



Australian Government

Department of Social Services

OPERATIONAL GUIDELINES

Disability Employment Assistance

Version 10

September 2019

Acronyms and Abbreviations

ADE	Australian Disability Enterprise
API	Activity Performance Indicators
ARIA	Accessibility Remoteness Index of Australia
ASIC	Australian Securities and Investment Commission
CBF	Case Based Funding
CRRS	Complaints Resolution and Referral Service
DEA	Disability Employment Assistance
DES	Disability Employment Services
DHS	Department of Human Services
DMI	Disability Maintenance Instrument
DSS	Department of Social Services
EHCWP	Existing High Cost Worker Payment
RRSS	Rural and Remote Service Supplement
NDIA	National Disability Insurance Agency
NDIS	National Disability Insurance Scheme
NDIST	National Disability Insurance Scheme Transition
WBPA	Work Based Personal Assistance

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1. Definitions

‘Act’ means the *Disability Services Act 1986* (Cth).

‘Activity Performance Indicators’ (‘APIs’) means the performance indicators detailed at Item B.3 of the Schedule.

‘Advocate or Representative’ means a person with the legal authority to act on behalf of a Supported Employee. This person cannot be Employed by the Outlet or ADE, or be a signatory for the Outlet or ADE.

‘Aims’ for the purposes of the Employment Assistance Phase, means a Supported Employee commits to and intends working the minimum hours.

‘Agreement’ means a legally binding funding Agreement between an ADE and the Commonwealth for the delivery of services and comprises of the following documents:

- the *Schedule – Comprehensive Grant Agreement* (the Schedule);
- these *Operational Guidelines* (these Guidelines); and
- the *Terms and Conditions Comprehensive Grant Agreement* (the Terms and Conditions).

‘Approved Support Worker’ for the purposes of WBPA, means a person who:

- a) holds a minimum qualification of a Certificate III in Disability Work; or
- b) has industry specific training in the provision of personal care; or
- c) is a registered nurse (or with equal qualifications) who is qualified to administer medical interventions.

‘ARIA’ means the Accessibility Remoteness Index of Australia as 'sponsored' by the Department of Health.

‘Audit and Compliance Strategy’ means the strategy described in paragraph 5 of these Guidelines.

‘Australian Disability Enterprise’ (‘ADE’) has the same meaning as ‘Supported Employment Services’ under section 7 of the Act

‘Authorise’ or **‘Authorised’** means the status of an Intake Assessment, DMI Assessment or DMI Reassessment on the Disability Case Portal is at ‘Authorised’.

‘Business Operating Day’ for the purpose of Employment Assistance Phase means the normal operating times of your Outlet.

‘Case’ means the record on the Disability Case Portal that identifies a Supported Employee’s period of Employment.

‘Case Anniversary Date’ means the date of each month that Case Based Funding payments will be made for a Supported Employee, which is derived from the Intake Completion Date of a Case on the Disability Case Portal.

‘Case Base Funding’ (‘CBF’) means the type of payment to your organisation paid by DSS for the delivery of the Activity to people with disability in a supported Employment environment.

‘CBF Helpdesk’ means the DSS helpdesk available via email to assist ADEs with any Case Based Funding queries.

‘Certificate of Compliance’ has the same meaning as in section 6A of the Act.

‘Certification Body’ has the same meaning as in section 6A of the Act.

‘Client Record’ means a Supported Employee’s details contained on the Disability Case Portal.

‘Client Consent and Information Form’ means the form provided on the Literature tab of the Disability Case Portal.

‘Complaints Resolution and Referral Service’ (‘CRRS’) is the service available for clients to discuss any concerns they may have about ADEs that are funded by the Australian Government.

‘Complete’ or ‘Completed’ for the purpose of an Intake Assessment, DMI Assessment or DMI Reassessment means an Intake Assessment, DMI Assessment or Reassessment with a status of ‘Completed’ on the Disability Case Portal.

‘DSS-Initiated DMI Reassessment’ means a DMI Reassessment undertaken when directed by DSS.

‘Disability Case Portal’ (‘The Portal’) means the DSS online funding management system (previously FOFMS).

‘Disability Employment Assistance’ (‘DEA’) has the same meaning as the Activities in the National Disability Insurance Scheme Transition Programme Guidelines.

‘Disability Maintenance Instrument’ (‘DMI’) means the assessment mechanism used to determine the work-related support needs of a Supported Employee.

‘Disability Maintenance Instrument Guidelines’ (‘DMI Guidelines’) means a set of DMI Guidelines issued by DSS to assist ADEs to complete the DMI Assessment and available on the Literature tab of the Disability Case Portal.

‘DMI Assessment’ means an assessment of the work-related needs of a Supported Employee, including supports required to be provided or purchased, which is designed to capture disability-related Employment support needs only.

‘DMI Reassessment’ means a reassessment of the work-related needs of a Supported Employee, including supports required to be provided or purchased, which is designed to capture disability-related Employment support needs only.

‘DMI Reassessment Triggers Table’ means the list of circumstances under which a DMI Reassessment can be conducted.

'Draft' means the status of a Case on the funding a before the Intake Assessment has a status of Authorised.

'Employ' or **'Employed'** means to engage an individual in Employment.

'Employment' means Work in an ADE that:

- a) complies with minimum standards and conditions established by Commonwealth, State or Territory law; and
- b) is at a wage determined under an applicable:
 - i. award;
 - ii. special wage permit;
 - iii. certified agreement;
 - iv. individual Employment contract or workplace agreement; or
 - v. any other industrial instrument or decision,

and which, in DSS' opinion, is a reasonable industrial instrument for you to apply in the circumstances for all cases to which paragraphs (a) and (b) above apply.

Employment does not include:

- i. Periods during which the Supported Employee is on leave or receiving workers' compensation payments.
- ii. Other unpaid activities including work experience, graduated return to work, work trials, work experience and workplace training or assessment.

'Employment Assistance' means providing appropriate support and services to people with disability to enable each individual to fully participate in Employment in a suitable work environment.

'Employment Assistance Fee' means the payment by that name set out in the Schedule.

'Employment Assistance Phase' means the period of time from the Start date of the Supported Employee's Case on the Disability Case Portal during which the Outlet is assisting the Supported Employee to achieve an Employment Outcome.

'Employment Assistance Plan' or **'EAP'** means a plan which reflects the Employment goals of the Supported Employee. The EAP should incorporate strategies for the achievement of their goals through training, development and support. The EAP is agreed between the ADE and the Supported Employee, and their Advocate or Representative if necessary.

'Employment Assistance Services' means providing support in the workplace to a Supported Employee of yours, which is directly relevant to their Employment and results in them being paid a wage from you.

'Employment Maintenance Fee' means the payment by that name set out in the Schedule.

‘Employment Outcome’ means 13 weeks of Employment for a minimum of eight hours per week or as otherwise specified at paragraph 22.4 of these guidelines, achieved within 12 months of the Supported Employee’s Intake Assessment.

‘Existing High Cost Worker’ means a Supported Employee who:

- a) was being supported by you under previous (block grant) funding arrangements on 1 July 2004 prior to their transition to Case Based Funding; and
- b) is receiving Employment Assistance Services from an ADE that receives less funding under Case Based Funding as determined at the absolute discretion of DSS; and
- c) was DMI assessed and deemed to be CBF Employment Maintenance Fee Level 4 as at 1 July 2006.

‘Existing High Cost Worker Payment’ (‘EHCWP’) means the payment by that name set out in the Schedule.

