



**Australian Government**



# **DES Activity Management Guidelines**

**V 1.1**

**Disclaimer**

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

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## Activity Management Guidelines

### Document Change History

Version	Effective Date	End Date	Change & Location
1.1	1 January 2023		<p><b>Amendment:</b> Removal of all references to the PaTH Internships and the National Work Experience program as a result of the cessation of these programs, effective 9 September 2022.</p> <p><b>Amendment:</b> Minor edits in the Employability Skills Training section. Updated to clarify mutual obligation requirements for participants undertaking EST.</p> <p><b>Amendment:</b> Minor edits in the Career Transition Assistance (CTA) section regarding referral to CTA courses.</p> <p><b>Amendment:</b> Updated to clarify that providers can reduce a participant's Job Search Requirement to zero where the participant is not able to look for work when they are undertaking an approved course for language, literacy and numeracy issues.</p> <p><b>Amendment:</b> Updated to clarify that Voluntary Work can be arranged by the participant.</p>
1.0	01 Jul 2022	31 December 2022	Original version of document

### Overview

Providers are expected to arrange for participants to undertake activities that help them prepare for work and improve skills. Activities can help participants adjust to work-like arrangements, including working and communicating with others, and taking directions from a Supervisor.

Providers have considerable flexibility in the activities they can arrange for participants to undertake. In addition to various activities arranged by providers, the DES Grant Agreement 2018-2023 sets out certain defined Activities that providers may choose to access as part of a participant's DES program and notes that other Activities may be identified in Guidelines.

These Guidelines provide an overview of provider's responsibilities in managing all activities, and contains an overview of defined Activities the provider can arrange or access.

### Background

The following Activities in these Guidelines are available to DES participants for the first time from 1 July 2022, coinciding with the commencement of Workforce Australia:

- Eligibility Skills Training (EST)
- Career Transition Advice (CTA)
- Observational Work Experience (OWE)

- Self-Employment Assistance (replacing the New Enterprise Incentive Scheme)
- Voluntary Work

From the same date, Work for the Dole is no longer available for DES participants.

These Guidelines also replace specific Guidelines for the following Activities that continue to be available for DES participants:

- Skills for Education and Employment (SEE)
- Adult Migrant Education Program (AMEP)

For some Specified Activities, the provider must work directly with a Host Organisation for the Activity and is responsible for ensuring the Activity requirements are met. Other Activities are managed by dedicated providers, which liaise with DES providers to ensure the participant's participation is managed appropriately.

Each Activity section outlines factors relating to that Activity, including:

- whether the Activity is provided freely or is available on a fee-for-service basis
- any impacts on a participant's participation requirements while undertaking the Activity
- any fees or outcomes the provider may be eligible to claim in relation to the participant's progress in the Activity.

All Activities in these Guidelines are options available for providers to use. Providers are not required to arrange for a participant to undertake any Activity.

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

Clause 75.5 – Work Health and Safety Legislation

Clause 100 – Safety and Supervision

### **Reference documents relevant to this Guideline:**

Competent Persons Register template

### **Explanatory Note:**

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

# 1. Activity Management

## Overview

This section outlines requirements for a provider when setting up and managing Activities. This includes both defined Activities and other activities that do not have specific requirements in the Grant Agreement.

Providers should arrange Activities for participants according to their individual needs, including referral to concurrent programs, other non-vocational interventions, Education, training and other opportunities. Providers are encouraged to deliver activities that support diverse pathways to Employment. Providers can also deliver custom activities tailored to participants' needs, and can support suitable activities arranged by participants, where appropriate.

Examples of other activities the provider may consider arranging include job search clubs, parenting courses, group information sessions, résumé writing sessions and interview preparation sessions.

## Identifying suitable Activities

Activities can generally be undertaken at any time where the provider and participant agree that the activity will address the participant's Vocational Barriers and/or Non-vocational Barriers, and improve their work readiness and progress towards Employment.

In identifying suitable activities, the provider must consider how the Activity will address the participant's Vocational Barriers and/or Non-vocational Barriers, improve their work readiness and help support the participant to progress towards Employment, and is appropriate for the participant's individual circumstances and work capacity.

The provider must not arrange any Activity for any participant to participate in, or refer any participant to any Activity, where the Activity may involve:

- the participant undertaking any services the provider is required to deliver;
- services that are advised by the Department as being unable to be conducted concurrently with DES;
- an illegal activity, or the participant undertaking tasks that the participant is not permitted to do under the law (e.g. a task can only be undertaken by a licensed person and the participant does not hold that licence)
- the participant undertaking tasks or working for any:
  - organisation owned or controlled by the participant; or
  - family member of the participant
- the participant displacing an existing employee of the Host Organisation or undertaking work that would reduce an existing employee's hours of work (full-time, casual, or part-time), including reducing an existing employee's customary overtime;
- the participant undertaking tasks associated with the sex industry or involving nudity (including retail or hospitality positions);
- the participant undertaking tasks directly involving gambling; and/or
- the participant undertaking tasks in the participant's own home.

## Collaboration with other providers and community organisations

Providers must arrange Activities for participants according to their individual needs, including referral to Complementary Programs, other non-vocational interventions, Education, training and other opportunities. This includes, but is not limited to, engaging with private and community-based service providers, education and training institutions, healthcare organisations and local governments.

## Engaging with Host Organisations

Providers should seek to engage with a range of businesses, other employment services providers and community organisations to arrange Activities that prepare participants to meet Employers' needs.

### Specified Activities

Some Activities arranged by the provider are hosted by a specific organisation (Host Organisation):

- Observational Work Experience
- Provider Sourced Voluntary Work

These Activities (Specified Activities) are hosted by the Host Organisation without the involvement of a further organisation responsible for managing the Activity (Activity provider). The DES provider is responsible for specific Activity participation requirements including: risk assessments; Work, Health and Safety (WHS); and supervision.

Other activities managed and delivered by a responsible Activity provider do not involve Host Organisations:

- Employability Skills Training (EST)
- Career Transition Assistance (CTA)
- Self-Employment Assistance
- Skills for Education and Employment (SEE).

As the Activity provider manages risk assessments, WHS and supervision for these activities, DES providers do not have the same responsibilities for participants undertaking these Activities.

### Eligible Host Organisations

The provider must **not** arrange, or refer any participant to, any Activity that is hosted by a Host Organisation that:

- does not have a valid ABN
- has engaged in any illegal operations or promote or condone any form of unlawful conduct
- has been or is associated with the sex industry
- promotes or condones gambling that the Department deems inappropriate
- promotes or condones any form of violence, self-harm or suicide
- promotes or condones any form of discrimination, including on the grounds of race, ethnic group, language, sex, religion or disability; and/or
- provides any other service or conducts themselves in a manner that is likely to bring the participant, the provider or the Department into disrepute.

If the provider suspects or becomes aware that a Host Organisation has engaged in any conduct described in the list above, the provider must:

- ensure that no participant commences participating in, or continues to participate in, any Activity that the Host Organisation hosts;
- Notify the Department immediately and provide information as requested by the Department, and
- if requested by the Department, cease or vary the Activity.

The types of organisations which can be a Host Organisation for a particular Activity type and any additional eligibility requirements are provided in the relevant Activity specific section.

Eligible Host Organisations can host more than one Observational Work Experience placement and/or Voluntary Work Placement concurrently where they meet the requirements for each relevant Activity type.

### Activity Host Organisation Agreements

The provider must arrange Specified Activities (Observational Work Experience Placements and Voluntary Work) under a Host Organisation Agreement. The provider must discuss with the Host Organisation, and document in the relevant Host Organisation Agreement, all the Host Organisation's obligations, regarding the relevant Activity.

The aim of Host Organisation Agreements between the provider and a Host Organisation (and, where applicable, the participant) is to assist all parties to understand their rights and obligations in relation to the provision of, and participation in, Activities.

The obligations that the provider must impose on the Host Organisation in relation to a particular Activity will depend on the type of Activity in question and the provisions of the relevant template Activity Host Organisation Agreement issued by the Department in relation to that type of Activity. The provider should ensure that the obligations imposed on the Host Organisation under any Host Organisation Agreement are sufficient to enable the provider to comply with its obligations under the Grant Agreement.

To assist the provider to comply with its obligations, the provider must ensure that each Host Organisation Agreement includes the following (at a minimum):

- details of the proposed Activity that the Host Organisation must provide, including details of the tasks that will be undertaken by participants while participating in the Activity;
- details of how the Host Organisation will support and accommodate varying participants' needs and capabilities (including work restrictions);
- details of the Supervision that the Host Organisation must provide while participants are participating in the relevant Activity;
- details of training and induction that must be provided to participants before they commence participation in the relevant Activity and/or before they commence undertaking particular tasks as part of their Participation in the relevant Activity (and which party will be providing the training and induction);
- where any of the participants participating in the relevant Activity require their attendance to be recorded in the Department's IT Systems in order to meet their Mutual Obligation Requirements, details of the Host Organisation's obligations regarding the recording and reporting to the provider of the participant's attendance at, and participation in, the relevant Activity; and
- details of the Host Organisation's obligations in relation to work health and safety and incident reporting.



Host Organisation Agreement templates for individual Activities can be found on the provider Portal or generated via the Department's IT Systems where relevant.

The relevant Host Organisation Agreement must be signed by all relevant parties before the participant commences in the Activity.

