Australian Government

Inclusive Employment Australia

Inclusive Employment Australia Guidelines

Part B: Servicing Requirements

Disclaimer

These Guidelines are not a stand-alone document and do not contain the entirety of an Inclusive Employment Australia Provider's obligations. It must be read in conjunction with the Inclusive Employment Australia Deed 2025-2030 (the Deed), including any other relevant Guidelines and reference Material issued by the Department of Social Services under or in connection with the Deed.

These Guidelines are not legal advice, and the Commonwealth accepts no liability for any action purportedly taken in reliance upon it and assumes no responsibility for the delivery of the Services. These Guidelines do not reduce the obligation of Providers to comply with their relevant legal obligations and, to the extent that these Guidelines are inconsistent with obligations under the *Disability Services and Inclusion Act 2023* (Cth), Social Security Law, the *Privacy Act 1998* (Cth), Work Health and Safety (WHS) Laws or any other legislation or laws relevant to the respective jurisdictions in which Providers operate, the relevant legislation or laws will prevail.

Version History

Version 1.0	Published on: 17 July 2025	Effective from: 1 November 2025
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In this version of the Guidelines, the following Chapters have been updated to reflect changes to policy or processes:

- Glossary – added definitions of 'Current ESAt' and 'Valid ESAt'
- *Chapter 1: Eligibility, Referrals and Direct Registration* – clarified ESAt eligibility for NDIS Participants (Section 1.3.3) and DSP recipients (s1.3.4). Included home detainees in eligibility as a Pre-Release Prisoner (s1.3.5). Noted in Referral processes (s1.4.1) that Participant choice will currently apply only after a person has commenced. Submitting the Job Seeker Registration (s1.5.6) updated wording.
- *Chapter 2: Assessments* – Employment Services Assessment (s2.4) updated definitions for 'Current and Valid' ESAts. Change of Circumstance ESAt (s2.4.1) moved Program Summary information to Requesting an ESAt (s2.4.6). Updated wording about medical evidence for ESAts (s2.4.4) and Preparing a Participant for an ESAt (s2.4.5). Described process for requesting an ESAt through WAOP (s2.4.6).
- *Chapter 3: Commencements, Transfers, Suspensions and Exits* – updated information about Commencing Participants who have a Centrelink Job Plan (s3.2.1). Noted that Providers may need to show they have not received a double payment through both Inclusive Employment Australia and another government program or entity for Services delivered under the Deed (s2.2.2)
- *Chapter 4: Job Plan* — revisions to sections on signing of Job Plans (s4.8.3) and additional guidance on setting of Employment Goals (s4.5) and arrangements for Participants eligible for Mobility Allowance (s4.6.4 and s4.7.1).
- *Chapter 5: Participation Requirements* – added requirement to schedule a group-based Contact as an informal activity (s5.6.1). Added information about linking myGov and Workforce Australia accounts and ensuring participants can receive notices (s5.10).
- *Chapter 6: Pre-Employment Support* – advised how to record details of Contacts which cannot be resulted on the day of the Contact (s6.6).
- *Chapter 7: Activities* – updated Skills for Employment and Education information (s7.5.1), including addition of SEE First Nations. Clarified that Providers are responsible for SEE/EST/CTA costs. Corrected maximum attendance at Observational Work Experience from 25 hours per fortnight to 25 hours per week (s7.6.2). Corrected that Providers must conduct a Risk Assessment only before referring a Participant to a Specified Activity (principally s7.8.1)
- *Chapter 8: Wage Subsidies* – clarified that Providers must not subsidise employment costs except through a Wage Subsidy. Improved information about how "continuous Provider-led employment services" is calculated for eligibility purposes (s8.2.1). Added advice about subsidies for employment placement starting on the participant's Commencement day (s8.4.2). Added information about setting Wage Subsidy instalments, timing and value (s8.4.1), and calculating pro-rata Wage Subsidy payments (s8.5).

- *Chapter 10: Ongoing Support* – revisions on how to schedule and record Contacts and Instances in the Department's IT Systems and the extension to 180 days for completion of Moderate and High Ongoing Support contacts (s10.6). Clarified information about Permissible Breaks and Voluntary Changes in Employment (s10.8.1)
- *Chapter 11: Payments to Providers* – clarified wording on Employment Benchmarks (s11.2). Noted Providers cannot claim Progress Fees for Voluntary Work placements in an Own Organisation or Related Entity or that started before the Participant commenced in the program (s11.4.1). Clarified Progress Fee eligibility for Voluntary Work and Observational Work Experience placements (s11.4.2). Improved/added sections on Recurring Employment and Commission-based Employment (s11.5.3). Clarification about process for requesting changes to Ongoing Support payment period (s11.7.2)
- *Chapter 12: Compliance* — clarified the operation of demerits in the TCF zones (s12.3). Updates throughout the chapter changes to the TCF from 26 October 2026, including resetting non-compliance warnings (s12.4.1) and management of Work Refusal Failures (s12.5). Added new section on pause of Mutual Obligation Requirements (s12.7).

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Guideline Interpretation and Glossary

Reading notes

These Guidelines, developed by the Department of Social Services (the Department), detail the Objectives and operation of Inclusive Employment Australia.

The Guidelines may be updated or varied from time to time. The Department reserves the right to review and amend the Guidelines as deemed necessary and will provide reasonable Notice of any amendments.

The Guidelines use the following symbols to indicate different elements:

This icon represents 'System Steps' – information contained under this dot point will relate to usage of the Department's IT Systems.

This icon represents 'Work Health and Safety Steps' – information contained under this dot point will relate to matters of WHS Law.

This icon represents 'Documentary Evidence Requirement' – information contained under this dot point will relate to matters of Documentary Evidence.

Related information

Reference information and websites relevant to these Guidelines include:

- *Disability Services and Inclusion Act 2023*
- National Standards for Disability Services
- *Social Security Act 1991*
- *Social Security (Administration) Act 1999*
- Guide to Social Security Law
- *Fair Work Act 2009*
- Fair Work Ombudsman – Minimum Wages
- *Superannuation Guarantee (Administration) Act 1992*
- *Disability Discrimination Act 1992*
- *Privacy Act 1988*

Glossary

All capitalised terms in these Guidelines have the same meaning as in the Deed unless otherwise defined below.

Adult Migrant Education Program or **AMEP** has the meaning given to AMEP in the Deed, being the Commonwealth program of that name, administered by the Department of Home Affairs.

Australian Core Skills Framework means the Commonwealth framework of that name used to identify and describe an individual's performance in the core skills of learning, reading, writing, oral communication and numeracy.

Australian School-based Apprenticeship means the Commonwealth program of that name, administered by the Department of Employment and Workplace Relations.

Career Transition Assistance or **CTA** means the Commonwealth program of that name, administered by the Department of Employment and Workplace Relations.

Centrelink Job Plan means a Job Plan which a Participant (Mutual Obligation) has entered into with Services Australia.

Centrelink Managed means individuals who have a Centrelink Job Plan and report their participation in requirements to Centrelink. Examples of Centrelink Managed people include:

- those who are Fully Meeting their Mutual Obligation Requirements and are Suspended (and potentially Exited) from the Caseload and have a Centrelink Job Plan
- those who have Mutual Obligation Requirements but have not been Referred to an Employment Services Provider, or
- those who have quarterly interview requirements and are managed by Centrelink.

Change of Circumstances ESAt means a reassessment of the Participant's medical conditions, barriers and level of disability.

Change of Circumstances OSA means a reassessment of the Participant's need for Ongoing Support.

Communications Method means the communication channel or mode in which notifications can be provided to the Participant, including their nominee where relevant, these can be both verbal scripts for use by the Provider or in writing when sent via email, to their Workforce Australia inbox or via letter.

Complementary Activity means an employment or training program administered by a Complementary Service provider for the Commonwealth for the purposes of providing additional or alternative specialised assistance to Participants. Complementary Activities are a subset of Complementary Services. The following are Complementary Activities for Inclusive Employment Australia, listed alphabetically:

- Adult Migrant English Program (AMEP)
- Career Transition Assistance (CTA)
- Employability Skills Training (EST)
- Self-Employment Assistance (S-EA)
- Skills for Education and Employment (SEE).

Contact Appointment is a type of Appointment with the Provider for the purpose of a Contact, excluding any Contact that is for the purpose the Initial Interview or a Re-engagement Requirement.

Core Skills means a performance rating of a person's skill level under the Australian Core Skills Framework.

Current Assessment means an Employment Services Assessment or Job Capacity Assessment completed within the last 2 years.

Detailed Job Plan has the meaning given to Job Plan (Detailed) in the Deed. In some cases, this Job Plan type may be shown as Detailed Job Plan (Compulsory) or Detailed Job Plan (DSP U35).

Disabled Australian Apprentice Wage Support Program means the Commonwealth program of that name, administered by the Department of Employment and Workplace Relations. This program provides a payment that assists Employers of eligible apprentices with disability.

DSP Recipient (Compulsory Requirements) means a Participant who is in receipt of the Disability Support Pension (DSP), who is aged less than 35 years and has an assessed future work capacity of 8 or more hours work per week, who is participating in Inclusive Employment Australia to meet the compulsory work focused activity in their Participation Plan in order to receive their Income Support Payment. In some cases, DSP Recipients (Compulsory Requirements) may be referred to as a DSP U35 or DSP Compulsory Participation Client.

Engagement Method means the method in which Appointments and Contacts take place. For example, these can be face-to-face, verbal discussion over a phone call or videoconference, or meaningful exchange of email or text messages.

Employability Skills Training or **EST** means the Commonwealth program of that name, administered by the Department of Employment and Workplace Relations.

Employment Goal means a goal that has been identified by the Participant, which is captured in the Job Plan.

Family Member means, in relation to a particular individual (such as a Participant or an Employer):

- any spouse, de facto partner, child, parent, grandparent, grandchild or sibling, including where any of these are adopted relations, of the particular individual
- any child, parent, grandparent, grandchild or sibling, including where any of these are adopted relations, of the spouse or de facto partner of the particular individual, or
- any in-law of any individual referred to above, including any in-law of the particular individual.

Host Agreement means a written and signed agreement between the Provider, a Host Organisation and a Participant in relation to the provision of Specified Activities.

Host Organisation has the meaning given to Activity Host Organisation in the Deed.

Inclusive Employment Australia Provider has the same meaning as Program Provider in the Deed.

Initial Engagement Period means the first 4 weeks (28 days) during which the Participant is receiving Services from the Provider, including the Initial Interview. The Initial Engagement Period does not apply to Ongoing Support (Work Assist) Participants.

Incident means:

- an unplanned, accidental or deliberate event or happening resulting in personal injury (physical or mental), illness or damage to equipment, property, plant, site or building
- an event or happening that had the potential to result in personal injury (physical or mental), illness or damage to equipment, property, plant, site or building, or
- unacceptable or hostile behaviour that could result in legal proceedings or potential personal injury (physical or mental), illness or damage to equipment, property, plant, site or building.

Incident Management Plan means a plan outlining how Provider Personnel will manage situations where participants, staff or visitors display challenging behaviours and how to prevent or manage Incidents.

Incident Report means a written account of an incident involving challenging behaviour that is recorded in the Department's IT System.

Job Interview means any job interview that either the Provider has arranged, or the Participant has secured for themselves.

Job Plan means the employment pathway plan which a Participant (Mutual Obligation) must enter into with their Provider under Social Security Law, participation plan which a DSP Recipient (Compulsory Requirements) must enter into with their Provider under Social Security Law, or an agreement between the Provider and Participant that must be entered into by all other Participants in order to receive Services.

Job Search Reporting Period has the meaning given to Job Search Period in the Deed. If the Detailed Job Plan is updated, the start date may instead be the Job Plan approved date.

Job Search Target means the number of Job Search efforts that a Participant is to complete in a Job Search Reporting Period.

Job Seeker Assessment Framework means the overarching structure that brings together the full range of assessment processes, tools and resources, including the Job Seeker Snapshot, Employment Services Assessment, Ongoing Support Assessment, and any other relevant assessments.

Job Seeker Registration means a registration process individuals are required to complete to access services from Employment Service Providers.

Managed Service Plan (MSP) means an arrangement that Providers can put in place to tailor the way Services are delivered to a Participant who displays challenging behaviours.

Mandatory Activity means a compulsory Activity included in a Detailed Job Plan. The Activity must help the Participant to build skills and work-like behaviours.

Meaningful Engagement Job Plan has the meaning given to Job Plan (Meaningful Engagement) in the Deed. In some cases, this Job Plan type may be shown as Meaningful Engagement Job Plan (Compulsory), Meaningful Engagement Job Plan (DSP U35) and Meaningful Engagement Job Plan (Voluntary).

Observational Work Experience or **OWE** means the Commonwealth program of that name, administered by the Department of Employment and Workplace Relations.

One Main Contact means a Participant is restricted to communicating with one identified Provider staff member for the purpose of a Managed Service Plan.

OSA Allocation means a request for an Ongoing Support Assessment (OSA) made by the Provider in the Department's IT Systems.

Participant (Mutual Obligation) means a Participant who is in receipt of one of the following payment types who has Mutual Obligation Requirements that must be met to receive their Income Support Payment:

- JobSeeker Payment
- Youth Allowance (Other)
- Parenting Payment (Single), after their youngest child turns 14, or
- Special Benefit (Nominated Visa Holders).

Participant (Voluntary) means a Participant who has volunteered to receive Services. This includes:

- those who are not in receipt of an Income Support Payment
- Income Support Payment recipients who do not have Mutual Obligation Requirements or compulsory participation requirements
- Income Support Payment recipients who have an Exemption from their Mutual Obligation Requirements or Compulsory Participation Requirements applied by Services Australia but have volunteered to receive Services
- Participants (Mutual Obligation) who are Fully Meeting their Mutual Obligation Requirements but have volunteered to receive Services, and
- Ongoing Support (Work Assist) Participants.

Participation Plan means the individual plan which a DSP Recipient (Compulsory Requirements) has entered into with Services Australia, which has participation in employment services as a work-related activity.

Participant Sourced Voluntary Work means voluntary work that a Participant has identified and secured for themselves, including voluntary work that the Participant identifies and secures for themselves with a known Host Organisation.

Pattern of Disengagement means a pattern, as identified by a Provider, that shows a Participant has not been meaningfully engaging on more than one occasion.

Pattern of Renewed Engagement means a pattern, as identified by a Provider, that shows a Participant has been meaningfully engaging after having entered into a Detailed Job Plan.

Principal Carer Parent has the meaning given to 'principal carer' in the Deed.

Private House or **Private Homes** means places of residence where a person currently resides and the 'grounds' to which a private home is attached. This may include entry into an apartment, unit, house or boarding facility, or grounds (such as courtyards, gardens or balconies that are attached to the main dwelling and privately occupied).

Private Property means privately owned land or privately owned or occupied estate or house acreage. It may also encompass Private Homes.

Provider Sourced Voluntary Work means voluntary work that the Provider has identified and secured for a Participant, including Voluntary Work that the Provider itself arranges with a Host Organisation.

Re-engagement Appointment is a type of Appointment with the Provider for the purposes of Re-engagement of a Participant (Mutual Obligation) following an incident (or incidents) of non-compliance with their Mutual Obligation Requirements.

Re-engagement Requirement has the meaning given to Reconnection Requirement in the Deed.

Relocation Assistance Agreement means a written agreement for the purposes of the Relocation Assistance in a form specified by the Department. In some cases, this may be referred to as a RATTUAJ Agreement.

Relocation Assistance to Take Up a Job or **Relocation Assistance** means a payment made by the Provider to or on behalf of a Participant for the purposes of preparing to move, moving and/or settling in a new location in order to participate in Employment.

Risk Assessment means a risk assessment undertaken for an Activity and/or a Participant undertaking an Activity.

Self-Employment Assistance or **S-EA** has the meaning given to Self-Employment Assistance Services in the Deed, being the Commonwealth program of that name, administered by the Department of Employment and Workplace Relations.

Sensitive Information has the same meaning as in section 6 of the *Privacy Act 1998* (Cth).

Skills for Education and Employment or **SEE** has the meaning given to Australian Government Skills for Education and Employment Program in the Deed, being the Commonwealth program of that name, administered by the Department of Employment and Workplace Relations.

SWS Assessment means an assessment to evaluate work productivity of a person with disability in response to an application under the Supported Wage System (SWS).

Third-Party Appointment means an appointment entered into the Participant's Electronic Calendar that is not with the Inclusive Employment Australia Provider.

Transferred Participant means a Participant who transfers between Inclusive Employment Australia Providers during their Period of Service.

Unsubsidised Self-Employment means self-employment where a Participant does not receive a personal income subsidy of any kind.

Valid Assessment means an Employment Services Assessment or Job Capacity Assessment completed at any time, provided there has been no change in the person's circumstances that would require a new assessment of their work capacity

Valid Reason means a valid reason for non-compliance with Mutual Obligation Requirements as specified in these Guidelines.