‘Exit’ or ‘Exited’ has the meaning given under paragraph 5.4 of the Supplementary Conditions of the Schedule.

‘Funding Arrangement Manager’ (‘FAM’) (previously known as a Grant Agreement Manager or GAM) means the contact person as specified at Item L of the Schedule.

‘Immediately’ means on the same day.

‘Intake Assessment’ means the assessment ADEs Complete and Authorise on the Disability Case Portal for each Supported Employee in accordance with paragraph 21 of these Guidelines.

‘Intake Completion Date’ means the date a Supported Employee has their Intake Assessment Authorised on the Disability Case Portal (should also match Supported Employee’s Start and it derives the Case Anniversary Date).

‘Intake Fee’ means the payment by that name set out in the Schedule.

‘Jobs in Jeopardy’ means a Supported Employee’s personal circumstances have changed which impacts their ability to access their current place of Employment OR the ADE’s circumstances have changed and there are no longer vacancies available which can provide Employment to the Supported Employee.

‘Job Seeker’ means a person who is not yet a Supported Employee.

‘jobactive’ means the Australian Government’s employment services that connects Job Seekers and employers and is funded by the Australian Government.

‘Mutual Obligation Requirement’ means any obligations required to be undertaken by a Job Seeker in receipt of:

- a) Newstart Allowance;
- b) Youth Allowance;
- c) Special Benefit; or
- d) Parenting Payment.

‘National Disability Insurance Scheme’ (‘NDIS’) has the same meaning as section 9 in the *National Disability Insurance Scheme Act 2013* (Cth).

NDIS Rolled Out Area means an area of Australia where the NDIS is available. Visit ndis.gov.au/understanding/ndis-rollout for more information.

‘Officer’ includes any employee, agent, subcontractor (or its employee, agent or subcontractor) or volunteers of your ADE.

‘Open Employment’ refers to employment where an employee with a disability is engaged in the mainstream workforce. Employment opportunities available to people with disability and without disability are generally considered Open Employment. Disability Employment Services and jobactive providers support job seekers to secure Open Employment.

‘Operational Guidelines Disability Employment Assistance’ (‘these Guidelines’) means this document as varied from time to time.

‘Organisation Initiated DMI Reassessment’ is a DMI Reassessment requested by the ADE, the Supported Employee, their Advocate or representative as per the DMI Guidelines.

‘Outlet’ means any location in which you undertake the Activity for Supported Employees, including work crews, and/or contract labour arrangements. It can mean an Outlet, administrative business or unit, as specified as a location under Item B.3 of the Schedule.

‘Outlet Capacity’ is the maximum number of Places DSS agrees to fund at your Outlet as set out at Item B.3 of the Schedule.

‘Places’ are filled by Supported Employees and make up the Outlet Capacity at an Outlet.

‘Quality Assurance’ means the certification system that Certification Bodies use to independently audit ADEs against the *Disability Services Act (National Standards for Disability Services) Determination 2014* (Cth).

‘Reassessment Trigger’ means a trigger as outlined in the DMI Reassessment Triggers Table in the DMI Guidelines.

‘Return from Suspension’ means the situation where a Supported Employee’s Case record is ‘Returned from Suspension’ on the Disability Case Portal following a Suspension, or the Case record is restarted on the Disability Case Portal within 12 months of Exiting the same ADE.

‘Rural and Remote Service Supplement’ means the payment by that name set out in the Schedule.

‘Schedule’ means the *Schedule – Comprehensive Grant Agreement*, including the Supplementary Conditions in the Schedule, which forms part of the Agreement.

‘Start’ or ‘Started’ for a Supported Employee means having a Case commenced on the Portal in accordance with these Guidelines.

‘Stretch Capacity’ provides a means for Supported Employees returning from Suspension or Exits to return to their Outlet by temporarily increasing the Outlet Capacity in an Outlet as outlined in these Guidelines.

‘Support Staff’ in the context of the APIs at Item B.3 of the Schedule, means any person Employed by your Outlet who provides direct work based Employment support to a Supported Employee, consistent with the delivery of the Activity under Item B.3 of the Schedule.

‘Supported Employment Services’ has the same meaning as in section 7 of the Act.

‘Supported Employee’ means a person with disability whom you Employ and provide the Activity for in accordance with the Schedule.

‘Suspension’ or ‘Suspend’ means a period longer than one month and less than 12 months when the Supported Employee is absent from Work or not able to Work the minimum of eight hours per week and the Supported Employee’s Case is Suspended on the Disability Case Portal.

‘Target Group’ has the same meaning as in section 8 of the Act.

‘WA NDIS My Way’ means the Western Australian State Government’s NDIS My Way model which commenced in the Lower South West on 1 July 2014, with Cockburn and Kwinana joining on 1 July 2015.

‘Work’ means any exertion of effort by the Supported Employee to produce a product or to provide a service at the Outlet and which is directly related to the Supported Employee being paid a wage.

‘Work Based Personal Assistance’ (‘WBPA’) means additional assistance provided to Supported Employees who, due to their physical or neurological disability or medical condition, require additional assistance in Employment from an Approved Support Worker who: provides personal assistance with feeding to mouth (transfer of food/liquid to the Supported Employee’s mouth), or feeding by tube; or, personal hygiene, such as care of catheter or toileting support; and/or, who administers medical intervention.

‘Work Based Personal Assistance Fees’ (‘WBPA Fees’) means the payment by that name set out in the Schedule.

Please refer to the Schedule and the Terms and Conditions for further defined terms.

2. Introduction

- 2.1. The *Operational Guidelines – Disability Employment Assistance* (these Guidelines) provide an overview of the operational framework for delivering Supported Employment Services and form the basis of the funding relationship between the Department of Social Services (DSS) and Australian Disability Enterprises (ADEs) (the service providers).
- 2.2. The Agreement between DSS and each ADE refers to certain parts of these Guidelines. These Guidelines should be read in conjunction with the National Disability Insurance Scheme Transition (NDIST) Programme Guidelines.
- 2.3. ADEs should refer to the NDIST Programme Guidelines for further information on the Programme Outcome, Aims and Objectives and details of the Disability Employment Assistance – Australian Disability Enterprises Activity (see paragraph 2.2.10 of the NDIST Programme Guidelines).
- 2.4. These Guidelines may be updated from time to time. It is the responsibility of each ADE to ensure they are familiar with the content and requirements of the current version of these Guidelines.

3. The National Disability Insurance Scheme

- 3.1. Funding for supported Employment provided by ADEs is gradually being made available through the National Disability Insurance Scheme (NDIS) as it rolls out across Australia. As this occurs, funding will reduce under the Agreement. The Supplementary Conditions of the Schedule set out:
 - you cannot accept a new Supported Employee who meets the age and residency requirements for the NDIS, subject to exceptions under paragraph 17 of these Guidelines; and
 - existing Supported Employees must be Exited once you become aware a Supported Employee has a plan in effect under section 37 of the *National Disability Insurance Scheme Act 2013*, subject to exceptions under paragraph 17 of these Guidelines.
- 3.2. The Schedule also sets out your responsibilities in ensuring you assist the transition to the NDIS.
- 3.3. Details about the NDIS can be found on their website at www.ndis.gov.au.

