

Job Seeker Compliance Framework Guideline

## Document change history

| Version | Start date | Effective date | End date | Change and location  |
| --- | --- | --- | --- | --- |
| 2.0 | 13 08 15 | 13 08 15 |  | Inclusion of Request for Vulnerability Indicator Review form and instructions (pp. 4,13,14,17) |
| 1.0 | 01 07 15 | 01 07 15 | 12 08 15 | Original version of document |

# Explanatory Note

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

The term ‘Participant” in this Guideline means any Participant with Mutual Obligation Requirements.

## Disclaimer

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

# Summary

This Guideline provides information on the policy and processes that Disability Employment Services Providers (Providers) **must** use in delivering services to assist Participants to be aware of fully understand and meet their Mutual Obligation Requirements. ‘Mutual Obligation Requirements’ refers to the activity test or participation requirements that a Participant **must** meet in order to receive an income support payment under the Social Security Law and in accordance with any Guidelines (see Mutual Obligation Requirements Guidelines for more information).

This Guideline also provides information on the job seeker compliance framework—a tool available to Providers to support Participant engagement and designed to influence a change in the Participant’s behaviour, where required.

The job seeker compliance framework does not apply to Participants who do not have Mutual Obligation Requirements. Advice on arrangements for Disability Support Pension Recipients with compulsory requirements is provided in a separate Guideline.

**Please note: Although Providers may choose to do so they are not required to use the Departments IT Systems to book all Contacts with the Participants - the exception being:**

* Conducting an Initial Interview
* Re-engagement
* Conducting a Contact with the Participant following a Change of Circumstances Reassessment or a Program Review

**However, in order for Providers to be able to take action using the job seeker compliance framework for non-compliance, Providers must use the Department's IT Systems to record appointments.**

# Policy Intent

The job seeker compliance framework is designed to encourage Participants to engage with their Provider, undertake activities to meet their Mutual Obligation Requirements and actively look for work.

The job seeker compliance framework helps Providers to quickly re-engage Participants who do not comply with their Mutual Obligation Requirements. Providers can report non-compliance to the Department of Human Services (DHS), which makes compliance decisions under the Social Security Law, including income support payment suspensions and the application of financial penalties where Participants do not have a Reasonable Excuse. Providers have flexibility to choose when they report non-compliance and when they use discretion and other strategies to re-engage or positively influence the Participant’s behaviour.

# Relevant Deed clause/s

The relevant clauses in the Deed are:

Clause 87 – Appointments with Participants

Clause 96 – General requirements for an Employment Pathway Plan

Clause 97 – Failure and Reporting

Clause 98 – Compliance Activities

# Relevant references

Reference documents relevant to this Guideline include:

* Learning Centre website
* Mutual Obligation Requirements Guideline
* Job Plans Guideline
* Managing and Monitoring Participants Appointments Guideline
* Managing and Monitoring Job Search Guideline
* [Comprehensive Compliance Assessments and Compliance Activities Guideline](file:///C%3A%5CUsers%5CCF0355%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5CBENES9N2%5CSecureSitePortal%5CEmployment%20Services%202015%5Ccurrent%5CComprehensive%20Compliance%20Assessments%20and%20Compliance%20Activities)
* [Activity Management Guideline](file:///C%3A%5CUsers%5CCF0355%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5CBENES9N2%5CSecureSitePortal%5CEmployment%20Services%202015%5Ccurrent%5CActivity%20Management)
* Relocation Assistance to Take Up a Job Guideline
* [Social Security Act 1991](http://www.comlaw.gov.au/Details/C2015C00024)
* [Social Security (Administration) Act 1999](http://www.comlaw.gov.au/Details/C2015C00027)
* [Guide to Social Security Law](http://guides.dss.gov.au/guide-social-security-law/3/1/13)
* Employment and Community Services Network (ECSN) - Reports – Compliance
	+ CPL02 DES Job Seeker Compliance
	+ CPL03 Appointment Outcome
	+ CPL04 Job Seeker Re-Engagement
	+ CPL05 Job Seeker Reconnection Report.