Voluntary Work means both Provider Sourced Voluntary Work placements and Participant Sourced Voluntary Work placements.

Volunteer Period means the period of time in which a Participant (Mutual Obligation) or DSP Recipient (Compulsory Requirements) is Suspended and chooses to voluntarily engage in Services.

Wage Subsidy Agreement means a written agreement for the purposes of the Wage Subsidy in a form specified by the Department.

Wage Subsidy Agreement Term means the 26-week period from the Job Placement Start Date.

Wage Subsidy Employer means an Employer who meets the eligibility requirements for a Wage Subsidy.

Wage Subsidy Participant means a Participant who meets the eligibility requirements for a Wage Subsidy.

Wage Subsidy Payment means a payment made to a Wage Subsidy Employer in accordance with a Wage Subsidy Agreement.

Wage Subsidy Placement means an Employment position that meets the eligibility requirements for a Wage Subsidy.

Warm Handovers are part of the transfer process between Inclusive Employment Australia Providers. They also are part of the requirements for a provider of the Parent Pathway service, to support a Participant who has Exited Parent Pathways and is Referred to the Inclusive Employment Australia. Warm Handovers occur at the Initial Interview, if the Participant has notified their previous Provider of the Appointment details.

WMS Assessment means an evaluation of the specific work-related requirements of a person with disability in response to a request for assistance under the Employment Assistance Fund (EAF).

Work Readiness means possessing the core skills and behaviours required by Employers, including teamwork skills, communication skills, and a positive attitude and work ethic, including motivation, reliability and a willingness to work.

Chapter 1: Eligibility, Referrals and Direct Registration

Supporting Documents for this Chapter

- Steps to ensure Referrals – Provider Actions
- Direct Registration Form
- Ongoing Support (Work Assist) Employer Form
- State and Territory School Disability Funding Arrangements

1.1 Chapter Overview

Inclusive Employment Australia is an employment service that supports people with disability, an injury or a health condition to find and maintain Employment, including people:

- who have an assessed current baseline work capacity, and an assessed future work capacity with intervention, of less than 30 hours per week due to their disability, injury, or health condition, or
- whose Employment is at risk as they have difficulty fulfilling the essential requirements of their role due to their disability, injury, or health condition.

Participants are generally Referred to Services from Services Australia, through the Department's IT Systems.

Some Participants can choose to volunteer to take part in Services and can Directly Register with a Provider.

Providers must confirm that all persons who are Referred or Directly Registered meet the eligibility criteria for Inclusive Employment Australia before they are Commenced in Services — either the general eligibility criteria or special eligibility criteria. Participants must be Commenced to receive Services from the Provider.

This Chapter outlines:

- general eligibility criteria for Inclusive Employment Australia
- special eligibility criteria that allow identified cohorts of Participants to access Inclusive Employment Australia
- Referral processes, and
- Direct Registration processes.

Note: This Chapter should be read in conjunction with the Provider Transition Advice for guidance on eligibility checks for Transitioned Participants who were Referred or Directly Registered and had not yet Commenced under the former Disability Employment Services (DES) program.

1.2 General eligibility criteria

A person is eligible to receive Inclusive Employment Australia Services if they meet the criteria in the following table, unless eligible under specific pathways outlined in Section 1.3 Special eligibility criteria, and are not already be receiving support from an Other Employment Service Provider as shown on the Department's IT Systems.

Information about general eligibility will be collected through the Job Seeker Snapshot and Employment Services Assessment (ESAt) or Job Capacity Assessment (JCA). In these

Guidelines the term 'ESAt' includes JCAs. For more information about these Assessments including the status of Assessments (Current and Valid), see Chapter 2: Assessments.

Note: If a person in an Other Employment Service has a new ESAt that recommends Inclusive Employment Australia, commencement in Inclusive Employment Australia will exit the person from the Other Employment Service.

If a Provider considers a Referred Participant does not meet the general eligibility criteria, the Provider must either:

- dispute the ESAt by requesting a review of the ESAt report as outlined in Chapter 2: Assessments, or
- if a student studying full-time, refer the person back to Services Australia.

Note: A Provider can also dispute an aspect of the ESAt for an eligible Participant, such as the assessed level of work capacity. Refer to Section 2.4 Employment Services Assessment.

In addition, a Provider that is a Specific Cohort Provider must direct any person who is not a member of their relevant Specific Cohort:

- back to Services Australia if Referred to the Provider by Services Australia, or
- to another Inclusive Employment Australia Provider that would be able to provide Services to the Participant if trying to Directly Register with the Provider.

(Deed Reference(s): Clause 100.2, 101.2, 106.3, 108.1(a))

Providers can check a person's eligibility by reviewing the 'Servicing and Eligibility' screen of the Participant's record on the Department's IT Systems.

Note: The Department's IT Systems should not allow a person to be Referred to an Inclusive Employment Australia Provider if the person does not meet the general eligibility criteria.

Once a person is Commenced as an Inclusive Employment Australia Participant:

- their eligibility will generally not be tested again, and
- in most instances Participants who cease to meet eligibility criteria are not Exited.

For more information, see relevant Sections in Chapter 3: Commencements, Transfers, Suspensions and Exits.

General eligibility criteria

Requirement	Criteria
Australian Residency or Visa	• Must be an Australian resident or eligible visa holder. This is a person who resides in Australia and is one of the following: ○ an Australian citizen ○ the holder of a permanent resident visa ○ the holder of a Protected Special Category Visa (SCV) ○ the holder of a Temporary Protection Visa (TPV), or ○ the holder of a Safe Haven Enterprise Visa (SHEV). **Note:** SCVs are available for New Zealand citizens living in Australia who have not been granted permanent residency. A person with an SCV meets the residency requirements for Inclusive Employment Australia only if they have a Protected SCV as someone who was in Australia before 26 February 2001.

Requirement	Criteria
Disability, injury or health condition	• Must be assessed in a Current and Valid ESAt as having a disability, injury or health condition that impacts capacity to work.
Work capacity	• Must be assessed in a Current and Valid ESAt as having a current baseline work capacity of less than 30 hours per week and a future work capacity with intervention of less than 30 hours per week.
Age	• Must be of legal working age (at least 14 years of age). • Must not yet be of Age Pension qualifying age (67 years of age). **Note:** The Department's IT Systems will not allow a person to be Referred to Inclusive Employment Australia outside this age range and will Exit a person who does not meet the age restrictions.
Study	• Must not be studying full-time, unless Services Australia confirms it understood the person was a full-time student when it Referred them to Inclusive Employment Australia. **Note:** Part-time students can Commence in Inclusive Employment Australia to look for work.
Referral	• Must have an employment service recommendation for the Inclusive Employment Australia (or the former DES program) in a Current and Valid ESAt.
Current work	• Must not already be working in Open Employment at or above their Employment Benchmark (based on usual hours of employment or hours over the preceding 13 weeks). **Note:** Supported Employment undertaken by a Participant is not considered as part of current work. **Note:** A Participant's Employment Benchmark is generally set based on their future work capacity with intervention as assessed by an ESAt. ESAt/JCA exempt Participants — that is, Eligible School Leavers and Special Class Client Participants — will have a default Employment Benchmark of 8 hours. Ongoing Support (Work Assist) Participants do not have an Employment Benchmark.

Note: See Section 3.6.4 Participants resuming their Period of Service after Exit for arrangements for Participants who Exit and resume their Period of Service within 13 weeks.

1.3 Special eligibility criteria

A person may also be eligible to receive Inclusive Employment Australia Services if they meet other eligibility conditions that focus on special eligibility cohorts as outlined in this Section. Where a person meets special eligibility criteria to access Inclusive Employment Australia:

- the person will be Directly Registered by the Provider — refer to Section 1.5 Direct Registration of Participants, and
- the Provider must collect Documentary Evidence to show the person's eligibility.

Special eligibility criteria described below include:

- changes to general eligibility criteria for that special eligibility group, and/or
- additional eligibility requirements related to that special eligibility group.

A person must meet only general eligibility or one of the special eligibility criteria. A person who would be eligible under multiple criteria does not need to demonstrate eligibility under special eligibility criteria for a cohort they match if they have demonstrated eligibility under other criteria.

1.3.1 Eligible School Leavers

Eligible School Leaver (ESL) eligibility helps people who are seeking to transition from study to post-school Open Employment and require support in Employment.

On Commencement, an ESL Participant will have an Employment Benchmark of 8 hours.

Providers must keep a copy of the Direct Registration Form that includes information to show the Participant's eligibility as an ESL Participant, and other evidence of a person's eligibility as an ESL Participant.

Providers must Directly Register an ESL Participant on the Department's IT Systems using the Special Placement Flag for 'Eligible School Leaver'.

Note: The other evidence needed to show a person's eligibility as an ESL Participant will depend on their individual circumstances as outlined below.

(Deed Reference(s): Clause 108.3)

ESL Participant eligibility criteria

Variations to general eligibility criteria	Additional eligibility requirements
Disability, injury or health condition: • The Provider must confirm the person's disability has a major impact on their ability to find and maintain Employment. Work capacity: • The person does not require a work capacity assessment (i.e. they are ESAt exempt). Age: • The person must be under 22 years of age. Referral: • The person does not need an employment service referral (i.e. they are ESAt-exempt).	• Must be seeking to transition to Open Employment and be eligible as an ESL Participant, due to: ○ studying full-time in their final year of secondary school ○ participating in or intending to participate in an Australian School-based Apprenticeship that forms part of their secondary school curriculum, or ○ participating in or have recently completed NDIS Employment Assistance for school leavers. • Must need help finding or maintaining Open Employment.

Note: Refer to the State and Territory School Disability Funding Arrangements supporting document on the Provider Portal for information on eligible State and Territory Government post-school employment and transition to work programs.

Single Period of Service

ESL Participants are restricted to a single Period of Service in Inclusive Employment Australia. Once an ESL Participant has Exited Inclusive Employment Australia, they are no longer eligible to access Inclusive Employment Australia through this ESAt-exempt pathway. To re-enter Inclusive Employment Australia ESL Participants must have an ESAt that is both Current and Valid to confirm their eligibility.

Major barriers to Employment

Access as an ESL Participant is restricted to students with major barriers to employment because of their disability. This includes those with severe physical or mental impairment that limits their functional capacity relating to mobility, communication, self-care, self-direction, interpersonal skills, work tolerance and work skills.

This is evidenced by additional education funding needed as part of a person's secondary schooling or receiving DSP.

Providers must keep Documentary Evidence related to the person's additional education funding needs. This includes:

- A statement from student's school (or former school) that clearly:
  - names the student
  - states the student's identified disability, and
  - states that due to their disability the student is attending (or previously attended, for secondary students at a TAFE or similar institution):
    - a mainstream class at a mainstream school, and names the program providing disability funding to the school for the student
    - a disability special class in a mainstream school
    - a disability special school, or
    - a mainstream class at a mainstream school, for students who are DSP recipients.
- A statement from the school must:
  - be from the school principal or similar position, or their representative
  - be in the form of a signed letter on the relevant letterhead, or email with identified signature block, and
  - include the date and the name and position of the person making the statement.
- If the Participant is a DSP recipient in a mainstream class, either a:
  - letter from Services Australia confirming receipt of the DSP, or
  - screen print out of the Department's IT Systems 'Allowance History' screen showing the student's receipt of the DSP.

Students transitioning from secondary schooling

Students can access Inclusive Employment Australia as an ESL Participant to help with transitioning from school to work where they are in either:

- their final year of secondary schooling — this is usually Year 12, but may be earlier if the student, parent or legal guardian, and school have agreed that this will be the student's final schooling year, or
- an Australian School-based Apprenticeship that has been changed to accommodate the job seeker's accessibility needs.

Note: Students who are in Year 11 and who have registered as continuing students for Year 12 are permitted to Directly Register and Commence in Inclusive Employment Australia as an ESL from 1 December in the year prior to Year 12.

Providers must keep Documentary Evidence related to the person's transition from secondary schooling. This must include one or more of the following:

- a statement from the school confirming that the student is in their final year of school and is leaving school at the end of the current year
- a copy of student's most recent school report that shows the school year that the student is currently enrolled in
- a letter or email from the school principal (or representative) saying that, after discussing the student's education requirements with the student and their parents or legal guardian, all parties have agreed that the student is in their final year of secondary school

- a statement from the training organisation setting out the accessibility adjustments that have been made to the delivery of any course as part of an Australian School-based Apprenticeship to accommodate the student's disability, and/or
- relevant paperwork confirming Disabled Australian Apprentice Wage Support Program approval.

Note: A Provider must obtain and keep proof of an ESL Participant's completion of their final year of secondary schooling.

Participants receiving NDIS Employment Assistance for school leavers

A person can access Inclusive Employment Australia as an ESL Participant to get help finding work if they:

- are undertaking NDIS Employment Assistance for school leavers, or
- exited NDIS Employment Assistance for school leavers within the past 20 Business Days.

NDIS Employment Assistance for school leavers is funding available through the NDIS to assist school leavers transition to employment.

Providers are encouraged to work in partnership with schools, State and Territory Government funded Training organisations and other relevant local government or community organisations to facilitate placements in Australian School-based Apprenticeships, and support students in both work and study.

If a Provider cannot Commence a person within 20 Business Days of their exit from NDIS Employment Assistance for school leavers, the Provider can seek written approval from their Account Manager to do so after that time.

Other information on eligible programs is included in the State and Territory School Disability Funding Arrangements supporting document on the Provider Portal.

Providers must keep Documentary Evidence showing the person received NDIS Employment Assistance for school leavers. This evidence must be a statement from the NDIS provider, in either a signed letter on the relevant letterhead or an email with identified signature block, that clearly:

- names the person
- confirms the person was participating in NDIS Employment Assistance for school leavers,
- identifies the dates the person started and completed (where applicable) NDIS Employment Assistance for school leavers, and
- includes the name of the person making the statement and the date of the statement.

1.3.2 Special Class Clients

Special Class Client (SCC) eligibility provides access to Inclusive Employment Australia, for people who acquired a disability, injury or illness through being present at a specified extreme event.

On Commencement, an SCC Participant will be assigned an Employment Benchmark of 8 hours.

Providers must keep a copy of the Direct Registration Form that includes information to show the Participant's eligibility as an SCC Participant, and other evidence of a person's eligibility as a SCC Participant.

Providers must Directly Register an ESL Participant on the Department's IT Systems using the Special Placement Flag for 'Special Class Client'.

Note: SCC eligibility is needed very infrequently. The Department will review use of SCC eligibility and may independently look to confirm that a SCC was present at the declared extreme event.

(Deed Reference(s): Clause 108.2)

SCC Participant eligibility criteria

Variations to general eligibility criteria	Additional eligibility requirements
Disability, injury or health condition: • The Provider must confirm the person has disability, injury or health condition based on medical evidence directly provided. Work capacity: • The person does not need to have their work capacity assessed (i.e. they are ESAt exempt). Referral: • The person does not need an employment service referral (i.e. they are ESAt-exempt).	• Must be an identified SCC, in relation to: ○ October 2002 Bali bombings ○ December 2004 Asian Tsunami, or ○ July 2005 London bombings.

Providers must obtain and keep the following Documentary Evidence.

- A Statutory Declaration from the Participant saying they were present at either the Bali Bombings, Asian Tsunami, or London Bombings, and
- A Medical Certificate issued by a General Practitioner, or other Record that provides medical evidence verifying the person has a disability, injury or health condition.

1.3.3 NDIS participants

NDIS participant eligibility streamlines access to Inclusive Employment Australia for those who are receiving NDIS services. It allows NDIS participants to access Inclusive Employment Australia using an ESAt that:

- was conducted at any time (that is, it does not need to have been completed within the last two years)
- contains any result (that is, it can recommend referral to an Other Employment Service or that the participant is 'unable to benefit' from an employment service).

More detail is available in Section 2.4.3 ESAt requirements for DSP recipients and NDIS participants.

NDIS participants can be employed at or above their work capacity if in a Supported Employment Service.

NDIS participant eligibility criteria

Variation to general eligibility criteria	Additional eligibility criteria
Work capacity: • The person must have a Valid ESAt. This ESAt does not need to be a Current ESAt (i.e. ESAt completed in the last 2 years) Referral: • The person does not need an employment service referral.	• Must be a current NDIS participant.

Note: A person who wishes to access Inclusive Employment Australia using the special eligibility criteria for NDIS participants, must disclose to the Provider that they are a NDIS participant, and provide Documentary Evidence as outlined below. If a NDIS Participant does not wish to disclose this information, they may enter Inclusive Employment Australia using the general eligibility criteria, including the requirement to have a Valid ESAt.

Providers must keep a copy of the Direct Registration Form that includes information to show the Participant is a NDIS participant.

Providers must obtain and keep one of the following forms of Documentary Evidence:

- The cover letter for the person's current NDIS plan — a copy of the cover letter can be printed from the NDIS portal, or
- An 'access met' letter, recognising the person's eligibility for NDIS supports.