4. The WA NDIS (formerly known as My Way)

- 4.1. There have been two versions of the NDIS operating in various locations in Western Australia (WA) since July 2014 – the WA NDIS (formerly known as My Way) operated by the State Government and the nationally-delivered NDIS operated by the NDIA.
- 4.2. On 12 December 2017, the Commonwealth and Western Australian governments agreed that WA will join the nationally delivered NDIS – replacing the previous agreement signed in January 2017 for WA to administer the NDIS.
- 4.3. On 1 July 2018, the NDIA assumed responsibility for the delivery of the NDIS in WA. The NDIS will continue to be implemented on a geographic basis by the NDIA.

5. Quality Strategy and the Audit and Compliance Strategy

Quality Strategy for Disability Employment

- 5.1. The Quality Strategy for Disability Employment includes a quality assurance system. It requires services funded under the Act to be independently assessed and certified as complying with the Act and instruments made under that Act including the Disability Services Act (National Standards for Disability Services) Determination 2014. All disability employment services must meet the requirements of the independent quality assurance system to receive funding under the Agreement.
- 5.2. Information on the Quality Strategy for Disability Employment is available on the DSS website (www.dss.gov.au).

Audit and Compliance Strategy

- 5.3. The Audit and Compliance Strategy is one of a range of tools used to facilitate continuous quality improvements for the services provided to people with disability. The Audit and Compliance Strategy allows DSS to manage potential fraud and compliance risks. The findings from the Audit and Compliance Strategy will help to identify areas of compliance weakness and areas to improve business processes, policy and system controls.
- 5.4. DSS may conduct audits to verify information submitted by ADEs including the DMI Assessments and related files. For the purpose of audits under paragraph 5.3 of these Guidelines, DSS may provide 10 Business Days' notice to gain physical access to your premises and exercise rights of inspection under clause 5 of the Terms and Conditions.
- 5.5. DSS may also require these audits to be independently reviewed.

6. Eligibility Requirements

- 6.1. Any documentary evidence used to determine an individual's eligibility for Employment Assistance in an ADE must be retained on the Supported Employee's file. Documentary evidence includes either hard copy (paper) or soft copy (electronic) documents.
- 6.2. A person is eligible to be a Supported Employee if they meet the requirements as specified under Supplementary Condition 5 of the Schedule, subject to exceptions under paragraph 17 of these Guidelines.
- 6.3. The Target Group consists of persons with a disability that:
 - a) is attributable to an intellectual, psychiatric, sensory or physical impairment or a combination of such impairments;
 - b) is permanent or likely to be permanent; and
 - c) results in:
 - i. a substantially reduced capacity of the person for communication, learning or mobility; and
 - ii. the need for ongoing support services.
- 6.4. Reasonable evidence must be gathered to determine if a person meets these requirements.
- 6.5. Such evidence may include, reports/assessments from medical or other specialists (general practitioner/specialist, physiotherapist, rehabilitation practitioners and psychiatrists); reports or other records on participation in treatment/rehabilitation programs, school based assessments; or, reports and interviews with the person and those providing care or support to the person.

7. Accessing an ADE

- 7.1. The process to access ADE services is different for Job Seekers depending on whether or not the Job Seeker meets the residence requirements and the age requirements under the NDIS.
- 7.2. New Job Seekers cannot become a Supported Employee where they meet the residence requirements and the age requirements under the NDIS (subject to exceptions under paragraph 17 of these Guidelines). Those requirements are set out in sections 22 and 23 of the *National Disability Insurance Scheme Act 2013* and the *National Disability Insurance Scheme (Becoming a Participant) Rules 2016*. The purpose of this requirement is to facilitate transition to the NDIS by ensuring that, if a person can make an access request to become a participant under the NDIS, the person should seek support under the NDIS rather than directly through funding provided by DSS to ADEs.
- 7.3. For all other Job Seekers, access to and registration with an ADE is the responsibility of the Job Seeker. This includes ensuring that any and all Mutual Obligation Requirements are met to enable registration with an ADE.

8. Consent and privacy

- 8.1. You agree to use your best endeavours to obtain the consent from Supported Employees (or a person legally authorised to act on their behalf) to use and disclose personal information about them to DSS and the Department of Human Services as relevant in accordance with your obligations under the Agreement and the *Privacy Act 1988 (Cth)*:
 - a) prior to providing the Activity (i.e. when a Supported Employee first requests assistance from you or before the Intake Assessment is Authorised on the Portal); and
 - b) when you perform a DMI Reassessment; and
 - c) if one year has elapsed since consent was last sought; or
 - d) if the client has not previously provided consent; or
 - e) if DSS directs you to obtain consent; or
 - f) in circumstances to assist the transition to the NDIS, specifically to determine when a Supported Employee has a plan in effect under section 37 of the *National Disability Insurance Scheme Act 2013*.
- 8.2. The consent you obtain from a Supported Employee (or their Advocate or Representative) must be consistent with the Client Consent and Information Form available on Literature tab on the Portal. When using the Client Consent and Information Form you must insert your ADE name and contact details into the header.
- 8.3. You should ensure that a Supported Employee (or their Advocate or Representative) understands that providing consent for the disclosure of personal information is voluntary. The Supported Employee must be aware of the implications of providing or withholding consent, for example, access to a service would not be available if consent is not given to the collection of a specific item of personal information. You should inform and explain the matters set out in the Client Consent and Information Form to the Support Employee.
- 8.4. Individuals should be made aware of the potential implications of withdrawing consent, such as the possibility of not being able to continue to access a service.

- 8.5. If you are unable to obtain Supported Employee consent, you must contact your DSS FAM to discuss the reasons why the Supported Employee withheld or withdrew consent and a possible solution to how the Supported Employee can access supported Employment when consent is withheld.
- 8.6. If you are unable to obtain Supported Employee consent, you are required to document your attempts and the reasons why in the Supported Employee's file.
- 8.7. When obtaining Supported Employee consent you are required to ensure you have explained to the Supported Employee (or their Advocate or Representative) the purposes for the use and collection of their personal information including what the personal information will be used or collected for, such as:
 - a) determining access to and delivery of Disability Employment Assistance (DEA) under the Act through your Outlet;
 - b) your Outlet disclosing some or all of the client's personal information as listed in the Client Consent and Information Form to DSS or to another contracted service provider when they commence providing the client with DEA; and
 - c) DSS disclosing, from time to time, the client's personal information to other Commonwealth, state or territory government departments and authorities (including NDIA), and to researchers for evaluation, research and reporting purposes.

Signing by Supported Employees

- 8.8. You and your Officers are not permitted to sign a form under the Agreement on behalf of a Supported Employee under any circumstances.

9. Enhancing Performance

- 9.1. The NDIS is the new way of providing individualised support for eligible people with permanent and significant disability. The changes that are required to existing disability support systems are significant.
- 9.2. ADEs will need to ensure the services they provide are based on flexibility, choice, individualisation and customer driven outcomes. Individualised funding is likely to ultimately mean that consumers will be looking for services offering the best working conditions, flexibility, choice and best value for their funding dollars.
- 9.3. There are a number of areas where ADEs can focus resources to ensure they become one of these employers of choice for people with disability including:
 - a) providing opportunities to move into Open Employment;
 - b) reducing ADE reliance on DSS, NDIS and other Commonwealth, state or territory government funding by building robust thriving commercial businesses;
 - c) employing trained and skilled Support Staff;
 - d) providing a range of Work opportunities for Supported Employees;
 - e) providing appropriate training for people with disability; and
 - f) maximising hours of Employment and not restricting hours of Employment based solely on the minimum Employment outcome of eight hours per week.