The provider must retain evidence (either hard copy or soft copy) of Activity Host Organisation Agreements and any other required Documentary Evidence.

### Misuse of programs

If the provider suspects or becomes aware that a Host Organisation has breached a Host Organisation Agreement, the provider must immediately Notify the Department and provide information about the relevant breach as requested by the Department.

Where the Department determines that a Host Organisation has engaged in any conduct described above in 'Eligible Host Organisations', the Department may give a direction to the provider that the Provider must not arrange, and/or must not refer any participants to, any Activities hosted by that Host Organisation. If the Department gives such a direction, the provider must immediately comply with the direction.

### **Referrals and Commencement of an Activity**

When identifying appropriate Activities for a participant, the provider must ensure the Activity is suitable and safe, will assist the participant to progress towards Employment and accounts for the participant's individual circumstances and capacity.

The provider must not refer a participant to an Activity unless the provider has first:

- confirmed the participant is eligible to participate in the Activity, noting the particular eligibility requirements of the Activity;
- confirmed the Activity is appropriate for the participant, taking into account the individual needs and circumstances of the participant, including:
  - the participant's education, experience, skills and age;
  - the participant's capacity to undertake the Activity;
  - the participant's strengths, as well as any barriers, to participating in the Activity;
  - the impact of any disability, illness, physical or mental health condition or other non-vocational issue that the participant has, including drug and alcohol dependency, on the participant's ability to participate in the Activity;
  - any Risk Assessment;
  - the participant's preferences and employment goals, where possible; and
  - any other matters the provider considers relevant to the participant's circumstances;
- explained to the participant when to commence participating in the Activity, and the consequences of not commencing the Activity on time;
- explained to the participant the frequency of the Contact that the participant must have with the provider while they are participating in the Activity; and
- advised the participant where they can access the 'WHS Incidents and Insurance Readers Guide – participants' for Work Health and Safety guidance.



The provider must record details of each Activity in the Department's IT Systems, including details of participants referred to or placed in the Activity, and the required hours of participation for each participant.

## Managing Participation in an Activity

The provider must support each participant to fully engage in any Activity they choose or to which they are referred.

While the participant is undertaking an Activity, this includes the provider:

- complying with its work health and safety obligations. For Specified Activities this includes the provider or Host Organisation ensuring the provision of training, equipment and clothing and the provider checking the availability of appropriate facilities (such as toilets and access to drinking water) at the Specified Activity location (Grant Agreement reference: Clause 100);
- complying with its obligations in relation to providing or ensuring adequate and appropriate Supervision so that relevant participants are undertaking appropriate tasks and operating in a healthy and safe environment (Grant Agreement reference: Clause 100.5);
- meeting with or contacting the participant to obtain feedback on their progress, and check whether the participant has any complaints or safety concerns regarding the Activity, or any WHS incidents to report;
- ensuring that the participant is benefiting from the Activity, enhancing their Employment prospects and is not being exploited;
- minimising disruptions where a participant is attending an Activity (e.g. arranging provider appointments outside Activity times where possible); and
- monitoring the participant's progress, attendance, behaviour and satisfaction with the Activity.

### Transport to and from Activities

Participants will generally be expected to source their own transport to and from an Activity.

However, the provider must arrange transportation for a participant to and from an Activity where:

- the participant does not have access to a vehicle or does not have a driver's licence, and alternative transport options such as public transport are not available;
- the Activity is at an isolated location;
- access to the Activity is along an unsealed road or track; or
- the Activity has a residential or overnight accommodation component.

If providers are transporting participants to or from an Activity, this must be included in the Risk Assessment of the Activity.

## Completion of Activities



At the completion of a participant's participation in an Activity, the provider must record in the Department's IT Systems:

- the reason the participant ceased participating in the Activity (completion exit reason);
- the last date on which the participant participated in the Activity (end date);
- the number of hours the participant participated in the Activity, where relevant.

## Managing work health and safety for Activities

The provider must at all times ensure that the Services are carried out in a safe manner, including ensuring that all participants are in a safe environment when participating in Activities.

In addition, the provider must:

- in carrying out its obligations under the Grant Agreement; and
- ensure that its Personnel, Subcontractors, Third Party IT Vendors and agents, in carrying out activities related to the Grant Agreement,

comply with all relevant laws and requirements of any Commonwealth, state, territory or local authority, including the WHS Laws.

The provider is required to ensure that each participant is aware of the process to lodge a complaint or voice safety concerns about an Activity. Where the provider becomes aware of safety concerns, including those raised by a participant, that cannot be addressed, the provider must ensure that the participant immediately ceases participation in the Activity.

(Grant Agreement reference: clause 32)

### Ensuring Work Health and Safety measures are in place

Before arranging, or referring any participant to an Activity, the provider must confirm:

- that the Activity is not prohibited under relevant state and territory laws;
- its delivery is permitted under the Grant Agreement, and any Guidelines;
- the Host Organisation, where relevant, is complying with all work health and safety requirements in the relevant state and territory; and
- its delivery is in line with any advice provided by local authorities.

*For example*, Host Organisations must have COVID-Safe plans (or similar) in place in accordance with the requirements specified by the relevant state or territory.

The provider must take all reasonable steps to minimise the likelihood of injury to participants and any other people at any location at which an Activity is being conducted.

### Managing work health and safety on Specified Activities

The provider must, in accordance with the Grant Agreement and these Guidelines, meet their obligations to ensure work health and safety measures are in place for Specified Activities.

Specified Activities are:

- Observational Work Experience Placements, and
- Provider Sourced Voluntary Work.

The provider must ensure that there is a safe system of work in place for each Specified Activity, both prior to the commencement of and throughout the Specified Activity, including, where a Host Organisation is engaged by the provider, that the relevant Host Organisation is complying with all work health and safety requirements in the jurisdiction in which the Specified Activity occurs.

The provider must take all reasonable steps to minimise the likelihood of injury to participants and any other people at any location at which a Specified Activity is being conducted.

### Conducting Risk Assessments for Specified Activities

The provider must meet their Grant Agreement and Guidelines obligations with regards to Risk Assessments for Specified Activities. This includes Specified Activities where the provider is the Host Organisation.

- +** The provider must ensure that Activity Risk Assessments and participant Risk Assessments are undertaken by Competent Persons, updated as necessary and meet relevant laws and

Departmental policies and procedures on work health and safety. If the provider does not itself have a Competent Person, it must engage a Competent Person for this purpose.

There are 2 types of Risk Assessment that must be conducted in relation to a Specified Activity:

- Activity Risk Assessment - a risk assessment in relation to a potential or actual Specified Activity, which is undertaken and/or updated in accordance with any Guidelines (including these Guidelines).
- Participant Risk Assessment - a risk assessment in relation to each participant's involvement in a Specified Activity, which is undertaken and/or updated in accordance with any Guidelines (including these Guidelines).

**Note:** Where the term Risk Assessment is used, it refers to the Activity Risk Assessment and a participant Risk Assessment. The Competent Person arranged by the provider to undertake the Risk Assessments may document an Activity Risk Assessment and a participant Risk Assessment in a single document, so long as all requirements specified in these Guidelines in relation to the documentation of both Risk Assessments are met.

#### Activity Risk Assessment

The purpose of the Activity Risk Assessment process is to:

- determine whether an Activity is suitable to proceed, before the provider refers any participants to the Activity;
- identify potential risks associated with the tasks that will be undertaken by participants while they are participating in the Activity; and
- identify if the Activity is suitable for the relevant participant(s) who is referred to the Activity, including identifying any risks that may arise from a participant's personal circumstances.

The provider must ensure a Competent Person conducts and documents the Risk Assessment before a Specified Activity commences.

#### Participant Risk Assessment

Subject to the exception noted below, the provider must, in accordance with any Guidelines (including these Guidelines), undertake a participant Risk Assessment for each participant, with regard to their potential participation in any Specified Activity, before their commencement in the Specified Activity.

#### Risk Assessment considerations

The provider must ensure that each Risk Assessment undertaken or arranged by the provider takes into account:

- the role of the Host Organisation;
- relevant participant(s); and
- the relevant working environment,

with regard to the following factors:

- the nature and location of the tasks to be undertaken by a participant, such as whether the Specified Activity is:
  - in a non-public area (e.g. a private residence worksite with a tradesperson)
  - with a sole trader (e.g. a butcher or hairdresser who operates from a small shop or private residence)

- working alone with another person
- with alternative hours of work (for example, early starts, night work)
- working in a labour hire environment in one or more different workplaces
- the participant’s personal circumstances (that is, working capabilities, any health or other personal issues and level of experience)
- the level of Supervision required
- the nature, cause and likelihood of any risk(s)
- the consequences of an incident
- effective controls, including training and Personal Protective Equipment.

*For example*, the provider would need to consider the risks of placing a participant with medical needs in an Activity in an isolated location to ensure this is a suitable placement for the participant.

Reviewing, maintaining and updating Risk Assessments

The provider must review risks regularly and take appropriate action on those risks where required.

As part of its obligation to ensure that there is a safe system of work in place for each Specified Activity, the provider must determine, and ensure there are implemented, appropriate actions to mitigate the identified risks after conducting or updating any Risk Assessment.