Note: A person does not need to provide their NDIS plan, and if they do, a copy of the plan should not be kept.

1.3.4 DSP recipients

DSP recipient eligibility streamlines access to the Inclusive Employment Australia for those receiving this Income Support Payment. It allows access to Inclusive Employment Australia for DSP recipients who have an earlier ESAt that was conducted at any time (noting that an assessment generally will have been undertaken as part of determining eligibility for DSP), regardless of whether it included a recommendation to Inclusive Employment Australia or DES, an Other Employment Service or a recommendation of 'unable to benefit'. More detail is available in Section 2.4.3 ESAt requirements for DSP recipients and NDIS participants.

DSP recipient eligibility criteria

Variation to general eligibility criteria	Additional eligibility criteria
Work capacity: • The person must have a Valid ESAt. This ESAt does not need to be a Current ESAt (i.e. ESAt completed in the last 2 years) Referral: • The person does not need an employment service referral.	• Must be a current DSP recipient as identified on the Department's IT Systems.

1.3.5 Pre-Release Prisoners

Pre-Release Prisoner (PRP) eligibility allows eligible prisoners or detainees access to Inclusive Employment Australia while they are in custody to maximise their Employment support following their release. This includes those who can leave prison on day release and those in home detention arrangements.

State and territory corrective or youth justice services will refer PRPs they consider suitable to Providers. Providers should create links with corrective or youth justice services, so that they are ready to receive Referrals.

PRPs must be Directly Registered by the Provider following a referral from the state or territory corrective services agency or youth justice service if they meet the PRP Participant eligibility criteria.

If a person is Referred to a Provider and does not meet PRP Participant eligibility criteria, the Provider must not Directly Register the person and should advise the relevant state or territory corrective or youth justice service accordingly.



Providers must apply the 'Pre-Release Prisoner' special client type indicator to the Participant's record in the Department's IT Systems.



Providers must keep the relevant referral of the PRP Participant.

Note: Refer to Section 2.4 Employment Services Assessment for further information about ESAt requirements for PRPs.

PRP Participant eligibility criteria

Variations to general eligibility criteria	Additional eligibility requirements
Age: • The person must be at least 15 years of age.	• Must be: ○ in the final 12 months of their sentence ○ licensed to engage in paid work, and ○ referred by a state or territory corrective services agency or youth justice service provider.

Note: The Department's IT Systems will remove the PRP special client type indicator after the person's release, if they are in receipt of an Income Support Payment. Where possible, Providers are encouraged to remove the flag as soon as they become aware the person has been released from custody.

1.3.6 Ongoing Support (Work Assist) Participants

Ongoing Support (Work Assist) eligibility allows people already in Employment to access Ongoing Support. It supports people who are having difficulty meeting the essential functions of their job because of their disability, injury or health condition.

Ongoing Support (Work Assist) Participants can either self-refer or, with their consent, be referred by their Employer.

When an employee commences as an Ongoing Support (Work Assist) Participant, they immediately start to receive Ongoing Support to maintain their Employment. Chapter 10: Ongoing Support describes how a Provider must arrange an Ongoing Support Assessment and deliver Ongoing Support to an Ongoing Support (Work Assist) Participant.

Providers must keep a copy of the Direct Registration Form that includes information to show the Participant's eligibility as an Ongoing Support (Work Assist) Participant.

Providers must Directly Register an Ongoing Support (Work Assist) Participant on the Department's IT Systems using the Special Placement Flag for 'Work Assist'.

(Deed Reference(s): Clause 108.4)

Ongoing Support (Work Assist) Participant eligibility criteria

Variations to general eligibility criteria	Additional eligibility requirements
Disability, injury or health condition: • The Provider must confirm the person has a disability, illness or health condition. Work capacity: • The person does not need a work capacity assessment (i.e. they are ESAt-exempt). Referral: • The person does not need an employment service referral (i.e. they are ESAt-exempt). Current work: • The person must be working.	• Must be assessed by the Provider as needing Ongoing Support to keep their job. • Must have been working in that job over a consecutive period of at least 12 weeks, or there is an expectation that the job will last for at least 12 weeks.

Disability, illness or health condition

Providers must obtain and keep the following Documentary Evidence of the Participant's disability, illness or health condition:

- Recent medical evidence from a suitably qualified professional identifying:
  - the nature of the person's disability, injury or illness
  - how long the condition(s) has lasted / is expected to last, and
  - how the condition affects (or conditions affect) the person and their ability to do their job.

Note: Evidence should be from within the last 2 years. If the condition described is permanent, the Provider can determine that older evidence adequately describes the effect of the injury, disability or health condition.

Current work

Providers should generally work with the person's Employer to collect appropriate Documentary Evidence of their eligibility and need for Ongoing Support (Work Assist) through the Ongoing Support (Work Assist) Employer Form available on the Provider Portal.

If the person has not agreed to disclose their disability or request for support to their Employer, the evidence usually provided through the Employer Form must be collected from the person using alternative evidence listed below.

A fully completed and signed Employer Form is acceptable Documentary Evidence of the person's current Employment.

Alternatives to the Employer Form include:

- Evidence of Employment over the past 12 Consecutive Weeks, such as Payslips or a signed and dated statement by the employee or their Employer confirming:
  - Employer name
  - Employment details, including date Commenced
  - Employment has lasted/will last for at least 12 weeks, and
  - employee's hours of Employment each week (usual and current).
- Evidence of difficulty carrying out job requirements through a signed and dated statement by either the employee or their Employer confirming:
  - that they are having difficulties fulfilling the essential requirements of their job, due to the impact of their injury, disability or health condition, and
  - why they consider that they need Inclusive Employment Australia assistance.

An employee cannot receive Ongoing Support as an Ongoing Support (Work Assist) Participant if:

- the only support they need is available through Employment Assistance Fund (EAF), or
- they are currently being supported in Other Employment Services.

Providers must keep a file note stating why they assessed the Participant as requiring Ongoing Support (Work Assist).

1.4 Referral of Participants

An initial Referral connects a person with a Provider based on an ESAt that has recommended Inclusive Employment Australia — or Disability Employment Services — as the most appropriate employment service. Referred Participants will have been assessed under the Job Seeker Assessment Framework (refer to Section 2.2 Job Seeker Assessment Framework for further information).

This includes people who have a recommended program referral of Inclusive Employment Australia in their Valid ESAt who have been in Workforce Australia Online for up to 12 months.

A Referral may occur when the ESAt report has been submitted or after an Exemption period as part of a deferred Referral.

Referred Participants are already Registered on the Department's IT Systems. The Referral will have been made by Services Australia, the Department, or the National Customer Service Line (NCSL). A Referral may also be made by another Inclusive Employment Australia Provider in the case of a Transferred Participant.

1.4.1 Referral processes

Referral to Inclusive Employment Australia by Services Australia will occur when there is a Current and Valid ESAt (refer to Section 2.4 Employment Services Assessment for further information).

An ESAt will usually refer the person to Inclusive Employment Australia, rather than an Other Employment Service, if:

- the person's disability, injury or health condition is their main barrier to work, and
- the person is eligible for Inclusive Employment Australia and able to benefit from Inclusive Employment Australia.

Where the ESAt finds that the person is eligible for and able to benefit from Inclusive Employment Australia, the Services Australia Assessor will, after completing their recommendations, use the Department's IT Systems to refer the person to an appropriate Provider determined by the Department's IT Systems. When the person commences with the referred Provider, the person is an Inclusive Employment Australia Participant.

Note: Where an ESAt is conducted for a Participant who is already referred to a Provider – as part of a Direct Registration or as a change of circumstances assessment - the Participant will remain with that Provider, if eligible.

Once the Participant has commenced in the program with their allocated Provider, they can at any time choose to transfer to another Provider delivering Services in their area based on where they live, including any relevant Specific Cohort Providers, if applicable.

If the person was referred to the ESAt while participating in an Other Employment Service, Services Australia will Refer the Participant to an appropriate Inclusive Employment Australia Provider. The Provider must cooperate and work collaboratively with the Other Employment Service Provider to support the Participant's smooth transition into Inclusive Employment Australia, in the same way that two Inclusive Employment Australia Providers must cooperate when a Participant transfers from one Provider to another, if requested to do so under these Guidelines. Refer to Section 3.2 Commencements3.2 Commencements for more information about Commencing Participants transferring from Other Employment Services.

(Deed Reference(s): Clause 106)

1.4.2 Receiving Referrals

Creating Appointment sessions

A Referral is actioned by Services Australia through scheduling the person in an Initial Interview against an available session (see Section 3.2.2 Initial Interview3.2.2 Initial Interview).

Providers are responsible for ensuring that Participants can be referred to them by having sessions available in the Electronic Calendar on the Department's IT Systems.

It is up to Providers to determine how many sessions they make available in the Electronic Calendar to manage their current and potential Caseload.

Providers must have Initial Interview appointments available within the next 2 Business Days. It is recommended that Providers maintain available initial appointments up to 10 Business Days to allow for referrals for Participants who require mail notification.

Providers must create sessions in the Provider's Electronic Calendar to ensure that they can receive a Referral — appropriate session types for Initial Interviews are 'Initial appointment' or 'All Appointment Types'.

(Deed Reference(s): Clause 112.1)

More detailed information is available in the Steps to ensure Referrals – Provider Actions supporting document.

Confirming Registration details, eligibility and Participant details

When a Provider receives a Referral from Services Australia, the Provider must:

- review information in the ESAt and Registration Record to confirm they are current, and
- confirm that the Participant is eligible to Commence.

Note: Although Services Australia and the Department's IT Systems confirm the person's eligibility when they are Referred, the person's circumstances may change before they can be Commenced. For example, if a person has already started work at an average number of hours per week equal to or greater than their Employment Benchmark, they must not be Commenced.

If a Provider considers that a person is not eligible for Inclusive Employment Australia, the Provider must:

- advise the person that they are not eligible
- Exit the person from the Inclusive Employment Australia, and
- if the person has Mutual Obligation Requirements and reports they have been working at least 15 hours per week, advise the person to contact Services Australia for an assessment of whether they are Fully Meeting their requirements.

(Deed Reference(s): Clause 106.3)

1.5 Direct Registration of Participants

Providers can Register certain people who approach them directly seeking employment services. This is known as Direct Registration.

To be eligible for Direct Registration, a person must:

- not be currently Referred to a Provider
- not be currently Referred to an Other Employment Service, and
- meet general or special eligibility criteria for the Inclusive Employment Australia — refer to Section 1.2 General eligibility criteria and Section 1.3 Special eligibility criteria.

If the Provider becomes aware that the person does not meet the Inclusive Employment Australia general or special eligibility criteria, the Provider must not proceed with the Direct Registration process.

Note: After completing the Direct Registration process, a Provider may need to request an ESAt to confirm eligibility (see next actions under Section 1.5.6 Submitting the Job Seeker Registration).

(Deed Reference(s): Clause 108)

1.5.1 Participant Registration

A person must be Registered on the Department's IT Systems before they can receive Services. The Job Seeker Registration process:

- collects information to confirm the person's identity

- records any special eligibility the person meets, if applicable — when the Registration shows that special eligibility applies, the Department's IT Systems checks that eligibility instead of general eligibility
- creates a Job Seeker Registration record or updates an existing Job Seeker Registration record for the person on the Department's IT Systems and allocates a Job Seeker Identification (JSID)
- connects the person's Job Seeker Registration record with their Customer Reference Number (CRN) in Services Australia's IT system — this provides relevant information about the person's income support status and participation requirement details, and
- allows the person to be referred for an ESAt and/or to be Commenced by the Provider to start receiving Services.

Unlike the Referral process by Services Australia, when a Provider Directly Registers a Participant:

- the Provider may need to request an ESAt on behalf of the Participant
- if the Provider referred the person for an ESAt, the person will be Referred back to the Provider if the ESAt confirms the person is eligible to receive Services, and
- if the person meets all general eligibility criteria or special eligibility criteria, the Provider can Commence the person as an Inclusive Employment Australia Participant.



If a person will be using special eligibility to access Inclusive Employment Australia, the Provider must collect information and Documentary Evidence to show the person meets special eligibility as detailed in Section 1.3 Special eligibility criteria.

(Deed Reference(s): Clause 108)

1.5.2 Direct Registration Form

Providers must collect information about a Directly Registering person using the unaltered, complete Direct Registration Form available on the Provider Portal.

The Direct Registration Form obtains:

- Personal Information so that the person can be Directly Registered, and
- the person's consent to use that Personal Information.

The Provider must ensure the person understands the information contained in the Direct Registration Form. This may require use of an interpreter. The person can choose to also have a support person and/or advocate present.

All relevant Direct Registration Form questions must be answered. All relevant fields must be correctly completed, including proof of identity checks. The form must be signed and dated by the person (or their legal guardian) and by the Provider representative.



The Direct Registration Form must be kept on file as Documentary Evidence to support the Participant's Direct Registration and Commencement in Inclusive Employment Australia.

1.5.3 Proof of Identity

To confirm the identity of the person, the Provider must sight originals or certified copies of acceptable documentation as outlined in the table below.

Acceptable identity documents

Option A:	Option B:
• One of the following: ○ current passport ○ current driver's licence, or ○ other form of photo identification from an Australian Government department or agency.	• Two of the following: ○ financial institution (bank) documents showing name and signature or name and address ○ birth certificate or extract ○ certificate of Australian citizenship ○ Medicare card ○ vehicle registration papers with current address, or ○ other identification displaying the person's name, such as a statement from a community Elder if the person is a First Nations person.

A Provider must certify on the Direct Registration Form that they have sighted the proof of identity documents (including any Photo ID). A copy of the documentation must not be kept.

(Deed Reference(s): Clause 113.1)

1.5.4 Job Seeker ID search

Each Job Seeker Registration record has a unique JSID. Providers must search for any existing JSID for the person on the Department's IT Systems before creating a new Registration Record. This is important to:

- reduce unnecessary data entry and minimise duplicate Records, and
- ensure relevant information about the person's eligibility and history are considered.

Providers can search for an existing Registration Record on the Department's IT Systems 'Job Seeker Search' screen.

Actions following Job Seeker ID search

Search results	Action
Active record found	Review record found and update details as needed on the Department's IT Systems.
Inactive record found	Re-register the person, updating details as required on the Department's IT Systems.
No record found	Create a new Registration Record on the Department's IT Systems. Detailed instructions are available in the Direct Registering a Participant task card.

1.5.5 Linking the Customer Reference Number to the Registration record

Providers must obtain and link the person's CRN to their JSID. This is important because:

- it transfers important information from Services Australia, such as the person's Income Support Payment type, recent Referrals and Mutual Obligation Requirements, and

- no Inclusive Employment Australia claims can be lodged if a CRN is not linked to a Participant's JSID.

If a person knows their CRN, Providers should ask that they supply it as part of the Direct Registration Form. People already have a CRN if they are receiving (or previously received) an Income Support Payment.

If the person does not know their CRN or does not have one, the Provider must verify the person's details. The Provider should contact Services Australia Participation Solutions Team on 1300 306 325 with the person present, if possible. Otherwise, the Provider must advise the person to contact Services Australia and request a CRN for the purpose of Registering for employment services.

Services Australia will provide the person's CRN if a record is found. If a record cannot be found, the Provider must request the creation of a CRN by Services Australia.

To link a CRN and JSID, select the 'Link' button found on the 'Registration' screen in the Department's IT Systems.

Note: An error message will appear if the data held by Services Australia does not match the CRN and details entered.

1.5.6 Submitting the Job Seeker Registration

Submitting a Job Seeker Registration record for a person completes their Registration.

The Department's IT Systems will show if a Direct Registration cannot be completed. This can happen if the person is:

- ineligible for Inclusive Employment Australia — in this case, the Provider should advise the person they are not eligible for Inclusive Employment Australia and that they should contact Services Australia for further help if needed, or
- already Registered with an Inclusive Employment Australia Provider or an Other Employment Service Provider.

Next actions

If the Provider successfully completes the Direct Registration process, the person's status on the Provider's Caseload will either be Pending or Eligibility Not Yet Determined. At this stage of the process, the person is considered an Inclusive Employment Australia Participant.

The Provider can Commence the person immediately, or at the next available Initial Interview opportunity, if the Participant:

- meets the requirements at Section 1.2 General eligibility criteria, including having an Inclusive Employment Australia (or the former DES program) employment service Referral in a Current and Valid ESAt, or
- meets one of the eligibility requirements at Section 1.3 Special eligibility criteria and is:
  - ESAt-exempt – includes ESL Participants, SSC Participants and Ongoing Support (Work Assist) Participants
  - an NDIS participant with a Valid ESAt
  - a DSP recipient with a Valid ESAt, or
  - a PRP Participant with a Current and Valid ESAt.

Those who are successfully Directly Registered but require a Current and Valid ESAt cannot be immediately Commenced in Inclusive Employment Australia. However, once the person is Directly Registered, the Provider can refer them for an ESAt as described in Section 2.4 Employment Services Assessment to determine their eligibility.