10. Wages and hours of work

Hours of work

- 10.1. A Case Based Funding (CBF) Place is considered a full-time Employment Place. All Supported Employees should be given the opportunity to have hours of Work based on their tailored individual needs and not predetermined by ADEs. Business and individual skills requirements may also play a part in determining the hours Supported Employees are capable of working.
- 10.2. DSS recognises that many people with disability choose part-time hours for flexibility and to accommodate health problems (including mental health) and other personal circumstances such as transportation and mobility issues.
- 10.3. You must not restrict the hours of Employment to a person with a disability based solely on the minimum Employment Outcome.
- 10.4. When a Supported Employee increases their hours of Work, this must be included in their Employment Assessment Plan as outlined in paragraph 18 of these Guidelines.
- 10.5. To meet this obligation, ADEs will need to develop robust business structures and financial controls that enable the generation of sufficient income to cope with peaks and troughs in the demand for goods and services. The ADE's strategic business plan should ensure Supported Employees can access the working hours they feel capable of undertaking, regardless of demand.

Entering Weekly Wages and Hours on the Portal

- 10.6. At a minimum, weekly wages and hours must be entered in the client's Case record in the Portal before the DMI is Started and then updated every six months thereafter to reflect any changes in weekly hours or wages.

11. Acknowledgement and Promotion

- 11.1. The following wording is to be used to acknowledge the financial support of DSS:
Funded by the Australian Government Department of Social Services
- 11.2. In circumstances where funding is also received from other sources for Supported Employment, the words 'part funded' may be used.

12. ADE Responsibilities and Accountabilities

Your Outlet's obligations and relationship

- 12.1. Requirements of Outlets are set out in the Schedule.
- 12.2. The Activity must only be provided for a Supported Employee at the Outlet specified against their Case on the Portal.
- 12.3. Only one Outlet can receive CBF payments for supporting a Supported Employee at any one time.
- 12.4. Any information provided by you or your Officers must be true, accurate, complete and not misleading in respect of all material.
- 12.5. You must Immediately notify DSS of any relevant matters affecting services funded by DSS including any serious allegations or matters referred to investigatory bodies including the police, any complaints bodies or any regulatory bodies including the Australian Securities and Investments Commission (ASIC).

You must not charge fees

- 12.6. You must not charge a Supported Employee a fee of any kind to which is directly or indirectly related to the provision of the Activity.
- 12.7. You may impose a charge, on a strict reimbursement of costs basis only, for services unrelated to the Activity, such as transport services. You are not permitted to make the purchase of any such services by the Supported Employee a prerequisite or requirement for the provision of the Activity, or to, in any way create, that impression.

Information about your Australian Disability Enterprise

- 12.8. Information about your ADE needs to be made available and accessible to people with disability and their representatives. This information should be accurate, complete and current.

13. Case Based Funding (CBF)

- 13.1. CBF is an outcomes based funding model where funding is paid, based on Supported Employees' individually assessed support needs, for an agreed number of Places (or Outlet Capacity) allocated to each Outlet.
- 13.2. CBF payments are made to you via the Portal. You can only apply and accept CBF payments for people with disability being assisted in supported Employment consistent with the Agreement, where you are the employer, and the person with disability receives ongoing Employment in your Outlet.
- 13.3. If DSS identifies that you have received incorrect payments, DSS can recover such payments by off-setting the recovered amount against your future payments, where this is consistent with the Terms and Conditions.

14. Payment of Funding

- 14.1. The total amount of funding payable to you is specified in the Schedule.
- 14.2. Timing of payment is specified in the Schedule.
- 14.3. Your Outlet and/or your Supported Employees may be eligible for CBF Core Fees and/or CBF Additional Fees. Eligibility for these fees is determined by DSS.
- 14.4. DSS will not pay you funding for a person who has a plan in effect under section 37 of the *National Disability Insurance Scheme Act 2013*, subject to exceptions under paragraph 17 of these Guidelines.
- 14.5. You cannot claim payments from DSS if you are receiving payments for a person through the NDIS.
- 14.6. DSS will make payments to you as per the milestones set out in the Schedule, when they are delivered to the satisfaction of DSS.

Spending of Funding

- 14.7. CBF is only to be used for the Activity under Item B.3 of the Schedule.
- 14.8. You may allocate CBF resources between Supported Employees to achieve Employment for all your Supported Employees, which may include:
 - a) providing some Supported Employees with less assistance than the amount of CBF paid by DSS in respect of them; and
 - b) providing other Supported Employees with more assistance than the amount of CBF paid by DSS in respect of them.

14.9. If you do not spend the CBF allocated to a particular Supported Employee you must allocate the Funding to another Supported Employee to help them maintain Employment.

15. CBF Model

15.1. When a person with disability is seeking Employment, they can present directly to an ADE or via the Department of Human Services (DHS).

15.2. You must:

- Confirm they can be a Supported Employee as defined in Supplementary Condition 5 of the Schedule, subject to exceptions under paragraph 17 of these Guidelines.
- Check you have a vacant Place in your Outlet (Outlet Capacity) to assist the person and ensure eligibility requirements are met.
- On accepting a Supported Employee for Employment, seek their consent as described in paragraph 8 of these Guidelines for the disclosure of their personal information.
- Create both a Client Record (if required) and a Case on the Portal. Follow the DEA Task Cards on the Literature Tab on the Portal for assistance.
- Authorise the Intake Assessment on the Portal. This will Start the Case and you will receive the Intake Fee. Each month the Supported Employee remains in Employment you will receive an Employment Assistance Fee until the Supported Employee's DMI Assessment is Authorised, or for a maximum of 12 months.

15.3. If a Supported Employee is unable to achieve an Employment Outcome within 12 months of the Intake Completion Date, you must Immediately Exit the Supported Employee's Case on the Portal.

15.4. You must collect, record and keep evidence of the support provided to, or purchased for, the Supported Employee for the 13 weeks corresponding to achieving an Employment Outcome. This evidence is used to complete the DMI Assessment and must be consistent with the DMI Guidelines available on the Literature Tab on the Portal.

15.5. When the Supported Employee has achieved an Employment Outcome, you must Complete and Authorise a DMI Assessment on the Portal Immediately. The DMI Assessment results determine the Employment Maintenance Fee payable in respect of the Supported Employee.

15.6. You will receive an Employment Maintenance Fee each month you continue to provide the Activity to the Supported Employee.

15.7. You must:

- Complete an Employment Assistance Plan (EAP) with the Supported Employee within the first four months of their Employment.
- Arrange a Work Based Personal Assistance assessment and support if required or requested from the Supported Employee (or the Supported Employee's Advocate or representative).

15.8. If the Supported Employee's circumstances change, as outlined in the DMI Reassessment Triggers Table, you may complete a DMI Reassessment.

15.9. A Supported Employee may Exit the Outlet at any time. If this occurs, you must Immediately Exit the Supported Employee's Case on the Portal.

- 15.10. Exited Supported Employees may re-enter the same Outlet if there are available Places or Stretch Capacity, or Start at a new Outlet if there is available Places.
- 15.11. You must Suspend or Exit the Case on the Portal as per the Suspension and Exit rules contained in paragraphs 26 and 27 of these Guidelines, respectively.
- 15.12. You must not backdate Suspension, Exit or other dates in the Portal.

