



**Australian Government**



# **Disability Support Pension recipients under 35 years Guidelines**

**V 1.1**

## **Disclaimer**

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

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## Disability Support Pension Recipients under 35 years Guidelines

### Document Change History

Version	Effective Date	End Date	Change & Location
1.1	3 December 2018		<b>Policy:</b> Update of Clause Numbers on P.5 and 8 to align with Grant Agreement Direction 2
1.0	1 July 2018	2 December 2018	Original version of document.

### Background

The Disability Support Pension (DSP) is an income support payment for people with a permanent physical, intellectual or psychiatric impairment who are unable to fully support themselves through paid work.

Since 1 July 2014, most DSP recipients under the age of 35 with an assessed work capacity of at least eight hours per week have compulsory participation requirements in order to remain eligible for DSP.

Some DSP recipients are exempt from these requirements, including recipients with a dependent child under six and people working under the Supported Wage System (SWS). DSP recipients are also exempt from compulsory participation requirements for the duration of an assessed temporary work capacity of 0-7 hours per week. For more detail, refer to the [Guide to Social Security Law](http://guides.dss.gov.au/guide-social-security-law) – (<http://guides.dss.gov.au/guide-social-security-law>) - (3.6.1.110 - Participation Requirements for DSP Recipients and 3.6.1.120 - Participation Requirement Exemptions for DSP Recipients.).

DSP recipients under age 35 who are not otherwise exempt are required to undertake compulsory activities as outlined in their Job Plan. The intent of compulsory activities is to support the person to prepare for, find and maintain employment. These activities may include work experience, education and training, or rehabilitation activities to overcome individual barriers.

If the DSP recipient's compulsory activity is participation in DES, the DSP recipient must agree to a Job Plan, attend participation interviews with the Department of Human Services (DHS), attend scheduled appointments with their DES Provider and undertake the activities included in their Job Plan, otherwise their DSP payment may be suspended or cancelled.

DSP recipients who are exempt from participation requirement are not required to undertake specific activities, including DES, but may choose to participate in DES as a volunteer (non-mutual obligation) Participant.

### Compliance and the Department's IT Systems

DSP recipients subject to compulsory participation requirements can be identified via the Participation Profile as a 'DSP Compulsory Participation Client'.

DSP recipients with compulsory participation requirements must have a compulsory activity in their Job Plan. Where a DSP recipient with compulsory requirements fails to attend a compulsory activity, the DES Provider can choose to submit a participation report to DHS. The DES Provider must consider

whether the DSP recipient has a reasonable excuse, or has experienced circumstances beyond their control, in relation to any failure to attend a compulsory activity in their Job Plan.

There are three non-compliance reports that can be submitted to DHS via the Department's IT Systems:

- DSP Appointment Report Diary (DARD) for failure to attend a DES Provider Appointment;
- DSP Activity Report (DACR) for failure to undertake compulsory activity detailed in a Job Plan; and
- DSP Appointment Report Job (DARJ) for failure to enter into or agree to update a Job Plan.

It is important that DES Providers work with these DSP compulsory recipients to meet their compulsory requirements and actively participate in DES because failure to do so may result in their loss of qualification for DSP.

DHS will support DES Providers' management of DSP compulsory recipients to ensure their ongoing engagement.

### **Delegation**

To enable employment service Providers to fulfil their role in servicing DSP compulsory recipients, certain powers under the Social Security Act 1991 (SSA) and the Social Security (Administration) Act 1999 (SS (A) A) have been delegated to them via a legislative instrument.

Specifically, employment service Providers have delegated power under section 94B of the SSA to require the person to enter into a Participation Plan. The Job Plan is a Participation Plan under the Act. Once the person enters into a Job Plan with a DES Provider, that plan replaces any Participation Plan they may have with DHS. A DES Provider must notify a person of the requirement to enter into a Job Plan and give notice of the time and place to enter into such a plan.

DES Providers have been delegated authority under section 63 of the SSA to issue a notice to require the person to attend an Appointment. This provides authorisation for any Appointment request regardless if the person has a Job Plan in place.

### **Exemptions**

DHS has responsibility for exemptions from participation requirements. A DSP recipient will continue to have compellable participation requirements until they no longer meet the criteria, for example, when they turn 35 years of age.

