



**Australian Government**



# **Work Based Personal Assistance Guidelines**

**V1.1**

**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 and Location
1.0	1 July 2018	30 June 2020	Original version of document.
1.1	1 July 2020		Included additional eligibility checks for participants as the NDIS assumes responsibility for WBPA (p.5). Adopted WBPA, NDIS and NDIA acronyms throughout. Deleted Appendix B

## 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 (WBPA) and the provision of WBPA, including Work Based Personal Assistance Only (WBPA Only).

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

WBPA 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. WBPA is not available for DES Participants in the Disability Management Service program.

DES-ESS providers are responsible for providing or purchasing WBPA 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.

## Transition to the National Disability Insurance Scheme

The WBPA program is transitioning to the National Disability Insurance Scheme (NDIS), which commenced in four trial sites in July 2013 with full coverage across Australia by 2019. The National Disability Insurance Agency (NDIA), which is responsible for the NDIS, has assumed primary responsibility for delivering WBPA to participants who are eligible to enter the NDIS.

From 1 July 2020, DES providers must not deliver WBPA or WBPA to any participant unless they have checked that:

- the participant has tested their eligibility for support under the NDIS and has been found to be ineligible for that support; and
- the participant received WBPA from a DES provider prior to 1 July 2019.

## **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:
<p><b>1. The DES-ESS provider/ DES-ESS Participant</b></p> <p>Identify the need for Work Based Personal Assistance</p> <p><i>Disability Employment Services Grant Agreement Clauses References:</i></p> <ul style="list-style-type: none"> <li>• Clause 131</li> </ul>	<p>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 (WBPA) or WBPA Only.</p> <p>WBPA and WBPA Only provide support from:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• a registered nurse to administer medical interventions.</li> </ul> <p>WBPA 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). WBPA may be started, varied or ended as required by the DES-ESS Participant’s needs.</p> <p>WBPA Only provides the same support available under WBPA to DES-ESS Participants who have completed a period of Ongoing Support and are not entitled to receive other DES services.</p> <p><b>Proceed to Step 2</b></p>
<p><b>2. The DES-ESS provider</b></p> <p>Confirm the participant’s eligibility for support from a DES provider</p> <p><i>Disability Employment Services Grant Agreement Clauses References:</i></p> <ul style="list-style-type: none"> <li>• clause 95.6</li> <li>• clause 95.7</li> </ul>	<p>The National Disability Insurance Agency (NDIA) delivers a range of services to individuals with disability through the National Disability Insurance Scheme (NDIS), including WBPA. As primary responsibility for WBPA is transitioning to the NDIA, DES-ESS providers must not purchase or deliver WBPA for a person who should be receiving it under the NDIS.</p> <p>From 1 July 2020, DES providers can deliver WBPA only to a DES-ESS participant who:</p> <ul style="list-style-type: none"> <li>• has been assessed as ineligible for support under the NDIS; and</li> <li>• has previously received WBPA through DES (continuing WBPA recipient).</li> </ul> <p><b>Proceed to Step 3</b></p>
<p><b>3. The DES-ESS provider</b></p> <p>Determine eligibility and document need for Work Based Personal Assistance</p> <p><i>Disability Employment Services Grant Agreement Clauses References:</i></p> <ul style="list-style-type: none"> <li>• Section 5N Fees and Ancillary Payments</li> </ul>	<p>Where WBPA is required, a DES-ESS provider must quickly determine the requirements for providing WBPA in the WBPA requirements form (see <b>Attachment A</b>). 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.</p> <p>The WBPA requirements form 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 WBPA needs are and how they will be met, including the hours of assistance required.</p> <p>The DES-ESS Participant’s Job Plan should also be updated to include the delivery of WBPA (excluding WBPA Only Participants).</p> <p><b>Proceed to Step 4</b></p>