16. Transitioning to the NDIS

- 16.1. You must Exit Supported Employees immediately when you become aware they have a plan in effect under section 37 of the *National Disability Insurance Scheme Act 2013*, subject to exceptions under paragraph 17 of these Guidelines.
 - In cases where employment support have been incorrectly omitted from a Supported Employee's plan, you may apply to DSS to be continued on or reinstated to CBF until a plan review is conducted. See paragraph 17 for further information about the CBF Transitional Arrangements.
- 16.2. You might become aware a Supported Employee has an NDIS plan when DSS tells you or when you find out directly from the Supported Employee.
- 16.3. You must use "Transition to NDIS" as the Status Change Reason on the Portal when you Exit the Case.
- 16.4. You must not Return a Case from Suspension on the Portal if the person has been Exited as an NDIS participant or has subsequently become an NDIS participant, subject to exceptions under paragraph 17 of these Guidelines.
- 16.5. If you have not Exited the Supported Employment under paragraph 16.1 of these Guidelines, DSS will Exit the Supported Employees when DSS becomes aware they have a plan in effect under section 37 of the *National Disability Insurance Scheme Act 2013*, subject to exceptions under paragraph 17 of these Guidelines.
- 16.6. If a new client who meets the residency and age requirements of the NDIS self refers, you should direct them to the NDIA for assessment as an NDIS participant.
- 16.7. You cannot create new CBF Cases for a client who meets the residency and age requirements as set out in sections 22 and 23 of the *National Disability Insurance Scheme Act 2013*; or who has a plan in effect under section 37 of the *National Disability Insurance Scheme Act 2013*, subject to exceptions under paragraph 17 of these Guidelines.
- 16.8. DSS will monitor the Portal records for all Supported Employees who have a plan in effect under section 37 of the *National Disability Insurance Scheme Act 2013*, subject to exceptions under paragraph 17 of these Guidelines, and DSS will recover any overpayments.
- 16.9. The overpayments will be treated as a repayable amount in accordance with clause 11 of the Terms and Conditions.
- 16.10. At no time should Exit dates be backdated in the Portal.

17. Case-Based Funding Transitional Arrangements

- 17.1. The CBF Transitional Arrangement is a time-limited procedure which may allow ADEs to continue Employing and providing support in the workplace for existing Supported Employees while they are waiting for an NDIS plan review; or Employ and support new Supported Employees during their transition into the NDIS.

- 17.2. There are three scenarios covered by this arrangement for which you can apply to DSS to have a Supported Employee or Job Seeker put on CBF until they have their plan reviewed or first plan approved:

Scenario 1	Scenario 2	Scenario 3
<p>The client must:</p> <ul style="list-style-type: none"> • meet NDIA Access criteria • live in an NDIS Rolled Out area • be an existing supported employee on CBF (or recently exited as per the Operational Guidelines) • have an approved NDIS plan which does not include employment supports • have requested a plan review 	<p>The client must:</p> <ul style="list-style-type: none"> • meet NDIA Access criteria • live in an NDIS Rolled Out area • not be an existing supported employee, but wishes to work at the ADE • have an approved NDIS plan which does not include employment supports • have requested a plan review 	<p>The client must:</p> <ul style="list-style-type: none"> • meet NDIA Access criteria • live in an NDIS Rolled Out area • not be an existing supported employee, but wishes to work at the ADE • be waiting for their first NDIS plan to be approved

- 17.3. You must apply to DSS to access the arrangement on behalf of a client and applications will be assessed at the discretion of DSS on a case-by-case basis. Other factors, such as the length of the delay in the plan review or plan approval will be taken under consideration when approving applications.
- 17.4. Any employee accessing the CBF Transitional Arrangement must be exited from the Portal in accordance with paragraph 16 after receiving their plan review or first plan approval containing the relevant employment supports.
- 17.5. If you would like to make an application to have an employee put on CBF until they have their plan reviewed or first plan approved, please contact your FAM in the first instance.

18. The Employment Assistance Plan (EAP)

- 18.1. You must develop an EAP within four months of an Intake Assessment for each Supported Employee who accesses your service.
- 18.2. You and the Supported Employee must review their EAP no less than every twelve months and when significant change occurs (e.g. Work role or health status changes).
- 18.3. A suggested EAP is available on the Literature tab on the Portal.
- 18.4. After the EAP is developed, agreed to by the Supported Employee and is signed and dated by both parties, you must deliver the Activity to the Supported Employee in accordance with the agreed EAP.

18.5. The EAP must:

- a) comply with the *Disability Services Act (National Standards for Disability Services) Determination 2014*;
- b) comply with these Guidelines;
- c) outline the planned Employment goals of the Supported Employee and how the goals will be achieved; outline the hours of Employment agreed by both the Supported Employee and the ADE;
- d) outline the training planned and delivered to address competency shortfalls identified during wage assessments;
- e) outline the Work Based Personal Assistance requirements, if any, and how these needs will be met;
- f) outline retirement or transition to retirement planning where appropriate for employees aged over 55 years (or earlier if required);
- g) be revised as required or requested by the Supported Employee or these Guidelines; and
- h) be signed and dated by the Supported Employee (or the Supported Employee's Advocate or representative with legal authority to act on the person's behalf).

19. Outlet Capacity

- 19.1. Outlet Capacity is the maximum number of Places in an Outlet funded by DSS. The Outlet Capacity for each of your Outlets is specified in Item B of the Schedule.
- 19.2. DSS will reduce your Outlet Capacity by one Place during the term of the Activity for each Supported Employee who has a plan in effect under section 37 of the *National Disability Insurance Scheme Act 2013*, subject to exceptions under paragraph 17 of these Guidelines.
- 19.3. To confirm your Outlet Capacity, log into the Disability Case Portal and click on the 'Capacity' tab located on the 'Activities' page.
- 19.4. Cases on the Portal that are in Draft, Started or Returned from Suspension take up Places/Stretch Capacity in an Outlet. Cases that are Suspended or Exited do not take up Places/Stretch Capacity in an Outlet.
- 19.5. DSS does not guarantee referrals to your Outlets or that you will operate at maximum Outlet Capacity.
- 19.6. You cannot subcontract your Places to another organisation without prior written consent from DSS and, if DSS does provide consent, you must comply with clause 28 of the Terms and Conditions.

20. Stretch Capacity

- 20.1. Stretch Capacity is a 10 per cent allowance on top of your Outlet Capacity that is used when a Supported Employee who had previously been receiving Activities from you, and was Suspended or Exited from your Outlet, wishes to return to Work.
- 20.2. If more than half of your Supported Employees have a primary psychiatric disability, as recorded on the Portal, then you may request that your Stretch Capacity be increased to 20 per cent for that Outlet by contacting the CBF Helpdesk as outlined in paragraph 36 of these Guidelines.
- 20.3. To access Stretch Capacity, the Supported Employee must Return from Suspension or Exit within 12 months of the initial Suspension or Exit, or within 24 months of the initial Suspension or Exit if the Supported Employee is returning from Open Employment.

- 20.4. Stretch Capacity Places cannot be filled by new Supported Employees who have not previously received the Activity from you.
- 20.5. DSS may use Stretch Capacity to allow for the movement of a Supported Employee from one ADE to another ADE where a Supported Employee is assessed as a 'Jobs in Jeopardy' client and there are no available Places.

21. Intake Fee

- 21.1. An Intake Fee is paid when a new Supported Employee's Intake Assessment is Authorised by you on the Portal.
- 21.2. The Supported Employee must be receiving the Activity at the time you Authorise the Intake Assessment on the Portal.
- 21.3. DSS will pay you the Intake Fee as specified in the Schedule.
- 21.4. Only one Intake Fee is payable for each Case on the Portal for a Supported Employee. An Intake Fee is not paid when a Supported Employee returns from a Suspension or Exit.
- 21.5. No fees are payable to you prior to a correct authorisation of the Intake Assessment on the Portal.

