Participation in a Programme of Support Fact Sheet

Background
Since 3 September 2011, Disability Support Pension (DSP) claimants whose impairments are assessed as attracting at least 20 points under the Impairment Tables but who do not have a severe impairment must demonstrate (among other things) that they have actively participated in a Programme of Support (POS) in order to qualify for the payment.

Additionally, certain existing DSP recipients aged under 35 years who undergo a review of their impairment and work capacity qualifications are also required to undertake and actively participate in a POS if they are found at review to meet a range of legislative conditions, including not having a severe impairment. These recipients will continue receiving their DSP until their eligibility is reviewed again, generally after three years from the first review.

A person’s impairment is a severe impairment if it attracts at least 20 points under the Impairment Tables, of which at least 20 points are assigned under a single Table. Where a person’s impairment is of at least 20 points with no 20 points under a single Table, the person does not have a severe impairment.

This measure is designed to help people with disability prepare for, find or maintain work and make sure the person is in a position to work to their capacity.

What are the steps a Job Capacity Assessor will take to assess active participation?
Job Capacity Assessors will use all available information to determine if a person has actively participated in a POS. Where the person has been participating in a Job Services Australia (JSA), jobactive or DES programme, this information will be sourced from the Department’s IT Systems.

Job Capacity Assessors may also need to source information from the person if they have participated in other programs such as rehabilitation or state-based transition to work programmes.

Job Capacity Assessors will discuss the person’s participation history with them at the Job Capacity Assessment interview to ensure all relevant information is taken into account.

What is a POS?
Depending on when a specific programme started, there are different definitions of POS applying in determining whether a person has actively participated in a POS.

For programmes that started before 5 January 2015, POS means a programme that:
• is designed to help people to prepare for, find or maintain work; and either
• is funded wholly or partly by the Commonwealth; or
• is similar to a programme that is funded wholly or partly by the Commonwealth.

From 5 January 2015, no programme started on or after that date is considered as a POS for the purpose of assessing active participation, unless the programme is fully or partly funded by the Commonwealth.
Programmes that started on or after that date and are similar to those funded wholly or partly by the Commonwealth are no longer recognised as POS for active participation purposes.

**What constitutes active participation in a POS?**
A person has actively participated in a POS if the person:
- complied with the requirements of the POS;
- participated in a POS during the relevant period applying to the person; and
- the POS:
  - was provided by a designated provider;
  - was specifically tailored to address the person’s level of impairment, individual needs and barriers to employment;
  - provided vocational, rehabilitation or employment services with a particular focus on developing skills the person requires to improve their capacity to prepare for, find, gain or maintain work; and
  - included at least one approved activity.

A person cannot be regarded as actively participating in a POS unless they have started a programme and participated in it during the period prescribed in the law (relevant period) applying to the person. Generally, a person is required to have participated in a POS for at least 18 months during the relevant period (generally 36 months). However, a person who has started their programme will not be required to have participated in a POS for 18 months if:
- the duration of POS was less than 18 months and the person completed the entire programme during the applicable relevant period; or
- the POS was terminated after the person had started it but before the end of the applicable period because the person was unable solely due to their impairment, to improve their capacity to prepare for, find or remain in employment through continued participation in the programme; or
- at the end of the relevant period (e.g. at the date of claim), the person is participating in the programme but is prevented, solely because of their impairment, from improving their work capacity through continued participation in the programme.

Any period during which a person who has started a POS does not participate in a programme for any reason (including as a result of temporary medical exemption, relief or suspension) does not count as active participation in a POS.

**Who are the designated providers?**
For a programme to be regarded as a POS for the purpose of determining active participation in a POS, the programme must be delivered by a designated provider. Depending on the date on which a specific programme started, certain types of providers may, or may not, be regarded as designated providers.

For a programme that started on or after 5 January 2015, designated provider means a provider that provides a POS that is fully or partly funded by the Commonwealth, including but not limited to:
- a JSA or jobactive provider;
- a Disability Employment Services provider;
- a RJCP provider;
- an Australian Disability Enterprise.

For programmes that started before 5 January 2015, in addition to the above providers, there were also other recognised designated providers, including state transition to work providers, workers’ compensation rehabilitation providers, insurers etc. These providers and their programmes are no longer recognised in respect of programmes started on or after that date.
What is considered an approved activity?

- Job Search
- Job Preparation
- Education & Training
- Work Experience
- Employment
- Return to Work
- Vocational or Occupational Rehabilitation
- Injury Management
- An activity designed to assist the person to prepare for, find or maintain work

What additional support will Disability Employment Services and jobactive Providers need to provide?

Disability Employment Services and jobactive providers are expected to deliver employment services and record information as per the current Deed and Guidelines. Providers will not be involved in the assessment process nor be expected to develop specific reports for the Job Capacity Assessor.

It is important that providers work with the relevant DSP recipients to meet their POS requirements and actively participate in DES because failure to participate in their DES programme may jeopardise their future eligibility for DSP.

What information in the Department’s IT Systems will be viewed by the Job Capacity Assessor?

Job Capacity Assessors will use information that is recorded by the provider, as per the provider’s usual practices, in the Department’s IT Systems. Job Capacity Assessors will predominately use the Participant’s Job Plan, Job Placement and Outcome information, Contact appointments, recorded activities and exemption/suspension dates. Additionally, for Disability Employment Services participants, the Job Capacity Assessor will also review the Participant’s Programme Review and Programme Summary.

Will the Job Capacity Assessor need to contact the Provider for clarification of the Participant’s involvement in the programme?

Generally, the information available on the Department’s Systems is expected to be sufficient for Job Capacity Assessors to determine participation in a programme of support. Clarification may be required if information is incomplete or unclear, or if a Volunteer has ceased participation and the reason is not recorded.

Will the Provider be able to contribute information to the Participant’s assessment for DSP?

While DES and jobactive providers are not involved in the DSP assessment process, the information provided on the Department’s IT Systems about the job seeker’s participation and/or reasons for non-participation may be used by Job Capacity Assessors to determine whether DSP eligibility criteria are met.

The delegation for determining DSP claims and reviews remains with the Department of Human Services. The assessment process is independent and outside the scope of the employment services models.

How does the Programme of Support measure interact with the compulsory participation measure for under 35 year olds?

Most DSP recipients who have POS requirements will also be required to meet the compulsory participation requirement for under 35 year olds. Participation in the DES programme for under 35 year olds will meet both their POS requirement and their compulsory participation requirement.
Where do I find out more information about DSP and programme of support?

Go to the Disability and Carers (Benefits and Payments) website.