If the ESAt confirms that the Directly Registered person is eligible to receive Inclusive Employment Australia Services, Services Australia will refer the person back to the Directly Registering Provider. The person's status on the Provider's caseload will change to Pending. Providers must confirm that the person is eligible to be Commenced.

If an ESAt determines that Directly Registered person is not eligible for Inclusive Employment Australia, the person will be Exited.

For more information about Commencing or Exiting a person, see the relevant Sections in Chapter 3: Commencements, Transfers, Suspensions and Exits.

Chapter 2: Assessments

Supporting Documents for this Chapter

- Assisting Participants in Crisis Fact Sheet

Job Seeker Snapshot

- Explanation of Job Seeker Snapshot Questions
- Job Seeker Snapshot Overview and Factors Fact Sheet
- Job Seeker Snapshot Off-line Form

Employment Services Assessment (ESAt)

- Provider Requested ESAt Task Card
- Provider Actions – Program Summary
- Verification of medical conditions form (SU684)
- Medical Evidence Required for Making an ESAt Referral - Provider Fact Sheet
- ESAt requirements for Inclusive Employment Australia

2.1 Chapter Overview

Assessments are an important tool to understand a Participant's individual needs and to support tailoring of Services. This Chapter outlines information related to the Job Seeker Assessment Framework and Provider responsibilities for specific assessments. Providers are encouraged to consider other forms of assessment where appropriate to support tailoring of support to Participants.

Assessments related to the Job Seeker Assessment Framework are:

- Job Seeker Snapshot
- Employment Services Assessments (ESAts), and
- Ongoing Support Assessments (OSA).

Other specific assessments outlined in this Chapter are:

- Skills Assessment
- Workplace Modification Services (WMS) Assessment, and
- Supported Wage System (SWS) Assessment.

Providers are also expected to undertake:

- functional capacity evaluation, physical assessment or other assessments to determine the Participant's needs, abilities or limits, and
- any other assessment they have that is reliable that would assist with identifying appropriate supports for a Participant.

Providers must consider the results of any assessments, to ensure that the supports and services they provide align with the Participant's:

- assessed current baseline work capacity and future work capacity with intervention
- type and nature of disability, injury, or health condition
- strengths, skills, experience, and aspirations, and
- Vocational and Non-Vocational Barriers.

This Chapter does not include Compliance-related assessments (i.e. the Capability Interview and Capability Assessment). Details related to these assessments can be found in Chapter 12: Compliance.

Note: In these Guidelines, the term 'ESAt' also includes any relevant Job Capacity Assessment (JCA). A JCA is an assessment conducted for a person who is applying for DSP. Information about the JCA can be found in the Social Security Guide — see 1.1.J.10 Job capacity assessment (JCA) | Social Security Guide.

2.2 Job Seeker Assessment Framework

The Job Seeker Assessment Framework informs Participants of the employment services they are eligible for and supports them in making relevant choices. The Job Seeker Assessment Framework is intended to be ongoing and dynamic, to support Participant disclosure and engagement, and to minimise reporting duplication for Participants.

A person's circumstances must be assessed through the Job Seeker Snapshot, and where relevant an ESAt, to ensure they are referred to an appropriate employment service with suitable supports. If the person:

- registers with Services Australia, these assessments are conducted before the person is Referred to Inclusive Employment Australia, or
- Directly Registers with the Provider, the Provider is responsible for ensuring that required assessments are undertaken. The Provider is also responsible for updating the Job Seeker Snapshot when there is a change of circumstances.

An ESAt report will recommend an appropriate employment service, and Services Australia will refer the person to an appropriate Provider if they are ready to participate in that employment service.

Throughout these Guidelines are references to a Participant's 'assessed work capacity'. Assessed work capacity is determined by the ESAt and is:

- the higher of a Participant's current baseline work capacity and future work capacity with intervention, or
- if relevant, a Participant's temporary reduced work capacity.

2.3 Job Seeker Snapshot and Job Seeker Classification Instrument

The Job Seeker Snapshot is a questionnaire completed by Services Australia or the Provider. The results of the Job Seeker Snapshot will inform the Participant of the employment services that they are eligible for and supports them in making relevant choices. It includes questions that determine the Participant's Job Seeker Classification Instrument (JSCI) score and helps identify if the Participant requires an ESAt.

If the Job Seeker Snapshot identifies that further assessment is needed, the Provider should consider if this is required. If further assessment is needed, the person can be referred to Services Australia for an ESAt. The ESAt can result in the person being Referred to Inclusive Employment Australia. For further information, see the Job Seeker Snapshot Overview and Factors Fact Sheet.

Note: The JSCI is a statistical tool that determines a Participant's risk of becoming long-term unemployed. The JSCI score is not used in Inclusive Employment Australia, however information from the Job Seeker Snapshot will help determine the Funding Level that is assigned for an Inclusive Employment Australia Participant, see Chapter 11: Payments to Providers for more information. Performance and Payments are informed by broader Participant characteristics, including information in the ESAt.

2.3.1 Conducting the Job Seeker Snapshot

If a Participant does not have a completed Job Seeker Snapshot or has an inactive Job Seeker Snapshot upon Referral, the Provider must conduct the Job Seeker Snapshot with the Participant.

A Provider must also review the Participant's Job Seeker Snapshot during each Capability Interview — refer to Section 12.4.7 Capability Interviews.

(Deed Reference(s): Clause 113.1(i), 113.5(b), 139.9(b))

The Job Seeker Snapshot is conducted in the Department's IT Systems. Providers can use an interim Job Seeker Snapshot Off-line Form, available on the Provider Portal, to record responses if the Department's IT Systems are temporarily unavailable. Any information obtained this way must be recorded in the Department's IT Systems as soon as possible.

If a Provider needs to conduct a Job Seeker Snapshot, the Provider must ensure:

- the Job Seeker Snapshot is conducted privately and in a professional, disability inclusive, culturally appropriate manner
- the Participant has given their consent for the Provider to collect and use the Sensitive Information collected through the Job Seeker Snapshot (refer to Chapter 6: Privacy of the Part A Guidelines)
- an interpreter (including Auslan) is provided when requested by the Participant
- the Participant understands they may have a support person of their choice with them
- the Participant is informed their responses to the questions will not affect their payments in any way and that the questions are designed to ensure they receive the Services and support best suited to their needs
- the Participant is encouraged to provide open and honest responses to all questions so that Providers can deliver tailored Services to best meet the Participant's needs, and
- the Participant understands some of the questions in the Job Seeker Snapshot are voluntary questions and the Provider will inform the Participant if a question is voluntary before the question is asked.

Where a Participant provides documentation to support their answers in the Job Seeker Snapshot, it is good practice for the Provider to keep a copy of this document, where appropriate.

If a Participant discloses a need for crisis assistance or other support, the Provider should refer them to appropriate services. Please refer to the Assisting Participants in Crisis Fact Sheet on the Provider Portal for further details.

Services Australia may also assist with Social Work referrals, child support payments and crisis payments.

The Provider may, at any time, record changes in the Participant's personal circumstances (for example a loss of licence) or include new information (for example education attainment) in a Participant's record by updating the Job Seeker Snapshot. Providers must update the Job Seeker Snapshot with the change of circumstances within 5 Business Days of the Provider becoming aware of the change in circumstances.

Timely updating is important as the change may result in Change of Circumstance ESAt and/or have implications for the Participant's participation requirements as outlined in Chapter 5: Participation requirements.

(Deed Reference(s): Clause 16.6, 147.1)

Providers must record a detailed description of the changes in the Participant's circumstances that triggered the need to conduct the update in the appropriate field at the end of the Job Seeker Snapshot in the Department's IT Systems.

The Job Seeker Snapshot may recommend a person has a further assessment through an ESAt. If a change of circumstances is likely to change a person's assessed work capacity or employment services referral recommendation from the previous ESAt, then a referral for a Change of Circumstances ESAt should be actioned, even if the Job Seeker Snapshot did not identify the need for further assessment.

2.4 Employment Services Assessment

An ESAt is an assessment of a person's medical evidence and other relevant circumstances by a Services Australia Health or Allied Health Professional.

The ESAt:

- considers the person's circumstances, including evidence from medical professionals
- determines how many hours per week the person can work, including both their:
  - current baseline work capacity (how many hours the person can currently work), and
  - future work capacity with intervention (how many hours the person may be able to work within the next 2 years with recommended interventions)
- identifies Vocational and Non-Vocational Barriers
- recommends Interventions and supports, and
- recommends the most appropriate employment program for the person.

The ESAt will inform eligibility for Referral to some Specific Cohort Providers.

In addition, Services Australia may use the ESAt to inform decisions about eligibility for payments or allowances, such as Mobility Allowance or Youth Disability Supplement.

Information about ESAts can be found in the Social Security Guide — see 1.1.E.104 Employment services assessment (ESAt) | Social Security Guide.

Information for Participants about ESAts can be found on the Services Australia website. This includes information about the impact of ESAt on Income Support Payments.

Note: In these Guidelines, a 'Current' ESAt means an ESAt that has been completed within the last 2 years. A 'Valid' ESAt means an ESAt that was completed at any time, provided there has been no change in the person's circumstances that would require a new assessment of their work capacity.

Providers can view relevant ESAt information via the 'Servicing and Eligibility' screen of the Participant's record on the Department's IT Systems.

2.4.1 When is an ESAt required?

An ESAt is required if the person:

- is a new Participant who does not have a Current and Valid ESAt recommending Inclusive Employment Australia (or the former DES program), subject to certain exceptions as outlined in Section 2.4.2 When is an ESAt not required?
- is returning to Inclusive Employment Australia more than 13 weeks after their Exit and does not have a Current and Valid ESAt recommending Inclusive Employment Australia (or the former DES program), subject to certain exceptions as outlined in Section 2.4.2 When is an ESAt not required?
- is a DSP recipient or a NDIS participant without an ESAt — refer to Section 2.4.3 ESAt requirements for DSP recipients and NDIS participants, or
- has a significant change in circumstances requiring a New ESAt — see details on Change of Circumstance ESAt outlined below.

A Provider may need to refer a Participant for an ESAt as part of the Direct Registration process.

Where a Provider disagrees with the outcomes of an ESAt, they may query this with Services Australia – see Section 2.4.7 Actioning the outcomes of the ESAt report.

The Provider must ensure that the Participant has any necessary information and documents and provides them to Services Australia **before** the ESAt is requested. An ESAt cannot be conducted without primary medical evidence (see Section 2.4.4 Medical evidence for ESAts). If there has been a significant change of circumstances, new medical evidence should be provided to support the ESAt referral.

(Deed Reference(s): Clause 106.3, 107.1, 107.2, 108.1, 147.1, 154.5, 154.6)

ESAts requirements for Pre-Release Prisoners

As noted in Section 1.3.5 Pre-Release Prisoners, Providers must Directly Register Pre-Release Prisoners (PRP) who meet the eligibility criteria as a PRP Participant.

Providers must check if the PRP has a Current and Valid ESAt. The Provider should notify the corrective or youth justice service where a PRP requires an ESAt. The corrective or youth justice service must be involved in the process and must agree to the referral for an ESAt.

The Provider is responsible for coordinating with the corrective or youth justice service, the Participant and Services Australia to ensure an ESAt is completed. This includes:

- establishing when the Participant is available to participate in the ESAt
- supporting the Participant to source and provide medical evidence to Services Australia (see Section 2.4.4 Medical evidence for ESAts)
- contacting Services Australia to request an ESAt and book an appointment (see Section **Error! Reference source not found.**)
- notifying the corrective or youth justice service of the ESAt appointment details, and
- continuing to liaise with all parties until the ESAt is completed, including coordinating any rescheduling requirements.

Change of Circumstance ESAt

A Change of Circumstances ESAt may be required if the Participants change of circumstances is likely to impact on their assessed work capacity or employment services referral recommendation. This may include:

- there is a new medical condition that impacts the Inclusive Employment Australia Participant's functional ability
- there is a significant change to the functional impact of the Participant's medical condition(s), and/or
- the ESAt does not reflect the Participant's current barriers or circumstances.

A referral for an ESAt must be of genuine benefit to the Participant and should not be requested if the identified barriers:

- will not have a significant impact on the Participant's ability to work or participate in other activities, including Inclusive Employment Australia, or
- are being actively addressed by the Provider or other services.

2.4.2 When is an ESAt not required?

An ESAt is not required if the person is:

- a Participant commencing a new Period of Service in Inclusive Employment Australia who has a Current ESAt (within the last 2 years) that is still Valid and recommends Inclusive Employment Australia (or the former DES program) — see Section 2.4.3 ESAt requirements for DSP recipients and NDIS participants for exceptions to this rule
- an Eligible School Leaver (ESL) Participant — see Section 1.3.1 Eligible School Leavers1.3.1 Eligible School Leavers1.3.1 Eligible School Leavers
- a Special Class Client (SCC) Participant — see Section 1.3.2 Special Class Clients1.3.2 Special Class Clients
- an Ongoing Support (Work Assist) Participant — see Section 1.3.6 Ongoing Support (Work Assist) Participants
- a DSP recipient or NDIS participant that has a Valid ESAt, regardless of when it was conducted — see Section 2.4.3 ESAt requirements for DSP recipients and NDIS participants
- a Participant who returns to Inclusive Employment Australia within 13 weeks and there has been no significant change to their circumstances that is likely to impact on their assessed work capacity or employment services referral recommendation
- a Participant (Mutual Obligation) is Fully Meeting their Mutual Obligation Requirements via an approved Activity and is unlikely to benefit from an ESAt being conducted during this time, or
- a Participant (Mutual Obligation) or DSP Recipient (Compulsory Requirements) who is expected to be granted an Exemption from their participation requirements for an extended period and is unlikely to benefit from an ESAt being conducted while the Exemption is current.

2.4.3 ESAt requirements for DSP recipients and NDIS participants

If a DSP recipient and/or NDIS participant has had a previous ESAt (including a JCA) they can immediately Commence in Inclusive Employment Australia. This includes ESAts that are more than 2 years old (i.e. does not need to be a Current ESAt).

The previous ESAt can be used to commence a DSP recipient and/or NDIS participant in Inclusive Employment Australia, if the baseline work capacity and future work capacity with intervention are less than 30 hours per week, regardless of the referral recommendation. This includes referral recommendations to Inclusive Employment Australia, former disability employment services (including the DES program), other employment services or a recommendation of 'unable to benefit'.

If the DSP recipient or NDIS participant has had a significant change in circumstances since the previous ESAt, that may change their assessed work capacity, a new ESAt should be requested.

A DSP recipient or NDIS participant can choose to remain in Inclusive Employment Australia if they wish to, even if a Change of Circumstances ESAt recommends a different employment service. This applies to DSP recipients and/or NDIS participants who have Mutual Obligation Requirements, compulsory participation requirements or are participating voluntarily.

2.4.4 Medical evidence for ESAts

Providers must ensure that a person has appropriate medical evidence supporting their medical condition(s).

Medical evidence is required because:

- Services Australia cannot assess that a person has a Partial Capacity to Work (PCW) unless there is evidence of a verified condition that has been diagnosed by a person's treating medical practitioner, and
- a person is eligible for Inclusive Employment Australia only if they are assessed as having a PCW. That is, the ESAt must assess the person is not able to work for 30 hours or more per week.

Providers can help to make an ESAt operate effectively and as scheduled by:

- advising the person of the need for medical evidence
- checking what medical evidence the person has supplied to Services Australia
- supporting the person to supply medical evidence to Services Australia before requesting the ESAt, and
- helping the person obtain new medical evidence, if needed.

Medical evidence for ESAts can be prepared and collated on behalf of the Participant by a medical practitioner, registered nurse, nurse practitioner or a registered Aboriginal and Torres Strait Islander Health Practitioner. If a Participant is in the Intensive Service and waiting to obtain medical evidence, the Provider (in consultation with the Participant) may decide to move the Participant to the Flexible Service until the ESAt is completed.

Forms of medical evidence

Primary medical evidence must be available to support an ESAt referral. Primary evidence does not need to be complex and can be provided in any format.

Primary medical evidence **must** contain:

- the diagnosis — i.e. the medical condition(s) affecting the Participant
- details of the medical practitioner who made the diagnosis, and
- sufficient information for the ESAt assessor to assess how the medical condition(s) affect the person's capacity to work or take part in other activities.

The Verification of medical conditions form (SU684) can be used to help collect the medical evidence needed. Providers can print this form and give it to the person to take to their next appointment with their medical practitioner.

Supporting medical evidence can also be considered in an ESAt. Supporting evidence may contain information that provides context and additional details but cannot be used instead of the primary medical evidence.

Providing medical evidence

Participants can securely upload their medical evidence online via Services Australia digital services. Digital services may include the person using their Centrelink online account or the Express Plus Centrelink Mobile app. Information on how to do this is available on the Services Australia website.

If the Participant can access digital services, they should be encouraged to do so wherever possible.