22. Employment Assistance Phase

- 22.1. Employment Assistance Fees are paid monthly in arrears, as specified in the Schedule, while the Supported Employee Aims to Work at least eight hours per week or as specified at paragraph 22.4 of these Guidelines.
- 22.2. The Employment Assistance Phase covers a maximum period of 12 months. Periods of Suspension are not included in this 12-month period.
- 22.3. 22.3 You will continue to receive Employment Assistance payments for a maximum of 12 months or until the Supported Employee achieves an Employment Outcome.
- 22.4. If your Outlet's full-time hours for one Business Operating Day are less than eight hours per day but equal to or greater than seven hours per day **and** a Supported Employee only works one full day per week, then this can count as meeting the eight hours per week requirement. This avoids the situation where your Outlet would otherwise need to bring a Supported Employee back to Work for another hour each week in order to meet the eight hours per week requirement.
- 22.5. Paragraph 26 and 27 of these Guidelines provides information on what you need to do when a Supported Employee is not working the minimum of eight hours (or one full Business Operating Day) per week.

23. Disability Maintenance Instrument

- 23.1. The Disability Maintenance Instrument (DMI) is used to determine a Supported Employee's individual work-related support needs. The DMI Assessment must be Authorised on the Portal on the Case record.
- 23.2. In order to Authorise a DMI Assessment it is necessary to compile evidence and assess the Supported Employee as per the DMI Guidelines. The DMI Assessment details the assistance you are required to provide to the Supported Employee and must be supported by documentary evidence.
- 23.3. The DMI Assessment must be finalised Immediately when a Supported Employee achieves an Employment Outcome, otherwise you may be deemed to be in breach of the Agreement.
- 23.4. A Supported Employee has up to 12 months from their Intake Assessment to achieve an Employment Outcome excluding periods of Suspension. If the DMI Assessment is not finalised within 12 months of Starting, then the Supported Employee must be Exited on the Portal Immediately.

- 23.5. The DMI Assessment Guidelines available on the Literature Tab on the Portal will assist you with finalising the DMI Assessment and help you meet your obligations under the Agreement. (See: DEA_Task Card – Cases – Complete and Authorise a DMI Assessment).
- 23.6. The Supported Employee's DMI Assessment score determines the Employment Maintenance Fees payable to you for that Supported Employee.
- 23.7. The DMI Assessment Completed and Authorised by you and submitted to DSS on the Portal for scoring is final and cannot be changed other than through a DMI Reassessment in accordance with the DMI Assessment Guidelines.
- 23.8. A DMI Assessment, Reassessment or classification of payment levels under the Agreement will be made at the absolute discretion of DSS and there is no appeal or review process for Assessments, Reassessments or classification of payment levels.
- 23.9. On completion of a Supported Employee's DMI Assessment you must Authorise the Completed assessment. The final process of a DMI is when the Completed DMI template is Authorised on the Portal. The DMI process is not considered to be finalised until the DMI is Authorised.
- 23.10. You may make details of Completed DMI Assessments relating to a Supported Employee available to them if requested by them, but may not release any copy of those assessments without permission from DSS.
- 23.11. At no time should dates be backdated in the Portal.

24. Employment Maintenance Fee

- 24.1. The Employment Maintenance Fee is payable monthly in arrears, on the Supported Employee's Case Anniversary Date after you have Authorised a DMI Assessment on the Portal.
- 24.2. Employment Maintenance Fees are paid at one of four funding levels based on the Supported Employee's DMI Assessment score while the Supported Employee continues to Work the minimum hours and receives the Activity from you.
- 24.3. Employment Maintenance Fee levels are set out in the Schedule.
- 24.4. A DMI Assessment has no retrospective effect and will not be backdated to any point in time.
- 24.5. No Employment Maintenance Fees are payable to you prior to the correct authorisation of the DMI Assessment on the Portal.

25. DMI Reassessments

- 25.1. You must undertake a DMI Reassessment if directed by DSS. This type of DMI Reassessment is a DSS-initiated DMI Reassessment.
- 25.2. A DMI Reassessment can also be undertaken if you or the Supported Employee, their Advocate or Representative requests that a DMI Reassessment takes place in accordance with the DMI Reassessment Triggers Table as described in the DMI Guidelines. This type of DMI Reassessment is an Organisation Initiated DMI Reassessment.
- 25.3. DMI Reassessments must be Completed and Authorised by you using the "DEA Disability Maintenance Instrument Pro Forma" form on the Literature Tab on the Portal.
- 25.4. The DMI Assessment Guidelines available on the Literature Tab on the Portal will assist you with completing DMI Reassessments. (See: DEA_Task Card – Cases – Complete and Authorise a DMI Assessment).

- 20.1. You must record evidence of the Reassessment Trigger for the DMI Reassessment.
- 25.5. In order to complete a DMI Reassessment it is necessary to compile evidence and assess the Supported Employee as per the DMI Guidelines.
- 25.6. As part of a DMI Reassessment process, you must also:
 - a) complete a new Client Consent and Information Form prior to collecting any evidence; and
 - b) update the EAP for the Supported Employee to whom the DMI Reassessment relates as soon as the DMI is finalised.
- 25.7. The final process in the DMI Reassessment is when the DMI is Authorised on the Portal. The DMI process is not considered finalised until the Reassessment is Authorised.
- 25.8. A DMI Reassessment may not result in a change in DSS funding to you.
- 25.9. You may Complete and Authorise a DMI Reassessment only after a minimum of three months has elapsed from the date a previous DMI Assessment/Reassessment was Authorised on the Portal.
- 25.10. If a DMI Reassessment results in a change in the Employment Maintenance Fee payable for a Supported Employee, the new Employment Maintenance Fee will be paid on the next Case Anniversary Date following the authorisation of the DMI Reassessment.
- 25.11. A DMI Reassessment has no retrospective effect and cannot be backdated.

26. Suspensions

- 26.1. If a Supported Employee is not at Work or is unable to Work the minimum of eight hours per week for any reason, for a period which will be, or which you reasonably expect to be, longer than one month, then you must Suspend the Supported Employee's Case on the Portal Immediately. Exceptional circumstances are outlined in paragraph 26.6 and paragraph 26.7 of these Guidelines.
- 26.2. When you are advised in advance of a period of absence of more than one month by letter or email from, or conversations with, the Supported Employee (or the Supported Employee's Advocate or representative), then you must Suspend the Case on the Portal on the Supported Employee's last day of Work.
- 26.3. There are circumstances where you may not be aware of the period of absence in advance. In these instances the Case must be Suspended Immediately on the Portal either:
 - a) when you are advised the expected duration of the absence will be more than one month; or
 - b) when one month has elapsed and you have not been advised of the period of absence.
- 26.4. You must retain evidence on file of any advice that a Supported Employee will be absent and of any attempts you have made to contact a Supported Employee (or the Supported Employee's Advocate or representative) during an absence.
- 26.5. Periods of Suspension on the Portal are usually for a minimum of one month to a maximum of 12 months. For periods greater than 12 months refer to Exits at paragraph 27 of these Guidelines.
- 26.6. If a Supported Employee is not able to attend Work due to the Christmas shutdown of the ADE, is on sick leave or maternity leave, or who are being paid workers' compensation, the Suspension period from Work may be extended to two months. If a Supported Employee is absent due to workers' compensation, sick leave or maternity leave, you must retain evidence on their file.