Temporary exemptions may apply to some DSP compulsory customers. The following DSP recipients may be exempt for a period from compulsory participation interviews and their compulsory activity obligations:

- people who have a dependent child under age 6;
- women who are pregnant (in the last six weeks of pregnancy and the first six weeks after birth of the child);
- people who have a current medical certificate noting they are unable to work 8 or more hours a week;
- people working in an Australian Disability Enterprise or under the Supported Wage System; and
- people experiencing special circumstances, such as homelessness, or personal crisis.

DES Providers cannot exempt DSP recipients from compulsory participation requirements. If a DES Provider believes one of the criteria above applies, the Participant should be referred to DHS to consider an exemption.

## **Disability Employment Services Grant Agreement Clauses:**

Clause 85 – Referrals  
Clause 91 – Appointments with Participants  
Clause 92 – Initial Interview  
Clause 93 – Contact services  
Clause 106 – General requirements for a Job Plan  
Clause 113 – Non-compliance action for Disability Support Pension Recipients (Compulsory Requirements)  
Clause 117 – Program Review  
Clause 136 – Effect of Suspensions  
Clause 137 – Suspensions  
Clause 138 – Effect of Exits  
Clause 139 – Exits

## **Reference documents relevant to these guidelines:**

Eligibility, Referral and Commencement Guidelines  
Contacts Guidelines  
Program Review, Program Summary and Exit Guidelines  
Online Diary Supporting Document  
Direct Registration Guidelines  
Period of Service Guidelines  
Job Plans Guidelines  
Guide to Social Security Law  
Documentary Evidence Guidelines  
Working Right Checklist  
Department of Home Affairs Visa Entitlement Verification Online (VEVO) website

## **Explanatory Note:**

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

## Disability Support Pension Recipients under 35 years Guidelines

Who is Responsible:	What is Required:
<p><b>1. DHS, DSP Recipient</b></p> <p><b>Referral to DES (new or existing)</b></p> <p><i>Disability Employment Services Grant Agreement Clauses References:</i></p> <ul style="list-style-type: none"> <li>• Clause 85</li> </ul>	<p>Most DSP recipients under the age of 35 with an assessed work capacity of eight or more hours per week (without a youngest child under six years) will have compulsory participation requirements.</p> <p>DHS will work with these DSP recipients to negotiate and review their Job Plan, which is their Participation Plan under the Social Security Act 1991. This plan will include compulsory attendance at DHS Participation Interviews and other compulsory activities focused on supporting the DSP recipient to prepare for, find and maintain employment.</p> <p>If it is determined that a referral to employment services is appropriate, DHS will assess the person under the Job Seeker Classification Instrument (JSCI) and, where required, conduct an Employment Services Assessment (ESAt) or Job Capacity Assessment (JCA).</p> <p><b>DSP recipients with participation requirements</b></p> <p>Where the ESAt or JCA recommends DES as a suitable program, DHS will inform the DSP recipient about their compulsory requirement to participate in DES, and that failure to comply with their compulsory activities may result in penalties including the suspension or cancellation of their payment. Participation in DES will be included in the Job Plan DHS negotiates with the DES recipient.</p> <p>DSP recipients with compulsory requirements will be identified in the Department’s IT Systems via the Participation Profile as ‘DSP Compulsory Participation Client’.</p> <p>Where the DSP recipient is not already a DES participant, DHS will refer the person to a DES provider. As part of the referral, DHS may include text in the Special Requirements section of the online Diary providing information for the DES Provider on the DSP recipient’s compulsory requirements.</p> <p><b>DSP recipients without participation requirements</b></p> <p>DSP recipients under the age of 35 years who are exempted from compulsory participation requirements, and other DSP recipients who do not have compulsory participation requirements, are not required to participate in DES or another program. These DES recipients can, however, in accordance with the Grant Agreement and subject to eligibility, volunteer for DES.</p> <p><b>Proceed to Step 2.</b></p> <p>Note: Participation in DES satisfies Program of Support activity requirements, where applicable. Note that periods of suspended service in DES do not count towards this Program of Support requirement. DSP recipients without Program of Support activity requirements fully meet their compliance requirements by working while being supported in DES.</p>