If the Participant cannot access digital services:

- they can submit documents at their local Services Australia service centre
- they can post their documents to:

  Services Australia
  Disability Services
  PO Box 7806
  CANBERRA BC ACT 2610, or
- their Provider can fax the evidence on the Participant's behalf to 1300 786 102, ensuring the Participant's name and Customer Reference Number are clearly written and visible.

Providers must not attempt to email the medical evidence to Services Australia.

If every reasonable effort has been made to support the person but medical evidence is still not available, Providers should contact Services Australia.

In exceptional circumstances, Services Australia may be able to refer the person to an appropriately qualified health professional within the agency who can assess the impacts of an Intellectual Disability or a suspected mental health condition (e.g. Psychosis). This assessment can then be used as primary medical evidence for an ESAt.

For further information on medical evidence for ESAts see the Medical Evidence Required for Making an ESAt Referral Provider Fact Sheet on the Provider Portal.

Chapter 13: Servicing Participants with challenging behaviours2.4.5 Preparing a person for the ESAt

Before requesting an ESAt Providers must:

- update the Participant's Job Seeker Snapshot to reflect the Participant's current circumstances, where required (refer to section 2.3 – Job Seeker Snapshot and Job Seeker Classification Instrument)
- ensure the Participant has provided suitable medical evidence to Services Australia (refer to section 2.4.4 – Medical Evidence for ESAts), and
- advise the Participant of the following:
  - the reason for requesting an ESAt
  - the ESAt is an interview to assess their work capacity and/or their eligibility for specialist employment services assistance
  - the importance of disclosing all their barriers to employment at the ESAt appointment
  - the importance of providing any new or further medical evidence via their Centrelink online account prior to the appointment
  - they may have an interpreter or support person (such as a nominee, medical practitioner, Family Member, support worker, NDIS provider, advocate) present to assist them
  - if applicable, that they may be referred to a different service after the assessment that better meets their needs
  - they can find out more about ESAts on the Services Australia website – servicesaustralia.gov.au/esat

When Services Australia books an ESAt appointment, they will send the Participant notification of the appointment details, including the contact number if they want to reschedule the appointment. The Provider will be alerted to the ESAt appointment in the Department's IT Systems.

2.4.6 Requesting an ESAt appointment

As set out in the Provider Requested ESAt Task Card on the Provider Portal, Providers must request all ESAt referrals through Workforce Australia Online for Providers (WAOP), except where:

- exceptional circumstances apply, or
- an ESAt is needed to register a Pre-Release Prisoner (PRP).

Requesting an ESAt through WAOP

When submitting an ESAt referral request, Providers must select one of the following request reasons.

Referral Reason	Explanatory Notes
Direct Registration	An ESAt may be required as part of the Direct Registration process to assess eligibility to commence in Inclusive Employment Australia (refer to Chapter 1 for details of eligibility criteria)
Change of Circumstances	A Participant's change of circumstances is likely to impact their assessed work capacity or employment services referral recommendation. This may include: • a new medical condition that impacts the Participant's functional ability • a significant change to the functional impact of the Participant's medical condition(s)

Providers are required to complete the Program Summary within 5 Business Days of requesting a Change a Circumstance ESAt. Providers must complete the Program Summary as outlined in the Provider Actions – Program Summary supporting document on the Provider Portal.

The Program Summary provides Services Australia and the ESAt Assessor with information on the Participant's progress in Inclusive Employment Australia, including their achievements and barriers to achieving and/or maintaining sustainable Employment.



Providers must enter or edit comments included as part of the 'using comment' functionality in the Program Summary on the Department's IT Systems (see Adding, Viewing and Editing a Comment in Program Summary task card). The ESAt Assessor will have access to view all comments in the Program Summary.

Viewing the Status of an ESAt requested through WAOP

The ESAt Referral Request screen within Servicing and Eligibility will display the status of the referral and any outcome provided by Services Australia.

The table below outlines the different status reasons for an ESAt request:

Request Status	Explanatory Notes
In Progress	Services Australia has received the provider's request and has not yet screened the request to determine whether they can proceed with an ESAt.
Approved	Services Australia has screened the request and booked an ESAt appointment. This appointment can be seen in the Participant's Electronic Calendar.
Completed	Services Australia has finalised the ESAt referral. The status reason will give further advice on the referral outcome: • **ESAt Applied** - an assessment was completed. The outcomes can be seen on the ESAt/JCA screen in Servicing and eligibility. • **ESAt Unable to Complete** – an assessment could not be finalised (e.g. Participant advised they did not want to complete assessment or no longer wanted to volunteer for Inclusive Employment Australia).
Rejected	The request has been rejected by the Department's or Services Australia's IT systems. The status reason will explain why the request was rejected. Note: Providers should contact their Account Manager for guidance if they believe an ESAt is still required for their Participant.
Withdrawn	Services Australia has screened the request and decided not to book an ESAt appointment. The status reason will give further advice on the referral outcome: • **Medical Evidence Not Provided** - Services Australia did not receive any suitable medical evidence to support the request. • **Assessment is Current and Valid** – the Participant has had an ESAt or JCA within the last two years and Services Australia identified no changes in the Participant's circumstances that would require a new assessment of their work capacity. • **Assessment Not Required** – Services Australia determined there was no need to conduct an assessment (e.g. the Participant advised they no longer want to volunteer for Inclusive Employment Australia, or Participant has an employment service referral recommendation to Inclusive Employment Australia (or the former Disability Employment Services).

- **Assessment in Progress** – there is already a medical assessment in progress, e.g. an ESAt, JCA, or a claim for Disability Support Pension has been lodged, etc.
- **Provider Requested Withdrawal** – the provider contacted Services Australia and asked to withdraw their request (see Withdrawing an ESAt Referral Request below).

Note: providers can re-request an ESAt if the Participant's circumstances change (e.g. they confirm they have since supplied supporting medical evidence to Services Australia).

Withdrawing an ESAt requested through WAOP

Providers must call the FOCUS Response Team on 1800 110 608 if they need to withdraw an ESAt referral request submitted through WAOP.

Services Australia will consider the Provider's reasons for requesting a withdrawal but may decide to proceed with the assessment if it is in the Participant's best interests.

Requesting an ESAt for Participants with Exceptional Circumstances

If exceptional circumstances apply (e.g. the Participant has suspected or confirmed mental health conditions and cannot access medical evidence), Providers should call the FOCUS Response Team on 1800 110 608.

Requesting an ESAt for Pre-Release Prisoners

ESAts for Pre-Release Prisoners (PRP) cannot be requested via WAOP. Providers must email Services Australia's FOCUS Response Team at FOCUS.RESPONSE.TEAM@servicesaustralia.gov.au.

Providers must take due care to ensure that they only include as much information about a Participant as is needed for Services Australia to arrange an ESAt. Protected or Sensitive Information must not be included in any emails to Services Australia. This includes information or an opinion about a Participant's medical conditions or medical evidence.

To ensure an ESAt request can be processed, Providers must include the following details in their request.

Details required in ESAt request email

Detail(s)	Explanatory Notes
Participant's JSID or CRN	This is used by Services Australia to identify the Participant's Centrelink record. If the JSID or CRN is not correct, your request may be declined.
Details of the request	Include details to help Services Australia assess the request, including: • why the assessment is required (i.e. to Direct Register a Pre-Release Prisoner). • the name of the corrections facility or institution. • contact name and number in the corrections facility or institution. • date and time(s) the Participant can participate in an Assessment.
Interpreter Language	If an interpreter is required, the language required (e.g. Auslan, etc.).

If Services Australia determines that an ESAt appointment is appropriate, the FOCUS Response Team will respond to confirm if the request is appropriate and if the ESAt will

proceed. Providers should contact the FOCUS Response team on 1800 110 608 if a response is not received within 2 Business Days.

2.4.7 Actioning the outcomes of the ESAt report

When the ESAt assessor submits the ESAt report, it will appear on the Department's IT Systems with a status of 'submitted.'

A submitted ESAt takes effect immediately.

As the Current ESAt, it may:

- establish or update the Participant's current baseline work capacity and/or future work capacity with intervention that is used to determine their:
  - Employment Benchmark, and
  - Mutual Obligation Requirements or compulsory participation requirements, if applicable
- recommend a temporary reduced work capacity, including the duration of the temporary reduction
- make a referral recommendation, for the employment services the person is eligible to access, and
- support a Referral to a suitable Provider. For Participants who Directly Register with a Provider, this Referral will be to the Provider who made the Direct Registration ESAt referral.

Providers must support and action any changes resulting from the ESAt, as needed.

The ESAt report status will change to 'finalised' 28 days after it is submitted and accepted by Services Australia.

Requesting a review of the ESAt report

Providers can request a review of an ESAt if new information is made available that might change the outcome of the ESAt (including the employment service referral recommendation), or there appears to be an error in the report.

To request a review, Providers must contact Services Australia by sending an email to FOCUS.RESPONSE.TEAM@servicesaustralia.gov.au with the subject line "Requesting a review of participant's ESAt" and outline the request, including their reason(s).

If the Services Australia Assessor does not agree to change the recommendations, the Provider must accept the Assessor's decision as final.

A review must be requested within 28 calendar days of the ESAt report being submitted. Once the Department's IT Systems change the ESAt status to 'finalised,' Services Australia cannot make any changes to the report.

If the Participant disagrees with the ESAt, or would like a further explanation of the content, they should contact Services Australia.

(Deed Reference(s): Clause 107.1, 107.2)

Releasing the ESAt report

If a person asks to see their ESAt report, they can be given a copy of the report unless it contains a statement like: "This report contains information which if released to the client, might be prejudicial to his/her health". In this case, Providers should direct the person to the Department's Freedom of Information (FOI) team. The Freedom of Information page on

the Department's website contains information for the public on how to submit an FOI request.

Additional information regarding the disclosure of information and privacy considerations can be found in Part A Guidelines: Chapter 6: Privacy.

Note: JCA reports available on the Department's IT Systems include only information relevant to the person's participation in employment services (equivalent to the information contained in an ESAt). If the Participant wishes to view additional JCA information used for DSP claims or reviews, the Provider should direct the person to Services Australia.

2.5 Skills Assessment

When a Participant commences in Pre-Employment Support, during the Initial Engagement Period (see Section 3.3 The Initial Engagement Period3.3 The Initial Engagement Period), a Provider must conduct a Skills Assessment to build their understanding of the Participant's support needs and servicing requirements. This will assist the Provider to tailor the supports delivered to the Participant.

There is no formal version of a Skills Assessment, rather Providers must conduct the assessment using their own resources.

The Skills Assessment should be comprehensive and consider all the relevant circumstances of the Participant.

The Skills Assessment should identify:

- Vocational Barriers and Non-Vocational Barriers the Participant may have including skill gaps, if relevant, and
- options for the Participant's pathway to employment including appropriate Interventions, Education and Training, and work experience activities.

It may include an assessment of the Participant's:

- Work Readiness
- current employment skills and experience, including an assessment of their existing skills set and aptitude for various types of work
- future skill needs
- current educational achievements
- skills and experience in direct relation to the local labour market, including areas of skill shortage
- job search experience and capability, including the quality of their résumé and any written applications, and
- training or other support needs that will be required to help the Participant find and keep a job.

If the Skills Assessment identifies that a Participant identified as an Early School Leaver has completed a Year 12 or equivalent qualification, the Provider must request evidence of the qualification and provide that evidence to Services Australia. If Services Australia accepts the provided evidence the Provider must update the Participant's Job Seeker Snapshot to reflect the higher educational qualifications.

Note: An Early School Leaver is a person who receives Youth Allowance (Other), is under 22 years of age and has not completed Year 12, a senior secondary education qualification, or a qualification at Certificate III level or above.

Providers should enter comments on the Participant's Summary in the Department's IT Systems with details of the request.

Providers may be requested by the Department to provide details regarding the qualification to the Department or Services Australia.

(Deed Reference(s): Clause 115)

2.6 Ongoing Support Assessments (OSAs)

OSAs provide an independent assessment of a Participant's need for Ongoing Support, including for Ongoing Support (Work Assist) Participants.

OSAs are undertaken by assessors, who are employed by National Panel of Assessors (NPA) Providers, at no cost to Providers.

A Provider must request an initial OSA be completed as soon as possible upon identifying that a Participant would benefit from Ongoing Support.

Each OSA will be valid for either 1, 2 or 5-years, as recommended by the assessor. Providers must ensure that the OSA review is completed before its due date to continue providing Ongoing Support.

Providers must also request a Change of Circumstances OSA if:

- the Participant could benefit from a higher Level of Ongoing Support than their Current Assessment has recommended, or
- Flexible Ongoing Support may be more appropriate for an Ongoing Support (Work Assist) Participant, having reached 26-weeks in their period of Ongoing Support.

Further details of Provider's requirements in relation to OSAs are outlined in Section 10.4 Ongoing Support Assessments.

(Deed Reference(s): Clause 125.3, 125.4, 129, 133)

2.7 Workplace Modification Services Assessment

Providers may assist or act on behalf of a Participant or Employer to make an application in respect to accessing financial support under the Employment Assistance Fund (EAF) for workplace assessments and modifications. The process to make an application for EAF assistance is outlined in Section 9.8 Employment Assistance Fund.

Note: A Provider may make an application for a Participant receiving Pre-Employment Support, Post Placement Support or Ongoing Support. The EAF is available when a person with disability is about to start a job or is currently working, as well as for help to find and prepare for a job.

Where required, a WMS Assessment may be undertaken to assess the application for the EAF. WMS Assessments:

- identify the work requirements, work environment, nature of the Participant's disability and barriers to performing work tasks because of the Participant's disability
- conduct research into available modifications that will be suitable to respond to the identified barriers, and
- discuss and recommend with the Employer and Participant the potential modifications that are available to improve access to an inclusive and accessible workplace and supports work productivity with reasonable adjustments.

WMS Assessments are undertaken by assessors, who are employed by NPA providers, at no cost to Providers, Participants or Employers.

It is recommended that Providers attend the WMS Assessment, where possible. During the WMS Assessment process, a Provider may be asked to provide additional information or clarify any ambiguities in the EAF application. If the Provider does not attend the WMS Assessment, they may be contacted by the assessor to provide this additional information. Information about the EAF can be found on the JobAccess website.

2.8 Supported Wage System Assessment

Providers may assist or act on behalf of an Employer to make an application in respect of the SWS for a Participant on their Caseload.

SWS Assessments are undertaken by assessors, who are employed by NPA providers, at no cost to Providers, Participants or Employers.

A Provider may be contacted by the assessor to supply background information about the role and tasks involved. In practice, the Provider may draw upon the job support provided to the Participant/employee to identify and record the key tasks of the Job Placement.

Before the SWS Assessment is conducted, the assessor may also seek to confirm with the Provider whether:

- all the necessary modifications to the work environment and job have occurred to maximise the employee's participation
- appropriate training has been provided to the employee in all duties to be performed, and
- agreement has been reached that the employee is unable to work at the productivity level that would be expected by the minimum standards for that position.

Information about SWS can be found on the JobAccess website.

(Deed Reference(s): Clause 121.3)

Chapter 3: Commencements, Transfers, Suspensions and Exits

Supporting Documents for this Chapter

Documents to be provided to Participant at Initial Interview

- Privacy Notification and Consent Form
- Direct Registration Form
- Service Guarantee
- Disability Services and Inclusion Code of Conduct
- Participant Rights and Responsibilities Statement
- Meaningful Engagement Fact Sheet – For Participants (Mutual Obligation) and DSP Recipients (Compulsory Requirements)
- Meaningful Engagement Fact Sheet – For Participants (Voluntary)

Transfers

- Transfer by Agreement Form
- Transfer Due to Relationship Failure Form
- Provider Actions – Program Summary

3.1 Chapter Overview

This Chapter:

- outlines the processes for Commencing an eligible person as a Participant, and what Providers should be aware of when undertaking this action
- describes the Participant's Period of Service and Period of Registration, and the relationship a Participant has with their Provider during their Period of Registration
- explains when and how a Participant can transfer or be transferred to another Provider
- outlines how a Participant can be Suspended, and how a Participant (Mutual Obligation) or DSP Recipient (Compulsory Requirements) can volunteer to continue receiving Services during the Suspension, and
- outlines how and when the Participant can be Exited, including a Provider's responsibilities for Exiting Participants.

This Chapter should be read in conjunction with Chapter 1: Eligibility, Referrals and Direct Registration, Chapter 2: Assessments and Chapter 4: Job Plans.

Providers should refer to the Provider Transition Advice in relation to Commencement of Transitioned Participants.

3.2 Commencements

3.2.1 Commencing Participants in Inclusive Employment Australia

To Commence a Participant, the Participant must:

- attend an Initial Interview (see Section 3.2.2 Initial Interview), and
- agree to a Job Plan (see Chapter 4: Job Plans), unless:

- the Participant transfers from an alternative Site with the same Provider — the Participant does not require a new Job Plan if there is an approved Job Plan, or
- the Participant has Mutual Obligation Requirements and a current Centrelink Job Plan — the Participant's Centrelink Job Plan must be left in place and they will be Commenced when the Provider records attendance at the Initial Interview.