- 26.7. In some circumstances, Supported Employees may take different leave types which combine one month and two month absence periods. If this occurs, the maximum allowed absence from Work for a combined period of leave is two months.
- 26.8. DSS will Suspend or direct you to Suspend a Supported Employee's Case if DSS becomes aware you are no longer providing the Activity to a Supported Employee or DSS becomes aware the Supported Employee is no longer working the minimum required hours per week.
- 26.9. Any overpayments that arise through your failure to Suspend a Supported Employee's Case on the Portal will be treated as a repayable amount in accordance with clause 11 of the Terms and Conditions.
- 26.10. You must provide an appropriate Suspension reason when you Suspend a Supported Employee's Case on the Portal. A list of Suspension reasons and descriptions is available from the Literature tab on the Portal.
- 26.11. You must not Suspend Supported Employees' Cases to manage the workload, assistance or Places available within your Outlet.
- 26.12. DSS will make no payment for any Activities that are provided to a Supported Employee whose Case is Suspended.
- 26.13. At no time should Suspension dates be backdated in the Portal.

27. Exits

- 27.1. When you become aware that a Supported Employee will not be at Work or is unable to Work the minimum of eight hours per week for any reason, for a period which is, or which you reasonably expect to be, longer than 12 months then you must Exit the Supported Employee's Case on the Portal Immediately.
- 27.2. When you are advised of an Exit in advance by letter or email from, or conversations with, the Supported Employee (or their Advocate or representative), then you must Exit the Case on the Portal on the Supported Employee's last day of Work.
- 27.3. There are circumstances where you may not be made aware of an Exit in advance. In these circumstances the Case is Exited Immediately either:
 - a) when the Supported Employee or their Advocate or Representative advise you they are no longer Employed by you; or
 - b) when 12 months has elapsed following the Suspension of the Case on the Portal.
- 27.4. You must Exit a Supported Employee's Case on the Portal Immediately if:
 - a) the Supported Employee no longer requires the Activity from your Outlet;
 - b) the Supported Employee is not able to Work the minimum eight hours per week (and where a Suspension is not appropriate);
 - c) the Supported Employee is no longer Employed by you;
 - d) you do not accept the funding level for a Supported Employee as determined by DSS;
 - e) DSS instruct you to Exit a Supported Employee's Case;
 - f) a DMI Assessment has not been submitted by you to DSS for the Supported Employee within 12 months of the Intake Completion Date (plus periods of Suspension if any);
 - g) the Supported Employee's Case has not been returned from Suspension within 12 months; or
 - h) the Supported Employee has a plan in effect under section 37 of the *National Disability Insurance Scheme Act 2013*, subject to exceptions under paragraph 17 of these Guidelines.

- 27.5. You must retain evidence on file of any advice that a Supported Employee will be absent and any attempts you have made to contact the Supported Employee during the absence.
- 27.6. DSS will Exit or direct you to Exit a Supported Employee's Case if DSS becomes aware you are no longer providing the Activity to a Supported Employee or if DSS becomes aware that the Supported Employee has a plan in effect under section 37 of the *National Disability Insurance Scheme Act 2013*, subject to exceptions under paragraph 17 of these Guidelines.
- 27.7. Any overpayments that arise through your failure to Exit a Supported Employee's Case on the Portal will be recovered in accordance with clause 11 of the Terms and Conditions.
- 27.8. You must provide an appropriate Exit reason when you Exit a Supported Employee's Case on the Portal. A list of Exit reasons and descriptions is available from the Literature tab in the Portal.
- 27.9. You must not Exit Supported Employees' Cases to manage the workload, assistance or Places available within your Outlet.
- 27.10. DSS will make no payment for any Activities that are provided to a Supported Employee who's Case has been Exited.
- 27.11. At no time should Exit dates be backdated in the Portal.

28. Returns from Suspension or Exit

- 28.1. If a Supported Employee's Case is Suspended or Exited, and the Supported Employee then recommences with the same Outlet within 12 months from the date of the Case's Suspension or Exit on the Portal (or within 24 months if returning from Open Employment), you must treat the Supported Employee as recommencing with the Outlet as if the Case had Returned from Suspension, provided your Outlet has vacant Places or Stretch Capacity.
- 28.2. If a Supported Employee's Case is Suspended or Exited then the Supported Employee recommences with the same Outlet after 12 months from the commencement date of the Case's Suspension or Exit (or after 24 months if returning from Open Employment), you must treat the Supported Employee as a new Supported Employee provided they are eligible under the Schedule, and you must create a new Case for the Supported Employee on the Portal provided your Outlet has vacant Places.
- 28.3. The period of 12 months (or 24 months if returning from Open Employment) commences from the first date on the Portal of either the Suspension or Exit. If a Case is Suspended on the Portal and then Exited, the 12 months starts from the date of the Suspension and not the date the status was changed to Exited. The 12 months is the total period of absence from an Outlet.
- 28.4. If a Supported Employee's Case is Suspended or Exited in accordance with paragraphs 26 or 27 of these Guidelines respectively, and the Supported Employee returns to Work earlier than expected, the Case can be Returned from Suspension Immediately.
- 28.5. You must not backdate a Return from Suspension date on the Portal.
- 28.6. You must obtain and retain evidence that a Supported Employee has accessed Open Employment before the Case can be Returned from Suspension under paragraph 28.1 of these Guidelines.
- 28.7. You must provide an appropriate Return from Suspension reason when you return a Supported Employee's Case on the Portal.
- 28.8. A Supported Employee's Case can only Return from Suspension if your Outlet has vacant Places or Stretch Capacity.

- 28.9. DSS will resume making payments to you when you correctly return a Supported Employee's Case from Suspension on the Portal. The payments will commence on the Supported Employee's next Case Anniversary Date, provided all other requirements under the Agreement have been met.
- 28.10. The return of a Case from Suspension on the Portal has no retrospective effect and payments will not be backdated.
- 28.11. The return of a Case from Suspension is actioned on the Portal on the first day the Supported Employee recommences Work with the Outlet.
- 28.12. At no time should dates of Suspension, Exit or otherwise be backdated in the Portal.

29. Rural and Remote Service Supplement

- 29.1. The Rural and Remote Service Supplement is paid as specified in the Schedule.

30. Work Based Personal Assistance Fees

- 30.1. Work Based Personal Assistance (WBPA) payments are for Supported Employees who, due to their physical or neurological disability or medical condition require additional assistance in Supported Employment:
 - a) from an Approved Support Worker, to provide personal assistance with feeding by mouth or tube or personal hygiene, such as a catheter; and/or
 - b) from a registered nurse to administer medical interventions.
- 30.2. If a Supported Employee (or the Supported Employee's Advocate or representative) requests WBPA, you must undertake an assessment and provide the support.
- 30.3. If DSS requests WBPA for a Supported Employee, you must undertake an assessment and provide the support.
- 30.4. To determine the type and amount of additional assistance required by the Supported Employee, an assessment and written report must be undertaken by a qualified assessor.
- 30.5. The person who performs an assessment under paragraph 30.4 of these Guidelines is a person who
 - a) either:
 - i. is qualified as an occupational therapist; or
 - ii. is a registered nurse; or
 - iii. holds a human services qualification in assessing personal care needs; and
 - b) provides you with a written report regarding whether (in their reasonable opinion), due to the Supported Employee's physical or neurological disability or medical condition, the Supported Employee requires regular assistance whilst in Employment:
 - i. with feeding by mouth (transfer of food/liquid to the Supported Employee's mouth) or feeding by tube; and/or
 - ii. with personal hygiene such as care of catheter or toileting support; and/or
 - iii. from a registered nurse to administer medical interventions. If the Supported Employee requires medical assistance a registered nurse must assess this level of assistance.
- 30.6. The written report in accordance with paragraph 30.5 of these Guidelines is made by completion of the WBPA Requirements Form.