Where the provider becomes aware (including based on an Activity Risk Assessment) that it cannot ensure that there is a safe system of work in place at a Specified Activity, the provider must:

- if the provider was intending to arrange the Specified Activity, not arrange the Specified Activity;
- not refer any participants to the Specified Activity; and
- if the provider has already referred any participant to the Specified Activity, immediately ensure that the participant ceases participation in the Specified Activity.

Where the provider becomes aware (including based on a participant Risk Assessment) that it cannot ensure that there is a safe system of work in place for any participant participating in any Specified Activity, the provider must:

- not refer the participant to the Specified Activity; or
- if the provider has already referred the participant to the Specified Activity, immediately ensure that the participant ceases participation in the Specified Activity.

The Department may, at any time and at its absolute discretion, give a direction to the provider in relation to an Activity, proposed Activity or type of Activity, including a direction that an Activity must be ceased or varied.

Example Risk Assessment Templates and checklists are available on the Provider Portal.

Specific Activity sections in these Guidelines may include additional details or requirements regarding Risk Assessments that may be in addition to the requirements outlined in this section.

-  The provider has the discretion to determine how they document their Risk Assessments. A verbal Risk Assessment does not meet the Department’s requirements.
-  The provider must retain Records of each Risk Assessment and any action taken in accordance with each Risk Assessment. The provider must provide these Records to the Department if requested.
-  The provider must retain Records identifying any Competent Person(s) that it engages to conduct any Risk Assessment. These Records must include the name and a description of the

training, qualification or experience of the Competent Person. The provider must provide these Records to the Department upon request. A Competent Person(s) Register template is available on the Provider Portal, however, use of this template is not mandatory.

## Supervision requirements

The provider must, in accordance with the Grant Agreement and these Guidelines, meet their obligations with regard to Supervision for Activities the provider arranges for participants. 'Supervision' means the action or process of directly monitoring and managing participants participating in Activities.

**Note:** Supervisors may be engaged/employed by the provider or a Subcontractor to supervise Activities (including Specified Activities or any other activities arranged by the provider), or may be engaged/employed by Host Organisations to supervise Activities that they provide. CTA providers and EST providers are responsible for organising Supervision in relation to Activities they provide and for conducting relevant checks on their Personnel and Supervisors prior to their involvement.

- ✚ The provider must ensure that it or, where relevant, each Host Organisation, provides adequate and appropriate Supervision so that the relevant participants are undertaking appropriate tasks and operating in a healthy and safe environment.

The provider must ensure that a participant is with or alongside the Supervisor or within the Supervisor's line of sight at all times while undertaking the Activity (Continuous Supervision) where it involves:

- people who are elderly, disabled or otherwise vulnerable, or
- children (excluding other participants).

The provider must also ensure that the Continuous Supervision is provided over the entire duration of any Activity where the provider otherwise considers that Supervision should be continuous having regard to the nature of the tasks to be undertaken, the potential participants in the Activity and any risks identified in the relevant Risk Assessment.

The provider must ensure that all Supervisors and relevant Personnel have had checks as specified in clauses 16.5 and 100 of the Grant Agreement and the 'Conducting Background Checks' section below, and Supervisors have met any additional statutory requirements before being given responsibility for the Supervision of participants.

The provider must ensure that each Supervisor, whether engaged by the provider, a Subcontractor or a Host Organisation, is aware of the requirement to notify the provider of:

- the non-attendance at all relevant Activities; and
- any other non-compliance in connection with the Activities,

of a participant as soon as practicable.

(Grant Agreement references: clauses 100.5, 100.6)

### Supervision requirements for Specified Activities

In addition to the above, for any Specified Activities arranged by the provider, the provider must ensure that all Supervisors and relevant Personnel of the provider, any Host Organisation or any Subcontractor who has direct involvement (including where they have close contact with participants) in the Activity:

- is a fit and proper person to be involved in the relevant Activity;
- has a high level of skill/knowledge, training and/or experience in:

- each part of the Activity they are involved in; and
- working with, training and supervising individuals in such activities; and
- has relevant work health and safety training.

### Conducting background checks

providers must, in accordance with the Grant Agreement and these Guidelines, and their local jurisdictional requirements, establish whether the nature of an Activity requires participants and/or Supervisors and/or relevant Personnel to have checks, and conduct those checks if required to do so.

For the purpose of these Guidelines, 'checks' refers to criminal records checks, Working with Children checks and/or Working with Vulnerable People checks.

Activities arranged by the provider that require checks include those where:

- legislation requires checks to be conducted
- the Activity is subject to industry standards or legal requirements that mean participants, Supervisors and/or Personnel cannot have been convicted of particular crimes
- the participant and/or Supervisor will have regular or unsupervised contact with Children, the elderly or other classes of vulnerable people
- the Activity is otherwise specified by the Department as requiring checks.

Unless notified otherwise by the Department, the provider must arrange and pay for any checks to be completed before arranging for, or allowing the participant to participate in any Activity. This requirement does not apply to Activities delivered by CTA providers and EST providers, Self-Employment Assistance providers or SEE providers.

Where the provider has an obligation to undertake a check, the providers must contact the relevant organisation/s in their state or territory to arrange for the check to be completed. Checks must be arranged in line with the relevant state and territory rules and regulations.

Checks may take some time to complete. Where required, providers should identify interim or alternative Activities for participants awaiting the outcomes of the checks.

Where checks show that participants or Supervisors must not participate in particular Activities, they are no longer eligible and are excluded from participation in or Supervision in that Particular Activity. Alternative Activities should be suggested to the participant.

The results of checks contain Personal Information. The provider must comply with its Grant Agreement obligations in relation to such Personal Information, including obligations relating to the use and disclosure of the Personal Information.

If an Activity is repeated or a participant is to engage in another Activity in the future, providers must ensure the checks conducted are still valid. Further checks must be conducted where required or where an initial check is no longer valid.

### **Managing Activity-related Incidents**

The provider must Notify the Department as soon as possible, and at the latest within 24 hours, of any incident involving an Activity where a participant is in attendance (including travel to, from or during an activity), including:

- any accident, injury or death occurring during, or as a result of, the Activity, including in relation to a participant or a member of the public;
- any incident which relates to a work, health and safety issue; and
- any incident that may negatively impact upon DES or bring the Activity into disrepute.

(Grant Agreement reference: Clause 100.7)

Providers must Notify the Department of incidents within the following timeframes:

- any Critical WHS Incidents (including in relation to a participant or member of the public) must be reported within one hour.

A 'Critical WHS Incident' is any incident that results in a serious injury or death or any incident that is potentially dangerous or life threatening, even if no one was injured. Examples include: injuries requiring immediate treatment from a medical practitioner, major property damage, threats of self-harm, and any other actions that have caused, or had the potential to cause, serious bodily or psychological harm.

- any Non-critical WHS Incidents must be reported on the same day.

A 'Non-critical WHS Incident' is any incident that relates to a work, health and safety issue or near miss, but is not a Critical WHS Incident. Non-Critical WHS Incidents include incidents such as those involving non-serious injury requiring first aid and/or assistance from a medical practitioner, minor property damage, or near misses that could have resulted in non-serious injury. Any other incidents that are non-serious that may impact upon a participant or the Department or bring the provider or the Services into disrepute must be reported to the Department within 24 hours.

- ✚ The provider is required to Notify the Department of all Activity-related accidents or near misses that happen to participants or other people in accordance with these Guidelines. Refer to the WHS Incidents and Insurance Readers Guide – providers available on the Provider Portal.

When an incident occurs:

- appropriate medical attention, including contacting emergency services depending on the nature of the incident, should immediately be provided by the Supervisor
- the Supervisor must try and protect any other participants and other people at the Activity from unnecessary trauma, where possible
- the relevant WHS Regulator must be notified of the incident if it results in the death or serious injury, in accordance with laws of the relevant state or territory
- the relevant WHS Regulator must be notified of any dangerous incident that exposes someone to a serious risk, even if no one is injured, in accordance with laws of the relevant state or territory
- any directions by a WHS Regulator must be followed
- a WHS Employment Assistance Program Incident Report, available on the Provider Portal, must be completed by the Host Organisation, when the incident involves a participant's accident, injury, death or near miss
- the provider must complete a
  - Public and Products Liability Incident Report, available on the Provider Portal, when a third party alleges a participant has been negligent and caused accident, injury or death, or property damage
  - Public and Products Liability Claim Form, available on the Provider Portal, when a third party is making an insurance claim as a result of a reported incident.

The provider will receive confirmation of the successful submission of any incident report.

An incident may result in the Department issuing safety recommendations to the provider and/or Host Organisation to ensure the risk of the same incident being repeated is reduced or eliminated, if possible. The provider has an obligation to comply with the Department's directions relating to any Activity.

participants must have access to reporting mechanisms in the event they wish to report an incident, lodge a complaint or provide positive/constructive feedback confidentially. The provider must ensure that there is an internal, impartial and easily accessible complaints mechanism that can be used by participants regardless of the nature of the complaint.

-  The provider is required to submit the WHS Incident Report form on the Department's IT Systems on the same day as the provider becomes aware of any incident referred to in this section. In the event the WHS Incident form is unavailable, the provider must complete and submit the DES WHS Program Incident Report form.

### Work health and safety incidents

Where an incident includes any accident, injury or death occurring during the Activity, or direct travel to or from an Activity, including in relation to a participant or a member of the public, the provider must also, as soon as possible, and on the same day, give full details of the accident, injury or death to the Department in the form specified in these Guidelines.