Who is Responsible:	What is Required:
<p><b>4. The DES-ESS provider</b></p> <p>Provide or Purchase Work Based Personal Assistance</p> <p><i>Disability Employment Services Grant Agreement Clauses References:</i></p> <ul style="list-style-type: none"> <li>• clause 150.1</li> </ul>	<p>The DES-ESS provider should deliver WBPA as required by the participant's personal support needs.</p> <p>Providers can:</p> <ul style="list-style-type: none"> <li>• Directly provide WBPA services; or</li> <li>• Purchase delivery of WBPA services from an appropriately qualified provider.</li> </ul> <p>Providers may deliver a maximum of 10 hours of personal support per week through WBPA.</p> <p><b>Proceed to Step 5</b></p>
<p><b>5. The DES-ESS provider</b></p> <p>Submit claim for provision of Work Based Personal Assistance and Work Based Personal Assistance Only</p> <p><i>Disability Employment Services Grant Agreement Clauses References:</i></p> <ul style="list-style-type: none"> <li>• Section 5N Fees and Ancillary Payments</li> <li>• clause 150</li> </ul>	<p>WBPA Fees are claimed in arrears on the Department's IT Systems and are paid at a standard hourly rate.</p> <p>Once per 28 day period, the DES-ESS provider can submit a claim for the provision of WBPA on the Department's IT Systems that details:</p> <ul style="list-style-type: none"> <li>• the number of hours of WBPA provided (a maximum of 10 hours per week can be claimed per Participant);</li> <li>• the dates that WBPA was provided; and</li> <li>• whether the WBPA was delivered in house or purchased from a specialist provider.</li> </ul> <p>Unless otherwise specified in the DES Grant Agreement, WBPPA Fees are paid at rates of \$35.00 per hour (GST inclusive) for WBPA provided by the DES-ESS provider and \$45.00 per hour (GST inclusive) for WBPA purchased from another provider.</p> <p>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 WBPA Only Participant.</p> <p>WBPA 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.</p> <p>The administration burden of co-ordinating and administering the WBPA can be counted towards an Instance of Flexible Ongoing Support. For example, where a DES-ESS Provider calculates that the time taken in administering WBPA 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. A DES-ESS Participant kept in Flexible Ongoing Support for this purpose will require an annual Ongoing Support Assessment.</p> <p>The DES-ESS provider must retain documentary evidence of the WBPA provided or purchased for the DES-ESS Participant. Refer to the Documentary Evidence for Claims for Payment Guidelines for more information.</p> <p><b>Proceed to Step 6</b></p>

Who is Responsible:	What is Required:
<p><b>6. The Department's IT Systems</b></p> <p>Displays Tax Invoice</p> <p><i>Disability Employment Services Grant Agreement Clauses References:</i></p> <ul style="list-style-type: none"> <li>• Section 5N Fees and Ancillary Payments</li> </ul>	<p>When the DES-ESS provider submits a WBPA 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 WBPA provided (maximum of 10 hours per week, per Participant) at the provided or purchased WBPA rate.</p> <p>The Tax Invoice will be displayed on the Department's IT Systems after the claim has been submitted.</p> <p><b>Proceed to Step 7</b></p>
<p><b>7. The DES-ESS provider</b></p> <p>Submit Tax Invoice on the Department's IT Systems</p> <p><i>Disability Employment Services Grant Agreement Clauses References:</i></p> <ul style="list-style-type: none"> <li>• Section 5N Fees and Ancillary Payments</li> </ul>	<p>The DES-ESS provider can submit the Tax Invoice by certifying that the details are correct on the Department's IT Systems.</p> <p>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.</p>

## 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:
<input type="text"/>	<input type="text"/>
DES-ESS Provider outlet:	Outlet ID:
<input type="text"/>	<input type="text"/>
WBPA Assessment conducted by:	Assessment date:
<input type="text"/>	<input type="text" value="/ /"/>

#### Employment details

Employer:	
<input type="text"/>	
Job description:	
<input type="text"/>	
Days and hours of work:	Start date:
<input type="text"/>	<input type="text" value="/ /"/>
	End date:
	<input type="text" value="/ /"/>

#### National Disability Insurance Scheme check

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

Has the participant tested their eligibility for the NDIS?	No	<input type="checkbox"/>	<b>Ineligible for DES WBPA</b>
	Yes	<input type="checkbox"/>	
Has the participant been assessed as ineligible for the NDIS?	No	<input type="checkbox"/>	<b>Ineligible for DES WBPA</b>
	Yes	<input type="checkbox"/>	
Did the participant receive WBPA in DES before 1/7/2019?	No	<input type="checkbox"/>	<b>Ineligible for DES WBPA</b>
	Yes	<input type="checkbox"/>	



**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
<b>Total A:</b>			

**B: Medical Assistance Needs**

Task	Hours per instance	Frequency over 4 weeks	Total Hours over 4 weeks
<b>Total B:</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 Grant Agreement* 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:**