- 30.7. The WBPA Requirements Form is an agreement between the Supported Employee and the ADE about the WBPA needs of the Supported Employee and how these needs will be met. The provision of WBPA must also be included in the Supported Employee's EAP.
- 30.8. If the Supported Employee's WBPA needs change, a new assessment must be Completed and relevant supports provided.
- 30.9. When you receive a written report under paragraph 30.5 of these Guidelines confirming that a Supported Employee requires WBPA you must ensure the Supported Employee is provided with such assistance by an Approved Support Worker.
- 30.10. If a medical intervention is required, then it must be administered by a registered nurse.
- 30.11. WPBA claims can be submitted from the time the Supported Employee becomes eligible for funding through CBF until the Supported Employee either ceases Employment or no longer requires WBPA (whichever occurs first).
- 30.12. WBPA Fees are payable in arrears upon receipt of a correctly Completed WBPA Claim Form, provided it is submitted to DSS within three months after the WBPA was provided.
- 30.13. Any WBPA Fees paid are reimbursed for the number of hours actually provided or purchased by you.
- 30.14. WBPA Fees are paid at a rate specified in the Schedule according to who delivers the WBPA and the number of hours that have been directly provided or purchased.
- 30.15. You cannot claim, and DSS will not pay, for more than 10 hours of WBPA per Supported Employee per week.
- 30.16. WPBA cannot be claimed for support or hours above what the assessor has determined on the WBPA Requirement Form.
- 30.17. General supports are covered in the DMI Assessment and must not be recorded on a WBPA Requirement Form or be claimed by you for a WBPA fee. This includes (but is not limited to):
 - a) helping a Supported Employee with their lunch or verbal prompts, to prepare or eat food (unless the food preparation is linked directly to feeding by mouth or by tube);
 - b) monitoring or observing food intake;
 - c) verbal prompts to go to the toilet or to wash hands;
 - d) counselling; and
 - e) training or workshops on personal care or hygiene.
- 30.18. When WBPA is provided by an agency separate to you and the agency providing the WBPA has a minimum call out, that minimum call out may be included in the WBPA hours that you purchase from the agency.
- 30.19. For the purposes of verification, all WBPA that is provided or purchased must be recorded by you and you must:
 - a) maintain invoices for all WBPA purchased including hours and support provided; and
 - b) keep a record of the WBPA hours and support provided by you.
- 30.20. WBPA Fees are not payable when a Supported Employee is Suspended or Exited.

- 30.21. A WBPA Fact Sheet (“DEA Factsheet WBPA 1 July 2015”) is available from the Literature tab on the Portal to help you further understand your WBPA responsibilities and requirements.
- 30.22. The WBPA Claim Form (“DEA Form WBPA Claim”) and Requirements Form (“DEA Form WBPA Requirements Form”) are available from the Literature tab on the Portal.
- 30.23. Completed and signed forms should be submitted to your FAM.

31. Existing High Cost Worker Payment

- 31.1. Existing High Cost Worker Payments (‘EHCWP’) are paid as specified in the Schedule.
- 31.2. Supported Employees eligible to receive an EHCWP will be determined at the absolute discretion of DSS and notified to you.
- 31.3. The amount of the EHCWP will be the difference between the Outlet’s average block grant price (i.e. under pre-CBF funding arrangements) and the Employment Maintenance Fee Level 4.
- 31.4. Existing High Cost Workers will continue to receive EHCWP until they no longer receive the Activity from you.
- 31.5. If a Supported Employee receiving EHCWP is Exited or Suspended and does not recommence within 12 months, or 24 months if returning from Open Employment, of the Exit or Suspension date, they are no longer eligible for EHCWP.
- 31.6. An EHCWP will not be paid while the Supported Employee is Suspended or Exited.
- 31.7. Once a Supported Employee has ceased receiving EHCWP under Supplementary Condition 1.29 of the Schedule, they are no longer eligible for any future EHCWP.

32. Disputes and Complaints

- 32.1. ADEs are required to have complaints handling procedures in place as part of meeting the requirements under the *Disability Services Act (National Standards for Disability Services) Determination 2014*.
- 32.2. Where a dispute arises between you and a Supported Employee, you must use your best endeavours to resolve the dispute in accordance with the relevant Outlet’s complaints handling procedures and complaints and dispute policy as certified by your Certification Body.
- 32.3. The Complaints Resolution and Referral Service (phone 1800 880 052) is available to investigate complaints about Commonwealth Government funded Disability Employment and Advocacy services (see paragraph 33 of these Guidelines).
- 32.4. You are obligated to implement and maintain a complaints register as set out in the Supplementary Conditions of the Schedule.

33. Complaints Resolution and Referral Service

- 33.1. When you provide information and advice to Supported Employees about making complaints, you must also give them information and contact details for the Complaints Resolution and Referral Service (CRRS).
- 33.2. You must cooperate with the CRRS and DSS to resolve complaints by:
 - a) providing any relevant documentation to CRRS or DSS related to the complaint (including policy and procedures, records, etc.); and/or
 - b) allowing staff from the CRRS to access your premises to inspect relevant records; and/or
 - c) allowing your Supported Employees and your Officers to be interviewed by CRRS staff.

- 33.3. You must also assist and allow your Supported Employees to access advocacy support to deal with a complaint or dispute.

34. Online Funding Management System (the Portal)

- 34.1. The Portal is a web based system that assists in the management of DSS Agreements. This system is used to enter information about Supported Employees, the services they receive and to claim payments.
- 34.2. Data contained on the Portal is subject to the *Privacy Act 1988 (Cth)*. Any unauthorised use or disclosure of data contained on the Portal may be a breach of the *Privacy Act 1988 (Cth)*.
- 34.3. It is a criminal offence for unauthorised persons or devices to connect to the system. Usage of the system is monitored. Evidence of suspected misuse may be used in a court of law.
- 34.4. You should notify the govGPS Helpdesk Immediately when Officers at your Outlet leave. You should complete the “DEA – FOFMS System Access Request Form” available on the Literature Tab on the Portal and choose the “Remove User” check box.
- 34.5. Cases on the Portal must have up-to-date caseworker information to ensure important information about the Portal actions for all Cases is delivered correctly.

35. Resources

- 35.1. ADEs should refer to the “Disability Services Data Collection - Data Guide for Disability Service Providers” (available on the DSS website) about collecting and entering client data and Case information for the Activity and the Disability Services Data Collection.
- 35.2. There are a number of “Task Cards” also available on the Literature Tab in the Portal which contains step-by-step instructions on entering information and completing assessments in the Portal.

36. Contact Information - Where you can go for assistance

- 36.1. For the Portal technical queries and assistance with passwords please contact the govGPS Helpdesk on 1800 020 283 or email govGPS.Helpdesk@dss.gov.au.
- 36.2. For help with the day-to-day management of Supported Employee records on the Portal you should contact the CBF Helpdesk Helpdesk.CBF@dss.gov.au.
- 36.3. For other questions relating to the Agreement, or if you disagree with DSS’s decision relating to your payments, or have any other queries, you should contact your FAM.