-  Detailed information on notifying the Department with regard to WHS Incidents is included in the WHS Incidents and Insurance Readers Guide - providers on the Provider Portal.

(Grant Agreement reference: Clause 100.7)

The Department must be notified of incidents by the provider as soon as possible, and on the same day by completing the WHS Incident form on the Department's IT Systems.

-  The provider is required to submit the WHS Incident Report form on the Department's IT Systems on the same day as the provider becomes aware of any incident referred to in this section. In the event the WHS Incident form is unavailable, (the provider must complete and submit the WHS Program Incident Report form. The relevant forms to support Supervisors and Host Organisations to submit a WHS Incident Form are available on the Incidents and Insurance page on the Provider Portal.

-  The provider must maintain records of WHS incidents.

### Other incidents

Any other incidents that are non-serious that may impact upon a participant or the Department or bring the provider or the Services into disrepute must be reported to the department within 24 hours. A WHS incident may also be considered a challenging behaviour incident. In these cases, the provider may need to submit a WHS incident form and also Job Seeker Incident Report in accordance with Grant Agreement requirements.

The provider must report any instances of misconduct or threatening behaviour via the 'Job Seeker Incident Report'.

### All Incidents – both Personal Accident and Public and Products Liability

Providers must Notify the Department of any incident that may result in a liability claim (irrespective of whether a claim is being made at the time).

The provider must also comply with any instructions issued by the Department or the Department's insurance broker. Detailed information in relation to the process for reporting incidents that may result in liability is available in the WHS Incidents and Insurance Readers Guide - providers.

The Department's personal accident liability insurance provides coverage when a participant is injured while participating in an approved Activity, including direct travel to, from or during such Activities.

The Department's public and products liability insurance provides coverage results when a third party alleges a participant has been negligent and caused an accident, injury or death, or property damage, while participating in an Activity.

The provider must, when requested by the Department's insurance broker, provide full details to the insurance broker of any incident that may or does result in a liability claim. The insurer is responsible for determining liability. The providers must not admit fault or accept responsibility for any alleged negligence that may or does result in a third party claim.

 Forms for the provider to complete to Notify the Department of any personal accident or public and products liability incidents are available on the Incidents and Insurance page on the Provider Portal.

 The provider must maintain a copy of all incident notifications and records for supporting evidence in any insurance claims

### Insurance coverage for participants

The provider must, in accordance with the Grant Agreement, comply with any instructions issued by the Department or the Department's insurance broker, and these Guidelines, in relation to insurance purchased by the Department for participants involved in Activities.

(Grant Agreement references: Clause 100.8)

The Department purchases the following insurance policies to cover Activities:

- Personal Accident insurance - covers the participant in respect of personal injury or death that occurs while undertaking Activities, including direct travel to, from or during such Activities
- Public and Products Liability insurance for participants - covers the legal liability of the participant arising out of their negligence that causes personal injury to a third party, or damage to a third party's property, while participating in approved activities

Further information on the insurance purchased by the Department to cover participants undertaking Activities is in the WHS Incidents and Insurance Readers Guide – providers, with copies of the insurance policies also on the Incidents and Insurance page of the Provider Portal.

Information for participants about insurance is included in the WHS Incidents and Insurance Readers Guide – participants which is available on the Provider Portal for providers to give to the participants and is published on the Department's website under 'Insurance arrangements for Employment Services activities'.

The provider should note the Department's policies have standard exclusions. The Department's purchased insurance policies:

- do not cover illness or sickness contracted by a participant during an Activity, including COVID-19
- do not cover any Activities that would have been prohibited under these Guidelines
- may have time limits that apply for claims
- do not cover any other exclusions listed within the terms and conditions of each insurance policy.

If alternative insurance is in place, providers can still deliver Activities where tasks are excluded under the Department's policies.

In addition, the provider are contractually obligated to maintain various insurances as outlined in the Grant Agreement and understand the coverage available to them under their own insurance policies as outlined in the Grant Agreement.

(Grant Agreement references: Clause 49)

Providers are also required to confirm that the Host Organisation has appropriate insurance coverage, and where coverage is insufficient the provider can decide to purchase or fund additional insurance for the Activity.

(Grant Agreement references: Clause 96.6(b))

## 2. Employability Skills Training (EST)

### Overview

This section outlines requirements for a provider when arranging for a participant to attend Employability Skills Training (EST).

EST is delivered by EST providers engaged by the Department of Employment and Workplace Relations and is available to DES providers from 1 July 2022 to enhance work readiness of participants. EST provides intensive pre-employment training through 2 different blocks of targeted training:

- Training Block 1: workplace focused training
- Training Block 2: industry focused training.

EST Eligible participants can undertake one or both EST Courses, in any order.

Each EST Course runs for 75 hours, in a group setting, over:

- 25 hours per week over 3 weeks, or
- 15 hours per week over 5 weeks.

EST is not a Specified Activity, and a participant's EST is managed by an EST provider. EST Courses are available on a fee-for-service basis. providers must pay the EST provider \$1,250 for each participant Referral for a Training Block 1 or Training Block 2 Course from the provider's own funds, prior to the date the EST Course starts.

EST Courses can be delivered by EST providers as youth courses, 25-plus courses or all ages courses. EST Courses are generally face-to-face, however hybrid (a blend of face-to-face and online) and online delivery may be available.

providers may approach EST providers to deliver specific or tailored EST Courses where there is an identified demand, for example for training in a particular location or industry.

### Benefits of EST

#### Benefits of both Training Block 1 and 2 Courses

Following their Training Block 1 or Training Block 2 Course, participants will receive:

- an updated, professionally presented résumé that identifies the participant's skills and experience, and
- an assessment that documents the industries and/or occupations that may be suitable for the participant, and recommendations for next steps for the participant to pursue employment and/or training opportunities.

#### Benefits of Training Block 1

Training Block 1 Courses help participants develop job search and workplace skills.

Advanced job search skills training helps participants gain the skills they need to look for work and a better understanding of the local labour market to help them find sustainable employment opportunities. Training Block 1 Courses help participants demonstrate they have the attitude and approach to work that employers want.

Upon successful Completion of a Training Block 1 Course, participants should be able to demonstrate the following Learning Outcomes:

- use a variety of techniques and strategies to seek and apply for work
- identify opportunities in the local labour market
- understand employer expectations
- prepare a résumé
- prepare a job application, including preparing a cover letter, addressing selection criteria, and preparing video applications as relevant to opportunities in the local labour market
- complete an online psychometric and aptitude screening test
- prepare for an in-person and virtual job interview
- manage their digital footprint
- apply conventions of online etiquette
- apply the 10 skill areas described in the [Core Skills for Work Developmental Framework](#), available on the Department's website.

### Benefits of Training Block 2

Training Block 2 Courses help EST participants learn more about industries that are in demand or have emerging opportunities in their local labour market.

Upon successful Completion of a Training Block 2 Course, EST participants should be able to demonstrate the following Learning Outcomes:

- use the most suitable techniques and strategies to seek and apply for work in the industries covered
- understand the duties, requirements, career prospects and employer expectations of the industries covered
- tailor a résumé to the industries covered
- tailor a job application to the industries covered, including preparing a cover letter, addressing selection criteria, and preparing video applications as relevant to the industries covered
- complete an online psychometric and/or aptitude screening test as relevant to the industries covered
- prepare for an in-person and virtual job interview for the industries covered
- use technology relevant to entry-level employment opportunities in the industries covered.

Training Block 2 Courses include Industry Awareness Experiences that aim to provide EST participants with insight into the tasks and duties of an industry. Examples of Industry Awareness Experiences include guided tours of workplaces arranged with an Employer and Inbound Employer Visits.

There are 2 types of Training Block 2 Courses:

- Generalist Courses
- Specialist Courses.

### Generalist Courses

Generalist Courses give EST participants a taste of a few different industries to help them decide whether an industry is right for them.

The industries must have entry-level employment opportunities in the local labour market.

Generalist Courses may offer accredited training to support the Learning Outcomes.

### Specialist Courses

Specialist Courses focus on a single industry to help EST participants build industry-specific skills and provide a pathway for EST participants to entry-level employment opportunities in the industry or a formal training program.

Specialist Courses may offer accredited training to support the Learning Outcomes and to support participants to build skills relevant to the industry. Examples include a construction Work Health and Safety 'white card' or the Responsible Service of Alcohol unit of competency.

Specialist Courses are endorsed by a relevant industry association to ensure the training is suitably tailored to, and valued by, employers in the industry and to make course participants more competitive for entry-level employment opportunities in the industry.

### **Role of providers**

Key responsibilities and actions undertaken by providers in relation to EST, which must be done in accordance with the Grant Agreement and these Guidelines, include:

- only referring participants who meet the eligibility criteria to participate in an EST Course
- confirming whether the participant would benefit from EST
- confirming if the participant is capable of undertaking the EST Course for the required hours per week and by the nominated delivery mode (see Referral to EST)
- in referring an EST Eligible participant to an EST Course, ensuring the participant is:
  - made aware of their responsibilities, such as recording attendance
  - made aware of, and has consented to, the disclosure of relevant personal information to the EST provider for the purpose of managing the participant's referral and participation in an EST Course
- ensuring that the EST provider has all the information it requires to inform the required Risk Assessments for any Industry Awareness Experience (other than an Inbound Employer Visit), ensuring any personal information is only disclosed if the participant has given consent
- paying the relevant EST provider in accordance with these Guidelines
- providing participants with or arranging any EST Course prerequisites
- encouraging participant attendance at the EST Course, noting that participants must attend the EST Course within 7 Business Days of the EST Course starting (including the EST Course start date) or the EST provider will end the participant's referral to the EST Course
- working collaboratively with EST providers to support participants to successfully complete the EST Course
- reviewing, on completion of the EST Course, the assessment provided by the EST provider of the participant's learning outcomes and recommended next steps.