# Notifying Participants of their Mutual Obligation Requirements, monitoring participation and using the job seeker compliance framework

| **Process** | **Details** |
| --- | --- |
| **Provider ensures that Participants are aware of their Mutual Obligation Requirements and details of meeting them** | **Job Plans**Under the Social Security Law, Participants **must** enter into and agree to the terms of a Job Plan. The Job Plan will include the Appointments, Job Search Requirements and any other activities that will enable the Participant to meet their Mutual Obligation Requirements. When deciding what Mutual Obligation Requirements to include in the Job Plan, Providers **must** consider the Participant’s individual circumstances, including their work capacity (where relevant), personal needs, caring responsibilities, any vulnerability indicators on the Participant’s record and their capacity to comply with the requirements.For more information on Job Plans, see the *Job Plans Guideline*.Providers **must** ensure that Participants are correctly notified of their Mutual Obligation Requirements so that Participants are aware at all times of what the Social Security Law requires them to do in return for their income support payment. Providers **must** use the Department's IT Systems to record the way that the Participant was notified of their Mutual Obligation Requirements. This enables Providers to be able to take action using the job seeker compliance framework for non-compliance where they choose to do so.**Authority to formally notify a Participant of their Mutual Obligation Requirements**Each person engaged by a Provider to perform functions or to provide Services under the Deed is a delegate of the Secretary of the Department of Employment. Delegates have been given the authority under the Social Security Law (Social Security (Administration) Act 1999, s 63(2); and Social Security Act 1991, ss 501, 544, 605 and 731L) to formally notify the Participant of the requirements to:* attend Appointments with their Provider or a third party
* attend a location to participate in an activity
* attend a job interview
* negotiate and enter into a Job Plan (which may include Job Search Requirements).
 |
| **Provider ensures that formal notification contains all required details** | Providers **must** ensure that the following details are included in the formal notification:* the nature of the requirement (e.g. Appointments, activities, entering into a Job Plan)
* the date and time of the requirement or the time the requirement needs to be completed by
* the location of the requirement where relevant (for Appointments and activities, for instance)
* the consequences of failing to meet the requirement and
* a statement that it is a notice under the Social Security Law. The statement explains to the Participant that the Appointment or activity, for example, is part of their requirements in order to receive income support payments.

Other requirements when issuing formal notification include:* Where a participant is required to attend an Appointment, the Provider **must** ensure that the notice includes the purpose of the Appointment
* Participants **must** be advised that, if they have a Valid Reason for not being able to meet their requirements, they **must** contact their Provider beforehand to advise of this
* If a Participant is required to attend an Appointment or activity, the provider **must** ensure that it gives reasonable notice ahead of the Appointment or day of the activity. Reasonable notice gives the Participant sufficient time to prepare for the requirement-for example, to arrange transportation.
 |
| **Provider issues the most appropriate form of formal notification to Participant in reasonable notice timeframes** | **Types of formal notification**Providers can notify a Participant of the details of their Mutual Obligation Requirements either by including them in the Participant’s Job Plan or by issuing separate formal notification to the **Participant.**1. Job Plan

The Job Plan can be used as the full formal notification only if the time, date and location details (where relevant) of the particular requirements are included. Providers will generally be unable to include all of these details at the time the Job Plan is being negotiated, so the Provider **must** issue the Participant with separate formal notification to support the Appointment and activity requirements in the Job Plan.The Job Plan can also be used as the full formal notification for Job Search Requirements as long as the Job Plan includes:* the number of Job Searches required (refer to the *Mutual Obligation Requirements Guideline,* and
* the period of time over which the requirement needs to be undertaken.

