action; • making arrangements to cater for a job seeker’s special needs, if required. If needed, the DES Provider is to contact the job seeker to reschedule for a time when the special needs arrangements are available; and • checking previous participation, any ESAt information, Comprehensive Compliance Assessments, and previous Job Plans. <p>Note: Services Australia will only book Appointments with a Provider for a time after they expect to have submitted the ESAt report.</p> <p>Providers are required to cater to a Participant’s special needs and should consider whether any of the following apply to the Participant:</p> <ul style="list-style-type: none"> • the need for an interpreter service • a Job Seeker Incident Report (JSIR); • a vulnerability; or • whether the job seeker has a disability requiring assistance (e.g. universal access/wheelchair access).
<p>8. Provider Provider checks job seeker’s eligibility.</p> <p><i>Grant Agreement Reference:</i></p> <ul style="list-style-type: none"> • Clause 92 	<p>The Provider must check to confirm the job seeker meets the eligibility criteria for DES.</p> <p>The Provider must also ensure that all information in the Job Seeker Classification Instrument (JSCI) is correct.</p>

<p>9. Provider Provider undertakes the Initial Interview, provides specific information and develops Job Plan.</p> <p><i>Grant Agreement Reference:</i></p> <ul style="list-style-type: none"> • Clause 92 <p><i>Document References:</i></p> <ul style="list-style-type: none"> • Job Plan and Setting Mutual Obligation Requirements Guideline 	<p>At the Initial Interview, the Provider must:</p> <ul style="list-style-type: none"> • check that they are talking to the correct person; • explain the types of services that may be provided in the relevant Program; • explain the Service Guarantee and the Code of Practice; • explain to a job seeker with Mutual Obligation Requirements their rights and obligations under Social Security Law and the consequences of not meeting their obligations; • explain to a Disability Support Pension (DSP) recipient under 35 years of age who is subject to Compulsory Requirements, their rights and obligations regarding compulsory activities. <p>During the Initial Interview, the Provider must negotiate a Job Plan with each job seeker, which includes any Interventions required at that point. The Initial Interview must be conducted face-to-face. The Provider should discuss with the job seeker, which mode of contact the job seeker prefers to receive services.</p> <p>Providers may choose to complete the appropriate résumé summary fields in the Department’s IT Systems.</p>
<p>10. Provider Provider records attendance at Initial Interview on the Department’s IT Systems.</p> <p><i>Grant Agreement Reference:</i></p> <ul style="list-style-type: none"> • Clause 92 	<p>Provider confirms attendance at the Initial Interview by recording that the Initial Interview was ‘attended’ by the job seeker in the Electronic Calendar in the Department’s IT Systems.</p>
<p>11. Provider Provider records completion of the Initial Interview.</p> <p><i>Grant Agreement Reference:</i></p> <ul style="list-style-type: none"> • Clause 92 	<p>A job seeker can be Commenced into DES when:</p> <ul style="list-style-type: none"> • a result of “Attended” is recorded at the initial interview; and • the Job Plan has been approved by the Provider or agreed online (via the Job Seeker Dashboard through the jobactive website of the Job Seeker App) by the job seeker. <p>Once the above has occurred the Department’s IT Systems will automatically Commence the job seeker as a DES Participant. If the job seeker is not auto-Commenced after the above processes are complete, the Department’s IT Systems will generate an error message, which will need to be actioned by the Provider.</p> <p>Ideally, the job seeker will be Commenced at the Initial Interview. If not, the job seeker must be Commenced in their Program within five Business Days of Referral or Direct Registration. The Participant’s Period of Service starts at this point.</p> <p>The Provider should contact the Department if a Participant on their caseload has been incorrectly Commenced.</p>

	<p>Note: Every endeavour must be made to Commence the job seeker within five Business Days. For those job seekers who Directly Register and must be referred to an ESAt before Commencement, every endeavour must be made to Commence the Participant within five Business Days of the ESAt being submitted.</p> <p>Where exceptional circumstances exist where the DES Provider is unable to Commence a job seeker within five business days, the Provider must keep adequate documentary evidence for the reason/s.</p>
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Attachment A - DES TRWC 0-14 and PCW 0-14 Provider Action Matrix

This table shows the actions available to Providers when:

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

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

	Partial Capacity to Work		Temporary Reduced Work Capacity	
	PCW 0-7	PCW 8-14	TRWC 0-7	TRWC 8-14
At Referral (not yet Commenced)	PCW 0-7	PCW 8-14	TRWC 0-7	TRWC 8-14
Person eligible to Volunteer?	No	Yes	No	Yes
If wishes to Volunteer	NA	Commence	NA	Commence
If does not wish to Volunteer	NA	Exit	NA	Exit
Assessed during the Program	PCW 0-7	PCW 8-14	TRWC 0-7	TRWC 8-14
Person eligible to Volunteer?	No	Yes	Yes (at Provider's discretion)	Yes
If wishes to Volunteer	Exit	Enter Volunteer period	Enter Volunteer period (at Provider's discretion)	Enter Volunteer period
If does not wish to Volunteer	Exit	Exit	Remain suspended	Remain suspended

Attachment B - Disability Employment Services Privacy Notification and Consent Form



Privacy and Your Personal Information

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

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

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

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

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

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

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

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

Department of Social Services' Privacy Policy

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

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

Collection of sensitive information

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

Declaration by Disability Employment Services (DES) Participant¹

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

Name of person making the declaration: _____

Signature: _____ Date: _____

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

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

Declaration by Disability Employment Services (DES) Provider

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

Name of person making the declaration: _____

Signature: _____ Date: _____

Name of DES Provider (Organisation Name): _____

¹ **Note:** Participants under the age of 18 years can sign this declaration as long as they do not have a legal Guardian or Administrator appointed.

² **Note:** Where the Participant has been appointed a legal Guardian or Administrator, that person must sign this declaration in place of the Participant and check the applicable tick box.