EST providers will identify any EST Course prerequisites in the EST Course description (for example a police check, personal protective equipment or a USB memory stick). providers should action EST provider requests to supply or arrange EST Course prerequisites in a timely manner.

## Eligibility

To be eligible to participate in EST, a participant must:

- be aged 15 years or over
- be receiving income support, and
- have Mutual Obligation requirements. participants are eligible for referral to EST from their Commencement in Services.

A participant's eligibility for EST is not advised through the Department's IT Systems.

There is no limit to the number of times a participant can undertake EST if the provider and EST provider consider that the participant would benefit.

## Referral to EST

Providers can search for and view scheduled EST Courses in the Department's IT Systems.



Available EST Course places can be seen via the Activity Management component in the Department's IT Systems.



DES providers cannot refer participants to EST in the Department's IT Systems. Providers must contact the EST provider directly to make referrals.

EST providers will contact participants prior to EST Course commencement to undertake a range of pre-engagement checks. If the EST provider identifies concerns about the suitability of the participant for the EST Course, the EST provider will contact the provider to discuss the reasons. The EST provider will reject the referral if, following discussion with the provider, the EST provider determines the participant would not benefit from or would not be able to participate in an EST Course.

A participant with a full-time Mutual Obligation requirement can choose to undertake an EST Course at 15 hours per week over 5 weeks. Conversely, a participant with a part-time Mutual Obligation requirement can choose to undertake an EST Course at 25 hours per week over 3 weeks. However, if the weekly hours exceed the participant's assessed work capacity, the provider must agree with the participant that full-time participation is appropriate before referring the participant.

## Payments

Providers must pay a course fee to the EST provider on a fee-for-service basis of \$1,250 per participant for each Training Block 1 or Training Block 2 Course.

Providers must pay the EST provider prior to the date the EST Course starts. The transfer of funds from provider to EST provider happens outside of the Department's IT Systems. Providers must make their own arrangements with the EST provider to facilitate payment.

The course fee paid is fully refundable if the EST provider cancels the EST Course or finds the participant unsuitable to commence the EST Course. The provider should ascertain from the EST provider whether there are other circumstances in which any proportion of the fee paid will be refundable if the participant does not attend.

## On Completion of the EST Course

Once the EST Course ends, the participant and the provider will receive an assessment which sets out:

- progress made by the participant
- the participant's performance against each of the Learning Outcomes of the EST Course
- any units of competency completed
- industries and/or occupations suitable for the participant, taking into account the participant's goals, skills and the local labour market
- recommended next steps the participant should take to pursue Employment and/or training opportunities based on the participant's goals, skills and the local labour market.

**Note:** if a participant does not attend each day of the EST Course, the EST provider will complete the assessment to the extent possible given the participant's level of participation.

### 3. Career Transition Assistance (CTA)

#### Overview

This section outlines requirements for a provider when arranging for a participant to undertake the Career Transition Assistance program (CTA).

CTA is delivered by EST providers engaged by administered by the Department of Employment and Workplace Relations and is available to DES providers from 1 July 2022. CTA provides practical assistance to mature age participants (45 and older) with the aim of improving digital literacy, and increasing their employability and competitiveness in the local job market.

Each CTA Course runs for up to 8 weeks. Participation in a CTA Course is for a minimum of 75 hours (including a minimum of 50 hours in small group settings).

CTA Courses are available on a fee-for-service basis. providers must pay the EST provider \$1,800 for each participant Referral from the provider's own funds, prior to the date the CTA Course starts.

Participation in CTA is voluntary.

#### Benefits of CTA

The benefits of CTA include, but are not limited to:

- building skills and confidence to use everyday technologies such as computers, tablets and smart phones
- improving skills to apply for jobs online, and to use simple technology found in different workplaces
- identify existing skills and how they transfer to other jobs or industries
- better understanding of the job opportunities in their local area, and the skills needed
- updating and tailoring job applications to apply for a range of different jobs
- exploring goals and motivations.

At the end of the CTA Course, each participant will also have a personal Career Pathway Plan and an updated résumé.

CTA providers will leverage their local labour market and industry connections to provide at least one Employer Visit per Course.

#### Role of providers

Key responsibilities and actions undertaken by providers in relation to CTA, which must be done in accordance with the Grant Agreement and these Guidelines include:

- identifying if participants meet the eligibility criteria to participate in a CTA Course
- confirming if the CTA Course is suitable for the participant
- confirming if the participant:
  - has the capacity to undertake the CTA Course on a full-time basis or on a part-time basis, as relevant
  - is capable of undertaking, and would benefit from, referral to CTA

- in referring a CTA Eligible participant to a CTA Course, ensuring the participant is:
  - made aware of their responsibilities, such as recording attendance,
  - made aware of, and has consented to, the disclosure of relevant personal information to the CTA provider for the purpose of managing the participant's referral and participation in a CTA Course
- ensuring that the CTA provider has all the information it requires to inform the required Risk Assessments for any Outbound Employer Visits, ensuring any personal information is only disclosed if the participant has given consent
- paying the relevant CTA provider in accordance with these Guidelines
- on completion of the CTA Course, being available for the Personal Handover Meetings.

### **Eligibility and Suitability**

To be eligible to participate in CTA, a participant must be aged 45 years or over and not have commenced in CTA within the same Period of Service with the same provider. A participant's eligibility for EST is not advised through the Department's IT Systems.

After assessing that a participant is eligible to participate in CTA, the provider must also determine that the participant is suitable for CTA prior to referral. Eligible CTA participants are considered suitable for referral to CTA where the provider believes the participant would benefit from the program, **unless** the participant has a significant non-vocational issue that needs to be addressed as a priority before they can benefit from CTA.

### **Collaboration with CTA providers**

Providers will need to work with local CTA providers to facilitate referrals to the program and ensure CTA providers are aware of upcoming demand to schedule courses accordingly.

The provider is expected to participate in Personal Handover Meetings to discuss the participant's next steps following completion of CTA, including pursuing education and training, employment or work experience opportunities. As part of this meeting, the CTA provider will provide a copy of the participant's updated résumé and Career Pathway Plan. The CTA provider will also offer the participant two future Contacts to occur within 3 months of completion of CTA.

Exception - A Personal Handover Meeting is not required where a participant exits the CTA Course prior to completing 80% of the scheduled hours or to commence employment.

Should a participant transfer providers while on a CTA Course, the gaining provider must contact the CTA provider to ensure the Personal Handover Meeting is scheduled with the correct provider.

### **Referral to CTA**

Once a CTA provider has entered a CTA Course into the Department's IT System, providers can search for and view this CTA Course.

Providers may also contact local CTA providers directly to discuss course availability and suitability for CTA Eligible participants.



Providers view available CTA Course places via the Activity Management component in the Department's IT Systems.



DES providers cannot refer participants to CTA in the Department's IT Systems. Providers must contact the CTA provider directly to make referrals.

Once a suitable CTA Course has been identified, the provider must select the appropriate schedule taking into account the eligible participant's individual circumstances.

As part of the referral process, participants will undertake an Initial Meeting with the CTA provider. The provider must collaborate with the CTA provider and participant to arrange for this Initial Meeting to take place.

During the Initial Meeting, the CTA provider will assess the suitability of the participant.

If the CTA provider believes the participant is not suitable for the CTA Course or will not benefit from CTA, the CTA provider will advise the provider that the participant has not been accepted into the CTA Course, and the reasons for this.

If the participant is unable to attend the Initial Meeting, the participant is required to notify their Provider, who must then work with the CTA provider to reschedule this meeting.

A place in the CTA Course will only be confirmed once a participant has been assessed as suitable by the CTA provider at the Initial Meeting.

Once a participant has been assessed as suitable by the CTA provider at the Initial Meeting, the provider must pay the CTA provider the CTA Charge from its own funds prior to the date the CTA Course starts.

## **Payments**

Providers must pay a CTA Charge to the CTA provider on a fee-for-service basis of \$1,800 per participant, from the provider's own funds.

Providers must pay the CTA provider prior to the date the CTA Course starts. The transfer of funds from the provider to the CTA provider occurs outside of the Department's IT Systems. Providers must make their own arrangements with the CTA provider to facilitate payment.

### 4. Observational Work Experience (OWE)

#### Overview

This section outlines requirements for a provider when arranging and managing Observational Work Experience (OWE) Placements.

OWE provides voluntary, short-term, unpaid, observational work experience placements to help participants build soft skills and gain a better understanding of the workplace or potential career opportunities.

OWE Placements are a Specified Activity organised by the provider with a Host Organisation. The provider is responsible for managing the Activity.

OWE is an Activity which the provider may use for eligible participants who are not yet job-ready and have limited or no experience in the workplace.