Providers **should** use this method of formal notification in the vast majority of cases concerning notification of Job Search Requirements.1. Separate formal notification (in particular, for Appointments and participation in activities)

The table below sets out the methods of formal notification that can be used by Providers and the period of notice required ahead of the scheduled requirement (‘reasonable notice’) to issue it to the Participant.The Department’s IT Systems can be used to create notifications for Participants, either automatically by using the diaries or by using the templates that are available in the system.

| **Method** | **Amount of advance notice that Participants need to be given**  | **Details** |
| --- | --- | --- |
| Phone | Three calendar days | Providers **must** speak directly with the Participant and give all required information using the verbal script. A message cannot be left with another person, left on an answering machine or sent by SMS, as this will not constitute formal notification. |
| Face to face | Three calendar days | Providers **must** give all required information using the verbal script. Providers may also choose to issue the Participant with a form of written notification at the same time. |
| Letter or activity notification (**mailed** to the Participant) | Four Business Days  | Providers need to take into account the Participant’s mailing arrangements when using postal services.  |
| Letter or activity notification (**handed** to the Participant) | Three calendar days | Providers may wish to use this form of formal notification in conjunction with face-to-face verbal notification. |
| Email (only available when it is the Participant’s notification preference) | Two Business Days | For an email notification to be valid, Providers **must** ensure that the Participant has read and understood the email—for example, by using a ‘read receipt’—at least one day before the Appointment or activity. Where the Participant does not respond to email notification, another method **should** be used. |

Where an Appointment or participation in an activity has been arranged directly between the Provider and Participant and the Participant has indicated their intent to attend, reasonable notice is considered to have been given, even if the Appointment or participation in the activity is on the *same day* as the notification.**Mutual Obligation Requirement reminders**To encourage Participant attendance and compliance with their Mutual Obligation Requirements, Providers can issue reminders to Participants including SMS, email and letters, as their requirement date approaches. These can be created using the Department’s IT Systems.**Recording Participant notifications**Where the Department’s IT Systems is used to record appointments, Providers **must** keep a record of all notifications issued to a Participant in the Department’s IT Systems. If a Provider subsequently decides to use the job seeker compliance framework, they need to show that formal notification was issued to the Participant so that DHS can be satisfied that the Participant was properly notified and fully aware of their requirements.Note: The requirement to formally notify individuals who receive income support payments also applies to Disability Support Pension Recipients (Compulsory Requirements). |
| **Actively monitor Participants to ensure they meet their Mutual Obligation Requirements** | Providers **must** use their best endeavours to ensure that all Participants meet their Mutual Obligation Requirements, including by attending Appointments, participating in any other activity that is included in their Job Plan on a compulsory basis and undertaking Job Search.Providers **must** actively monitor Participants’ compliance with their Mutual Obligation Requirements. Where Participants do not meet their requirements, Providers **must** determine the best strategy to re-engage or positively influence a change of behaviour in the Participant. This may include reporting the non‑compliance to DHS or using another strategy to ensure that the Participant complies at the next available opportunity, consistent with the Social Security Law.Note**:** In deciding whether it is appropriate to report the non-compliance to DHS, Providers **must** consider certain factors to ascertain whether the Participant had a Valid Reason or Reasonable Excuse (explained below). However, DHS, not Providers, makes all penalty decisions under the Social Security Law. |
| **Participant gives prior notice of inability to meet a Mutual Obligation Requirement—do they have a Valid Reason?** | Where a Participant is unable to attend an Appointment, activity or job interview with a prospective employer, they **must** contact their Provider beforehand to advise them of a Valid Reason for being unable to meet their requirement. Providers **must** ensure they have mechanisms in place in their organisation to allow Participants to make timely contact with their Provider—for example, answering machine, dedicated Participant phone lines or the ability to accept reverse charge phone calls from Participants.When determining whether a reason for non-attendance is valid, Providers will need to use their judgement and knowledge of the Participant. Generally, the measure of ‘validity’ is whether a member of the public would accept the circumstances as reasonable. For example, given that the focus is for Participants to develop work-like behaviours and move into sustainable paid employment, would the reason that the Participant provides be accepted by an employer?The Provider then needs to determine what is acceptable in the context of the specific situation. Providers **must** consider why the Participant was unable to meet their requirements and whether it is a valid excuse for non-attendance.Providers **should** consider the degree of flexibility afforded to the Participant in the past and what effect has this had on the Participant’s compliance with requirements (for example, have there been many instances of non-attendance or have Appointments/activities repeatedly been rescheduled).If, taking the above factors into account, the Provider considers the reason to be valid, they **must** record this in the Department’s IT Systems and make other arrangements for the requirement such as rescheduling the relevant Appointment or activity for a suitable time. If it is not appropriate to reschedule the requirement, the Provider **must** ensure that the Participant is aware of their next requirement to engage with them (for example, if an activity cannot be rescheduled, the Provider **should** remind the Participant of their next Appointment).In instances where a Participant makes contact before their requirement but did not have a Valid Reason for not being able to meet their requirement and was advised that they were still required to attend, the Provider **must** still attempt to contact the Participant on the same day that they miss that requirement and document this attempt in the Department’s IT Systems. This is to confirm that no other circumstances prevented the Participant from attending. Unless other circumstances prevented the Participant from attending, the Participant does not have a Valid Reason for non-compliance. |
| **Participant does not give prior notice of inability to meet a Mutual Obligation Requirement—do they have a Reasonable Excuse?** | Where a Participant fails to comply with a requirement then, on the same Business Day on which the Provider becomes aware of the non-compliance, the Provider **must** confirm that no prior contact was made by the Participant to demonstrate that they had a Valid Reason for not complying. Providers need to be confident that no prior contact has been made—for example, by checking with reception staff or listening to answering machine messages, depending on internal work practices.Where there is no evidence that the Participant made prior contact and gave a Valid Reason, the Provider **must** attempt to contact the Participant once on the day of becoming aware of the non-compliance to discuss* why the Participant failed to comply with their requirement, and whether this is reasonable
* why the Participant did not make contact beforehand.