Once these actions have been completed, the Participant's status on the Provider's Caseload will change to from Pending to Commenced.

(Deed Reference(s): Clause 108.1(d), 108.2(c), 108.3(c), 108.4(c))

- To Commence a Participant, a Provider must undertake the following steps in the Department's IT Systems:
  - Step 1: Schedule and conduct an Initial Interview with the Participant.
  - Step 2: Result the Initial Interview as 'Attended' in the Participant's Electronic Calendar.
  - Step 3: Create and approve a Meaningful Engagement Job Plan, unless:
    - the Participant has Mutual Obligation Requirements and has a current Centrelink Job Plan
    - the Participant has 2 or more demerits on their participation record and must instead enter into a Detailed Job Plan, or
    - the Transferred Participant has a Detailed Job Plan and it would be more appropriate for them to remain on the Detailed Job Plan — see Section 4.4 Entering into a Job Plan for additional considerations when entering into a Job Plan for Participants transferring from another Provider.

Participants (Mutual Obligation) with a Centrelink Job Plan

Under Social Security legislation, a Participant who has Mutual Obligation Requirements must have a Job Plan detailing how the Participant can meet their requirements. If a Participant is Centrelink Managed, their Job Plan must be a Centrelink Job Plan. Providers must not amend or replace a current Centrelink Job Plan.

If a Provider confirms the Centrelink Job Plan of a Participant (Mutual Obligation) is no longer current, the Provider can cancel the Centrelink Job Plan and create a Meaningful Engagement Job Plan. A Centrelink Job Plan is no longer current if it is not meeting the Participant's requirements.

- To check if a Centrelink Job Plan is current, select 'Servicing and eligibility' on the Participant's record in the Department's IT Systems and select 'View mutual obligation'. The Provider can cancel a Centrelink Job Plan if:
  - the Mutual obligation requirement field text indicates Full Time or Part Time requirements (Activity Test or participation), *and*
  - the Meeting mutual obligations field text is 'No'.

DSP Recipients (Compulsory Participation) with a Centrelink Job Plan

Under Social Security legislation, a Participant who is a DSP Recipient with Compulsory Participation requirements must have a Participation Plan with Services Australia detailing how the Participant can meet their requirements. If the DSP Recipient chooses to participate in Inclusive Employment Australia, the Department's IT Systems show a copy of their Participation Plan as their Job Plan. However, Providers can replace this Centrelink Job Plan without affecting the DSP Recipient (Compulsory Participation)'s Participation Plan.

If a DSP Recipient (Compulsory Participation) wishes to participate in Inclusive Employment Australia, the Provider must cancel the Centrelink Job Plan and create a Meaningful Engagement Job Plan.

Period of Service and Period of Registration

A Participant's Period of Service starts when they are Commenced in Inclusive Employment Australia. It continues as the Participant receives Services, including where they transfer to other Providers, until they Exit the program. Once a Participant has Commenced a Period of Service, they can continue to receive Services even if they no longer meet the Inclusive Employment Australia eligibility criteria.

A Participant's Period of Registration starts when they Commenced with a Provider. It continues until the Participant Exits from the Provider's Caseload. If the Participant transfers Providers, they start a new Period of Registration with their new Provider.

Both the Period of Service and Period of Registration end when a Participant is Exited.

Participants must be Commenced in a timely manner

Providers must ensure Participants are Commenced within 10 Business Days of the Referral (excluding Transitioned Participants). This includes think time for Participants to agree to their Job Plan (if requested and applicable). For further information please refer to Chapter 4: Job Plans and the Provider Transition Advice.

Note: A Participant (Mutual Obligation) or DSP Recipient (Compulsory Requirements) is required to participate in Inclusive Employment Australia, and their Income Support Payment may be contingent upon Commencement in the program.

Determining the appropriate service offer

When a Participant is Commenced, they start in Pre-Employment Support. The Provider must determine if the Participant should receive Work Preparation or Job Search under Intensive Services or should receive Flexible Services.

Chapter 6: Pre-Employment Support6.2 Pre-Employment Support includes information about Intensive Services and Flexible Services to help Providers determine the appropriate Pre-Employment Support Service for a Participant.

If the Provider does not have enough information about the Participant to decide which phase and service offer to Commence the Participant in, the Provider should start the Participant in the Intensive Service Work Preparation phase and review this decision at a future Appointment.

Note: If the person is Commenced as an Ongoing Support (Work Assist) Participant, they will start in the Ongoing Support phase (see Chapter 10: Ongoing Support).

Commencement of Participants undertaking residential treatment programs

Participants who are Pending on a Provider's Caseload and participating in residential treatment programs must not be Commenced until their residential treatment program has ended. This is because a Participant who enters a residential treatment program will have limited ability to participate in activities that are external to their residential treatment program, including taking phone calls or using computers to access the internet.

Providers must document the reasons for delays in Commencement of the Participant, using comment functionality in the Participant's Summary on the Department's IT Systems.

Participants with sensitive records (restricted access)

Participants with Sensitive Information in their registration records may be allocated to a Provider's Caseload and the Participant's contact details will not be visible.

Services Australia will contact these Participants and Refer the Participant to an Initial Interview with the Provider. Participants must provide their contact details to the Provider at the first appointment.

Participants with a history of Incidents or a Managed Service Plan

Provider staff can see the details of a Participant's Incident history and current Managed Service Plan in the Department's IT Systems when they have a Pending status. Provider staff should review these details before the Initial Interview so they can:

- implement appropriate interview safety measures to protect Participants and staff, and improve engagement with the Participant, and
- if appropriate, implement a proactive Managed Service Plan limiting face-to-face servicing where appropriate.

For more detail see Chapter 13: Servicing Participants with challenging behaviours, which includes information about Incident reporting and Managed Service Plans.

3.2.2 Initial Interview

The Initial Interview is the first Appointment that a Participant will have with the Provider.

The Provider must conduct an Initial Interview for all Participants who:

- were Referred by Services Australia
- Directly Registered for assistance, or
- are Transferred Participants.

Note: Transitioned DES Participants will have an Initial Appointment instead of an Initial Interview. Providers should refer to the Provider Transition Advice for more information on the Initial Appointment.

Scheduling the Initial Interview

When a Participant is Referred, Services Australia will schedule the Initial Interview as part of the Referral process.

Providers will be alerted when the Initial Interview is booked by Services Australia in the Electronic Calendar.

A Directly Registered Participant's Initial Interview will be scheduled:

- by Services Australia after confirming the person's eligibility in an ESAt, or
- by the Provider, if the Participant does not require an ESAt to confirm eligibility.

Providers must consider a Participant's personal circumstances when scheduling Initial Interviews.

Providers must schedule the Initial Interview in the Electronic Calendar. If scheduled on the same day as the Participant Directly Registered, the Provider must record that the Initial Interview was directly booked with the Participant to avoid a notification being sent to the Participant.

The Initial Interview will need to be scheduled for 60 to 90 minutes but can be longer at the discretion of the Provider.

Providers must deliver the Initial Interview face-to-face where it is:

- safe, inclusive and accessible
- beneficial to the individual Participant, and
- reasonable in the circumstances.

When it is unreasonable to conduct the Initial Interview face-to-face, Providers may:

- change the appointment type to include via a phone call, videoconferencing, or at a mutually agreed and appropriate outreach location (excluding the Participant's Private Home or any Private Property), or
- help the Participant transfer to a Provider that is more suitable.

It would be unreasonable to require a Participant to attend a face-to-face appointment where:

- they reside in an area that is affected by:
  - extreme weather conditions
  - a natural disaster
  - public transport strikes, and/or
  - lack of access to reasonable transport
- there are relevant cultural reasons
- travel time and/or cost is not reasonable
- the location is not accessible due to the Participant's disability, illness or injury
- they are participating in full-time Education or Training
- they are Employed and their hours restrict their availability to attend
- they are not medically fit to attend, and/or
- they have health considerations (including COVID-19 considerations) that impact on the Participant's ability to attend, such as:
  - being immunocompromised or being a household contact of someone who is immunocompromised
  - under State or Territory Health Orders, and/or
  - other relevant health considerations.

In addition, Providers may decide not to schedule a face-to-face Initial Interview where a Participant has a history of Incidents and Managed Service Plans (including Services Australia Incidents and Managed Service Plans) and poses a risk to other Participants and Provider staff that cannot be managed at the Site.

Where a Provider determines face-to-face servicing is not appropriate for an Initial Interview, they must record why it is not suitable for the Participant, including what other alternative solutions were explored.

Providers must record their reasons for not conducting the Initial Interview face-to-face using the comments functionality in the Participant's Summary on the Department's IT Systems.

Conducting an Initial Interview

In preparing for the Initial Interview, the Provider must:

- check available information on the Department's IT Systems
- contact the Participant, if possible, to check any accessibility requirements or reasonable adjustments (for example, assistance with parking or transport if attending face-to-face), and
- organise access to an interpreter, where required.

At the start of the Initial Interview or otherwise before collecting any personal or sensitive information, the Provider must:

- confirm the Participant's identity
- issue the Participant with the Direct Registration Form if the Participant has directly registered, or Privacy Notification and Consent Form if they have been referred by Services Australia
- discuss and explain the contents of the form, answering any questions the participant may have, in a manner that meets the Participant's communication needs
- comply with the other requirements outlined in the 'Provider Declaration' section of the appropriate form
- in accordance with the requirements outlined in Part A, Chapter 6: Privacy, ensure that the Participant understands in accordance with the Privacy Statement:
  - why their Personal Information will be collected
  - what information will be collected and why it is needed
  - which organisations may handle their Personal Information and why
  - that their consent is not required for Personal Information that is required by law
  - that Services provided may change depending on whether personal information is given or consent is withdrawn
  - that withdrawing their consent may ultimately affect their participation in the program, and affect any mutual obligation requirements
  - how they can make a privacy complaint
- obtain valid consent from the Participant and their agreement to the Participant Declaration in the appropriate form
- ensure they are satisfied that the Participant (or their Legal Guardian or authorised nominee has provided valid consent to how their personal information will be handled as part of Inclusive Employment Australia in accordance with the Privacy Statement in the appropriate form
- complete the Provider Declaration in the appropriate form
- make a record of the Participant's valid consent, preferably by having them completing and signing a hard copy or digital version of the appropriate form
- confirm the Participant's preferred Engagement Method(s) and preferred arrangements for Contact Appointments i.e. face-to-face on Site or at an agreed

and appropriate outreach location (excluding the Participant's Private Home or any Private Property), by a phone call or videoconference.

During the Initial Interview, the Provider must:

- ensure that the Participant is aware of the Services the Provider can offer, including:
  - the Objectives of the Inclusive Employment Australia
  - the range of Services and support available as part of Inclusive Employment Australia
- explain and provide a copy of the following documents that outline the obligations of Providers in delivering Services to the Participant:
  - Service Guarantee
  - Disability Services and Inclusion Code of Conduct
- discuss the Participant's experiences and personal circumstances, workplace barriers, abilities, and aspirations, to develop an understanding of the support the person needs
- discuss whether the Participant is currently undertaking any Education and Training, paid Employment, Volunteer Work or other activities:
  - for Transferred Participants, this discussion may also include a review of prior tasks and activities undertaken to meaningfully engage, or
  - for Participants transferred from Other Employment Services, this discussion may also include a review of prior tasks and activities undertaken in their Job Plan or Goal Plan
- if the Participant is commencing in Pre-Employment Support, determine the appropriate level of service (Intensive Service Work Preparation phase, Intensive Service Job Search phase, or Flexible Service) in consultation with the Participant and in accordance with the criteria for determining suitability of the phase and Service Offer outlined in Section 6.2 Pre-Employment Support
- if deemed appropriate, provide:
  - an initial list of appropriate Vacancies
  - advice about the best ways to look for and find work and about local job opportunities
  - information about Skills Shortage areas
- explain and provide a copy of the Participant Rights and Responsibilities Statement
- explain the consequences of not participating appropriately in Services:
  - for Participants (Mutual Obligation), explain their rights and obligations under the Social Security Law and the consequences of not meeting their Mutual Obligation Requirements, including action under the Targeted Compliance Framework (TCF)
  - for DSP Recipients (Compulsory Requirements), explain their rights and responsibilities under the Social Security Law and the consequences of not participating in accordance with their Job Plan
  - for Participants (Mutual Obligation) and DSP Recipients (Compulsory Requirements), explain that they may be compelled by their Provider to attend a compulsory Contact Appointment if they do not satisfy the Meaningful Engagement Requirement and are not in contact with the Provider

- for Participants with a pending DSP claim, explain how their participation in Inclusive Employment Australia as their Program of Support can affect their eligibility for the DSP
- for Participants (Voluntary) explain the consequences of not participating appropriately

- identify a date and time to book the next Contact Appointment.

By the end of the Initial Interview, the Provider must:

- explain the purpose of a Job Plan
- prepare or update a Job Plan and explain the contents of the Job Plan, noting:
  - if entering into a Meaningful Engagement Job Plan:
    - the Meaningful Engagement Job Plan need only include the Meaningful Engagement Requirement — refer to Section 4.6 Contents of a Meaningful Engagement Job Plan
    - provide a copy of the appropriate version of the Meaningful Engagement Fact Sheet – For Participants (Mutual Obligation) and DSP Recipients (Compulsory Requirements) or Meaningful Engagement Fact Sheet – For Participants (Voluntary) (hard copy or electronic version)
    - explain the Meaningful Engagement Requirement and expectations around how a Participant is to meaningfully engage and what happens if they cannot fully satisfy the requirement, including that:
      - the Participant is required to engage with their Provider to prepare for, seek or maintain employment
      - meaningful engagement will include attendance at Provider Appointments, other forms of Contact and undertaking tasks and activities that help the Participant to achieve their Employment Goal
      - for the Initial Engagement Period, the Participant needs only to stay in contact with the Provider (i.e. attend Contact Appointments)
      - Participants who have a documented Period of Disengagement will be found to not be satisfying the Meaningful Engagement Requirement, and
      - Participants who have a documented Period of Disengagement and are not fully satisfying the Meaningful Engagement Requirement will be required to entered into a Detailed Job Plan that lists mandatory requirements
  - if entering into a Detailed Job Plan:
    - the Detailed Job Plan need only include the pre-populated requirements — refer to Section 4.7 Contents of a Detailed Job Plan
    - the Detailed Job Plan can be adjusted based on the Participant's previous Job Plan and any notes a Relinquishing Provider has added in the Program Summary
    - tasks and activities are to be reviewed over the Initial Engagement Period
  - the Provider **must not** enter into a Job Plan if there is a Centrelink Job Plan and the Participant is meeting their Mutual Obligation Requirements — these Participants' Job Plans are managed by Services Australia.

(Deed Reference(s): Clause 112, 113.1, 113.3)

Providers must record a result of 'Attended' for the Initial Interview in the Participant's Electronic Calendar by close of business the day the person attends it.

Providers must record the Participant's preferred Engagement Method(s) and arrangements for Contacts, and update as circumstances change.

Providers may use the comments functionality in the Participant's Summary on the Department's IT Systems to capture preferred Engagement Methods and preferred arrangements for Contact Appointments (see Adding, Viewing and Editing a Comment in Participant Summary task card).

Privacy Notification and Consent Form and Direct Registration Form

The Provider must give each Participant the Privacy Notification and Consent Form or Direct Registration Form (as appropriate) and seek their express valid consent to collect their Sensitive Information in accordance with the Privacy Statement in the appropriate form. A record of the Participant's express valid consent should be made by asking the Participant to sign and complete the consent form and declaration. The Provider is also required to explain the form and sign a Provider Declaration. See Part A Guidelines: Chapter 6: Privacy for further guidance. The Privacy Statement in the form ensures the Participant is aware of the types of Personal Information they may be required to provide and how this information will be used and disclosed.

This must be done at the Initial Interview, if not already completed as part of the Direct Registration process.

Providers must keep the signed Privacy Notification and Consent Form, as outlined in Part A Guidelines: Chapter 6: Privacy.

Proof of Identity

The Provider must sight proof of identity acceptable documentation at the Initial Interview. A copy of this documentation must not be kept.

If an Initial Interview is conducted via a phone call or videoconference, the Participant must email their identity documents to the Provider. The Provider must not keep this information and must delete the email once the Participant has been Commenced in the Service.

A list of acceptable documents is included in Section 1.5.3Proof of Identity1.5.3 Proof of Identity.

Third-party attendance

At any Appointment, including the Initial Interview, the Participant may wish to have a third-party attend. This may include a support person and/or advocate (such as a Family Member, friend, carer(s), support worker and/or NDIS provider). Providers should accommodate third-party attendance, unless the third-party demonstrates challenging behaviours.

Warm Handovers for Transferred Participants

When a Participant transfers from one Provider to another, the Participant must be given the option to participate in a Warm Handover as part of their Initial Interview. Details on the Warm Handover process are included under Section 3.4 Transfers.