#### Benefits of OWE

Some of the potential benefits of OWE include it being:

- an opportunity for the participant to gain valuable exposure to workplaces and learn what Employers expect of their workers
- an opportunity to enhance participants' awareness of different careers
- an effective tool to assist participants to build employability skills, such as attendance and communication.

#### Role of providers

When arranging an OWE Placement, the provider must:

- ensure the participant is eligible and suitable for OWE
- ensure the Host Organisation is eligible to host an OWE Placement
- ensure the OWE Placement meets the requirements set out in these guidelines
- ensure an Activity Risk Assessment and participant Risk Assessment have been completed by a Competent Person
- negotiate and enter into a Activity Host Organisation Agreement with the participant and the Host Organisation
- monitor the OWE Placement for its duration and respond to any issues that arise.

#### Eligibility

##### OWE Eligible participants

The provider may arrange an OWE Placement for any participant on their caseload who meets the eligibility criteria if they are of the view that the participant would benefit from the program and the OWE Placement is suitable and safe for the participant.

To be eligible to participate in OWE, a participant must be:

- aged 15 years or over
- participating in Disability Employment Services.

Participants are not required to be receiving an Income Support Payment.

### Eligible Host Organisations

OWE Placements can occur in:

- for-profit organisations
- not-for-profit organisations
- the provider's Own Organisation, Related Entities or Subcontractor.

The Host Organisation requirements and prohibitions outlined under 'Eligible Host Organisations' in the Activity Management section also apply to OWE Placements.

### **OWE Placement requirements**

In addition to the Activity requirements and prohibitions outlined under 'Identifying Suitable Activities for participants' in the Activity Management section, the provider must ensure OWE Placements:

- are no more than 4 weeks in duration
- do not involve more than 50 hours of attendance per fortnight, and generally not more than 25 hours per week
- do not involve more than 8 hours of attendance per day (excluding breaks)
- include at least one 30-minute break every 5 hours
- do not include participation on a public holiday
- only involve observation (allowing for participation in meetings and discussions where relevant), with no tasks to be undertaken by the participant.

OWE Placements do not need to have a reasonable prospect of future Employment with the Host Organisation. It is at the discretion of the provider as to the number of OWE Placements a participant undertakes (with the same or another Host Organisation).



For each OWE Placement, an Activity record must be created in the Department's IT Systems in accordance with the Department's training resources. An Activity ID will then be created automatically by the Department's IT Systems.

### **Work Health and Safety**



For the purposes of Work Health and Safety, the provider must also refer to, and comply with, the requirements specified in the Grant Agreement and Activity Management section.

As noted under 'Insurance Coverage for participants' in the Activity Management section, the Department has in place insurance coverage for participants, but there are exclusions to the Department's policies. The provider can still deliver OWE Placements which would be excluded under the Department's insurance policies, if the provider purchases alternative insurance, and the insurance is in place prior to the OWE Placement commencing.



The provider must retain Records of any action taken with regard to any Incidents that occur during an OWE Placement in accordance with the WHS Incidents and Insurance Readers Guide.

## Conducting Risk Assessments

An OWE Placement is a Specified Activity. Prior to referring a participant to an OWE Placement and entering into the Activity Host Organisation Agreement, the provider must ensure that an Activity Risk Assessment and participant Risk Assessment have been completed by a Competent Person.

Further information on Risk Assessment Requirements is available under 'Conducting Risk Assessments' in the Activity Management section.

-  Providers have the discretion to determine how they document Activity Risk Assessments and participant Risk Assessments for OWE Placements but must retain Records of each Risk Assessment undertaken.

## **Managing OWE Placements**

### Referring a participant to OWE

Prior to referring a participant to an OWE Placement, the provider must:

- determine the participant's eligibility for OWE
- ensure the participant has undertaken any background checks required for the OWE Placement
- ensure the Risk Assessment process has been completed by a Competent Person
- ensure the nature of the observation activities are appropriate and suitable for a participant (see the Activity Management Chapter for further information).

In addition, The provider should identify any assistance or items the participant will require for the OWE Placement. This may include specific clothing and transport.

-  The provider must refer the participant against the relevant Activity record in accordance with the Department's training resources.

### Creating the Host Organisation Agreement

Once a participant has been referred against the relevant Activity record in accordance with the Department's training resources, the Host Organisation Agreement must be created by the provider using the Host Organisation Agreement Template on the provider Portal.

-  For OWE Placements, the provider must use the OWE Host Organisation Agreement template. This template can be found on the Provider Portal.

### Signing the OWE Host Organisation Agreement

The OWE Host Organisation Agreement must be agreed and signed by the participant, provider and Host Organisation prior to the participant commencing in the OWE Placement.

As part of this process, the provider must:

- explain the terms and conditions to the participant and Host Organisation to ensure they understand their obligations under the OWE Host Organisation Agreement
- ensure all fields in the OWE Host Organisation Agreement are completed with accurate details
- provide the participant with the OWE Contact Card and OWE Fact sheet, which are available on the Provider Portal.

-  The provider must retain either a hard copy or soft copy of the signed OWE Host Organisation Agreement and provide it to the Department upon request.

### Commencing the OWE Placement

The provider must confirm with the Host Organisation that the participant commenced in the OWE Placement on the start date recorded in the OWE Host Organisation Agreement, and then confirm the participant's commencement in the Department's IT System.

A participant must not be commenced in an OWE Placement that will continue beyond the end date of the participant's Period of Service.

-  The provider must confirm the OWE Placement start date in the Department's IT System within 5 Business Days following the scheduled start date.
-  The provider must retain evidence the OWE Placement commenced (for example an email from the Host Organisation) and provide it to the Department upon request.

### Monitoring the OWE Placement

The provider is expected to proactively monitor the OWE Placement for its duration. The provider should remain in contact with the Host Organisation and participant to:

- identify any changes in circumstances affecting the OWE Placement
- ensure the Host Organisation is operating in accordance with the OWE Host Organisation Agreement
- ensure any issues that may arise are quickly resolved.

Prior to the OWE Placement commencing, the provider should discuss the preferred contact method, frequency and timing of contact with the participant and Host Organisation to avoid disruption during the activity. The frequency of contact should also be appropriate to the length of the OWE Placement.

### Transfer Arrangements

If a participant is required to be transferred between providers and the OWE Placement can continue, the transfer should be delayed until the OWE Placement concludes. The relinquishing and gaining providers should work together to ensure the completion of the OWE Placement.

Refer to the Transfers Guidelines section for more information in relation to transfers.

-  Where it is agreed an OWE Placement should not continue to completion, the relinquishing provider must end the OWE Placement in the Department's IT Systems using the appropriate end reason.

(Grant Agreement reference: clause 135)

### Ending the OWE Placement

-  Upon completion of the OWE Placement, the provider must end the OWE Placement in the Department's IT Systems, including inputting the end date and selecting the correct exit reason.

### 5. Self-Employment Assistance

#### Overview

This section outlines requirements for a provider in identifying participants aged 18 years and over suitable for Self-Employment Assistance, the referral process, and the arrangements for providing DES assistance concurrently to the participant while they are engaged in Self-Employment Assistance.

Self-Employment Assistance helps people to start and run viable small businesses by providing a range of flexible services that include workshops, accredited training, small business coaching and mentoring.

Self-Employment Assistance is delivered by a national network of providers, from 1 July 2022. It replaces the previous New Business Assistance with NEIS program.

**Note:** Continuing NEIS participants with less than 3 months left in the program as at 30 June 2022 will continue to receive that assistance from their current provider. Participants with over 3 months remaining will transition to Self-Employment Assistance Small Business Coaching on 1 July 2022.

#### Background

Self-Employment Assistance is administered by the Department of Employment and Workplace Relations, and provides eligible participants with a broad range of services that help them to start and run a small business.

There are 6 core Self-Employment Assistance Services delivered by Self-Employment Assistance providers.

- **Exploring Self-Employment Workshops** that help participants learn about small business, help them generate and validate a business idea, and decide whether self-employment is a good fit for them. These workshops are delivered over 25 hours and are generally conducted over the course of one week.
- **Small Business Training** that provides participants with access to free accredited small business training. This training may range from accessing a skillset through to a full Certificate IV qualification.
- **Business plan** advice and assessment that helps participants to develop a viable business plan and gauge the viability of their business idea.
- **Small Business Coaching** that provide participants with up to 12 months of business mentoring and support and, for those who are eligible, an allowance for up to 39 weeks and rental assistance for up to 26 weeks.
- **Business health checks** that help business owners to identify opportunities to further develop their business to ensure they remain viable.
- **Business advice sessions** that provide eligible participants with flexible advice and support on a range of small business-related issues.

Self-Employment Assistance participants are given the flexibility to access the elements of the program most relevant to their needs and, subject to eligibility requirements, may access any of the above services in any order.

For more information about Self-Employment Assistance, refer to the Self-Employment Assistance program factsheet.

## Role of providers

DES provider responsibilities in relation to Self-Employment Assistance, which must be in accordance with the Grant Agreement and these Guidelines, include:

- ensuring that any participant who expresses an interest in self-employment is made aware of Self-Employment Assistance
- connecting interested participants to a Self-Employment Assistance provider by:
  - referring the participant in the Department's IT Systems, or
  - providing the participant with the contact details of relevant Self-Employment Assistance providers and assisting the participant to contact the Self-Employment Assistance provider directly (if requested), to allow the Self-Employment Assistance provider to self-refer the participant to their program
- ensuring that participants accessing Self-Employment Assistance are supported to do so, including by updating Job Plans and setting appropriate Mutual Obligation Requirements
- working collaboratively with all local Self-Employment Assistance providers to ensure participants are given relevant and accurate information about the program.