Note: The attempt to contact the Participant can only be made by phone or email, because the decision on the next steps (that is, whether the compliance framework **should** be utilised) **must** be made on the same Business Day.Based on the discussion with the Participant, the Provider **must** assess whether the Participant had a Reasonable Excuse for failing to comply with the requirement.A ‘Reasonable Excuse’ is an excuse that would seem reasonable to a member of the public. Given that each situation is different, Providers need to consider what is reasonable in the specific context of the non-compliance.There are two stages in assessing whether the Participant has a Reasonable Excuse for failing to comply with the requirement:Providers **must** consider why the Participant did not comply. If the Participant provides an acceptable reason, the Provider **must** then consider why the Participant did not give prior notice.Where a Participant does not give prior notice of their inability to attend and it would be reasonable to have expected them to do so, they do not have a Reasonable Excuse.In some instances, prior notice will not be relevant for Providers to consider—for example; inappropriate behaviour or declining suitable paid employment.  |
| **Recording compliance with Mutual Obligation Requirements** | Providers **must** record the Participant’s compliance with their Mutual Obligation Requirements in the Department’s IT Systems, specifically for Appointments and activities.For Appointments, Providers **must** record the compliance status by close of business on the day of the Appointment.For activities that are being hosted by a third-party organisation, Providers **must** ensure that the supervisor notifies them of any non-attendance or non-compliance as soon as is practicable, but by no later than at the end of the relevant working week.The compliance status options that are available to Providers in the Department’s IT Systems are:* **Rescheduled (RESC)**—The Provider thinks that the Participant has a Valid Reason for not complying (before the requirement start time) and the Provider decides to reschedule the requirement
* **Attended (ATT)—**The Participant attended or participated in the requirement where they have arrived on time and at the correct location; behaved appropriately; treated staff and others with respect; and participated for the duration of the requirement
* **Did Not Attend Valid (DNAV)**—The Participant did not attend or participate in the requirement; however, the Provider thinks that the Participant had a Reasonable Excuse
* **Did Not Attend Invalid (DNAI)**—The Participant did not attend or participate in the requirement and the Provider thinks that the Participant did not have a Reasonable Excuse, or contact could not be made and the Provider will be using the compliance framework
* **Did Not Attend Discretion (DNAD)**—The Participant did not attend or participate in the requirement and the Provider thinks that the Participant did not have a Reasonable Excuse or contact could not be made, and the Provider has decided not to report the non-compliance to DHS because it is not the best strategy to re-engage the Participant at that point in time
* **Did Not Enter into or sign a Job Plan (DNEP)**—The Participant attended or participated in their requirement but did not agree to a Job Plan or sign an updated Job Plan either in person or online through the Australian JobSearch website.