Participants transitioning from Other Employment Services

Providers may be requested to assist with the transition of a Participant from Other Employment Services.

Parent Pathways

Parents of young children (under 6 years of age) can volunteer to participate in the Parent Pathways service. This service provides a 'mentor' to support Participants as they undertake early intervention pre-employment support to help them work towards and achieve goals to improve their future economic security.

When a parent's youngest child turns 6 years old, they are no longer eligible for Parent Pathways. At this time, some parents may have Mutual Obligation Requirements and be required to participate in employment services, including Inclusive Employment Australia. In this case, parents will be Referred by Services Australia to Inclusive Employment Australia after they have exited Parent Pathways.

As part of the transition from Parent Pathways, the parent may choose to have a Warm Handover meeting as part of their Initial Interview. In this instance, a Warm Handover means a meeting between the Inclusive Employment Australia Provider, Participant, and the Participant's former Parent Pathways mentor.

Warm Handovers are optional. The Participant has responsibility for advising their Parent Pathways mentor of the Initial Interview appointment details.

During the Warm Handover, the Provider should take note, if shared, of:

- the Participant's Employment Goals as captured by their Parent Pathways Goal Plan
- any Activities the Participant was undertaking while in the Parent Pathways service, and
- details of the Participant's achievements and progress during Parent Pathways.

This information would be used to inform the Employment Goal captured in the Participant's Job Plan and suitable tasks and activities discussed as part of the plan for meaningful engagement during the Initial Engagement Period.

Additional considerations for NDIS participants

Providers should seek to confirm at the Initial Interview if a Participant Referred to them is a NDIS participant, however, the Provider must make it clear that it is up to the Participant whether they disclose this information.

Note: If the Participant is using the specific eligibility criteria for NDIS participants to enter Inclusive Employment Australia (outlined in Section 1.3.3 NDIS participants1.3.3 NDIS participants), the Participant must have shown evidence of their NDIS plan or eligibility for NDIS supports during the Direct Registration process.

Providers may ask the Participant about their NDIS plan to develop Services that support the Participant's needs. It is up to the Participant to choose if they would like to share their plan with anyone other than their NDIS provider who they have an active service booking with. If the Participant provides a copy of their NDIS plan, the Provider must not keep a copy of the NDIS plan.

A Participant may wish to include a NDIS partner or provider at their next scheduled appointment. This could be the Local Area Coordinator, the Participant's support coordinator, their NDIS employment service provider or other party. The Participant has responsibility to advise those they invite of the appointment details.

The purpose of seeking to meet with a NDIS representative is to ensure all parties are working collaboratively towards supporting the Participant's Employment Goals and gain

clarity on Participant supports to be delivered under either Inclusive Employment Australia or NDIS.

A Provider must ensure they do not receive a double payment from the Department or other Commonwealth, State, Territory or local government entities for Services the Provider provides or is required to provide under the Deed.

Providers may be required to provide evidence that they are not entitled to, or have not received, a double payment under the Deed. If a Provider is both an Inclusive Employment Australia Provider and a NDIS provider for a Participant, the Provider may meet this requirement by retaining documentary evidence (such as file notes) that the supports provided under Inclusive Employment Australia are different from the NDIS supports delivered to that Participant.

(Deed Reference(s): Clause 27(2))

3.2.3 Steps when a Participant fails to Commence

Participants with participation requirements

Once a Participant (Mutual Obligation) or DSP Recipient (Compulsory Requirements) is Referred to Inclusive Employment Australia, they must attend the Initial Interview, agree to a Job Plan and Commence in the Program to continue receiving Income Support Payments (other than a Participant receiving Parenting Payment).

Note: If there is a pause to participation requirements (refer to Section 5.2.1Mutual Obligation Requirements5.2.1 Mutual Obligation Requirements and Section 5.2.2 DSP compulsory participation requirements for further information), Participants (Mutual Obligation) and DSP Recipients (Compulsory Requirements) will not be required to attend the Initial Interview. The Initial Interview will still show in the Participant's Electronic Calendar, but if they don't attend their Income Support Payment will not be affected. The Participant will need to attend to meet their participation requirements when the pause ends.

If the Participant does not attend the Initial Interview, the Provider must attempt to contact the Participant within 5 Business Days to schedule another Initial Interview.

As part of scheduling another Initial Interview, Providers must issue a formal notification, to a Participant (Mutual Obligation) or DSP Recipient (Compulsory Requirements).

Providers must advise the Participant of the consequences of failing to attend the next appointment. Failure to attend may result in their Activity Tested Income Support Payments being suspended by Services Australia. If the Participant attends their Initial Interview within 28 days of the payment suspension, their payments will be reinstated and backdated to the date of the suspension.

If a Participant provides an Acceptable Reason why they cannot attend the second scheduled Initial Interview, the Provider must 'Cancel' or 'Reschedule' the Initial Interview instead of resulting it as a 'Did Not Attend' in the Department's IT Systems. The Provider must reschedule the Initial Interview as soon as possible. Unless otherwise agreed with the Participant, a new Initial Interview should be made at least 48 hours into the future.

If a Participant (Mutual Obligation) does not attend the second scheduled Initial Interview, and does not have a Valid Reason, their Income Support Payment will be suspended until the Participant attends an Initial Interview. This will be triggered in accordance with the processes for a Mutual Obligation Failure, as outlined in Section 12.4 Compliance actions - Mutual Obligation Failures.

This temporary Income Support Payment suspension mechanism is designed to encourage attendance at an Initial Interview when all other appropriate attempts to engage the Participant have failed. It is triggered after a 'Did Not Attend - Invalid' result is entered in the Department's IT Systems.

The Provider must enter the 'Did Not Attend – Invalid' result and reason for failing to attend the second scheduled Initial Interview into the Department's IT Systems, by no later than close of business on the day of the Appointment.

If a DSP Recipient (Compulsory Requirements) does not attend the second scheduled Initial Interview, and does not have a reasonable excuse, the Provider must report their non-attendance as outlined in Section 12.7.3 Reporting DSP non-compliance.

Until the Participant is automatically Exited due to Income Support Payment cancellation, Providers are encouraged to continue to try to contact the Participant, to engage them in the Service and assist them to have their Income Support Payment restored.

Participants (Voluntary)

Participants (Voluntary) have 3 opportunities to attend their Initial Interview with their Provider before the Provider must Exit them due to non-attendance.

3.3 The Initial Engagement Period

The Initial Engagement Period is the first 4 weeks of a Participant's Period of Registration. It starts from the Initial Interview (see previous Section 3.2.2 Initial Interview). The Initial Engagement Period applies for new entrants to Inclusive Employment Australia and Participants who have transferred from another Inclusive Employment Australia Provider but does not apply to Ongoing Support (Work Assist) Participants.

The Initial Engagement Period allows time for the Provider to build a positive relationship with a Participant and assess the Participant's skills, needs and strengths. It allows the Provider to tailor their Services to the Participant, considering any barriers (including personal circumstances) that may impact on a Participant's ability to transition to ongoing sustainable Employment or effectively maintain their current Employment.

During the Initial Engagement Period for each Participant, the Provider must:

- conduct an Initial Interview
- conduct the Job Seeker Snapshot if the Participant does not have a current JCSI — refer to Section 2.3.1 Conducting the Job Seeker Snapshot
- if the Participant is receiving Pre-Employment Support:
  - conduct a Skills Assessment — refer to Section 2.5 Skills Assessment2.5 Skills Assessment
  - confirm if the Participant should be engaged in Intensive Service Work Preparation, Intensive Service Job Search or Flexible Service. If the level of service agreed at Commencement was not - or no longer is – appropriate, the Provider must update this — refer to Section 6.2 Pre-Employment SupportChapter 6: Pre-Employment Support
  - assist the Participant to identify suitable tasks and activities they will participate in, as part of meaningfully engaging. This may include tasks and activities aligning to their Employment Goal(s) agreed to with a previous Inclusive Employment Australia Provider or Other Employment Services Provider and/or

tasks and activities the Provider has identified that will help the Participant to prepare for, find and keep a job, noting:

- if the Participant has a Meaningful Engagement Job Plan, the Provider must capture agreed tasks and activities (outside of the Job Plan) and provide a copy to the Participant
- if the Participant has a Detailed Job Plan, the Provider must capture agreed tasks and activities in the Participant's Job Plan

- assist the Participant to complete a résumé and upload the resume onto their Workforce Australia profile

- if the Participant is receiving Post Placement Support or Ongoing Support:
  - review comments included in the Participant's Program Summary by a Relinquishing Provider, if relevant
  - identify the types of supports that will assist the Participant to keep their job, and
  - assist the Participant to identify relevant tasks and activities they will participate in, as part of meaningfully engaging — this would generally be Contacts with the Provider and maintaining their Employment, noting:
    - if the Participant has a Meaningful Engagement Job Plan, the Provider must capture agreed tasks and activities (outside of the Job Plan) and provide a copy to the Participant
    - if the Participant has a Detailed Job Plan, the Provider must capture agreed tasks and activities in the Participant's Job Plan, and
    - the Provider must assist the Participant to capture their hours of Employment as Personal Events, if appropriate — refer to Section

5.3.3 Capturing Personal Events

- 5.3.3 Capturing Personal Events.

Note: Where a Participant needs longer to agree to tasks and activities, Providers should capture what tasks and activities have been agreed to at the end of the Initial Engagement Period and continue to support the Participant to identify suitable tasks and activities at each subsequent Contact.

(Deed Reference(s): Clause 113.5, 113.6, 113.7, 116, 134)

Providers can capture information within a Participant's résumé using comment functionality in the Participant's Summary on the Department's IT Systems.

Providers can view comments other Inclusive Employment Australia Providers have added in the Participant's Program Summary on the Department's IT Systems.

3.3.1 Connecting Participants to Workforce Australia Online profiles.

Providers should support Participants to register with and use Workforce Australia Online for Individuals. This allows the Participants to access online tools, information, and learning modules available on the Workforce Australia website.

As part of the Initial Engagement Period, the Provider should discuss with each Participant if they have connected their myGov profile to Workforce Australia Online. If not, the Provider should, where appropriate, support the Participant to do so, including by providing information on the Workforce Australia Privacy and Conditions. This will enable the

Participant to use all the features of the online platform, including viewing Appointments, Activities and scheduled Job Interviews in their Electronic Calendar and undertake and report on Job Search efforts.

3.4 Transfers

Participants may transfer between Providers for a range of reasons and at any time during their Period of Service. Transfers can be initiated by the Participant, a Provider or the Department to available Providers in their Employment Service Area (ESA).

Note: Participants cannot transfer providers while they have unresolved compliance action under the Targeted Compliance Framework.

A transfer changes the Participant's Referral from their current Provider ('Relinquishing Provider') to the new Provider ('Gaining Provider'). This means the transfer will end the Period of Registration with the Relinquishing Provider and start a new Period of Registration with the Gaining Provider. The Period of Service will be maintained.

Participants transfer to the Gaining Provider's Caseload with a 'Pending' status. The Gaining Provider must undertake an Initial Interview to Commence the Participant. The Gaining Provider then becomes the Provider for the Participant and delivers Services to the Participant.

The status of the Participant on the Relinquishing Provider's Caseload will change to 'Exited'. At this point, the Relinquishing Provider ceases to be the Participant's Provider and will have limited access to the Participant's record on the Department's IT Systems for the next 28 calendar days.

(Deed Reference(s): Clause 109, 148)

- Providers should ensure that details of support delivered to Participants are entered into the Department's IT Systems before the Participant is Exited.
- Providers must capture the support provided using comment functionality in the Program Summary on the Department's IT Systems (see Adding, Viewing and Editing a Comment in Program Summary task card).

3.4.1 General considerations for transfers

Warm Handovers

Both the Gaining and Relinquishing Providers must assist, facilitate, and cooperate with the transfer of a Participant. Providers are to do this through a Warm Handover.

(Deed Reference(s): Clause 149.1)

A Warm Handover is a meeting between the Gaining Provider, Relinquishing Provider, and Transferred Participant. The Warm Handover is intended to improve the continuity of support during their Period of Service — through the sharing of appropriate information about tasks and activities being undertaken and progress towards ongoing Employment.

A Relinquishing Provider must offer the Participant a Warm Handover as part of their transfer. If the Participant requests attendance, the Relinquishing Provider must attend the Warm Handover, even though the Participant will be Exited from the Provider's Caseload at the time of the Appointment.

In offering a Warm Handover, the Relinquishing Provider must:

- explain the process of a Warm Handover, including the benefits from having them in attendance at their Initial Interview with the 'new' Provider
- discuss the types of Personal or Sensitive Information they may need to consider sharing at the Warm Handover, with their consent
- ask the Participant whether there is any information that the Participant does not wish to be shared at the Warm Handover
- advise the Participant that once the Initial Interview has been scheduled, they will need to contact them and provide the appointment details (i.e. time, date, new provider name and location), and
- attend the Initial Interview with the Participant, as requested.

The Gaining Provider must confirm with the Transferred Participant if they want to participate in a Warm Handover as part of their Initial Interview.

If a Participant has accepted a Warm Handover, the Gaining Provider must ensure the Participant understands that it is their responsibility to contact their previous Provider, to inform them of the details of their Initial Interview (i.e. time, date, and location).

Note: The Participant may also wish to have others in attendance at their Initial Interview, as a support person and/or advocate (see relevant details under Section 3.2.2 Initial Interview). This is not prohibited by the attendance of the Relinquishing Provider.

Participants can choose not to have a Warm Handover.

Relinquishing Providers must record the details of the Warm Handover off-Calendar as the Participant will be Exited when the appointment details are set.

Program Summary

Relinquishing Providers must complete a Program Summary for the Participant within 5 Business Days of the Participant's Exit.

(Deed Reference(s): Clause 154.15)

When creating or updating the Program Summary as part of transfer arrangements, the Provider must enter information about the Participant's progress during their Period of Registration as outlined in the Provider Actions – Program Summary supporting document on the Provider Portal.

The Program Summary provides the Gaining Provider with a servicing history, information on the Participant's current level of engagement and details of any Permissible Breaks and/or Voluntary Changes in Employment.

Note: A Gaining Provider will read the comments at Commencement to help determine the appropriate Job Plan type for the transferring Participant.

Providers must enter or edit comments included as part of the Program Summary on the Department's IT Systems (see Adding, Viewing and Editing a Comment in Program Summary task card). There are 5 topics, and a comment should be entered under each.

Transferring Funding

The Funding for a Transferred Participant follows the Participant. This means that:

- The Service Fee period will end when the Participant transfers Providers. The Relinquishing Provider will be paid a pro-rata amount, based on the number of days in the Service Fee period that the Participant was engaged by the Relinquishing

Provider since the Commencement date or last Service Fee Payment up to the transfer date. The Gaining Provider will start to receive Service Fees effective from the Participant's Commencement date.

- Outcome Fees achieved after the transfer date will be paid to the Gaining Provider. There is no pro-rata amount available to the Relinquishing Provider.
- Flexible Ongoing Support Fees will be paid to the Relinquishing Provider for Instances that occurred prior to the transfer date. Flexible Ongoing Support Fees will be paid to the Gaining Provider for Instances that occur from the transfer date.
- Moderate or High Ongoing Support Fees will be paid to the Relinquishing Provider on a pro-rata basis for the proportion of the Payment period before the transfer occurs. The Participant will commence a new Moderate or High Ongoing Support Payment period with the Gaining Provider from the transfer date.

3.4.2 Transfer types

Transfer due to change of address

When the home address of a Participant in Pre-Employment Support is updated to an address in a different ESA, the Department's IT Systems will generally notify the Participant that they may wish to change Providers in the new ESA. The Participant will not receive this notification if they are in Post Placement Support or Ongoing Support.

The Participant will only be transferred if the Participant responds to the contact to request a transfer.

Note: When a Participant's home address is updated to an address in a remote ESA, the Participant will be automatically Referred to the Remote Area Employment Service and will be Exited from Inclusive Employment Australia by the Department's IT Systems (see Section 3.6 Exits for more details).

Participant initiated transfers

Participant choice is a key principle of Inclusive Employment Australia. All Inclusive Employment Australia Participants (excluding those exceptions below) can transfer to a new Provider at any time and do not need to provide any reason for the transfer. There is no limit to the number of times a Participant can transfer to another Provider.

Note: Participants cannot request transfer to another Provider until they have Commenced with their current Provider.

Participants can request a transfer to their preferred Provider by:

- submitting an online transfer request through Workforce Australia Online account, or
- contacting the National Customer Service Line (NCSL).

If a participant wishes to make an online request for another provider, they can be advised to:

- Sign in to their Workforce Australia account.
- Go to Account > Your provider and support.
- Select Choose a new provider under the Change your provider section.
- Review the list of available providers and select their preferred provider.
- Submit their transfer request.