Self-Employment Assistance providers will determine the eligibility of participants for Self-Employment Assistance, and will manage all aspects of a participant's Self-Employment Assistance.

Self-Employment Assistance providers will work collaboratively with a participant's DES provider to ensure the DES provider is aware of the participant's activities and can take appropriate actions, including updating the participants Job Plan and supporting any progress towards an unsubsidised self-employment outcome.

(Grant Agreement reference: clause 160)

## Eligibility

Participants may be eligible to access Self-Employment Assistance regardless of whether they:

- already have a business idea or existing business
- receive Income Support Payments
- have Mutual Obligation Requirements
- are available full-time or part-time.

Participants that intend to access Self-Employment Assistance Small Business Coaching should be advised that to do so they must:

- be 18 years of age or old, and
- not have accessed Self-Employment Assistance Small Business Coaching in the previous 12 months.

Participants must meet a range of eligibility criteria that relate to both the status of the participant, and the nature of their business or business idea (if applicable).

Self-Employment Assistance providers are responsible for determining participant eligibility for Self-Employment Assistance, so the provider must refer questions about eligibility for Self-Employment Assistance to the relevant Self-Employment Assistance provider.

## Referrals to Self-Employment Assistance

Unlike other Activities, a participant's referral to Self-Employment Assistance is recorded as a contract referral and not as a single activity placement in the Department's IT Systems. This referral does not disrupt the participant's referral to DES.

There are 2 ways for a participant to be referred to Self-Employment Assistance on the Department's IT Systems.

### Provider referrals

Participants can be referred by their provider to Self-Employment Assistance through the Department's IT Systems.

Following the provider's referral, the Self-Employment Assistance provider will contact the participant to confirm their eligibility and discuss which elements of Self-Employment Assistance Services the participants wishes to access.



The provider can issue a referral to Self-Employment Assistance through the Referrals screen in the Department's IT Systems by selecting the relevant Self-Employment Assistance provider.

### Self-Employment Assistance provider self-referrals

Participants may also directly approach a Self-Employment Assistance provider to discuss Self-Employment Assistance prior to being referred to the program through the Department's IT Systems. If the Self-Employment Assistance provider assesses the participant to be eligible and suitable, the Self-Employment Assistance provider will complete a self-referral in the Department's IT Systems and refer the participant to their own services.



The provider can confirm that the participant has been referred to Self-Employment Assistance by viewing the contract referral in the Referral History screen in the Department's IT Systems.

## Concurrent servicing of participants accessing Self-Employment Assistance

As Self-Employment Assistance is a concurrent program, a participant continues their DES program during their participation in Self-Employment Assistance.

Once a participant has been referred to Self-Employment Assistance, the Self-Employment Assistance provider will work with the participant to identify the service(s) of Self-Employment Assistance that will best help the participant to achieve their self-employment goals.

For example, if the participant is interested in self-employment but does not yet have a developed business idea, the Self-Employment Assistance provider may arrange for the participant to access an Exploring Self-Employment Workshop, conducted over 25 hours over a 1-2 week period.

Once the participant has decided which Self-Employment service(s) they wish to access, the Self-Employment Assistance provider will:

- update the Department's IT Systems
- advise the DES provider of the participant's decision, and
- refer the participant back to the DES provider to update their Job Plan (where appropriate).

The Self-Employment Assistance provider will end a participant's Self-Employment Assistance referral in the Department's IT Systems where the participant, at any time:

- requests to exit Self-Employment Assistance
- is uncontactable

- is no longer eligible or suitable for Self-Employment Assistance

The Self-Employment Assistance provider will contact the DES provider to notify them when the participant exits Self-Employment Assistance.

### Small Business Training

Participation in Small Business Training fully meets the Mutual Obligation Requirements of participants for up to 8 weeks. For this 8-week period, participants who continue to satisfactorily participate in Small Business Training cannot have their Income Support Payment suspended due to a Mutual Obligation Failure.

The Self-Employment Assistance provider is responsible for ensuring that a participant accessing Small Business Training is participating appropriately. Where a Self-Employment Assistance provider determines that a participant is not participating appropriately (such as repeatedly failing to attend), they will exit the participant from the relevant Activity, advise the DES provider of their decision and refer the participant back to the DES provider.



Providers may confirm that a participant has been placed in an activity by a Self-Employment Assistance provider by viewing the Activity Placement screen in the Department's IT Systems.

DES providers must continue to deliver Contacts to participants undertaking Small Business Training, but should amend Job Plans accordingly and must ensure participants do not have a Job Search Requirement at the same time.

### Small Business Coaching

A participant who develops a business plan and has it approved by their Self-Employment Assistance provider can sign a Small Business Coaching Agreement and can receive Small Business Coaching for up to 52 weeks. This provides eligible participants with:

- access to personalised business mentoring and coaching for up to 12 months
- support for up to \$300 worth of small business start-up costs, such as business insurance
- an allowance for up to 39 weeks and rental assistance for up to 26 weeks (eligibility rules apply).

During this time a participant may meet DES outcome requirements for unsubsidised self-employment.

### *Mentoring and Coaching*

The Self-Employment Assistance provider will arrange business mentoring by a person with business skills and experience to maximise the potential success of the participant's business. Participants will receive a minimum of six business mentoring contacts, with the first visit in the first month and then subsequent contacts will occur every two months throughout the period of Small Business Coaching.

During Small Business Coaching, the Self-Employment Assistance provider will also maintain regular monthly contact with the participant to offer advice and mentoring and to ensure that the business is operating in accordance with the participant's business plan.

### *Self-Employment Allowance*

Participants undertaking Small Business Coaching may be eligible to receive Self-Employment Allowance, paid by the Department of Employment and Workplace Relations, for up to 39 weeks. This Allowance replaces payments such as JobSeeker Payment or Youth Allowance, while income support payments with a higher rate of payment (such as Disability Support Pension or Parenting Payment) are reduced by the amount of Self-Employment Allowance the participant receives.

The benefit of Self-Employment Allowance over income support from Services Australia is that the fortnightly rate of payment does not vary depending on the income the participant earns through their business.

### Outcomes

Participants undertaking Small Business Coaching are operating a business and are considered to be in unsubsidised self-employment.

The DES provider can select an Anchor Date for the participant's employment by moving the participant into the Post Placement Support phase of DES, once the participant is likely to meet the requirements of an Outcome. A Four-week Outcome is not available for participants self-employed through Self-Employment Assistance, however, the provider may be eligible to claim Outcome and Bonus Fees in accordance with the *DES Outcome Guidelines*.

### 6. Voluntary Work

#### Overview

This section outlines requirements for a provider when sourcing Voluntary Work Placements, in addition to the requirements in the Activity Management chapter.

Voluntary Work refers to both provider sourced Voluntary Work (arranged by the provider) and participant sourced Voluntary Work (arranged by the Participant).

Voluntary Work is a work experience placement arranged by the provider in a not-for-profit community Host Organisation. The work experience provides participants with the opportunity to develop vocational and non-vocational skills that will directly improve their employment prospects, be of benefit to the participant and the local community and offer no financial gain to the provider or volunteer organisation (also referred to as a Host Organisation).

Provider Sourced Voluntary Work is a Specified Activity organised by the provider with a Host Organisation. The provider is responsible for managing the Activity. Participant sourced Voluntary Work is self-driven and directly reported by the participant.

#### Benefits of Voluntary Work Placements

The benefits of Voluntary Work placements for eligible participants include:

- developing practical employability skills such as attendance and communication
- increasing networks, updating referees and building confidence
- demonstrating their skills, knowledge, experience and attitude, and gaining valuable exposure to workplaces to help them understand workplace expectations and
- providing service to a participant's community, such as State Emergency Service and volunteer firefighting.

The TCF will not apply for non-attendance in Voluntary Work placements. However, it will apply for non-attendance at other mandatory activities during Voluntary Work placements.

The benefits of provider sourced Voluntary Work placements for the Host Organisation may include:

- access to extra sets of hands to undertake activities and projects that may not normally get done
- access to support from the provider to source suitable participants, and contribute towards participation costs, such as relevant checks
- participants referred by a provider are covered by personal accident insurance and public and/or product liability insurance and
- an opportunity for a Supervisor to further develop leadership skills.

## **Role of providers**

The role of the provider is to:

- arrange suitable provider sourced Voluntary Work placements for participants in not for profit Host Organisations
- determine the suitability of Activity Host Organisations and their proposed placements and discuss the opportunities with the participant to determine their interests, experience, skills, and suitability for the available placement and
- support participants who are meeting participation requirements through Voluntary Work to declare attendance.

State-based laws may apply to Voluntary Work placements. Please check with your relevant State/Territory government for more information

## **Eligibility**

### Eligible participants

The provider may arrange a provider sourced Voluntary Work Placement for any participant on their caseload if they are of the view that the participant would benefit from the Activity, and the Activity is suitable and safe for the participant.