**Job Search*** **Satisfactory**—The Provider assesses that the Participant has met their Job Search Requirement for the Job Search Period
* **Unsatisfactory**—The Provider assesses that the Participant’s Job Search efforts for the Job Search Period are unsatisfactory to meet the requirements in their Job Plan and they will use the job seeker compliance framework
* **Unsatisfactory–Discretion**—The Provider assesses that the Participant’s Job Search efforts are unsatisfactory, but the Provider thinks that using the job seeker compliance framework is not the best way to help the Participant to improve their Job Search efforts at that time.
 |
| **Determining the most appropriate action following non-attendance or other forms of non-compliance** | Following Participant non-attendance or other non-compliance, a Provider **must** consider whether to use the job seeker compliance framework in relation to the event. This decision informs the compliance status that is recorded in the Department’s IT Systems for the requirement.To assist in determining if using the job seeker compliance framework is appropriate, in addition to considering the Participant’s explanation for non-attendance/non-compliance, Providers need to also consider the Participant’s:* personal circumstances
* system-recorded vulnerability indicators (if any)
* recent compliance history and
* any other information they believe is relevant.

If the Provider does decide to use the job seeker compliance framework, they **must** report the incident to DHS on the same business day that they make this decision. Providers will only have a short timeframe from the non-compliance event to make this decision. The timeframes are:* for non-attendance at a Provider Appointment—the same Business Day as the missed Appointment
* for non-attendance at an activity or job interview—within 10 Business Days of the event
* for unsatisfactory Job Search Requirement—within 10 Business Days of the Job Search Period end date.

If, after considering all relevant factors, the Provider believes that reporting the incident to DHS is **not** the most appropriate re-engagement strategy to secure the Participant’s ongoing participation, they **should** record this decision in the Department’s IT Systems and:* for *Appointments*—where the Appointment is not a Re-engagement Appointment, ensure the Participant complies at the next available opportunity
* for *activities*—consider if the Participant **should** make up time in the activity or continue to participate on the next scheduled day of the activity
* for *Job Search*—record that discretion has been used, but closely monitor Job Search for the next month.
 |
| **Using the job seeker compliance framework for Participants with Mutual Obligation Requirements** | When reporting non-compliance, Providers **must** include information relevant to the incident in the report. The following are the types of reports to be submitted for various kinds of non-compliance and the potential consequences of each. **Failure to attend a Provider Appointment** * **Non-Attendance Report (NAR)**—Providers submit this report through the Department’s IT Systems so that a Participant’s income support payment is suspended until they attend their next Appointment
* **Provider Appointment Report (PAR)**—Providers submit this report when they want to recommend to DHS that a financial penalty **should** be applied in relation to the Participant’s non-attendance and suspend a Participant’s income support payment until they attend their next Appointment. A PAR can only be submitted after contact has taken place between the Provider and Participant to confirm Reasonable Excuse does not exist.