Who is Responsible:	What is Required:
	For more information, see <i>Attachment A – Program of Support requirements</i>
<p><b>2. DES Provider</b></p> <p><b>Initial Interview/next Appointment – discussion of compulsory requirements and compliance with DSP recipient.</b></p> <p><i>Disability Employment Services Grant Agreement Clauses References:</i></p> <ul style="list-style-type: none"> <li>• Clause 91</li> <li>• Clause 92</li> </ul>	<p>At the Initial Interview, or at the next scheduled Appointment after the DSP recipient becomes subject to compulsory requirements, the DES Provider must negotiate and approve a Job Plan with the person and undertake other normal commencement activities detailed in the DES Eligibility, Referral and Commencement Guidelines. The Job Plan must be approved in the Department’s IT Systems. DSP recipients under the age 35 who are subject to compulsory participation requirements are required to have at least one compulsory work-focused activity included in their Job Plan.</p> <p>A requirement to attend regular participation interviews with DHS is included in the template for the Job Plan and is a compulsory activity.</p> <p>Notes: DES Providers must appropriately assist DSP recipients, depending on their individual circumstances and barriers, to ensure they can maintain attendance and participation at scheduled Appointments and activities.</p> <p>If a DSP recipient is unable to meet their compulsory requirements due to a change of circumstances, the DES Provider can discuss an alternative activity with the DSP recipient and update the Job Plan. The DSP recipient can also discuss their compulsory participation at their regular interviews with DHS.</p> <p>Alternatively, if appropriate, the DES Provider can refer the DSP recipient to a Change of Circumstances Reassessment – Please refer to the <i>Referral to an Employment Services Assessment Guidelines</i>.</p> <p><b>Proceed to Step 3.</b></p>
<p><b>3. DES Provider</b></p> <p><b>Ongoing servicing including Minimum Contact Appointments</b></p> <p><i>Disability Employment Services Grant Agreement Clauses References:</i></p> <ul style="list-style-type: none"> <li>• Clause 91</li> <li>• Clause 93</li> </ul>	<p>DES Providers must deliver the minimum level of contacts and servicing as required under the Disability Employment Services Grant Agreement (the Grant Agreement).</p> <p>At the DSP recipient’s regular Contact Appointments, the DES Provider must deliver services outlined in the <i>Contacts Guidelines</i>.</p> <p><b>End of Process</b></p>

## Disability Support Pension Recipients under 35 years – Exits

Who is Responsible:	What is Required:
<p><b>1. DES Provider</b></p> <p><b>Program Exit</b></p> <p><i>Disability Employment Services Grant Agreement Clauses References:</i></p> <ul style="list-style-type: none"> <li>• Clause 138</li> <li>• Clause 139</li> <li>• Clause 140</li> </ul>	<p>A DSP recipient with compulsory requirements can be exited from their program where they:</p> <ul style="list-style-type: none"> <li>• are no longer in receipt of Income Support Payments;</li> <li>• are no longer subject to compulsory requirements (for example they turn 35 years old or are reassessed by DHS as having a work capacity of 0-7 hours per week) and choose to exit;</li> <li>• are undertaking a compulsory activity agreed with DHS that is not DES; or</li> <li>• commence in jobactive, Community Development Programme or Australian Disability Enterprises.</li> </ul> <p>To ensure that an exiting DSP recipient remains qualified for DSP, a Job Plan must always be in place. For this reason, the Program Summary with relevant information must be provided so that DHS can arrange a Participation Plan with the person and they can undertake the new activities.</p> <p>DSP recipients should have a new Participation Plan with DHS before they are Exited. The DES Provider should advise the compulsory DSP recipient to notify DHS so that they can sign a new Participation Plan with DHS. DHS will then remove the compulsory flag so that the compulsory DSP recipient can be Exited.</p>

## **Attachment A - Program of Support Requirements**

Since 3 September 2011, all new DSP claimants regardless of their age who do not have a severe impairment must demonstrate that they have actively participated in a Program of Support for at least 18 months within the three preceding years, in order to be assessed as eligible for DSP.

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

It is important that DES Providers work with job seekers who are claiming DSP, or otherwise have Program of Support requirements, to ensure that they actively participate in DES, as failure to participate in DES may jeopardise their eligibility (or continuing eligibility on review) for DSP.

### **Participants that have both Compulsory Participation Requirements and Program of Support Requirements**

Some DSP recipients who have Program of Support requirements will also be required to meet the compulsory participation requirements for under 35 year olds. Participation in the DES program will meet both their Program of Support requirement and their compulsory participation requirement.

For more information, please refer to the [Participation in a Program of Support Fact Sheet](#) on the DES Provider Portal.