### Eligible Host Organisations

In addition to the Host Organisation requirements and prohibitions outlined under 'Eligible Host Organisations' in the Activity Management section, Voluntary Work Host Organisations must be a:

- not-for-profit organisation/charity, or
- not-for-profit arm of a for-profit organisation, or
- community service (including firefighter reserves, State Emergency Service, school canteen, etc.)

Voluntary Work can be conducted in an eligible Host Organisation's place of business where all other requirements specified in the Grant Agreement and Guidelines have been met.

## **Arranging Placements**

In addition to the Activity requirements and prohibitions outlined under 'Identifying Suitable Activities for participants' in the Activity Management section, Voluntary Work placements must:

- be of benefit to the participant and the local community and offer no financial gain to the volunteer organisation
- provide the participant with the opportunity to gain vocational and non-vocational skills that will directly improve their Employment prospects, such as the ability to work as part of a team, take directions from a Supervisor, work independently, communicate effectively, and become more motivated and dependable
- be unpaid and
- not primarily promote a particular religious or political view.

A provider Sourced Voluntary Work placement should not exceed 26 weeks unless the provider determines this is the best participation option under the circumstances.

-  For each Voluntary Work placement, an Activity record must be created in the Department's IT Systems using the Activity Code VWRK.

### **Work Health and Safety**

-  For the purposes of Work Health and Safety, the provider must refer to, and comply with, the requirements specified in the Grant Agreement and the Activity Management section.

### **Monitoring the Voluntary Work Placement**

The provider is expected to proactively monitor the Voluntary Work Placement for its duration.

In addition to the Activity Management section, the provider should remain in contact with the Host Organisation and participant to ensure:

- they are aware of any changes in circumstances affecting the Placement
- the Host Organisation is operating in accordance with the Activity Host Organisation Agreement
- any issues that may arise are quickly resolved.

The provider must contact the Host Organisation within 5 Business Days after the expected start date of the Voluntary Work Placement to confirm that the participant commenced.

-  The provider must confirm the Voluntary Work Placement start date in the Department's IT Systems by no later than 5 Business Days following the scheduled start date.

### **Completion**

-  When a provider Sourced Voluntary Work Placement ends, the provider must end the placement in the Department's IT Systems and provide an exit reason.

### 7. Skills for Education and Employment (SEE)

#### Overview

This section outlines requirements for a provider regarding the Skills for Education and Employment (SEE) program.

The SEE program provides accredited training in English language, reading, writing, maths and digital skills, to prepare participants for employment or further study. The program addresses the foundation skill gaps that make job seekers unsuitable for many jobs and prevent their successful engagement in training for a specific occupation.

SEE is delivered by SEE providers engaged by the Department of Employment and Workplace Relations.

SEE training can focus on language and literacy only, such as a Certificate in Spoken and Written English, or be embedded in contextualised, real-world learning, such as Childcare or Aged Care courses. SEE can be delivered in classroom settings, remotely via distance learning, or using a combination of both. Participants have flexibility to undertake individual building blocks of a course where they focus on specific skill sets, or to work toward a recognised qualification up to Certificate III level (if LLND skills are embedded in the training). Training is tailored to meet a participant's needs and goals and can be undertaken either part-time or full-time.

SEE participants receive a Language, Literacy and Numeracy Supplement, if eligible.

#### Benefits of SEE

SEE prepares participants for work, or further training/study as a pathway to work, through new or improved foundation and vocational skills, improved confidence, ability to fully engage in the community, and pathways to stable, long-term employment.

#### Role of providers

Providers have the responsibility to:

- work with their [local SEE providers](#) and ensure they are familiar with SEE's service offering. The [Differentiating between AMEP and SEE](#) course sets out when to refer a participant to which program to develop their English language skills
- actively identify participants likely to benefit, such as those with difficulty completing forms or navigating online environments, or with limited reading or writing ability, and consider referral
- ensure potential candidates are advised about the program, its flexible delivery options, and the opportunities and benefits it offers. Candidates who are hesitant should be encouraged to discuss any concerns about successful participation and be reassured of the provider's support
- adjust Job Search Requirements as appropriate to support successful completion of the SEE course of study. Providers can reduce a participant's Job Search requirement to zero where the participant is not able to look for work when they are undertaking an approved course for language, literacy and numeracy issues. This enables the participant to focus primarily on addressing gaps in their foundation skills.

The [SEE and AMEP Client Capability Guide](#) can be completed by the SEE provider to help inform the provider's servicing decisions.

## Eligibility

### Eligibility

To be eligible, participants must be aged from 15 years to Age Pension age and have working rights in Australia. They must also be deemed suitable for training and without any barriers that would prevent successful participation.

Participants are not eligible to undertake the SEE program if they are:

- a full-time student at the time of referral
- participating in Self-Employment Assistance, the Adult Migrant English Program (AMEP), or any other program advised from time to time
- seeking a referral within three months of their last program completion date, except where the participant is transferring to a new provider
- a current holder of a Skilled Migrant Visa
- currently a secondary visa holder of a person who holds a Skilled Migrant Visa (dependent).

participants are not required to be receiving an Income Support Payment or have Mutual Obligation Requirements to participate in SEE.

### Suitability

A participant's potential suitability and benefit will often be indicated by the Job Seeker Snapshot. Under the heading 'Skills for Education and Employment or Adult Migrant English Program', the word 'Yes' is displayed if the participant self-identified:

- a low ability in speaking, reading or writing English
- need for an interpreter during appointments, or
- completion of less than Year 10 schooling.



Providers should review the participant's Job Seeker Snapshot and discuss potential referral to SEE with the participant if any of the above indicators are present.

AMEP also offers free language and literacy training to eligible migrants and humanitarian entrants. The guide [Differentiating between AMEP and SEE](#) was developed to help providers refer clients to the most appropriate service for their needs.

## Referral to SEE

Providers can refer participants to SEE in the Department's IT Systems.



Providers refer participants to SEE via the Department's IT Systems as an Activity. Task cards outlining the referral process are available in the [Learning Centre](#).

The SEE provider will conduct a Pre-Training Assessment (PTA) to assess referred participants' capability levels against the Australian Core Skills Framework, and determine their capacity to benefit from the program.

The SEE provider will advise the participant and the provider whether or not training is recommended. If SEE is recommended, the SEE provider will commence the participant in a course of study aligned to their goals and capabilities.

SEE placement information **must be entered** in the Activity Management screen to ensure eligible participants receive the Language, Literacy and Numeracy Supplement from Services Australia.

### **Monitoring Placements**

Providers should liaise with the SEE provider regarding the participant's assessed capability levels and to establish agreed communication protocols for advice on attendance and progression.

The SEE provider will exit a participant from SEE if the participant ceases to attend training regularly and cannot be contacted to ascertain a reason. In this instance, the SEE provider will notify the provider.

No system steps are required of the provider when the participant is exited from the SEE program.

### **Completion of SEE**

participants have 2 years in a single referral period to complete their chosen SEE course(s) or qualification(s). Average participation in SEE is approximately 8 months.

Participants can continue to access the program, which may involve iterative referrals, until they achieve an exit benchmark, i.e. a Certificate IV in a foundation course or a Certificate III in a mainstream VET course.

After achievement of an exit benchmark, a participant may again access the program, following a 3-month break, if a new PTA indicates further capacity to benefit.

No system steps are required of the provider when the participant completes a SEE referral.

### 8. Adult Migrant Education Program (AMEP)

#### Overview

This section outlines requirements for a provider regarding the Adult Migrant English Program (AMEP).

AMEP provides free English language tuition to eligible migrants and humanitarian entrants to help them learn foundation English language and settlement skills to enable them to participate socially and economically in Australian society.

Participants can access unlimited hours of English classes until vocational English is achieved for clients with a visa commencement date on or before 1 October 2020. No time limits for registration, commencement or completion apply.

Clients who have a visa commencement date after 1 October 2020 also have unlimited hours of tuition until vocational English is achieved, however a five-year completion timeframe applies. This can be extended to 10 years in certain circumstances.

AMEP is delivered by AMEP providers engaged by the Department of Home Affairs.

#### Benefits of the AMEP

AMEP gives participants the opportunity to learn the English that they need to get a job, help their children settle, and participate more in day-to-day life in Australia.

AMEP provides a range of flexible learning options to help participants study, including full-time, part-time, evening and weekend classes.

It offers face-to-face and online classes, a volunteer tutor scheme and distance learning. AMEP also provides free childcare services if participants have under school-aged children when participating in face-to-face classes.

#### Role of providers

Providers have the responsibility to:

- work with their [local AMEP providers](#) and ensure they are familiar with SEE's service offering. The [Differentiating between AMEP and SEE](#) course sets out when to refer a participant to which program to develop their English language skills
- actively identify participants likely to benefit, such as those with difficulty completing forms or navigating online environments, or with limited reading or writing ability, and consider referral
- ensure potential candidates are advised about the program, its flexible delivery options, and the opportunities and benefits it offers.
- adjust Job Search Requirements as appropriate to support successful completion of AMEP.

(Grant Agreement reference: Clause 10.1)

## **Eligibility**

AMEP is available to participants who are:

- 18 years or over (15-17 years in specific circumstances as assessed by an AMEP provider)
- a permanent resident of Australia or hold an eligible temporary visa, or a citizen who previously held an eligible visa.

## **Further Information**

More information about AMEP, including contact details for local AMEP providers, is available on [Department of Home Affairs Website](#).