Where DHS decides that a penalty **should** be applied, the Participant will lose a day’s income support payment for each Business Day from the date they were notified of the payment suspension until they do attend a Re-engagement Appointment.**Connection Failure Participation Reports (PRs)*** **Failure to attend Appointment (with an organisation other than the Provider) without a Valid Reason or Reasonable Excuse (CFAO PR)**—When this report is submitted, DHS will suspend the Participant’s income support payment and set a ReconnectionRequirement in the Department’s IT Systems (through booking a re-engagement Appointment with their Provider). Agreement to attend this Appointment will lift the payment suspension. If the subsequent Appointment is not attended, this may lead to a financial penalty of one day’s income support payment for every day the Participant does not attend
* **Failure to enter into or vary a Job Plan (CFEP PR)**—This is submitted when the Participant attended their Appointment but did not enter into a Job Plan or did not agree to their Job Plan on the Australian JobSearch website in the required timeframe. DHS will investigate the incident with the Participant and will book another Appointment with their Provider for them to sign the Job Plan. If the first failure is applied by DHS and the Participant again refuses to enter into/vary their Job Plan, an ongoing failure to meet a condition of their payment may exist. If DHS confirms this, the Participant’s payment may be cancelled from the date of the second refusal
* **Failure to meet Job Search Requirements (CFJR PR)**—Providers submit this report when they have assessed and recorded that the Participant’s Job Search efforts are unsatisfactory for the Job Search Period. DHS will investigate the PR and if applied, the Participant may need to complete a Job Seeker Diary for up to 12 weeks and then return that to DHS.

**No Show, No Pay (NSNP) PRs*** **Failure to attend an activity recorded in the Job Plan without a Valid Reason or Reasonable Excuse (NFAA PR)**—Providers can also indicate in the PR that the Participant has disengaged from their activity. When this is done, DHS will suspend the Participant’s income support payment until the Participant agrees to attend a re‑engagement Appointment and set a ReconnectionRequirement through booking this Appointment. Where the Participant fails to meet this Reconnection Requirement, the Participant may lose a Business Day’s income support payment (i.e.one-tenth of the Participant’s fortnightly income support payment) for every day until they do attend their Appointment
* **Failure to behave appropriately in an activity recorded in their Job Plan (NFBA PR)**
* **Failure to attend a job interview without a Valid Reason or Reasonable Excuse (NFJI PR)**
* **Failure to behave appropriately at a job interview (NFIJ PR).**

Where any **No Show No Pay Failure** is applied, the Participant will lose a Business Day’s income support payment for each day.**Serious Failure PRs*** **Failure to accept a suitable job without a Valid Reason or Reasonable Excuse (SFAJ PR)**
* **Failure to commence a suitable job without a Valid Reason or Reasonable Excuse (SFCJ PR).**

Following the submission of a Serious Failure PR, DHS may apply an eight-week non-payment penalty during which the Participant will not receive their income support payment. This penalty can be waived by the Participant agreeing to undertake a Compliance Activity for eight weeks. See the *Comprehensive Compliance Assessments and Compliance Activities Guideline* for more information.**Unemployment Non-Payment Period (UNPP) PRs*** **Voluntarily leaving a suitable job without a valid reason (UEVJ PR)**
* **Dismissed for misconduct from suitable job (UEDJ PR).**

Participants who incur a UNPP will be ineligible to receive income support payments for eight weeks (for new applicants) or will have their income support payment stopped for eight weeks (existing Participants).A 12-week UNPP may apply to Participants who have received assistance to relocate under the Relocation Assistance to Take Up a Job programme but the Participant does not commence in that job, voluntarily leaves without a Reasonable Excuse or is dismissed from the job due to misconduct. See the *Relocation Assistance to Take Up a Job Guideline* for more information.Providers can see DHS decisions following investigations on the Compliance History page in the Department’s IT systems. |
| **Compliance arrangements for Disability Support Pension Recipients (Compulsory Requirements)**  | **Disability Support Pension Recipients (Compulsory Requirements)**Providers **must** monitor attendance at Appointments and activities and requirement to enter into a current Job Plan. Where the Disability Support Pension Recipient (Compulsory Requirements) fails to meet their compulsory requirements and the Provider considers that compliance is necessary, the Provider **must** record this in the Department’s IT Systems and take any relevant action to report the non-compliance to DHS.For more information, please refer to the *Disability Support Pension Recipients Under 35 Guidelines.* |
| **Re-engaging the Participant and applying penalties** | After submission of either a NAR or PAR and following successful contact taking place with the Participant, Providers are responsible for re-engaging Participants by booking Appointments that **must** be scheduled to occur within the next two Business Days of contact occurring with the Participant.For all PRs and PARs submitted, DHS will investigate the incident to determine if a failure occurred, which includes whether Reasonable Excuse existed and whether a participation failure **should** apply and why. DHS will inform the Participant of any penalties applied. Providers **must** have timeslot capacity at all times in the Department’s IT Systems to ensure that DHS can book an Appointment for a Participant within the next two Business Days. |
| **Providing evidence to tribunals** | Providers may at times be asked to give evidence to the Social Security Appeals Tribunal or the Administrative Appeals Tribunal where a person is appealing a decision made by DHS in relation to their income support payment. For example, if a Participant has their income support payment suspended or reduced or a financial penalty has been applied because of a participation failure, the Participant may choose to appeal this decision. When this occurs, a tribunal may wish to discuss the details of any non-compliance reported to DHS with the recipient’s Provider to assist the tribunal in reaching a decision that considers all the elements of the appeal. Providers **must** provide all possible assistance to the Commonwealth on the appeals process. |
| **Contacting DHS to discuss Participant servicing and circumstances** | Providers can email the DHS Participation Solutions Team (PST) or Local Services Centre about specific Participants in relation to compliance actions and confirmation of other information that may impact on the servicing of the Participant. When JSCI or ESAt for a Participant identifies a potential vulnerability that they would like DHS to investigate further, Providers may also contact the PST. This vulnerability may be a diagnosed condition or documented personal circumstance that currently impacts the Participant’s day to day life and may be temporary, ongoing or episodic. Providers will need to fax the Request for Vulnerability Indicator Review form (Attachment C) to DHS who will review the Participant’s record and if evidence suggests that the vulnerability could significantly impact the Participant’s ability to comply with their Mutual Obligation Requirements, DHS may record a vulnerability indicator in the Department’s IT Systems. For more details on how and when to contact DHS, see Attachment A to this Guideline. |

# Attachment A

# How and when to contact the Department of Human Services

| **Process**  | **Details** |
| --- | --- |
| **Arrangements for Providers to contact DHS Participation Solutions Team (PST)**  | Providers **should** use Attachment B: Template for employment provider Queries to the Department of Human Services Participation Solutions Team (DHS PST)and email their query to the DHS PST at PST.ENQUIRY@humanservices.gov.au. Queries **should** be confined to matters that relate to compliance actions or confirmation on: * exemptions from Mutual Obligation Requirements
* the status of an approved activity
* the Participant’s Mutual Obligation Requirements
* other matters that impact directly on servicing the Participant.

The DHS PST will provide a response where appropriate. Where the query does not relate to DHS PST or participation services, an email response will be sent requesting Providers contact the correct area of DHS.Any emails containing identifying customer information—such as names, address or date of birth—will be securely destroyed and no response will be provided by the DHS PST.Providers can contact their local DHS shopfront to discuss issues such as large local redundancies, representations at local meetings and presentations to local communities. Providers requesting DHS to review a Participant’s record and consider whether a Vulnerability Indicator **should** be applied **should** use Attachment C: Request for Vulnerability Indicator Review and fax the request form to 1300 786 102. Feedback on the decision will not be available; however Providers can review the Participant’s record to identify if a Vulnerability Indicator has been applied and the type of vulnerability. |
| **Arrangements for Participants to contact DHS PST** | Participants can phone DHS general enquiries on 132 850. Providers can act as an advocate for the Participant by calling this number while the Participant is with them. |
| **Urgent queries for the DHS PST** | Where the Participant is present with the Provider and urgent action is required by DHS to allow the continued regular servicing of the Participant, the Provider can call the PST on 1300 306 325. This would include circumstances where there is a DHS-initiated suspension of income support (other than due to a NAR having been submitted) or for confirmation of exemption applications (for example, medical certificate lodged).Non-urgent queries **should** be submitted by email using Attachment B: Template for Employment Provider Queries to the Department of Human Services Participation Solutions Team (DHS PST) |
| **Other enquiries** | Providers **should** refer to the relevant Guidelines or Learning Centre website in the first instance.Questions relating to issues experienced with the Department’s IT Systems **should** be explored first through the EA Knowledge Base. If the issues cannot be resolved, the Provider **should** contact the Employment Systems Help Desk on 1300 305 520. |

# Attachment B

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# Template for employment provider queries to the

# Department of Human Services Participation Solutions Team (DHS PST)

## Email when complete to: PST.ENQUIRY@humanservices.gov.au.

DES Provider DES Provider contact name

|  |  |  |
| --- | --- | --- |
|  |  |  |

Site Site code

|  |  |  |
| --- | --- | --- |
|  |  |  |

**Job Seeker ID**

|  |
| --- |
|  |

Topic (*Please indicate with an X*)

Note: The topic selected below **should** be included in the subject heading of the email sent to the PST. Do not include any of the Participant’s personal details in the email or this template—only the JSID.

|  |  |  |  |
| --- | --- | --- | --- |
|  |  Compliance |  |  Other |
|   |  Withdrawal of Participation Report |   |  Exemption from Activity Test Requirements |
|   |  Feedback about decision on compliance |   |  Activity—current/finalised |
|   |  Provider Interventions recommended in a CCA |   |  Mutual Obligation Requirements |
|  |  |   |  Other (specify below) |

**Other**

|  |
| --- |
|  |

|  |
| --- |
|  |

Did you check Provider Portal and/or Knowledgebase before lodging query? Yes

|  |
| --- |
|  |

No

**Question**

|  |
| --- |
|  |

**What do you need this information for:**

(*Please indicate with an X*)

|  |  |  |  |
| --- | --- | --- | --- |
|  | Updating Job Plan |  | To refer Participant to employment |
|  | Referral to new service/Activity |  | To complete/finalise compliance action |
|  | To determine if compulsory or voluntary Participant |  |  |

**Other**

|  |
| --- |
|  |

# Attachment C

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**Facsimile: when complete fax to DHS PST on 1300 786 102**

# Request for Vulnerability Indicator Review

**To**: Department of Human Services Participation Solutions Team

**Area**:

**Fax Number**:

**Phone Number**:

**From**: (contact name)

**Organisation**:

**Fax Number**:

**Phone Number**:

**Date**:

**No. pages**: (Including this one)

**Message**

Please review the need for a Vulnerability Indicator to be placed on the record of Job seeker/Participant ID:

PLEASE TICK one or more of the following.

* ⁯There is a current Participation Report in the Department’s IT Systems relevant to this request
* ⁯There is an ESAt report in the system to support a review of this Participant’s vulnerability
* There is other evidence in the system (such as a medical certificate) to support a review of this Participant’s vulnerability
* ⁯I have updated the Participant’s JSCI and there is evidence to support a review of vulnerability
* ⁯I am unable to update the Participant’s JSCI and there is evidence to support a review of vulnerability
* ⁯I attach evidence to support this request; OR
* I have asked the Participant to provide evidence information to DHS.

**Please note:** Feedback on the decision will not be available but Providers can check if a Vulnerability Indicator has been applied by looking at the Vulnerabilities on the job seeker’s record.

………………………………………………….

(signature)