Following the request for a transfer, the Participant will be Referred to their chosen new Provider. The Department's IT Systems will notify the Relinquishing Provider and Gaining Provider of the transfer.

A Participant cannot choose to transfer to another Provider if they:

- have a Provider-lodged reactive Managed Service Plan
- have a Level 3 or Serious Incident Report, or
- are a Pre-Release Prisoner.

These Participants can transfer only with the agreement of both the Gaining Provider and the Relinquishing Provider (see below for more details on transfer by agreement).

Transfer by agreement

A Participant can transfer to another Provider after both the Relinquishing Provider and the Gaining Provider sign a Transfer by Agreement Form to show that both Providers agree to the transfer. The Relinquishing Provider must enter the form details into the Department's IT Systems to action the transfer.

The Relinquishing Provider must keep a copy of the signed Transfer by Agreement Form.

Transfer by agreement is the only way that a Participant can be transferred to another Provider if they:

- have a Provider-lodged reactive Managed Service Plan
- have a Level 3 or Serious Incident Report, or
- are a Pre-Release Prisoner.

The Gaining Provider and Relinquishing Provider must note in the Transfer by Agreement Form that they have discussed relevant details about the Participant's servicing arrangements. This ensures the Gaining Provider understands any servicing challenges associated with the Participant. If the Gaining Provider does not agree to the transfer after the discussion, they must not sign the Transfer by Agreement Form.

Note: Providers do not need to use the Transfer by Agreement Form when transferring a Participant between the Provider's own Sites. However, Providers must record the reason for the move, and that the 'Transfer by Agreement' option was used without a signed form in the Participant's Summary on the Department's IT Systems.

Providers must enter a reason for a site transfer the using comment functionality in the Participant's Summary on the Department's IT Systems (see Adding, Viewing and Editing a Comment in Participant Summary task card).

Transfer due to relationship failure

If a Provider thinks they cannot maintain a reasonable and constructive servicing relationship with a Participant, a Transfer Due to Relationship Failure Form can be completed and must be forwarded to the NCSL (nationalcustomerserviceline@dewr.gov.au) for investigation. The NCSL will consider a Provider's request based on the evidence provided, including if the process outlined in Chapter 13: Servicing Participants with challenging behaviours has been followed.

Providers will need to submit documentation of the relationship breakdown, including any Incidents, and efforts to resolve the relationship issues.

Participants may also request a transfer due to relationship failure without needing to submit evidence of the relationship failure.

If the NCSL approves a transfer due to relationship failure, the Participant will be sent a notification advising them of their new Provider and the date and time of their next appointment.

If the NCSL does not approve the transfer, it will notify the Provider and/or the Participant (dependent on the requesting party).

3.5 Suspensions and Volunteer Periods

Participants are not required to participate in Services when Suspended.

A Suspended Participant can volunteer to receive Services from the Provider during the Suspension. This is referred to as a Volunteer Period. This process is outlined under Section 3.5.2 Volunteering during a Suspension.

During a Suspension, the Participant's Period of Service is paused, and the Provider is not required to deliver Services to the Participant. A Suspension ends the current Service Fee period, which is paid on a pro-rata basis. If the Participant is in Ongoing Support, the Provider must cease to deliver Ongoing Support Instances or Contacts and will not receive any Ongoing Support Fees.

The Participant's Period of Registration, Period of Service, progress towards Service Fees and eligibility for Ongoing Support Fees resume:

- during any Volunteer Period, or
- when the Suspension ends.

Following a period of Suspension, the Provider must hold the first Contact Appointment face-to-face as part of the Re-engagement process (unless it would be unreasonable to conduct the appointment face-to-face) to reconnect with the Participant and update the Participant's Job Plan accordingly. Updating the Job Plan can help to ensure that the Participant is aware of their participation requirements.

(Deed Reference(s): Clause 151, 152, 153)

Effect of Suspensions on Outcomes

Participants can achieve an Outcome while they are Suspended. If a Participant is in Post Placement Support (or Ongoing Support) and progressing towards an Outcome when they are Suspended, the Outcome Period continues during the Suspension while the Participant remains Employed. The Provider can claim an Outcome Fee if it can demonstrate that the Participant met the conditions of an Outcome during the Suspension.

Information on Outcome conditions is at Section 9.5 Employment Outcome conditions, and information about claiming Outcome Fees is at Section 11.5 Outcome Fees11.5 Outcome Fees.

3.5.1 When are Participants Suspended?

Suspension of Participants with Mutual Obligation Requirements

Participants (Mutual Obligation) have participation requirements and therefore can only be Suspended by Services Australia. A Participant (Mutual Obligation) may be Suspended when Services Australia:

- applies an Exemption, such as a temporary medical incapacity exemption

- determines that the Participant is Fully Meeting their requirements, or
- assesses that the Participant has a temporary reduced work capacity of less than 15 hours per week (following an ESAt).

A Participant (Mutual Obligation) can be Fully Meeting their requirements if they fall within a qualifying category and participate in 30 hours per fortnight of an approved Activity or combination of approved Activities (i.e. paid Employment, Voluntary Work, and/or approved study). For more information, refer to Section 5.2.1 Mutual Obligation Requirements.

Providers can notify Services Australia that a Participant is undertaking an approved Activity that would Fully Meet their Mutual Obligation Requirements through the Department's IT Systems. This notification will result in the Participant being Suspended if Services Australia determines the Participant is Fully Meeting their Mutual Obligation Requirements.

Participants receiving Pre-Employment Support who are Suspended because they are Fully Meeting their Mutual Obligation Requirements for more than 13 weeks will be notified that they are eligible to Exit Inclusive Employment Australia and will be automatically Exited if they do not volunteer to remain in Inclusive Employment Australia.

Note: Participants who are Fully Meeting their requirements will enter into a Centrelink Job Plan.

Suspension of DSP Recipients with compulsory participation requirements

DSP Recipients (Compulsory Requirements) have participation requirements and therefore can only be Suspended by Services Australia. A DSP Recipient (Compulsory Requirements) will be Suspended when Services Australia:

- applies an Exemption, such as a temporary medical incapacity exemption, or
- assesses that the Participant has a temporary reduced work capacity of less than 8 hours per week (following an ESAt).

Suspension of Volunteers

A Volunteer (Non-Mutual Obligation) can be Suspended by the Provider when the Participant advises that they cannot or do not wish to receive Services for a time.

A Volunteer (Non-Mutual Obligation) who is no longer meaningfully engaging must be Suspended. No longer engaging includes not attending Appointments, not undertaking tasks or activities or otherwise no longer being in contact with the Provider. They will remain Suspended:

- for a maximum of 6 months, after which the Provider must Exit them, or
- until such time as they contact the Provider to confirm if they would like to continue to receive Services.

Note: If a Participant (Voluntary) is no longer in contact with the Provider and the Provider's attempts to contact the Participant are not successful over a 4-week period, the Provider must Suspend the Participant. The Provider should continue to make reasonable attempts to contact them to confirm if they want to continue to receive Services after the Participant has been Suspended.

The Provider must enter the Suspension period on the Department's IT Systems. If a Volunteer (Non-Mutual Obligation) has a Suspension period entered by the Provider, and

asks to resume Services, the Provider must end the Suspension in the Department's IT Systems.

A Volunteer (Mutual Obligation) cannot be Suspended by the Provider because the Participant already has a Suspension due to a Services Australia decision. Instead, if a Volunteer (Mutual Obligation) advises they cannot or do not wish to receive Services, the Provider must end the Volunteer Period for the Participant.

3.5.2 Volunteering during a Suspension

Participants with participation requirements

A Participant (Mutual Obligation) or DSP Recipient (Compulsory Requirements) can volunteer to receive Services during a Suspension. The Provider must record the agreed Volunteer Period and provide Services for the duration of the Volunteer Period when a Suspended Participant advises they want to voluntarily participate.

- Where a Participant elects to volunteer while Suspended, the Provider must record the agreed start and end dates for the Volunteer Period in the Department's IT Systems. Detailed instructions are available in the Adding a Volunteer Period for a Participant task card.
- Where the Participant chooses to end the Volunteer Period earlier than originally agreed, the Provider must adjust the end date for the Volunteer Period in the Department's IT Systems.

The Participant's status during the Volunteer Period will be the same as their status immediately prior to when they were Suspended. For example, a Participant who was Commenced prior to the Suspension will revert to Commenced when they start the Volunteer Period.

By recording the Volunteer Period, a Provider is capturing that a Participant (Mutual Obligation) is participating as a Volunteer (Mutual Obligation) or that a DSP Recipient (Compulsory Requirements) is participating as a Volunteer (Non-Mutual Obligation).

Providers must ensure the Participant's Job Plan is replaced with one that only includes voluntary requirements during the Volunteer Period — refer to Section 4.4 Entering into a Job Plan.

If a Volunteer (Mutual Obligation) has a Centrelink Job Plan, Providers must not replace the Centrelink Job Plan.

Providers should review the appropriate service offer if the Participant is receiving Pre-Employment Support — refer to Section 6.3 Movement within Pre-Employment Support.

Participants who do not have participation requirements

A Volunteer (Non-Mutual Obligation) does not have a Volunteer Period added if they wish to receive Services when they have a Suspension. The Provider must instead end the Suspension so the Participant can receive Services.

3.6 Exits

Participants may be Exited from Services for a range of reasons. An Exit may be:

- an automatic Exit performed by the Department's IT Systems (Effective Exit)
- a manual Exit performed by the Provider (Provider Exit), or
- an Exit performed by Departmental staff (Departmental Exit).

If possible, a Provider must discuss the reason for the Exit with the Participant. If a Participant is moving to another employment service, the Provider should talk with them about giving a summary of the tasks and activities they've done, so they can share it with the new Provider.

When a Participant is Exited, the Provider must cease delivering Services. The Participant's Period of Service and Period of Registration will end.

The Department's IT Systems will automatically notify Services Australia when a Participant Exits for any reason.

The Provider will need to provide a notification to the Participant, within 14 calendar days of the Exit, if possible. The notification should confirm the Participant has been Exited and the reason(s) why they have been Exited. An Exit notification letter template is available on the Provider Portal. Providers have the flexibility to use their own format when issuing an Exit notification.



Providers must keep Records, either in the Department's IT Systems or on the Participant's individual file, of having issued the Exit notification or the reasons why they were unable to issue the notification.



Providers will only be granted limited access to the Participant's records in the Department's IT Systems for 28 calendar days from the date of the Participant's Exit.

Providers should ensure that details of Ongoing Support provided to Participants have been entered into the Department's IT Systems before the Participant is Exited.

If a Participant is Exited due to a Work Refusal or Unemployment Failure, Providers should make a file note in the Program Summary (if they still have access to the record). More details are in Sections **Error! Reference source not found.** and 12.6.4 Actions after an Unemployment Failure is applied, and in the Provider Actions – Program Summary supporting document on the Provider Portal.

Note: The Secretary of the Department of Employment and Workplace Relations has taken decisions to pause some aspects of the Targeted Compliance Framework. Participants will not incur a Work Refusal Failure or Unemployment Failure while this pause is in effect.

(Deed Reference(s): Clause 153.5, 154)

3.6.1 Effective Exits

A Participant will be automatically Exited from Inclusive Employment Australia by the Department's IT Systems when a qualifying condition occurs.

An Effective Exit will occur when a Participant:

- is referred to an Other Employment Service
- who is identified in the IT System as receiving Flexible Ongoing Support has no recorded Flexible Ongoing Support Instances for any consecutive period of 52 weeks, or
- does not volunteer to receive Services when Fully Meeting their Mutual Obligation Requirements and eligible to be Centrelink Managed, as described below.

When a Provider or Services Australia determines that a Participant is undertaking an approved Activity that will be Fully Meeting their Mutual Obligation Requirements for 13 weeks or longer, the Participant will typically receive a notification that:

- their program has been Suspended

- they do not need to participate in employment services
- they can elect to participate voluntarily with their Provider, and
- they will be Exited from employment services in 2 weeks from the notification unless they contact their Provider and volunteer to receive employment services before that date.

The Effective Exit will occur at the end of the 2 weeks unless the Participant who is Fully Meeting their requirements has an active Volunteer Period in place.

Providers will not receive a message advising of the Exit.

Note: If the Participant is in Post Placement Support or Ongoing Support when Services Australia determines that the Participant will be Fully Meeting their Mutual Obligation Requirements for 13 weeks or longer, the Participant will not receive a notification and there will not be an Effective Exit.

3.6.2 Provider Exits

Providers must manually Exit from Inclusive Employment Australia a Participant who:

- has completed a 52-week Employment Outcome and does not wish to receive Ongoing Support
- has completed a 52-week Employment Outcome and the Provider or an Ongoing Support Assessor determines that the Participant does not need further support
- advises they do not wish to receive Services, and the Participant is:
  - a Volunteer (Mutual Obligation) who was eligible to be Centrelink Managed because they are Fully Meeting their Mutual Obligation Requirements for at least 13 weeks
  - a Participant (Mutual Obligation) or DSP Recipient (Compulsory Requirements) who has had a change in their income support status such that they no longer have participation requirements — for example, they stop receiving Income Support Payments or commence Education or Training and start to receive Austudy, Abstudy or Youth Allowance (Student)
  - a Principal Carer Parent who has a long-term Exemption (i.e. end date longer than 16 weeks)
  - an Ongoing Support (Work Assist) Participant, or
  - a Volunteer (Non-Mutual Obligation)
- has a Change of Circumstances ESAt that recommends Services are no longer appropriate, unless an NDIS participant or DSP recipient who wishes to continue to receive Pre-Employment Support
- is an Ongoing Support (Work Assist) Participant and the Provider or an Ongoing Support Assessor determine that the Participant no longer requires Ongoing Support
- is an Ongoing Support (Work Assist) Participant who is no longer Employed
- is an Ongoing Support Participant who is no longer Employed, except for any time during a Voluntary Change in Employment
- is a Principal Carer Parent who has a long-term Exemption (i.e. end date longer than 16 weeks) who is no longer in contact with the Provider
- is a Volunteer (Non-Mutual Obligation) receiving Pre-Employment Support or Post Placement Support who has been Suspended for a period 6 months or more, including through multiple consecutive Suspensions, or

- is receiving Moderate Ongoing Support or High Ongoing Support who has been Suspended for more than 12 months, unless the Department has approved a longer suspension (refer to Section 10.8.1 Suspending Ongoing Support for further information).

(Deed Reference(s): Clause 154.8, 154.9, 154.10, 154.11, 154.12, 154.13, 154.14)

If a Participant advises their Provider they wish to Exit, the Provider should determine if the Participant is eligible for a Provider Exit (as described above) and if the Participant is aware of the Services the Provider can offer.

Note: Providers must not perform an Exit when requested by a Volunteer (Mutual Obligations) who is volunteering while they have an Exemption to their participation requirements, unless that Participant is a Principal Carer Parent who has a long-term Exemption.

The Provider must advise a Participant when they do not approve a request for an Exit and must continue to deliver Services.

Provider Exits and reason for Exit must be entered in the Department's IT Systems.

Documentary Evidence must be retained that provides a concise record of any information provided by, or relating to, the Participant that influences the Provider's decision to Exit the Participant.

Participants (Voluntary) who apply for Income Support Payments

A Volunteer (Non-Mutual Obligations) who is Commenced may seek to apply for Income Support Payments. Providers must recommend the Participant contact Services Australia if they would like to apply for Income Support Payments. The Participant should also be encouraged to advise Services Australia that they are already receiving Services through Inclusive Employment Australia, to ensure this is taken into to consideration when Services Australia make a potential Referral.

3.6.3 Departmental Exits

The Department can Exit a Participant from a Provider's Caseload when required to do so. The Department will perform Departmental Exits when:

- the Department's IT Systems has not performed an Effective Exit of a Participant who has met Effective Exit conditions
- a Provider has failed to perform a Provider Exit of a Participant who has met Provider Exit conditions, or
- the Department is required to Exit the Participant to comply with other requirements.

3.6.4 Participants resuming their Period of Service after Exit

An Exited Participant may be eligible to resume their previous Period of Service if they return within 13 weeks. Resuming their Period of Service means that the Participant:

- continues to receive Services from the date they return, and
- does not need to meet the Inclusive Employment Australia general or special eligibility criteria, as they are returning based on their eligibility at the time of their original Commencement.

(Deed Reference(s): Clause 154.4 – 154.6)

Participants who are eligible to resume their previous Period of Service will return to their previous Provider in the phase that they were undertaking when they Exited. The Provider is responsible for determining if the Participant should be in a different phase based on their circumstances when they resume, and for making appropriate adjustments in the Department's IT Systems.

Upon their return, a face-to-face Contact Appointment should be entered into the Participant's Electronic Calendar as part of the Re-engagement process, during which the Provider will either need to create a new Job Plan or update the previous approved Job Plan — depending on whether the previous approved Job Plan has been cancelled within the Department's IT Systems. Providers should review comments in the Program Summary to confirm the appropriate Job Plan type (see Section 4.4.1 Determining the appropriate Job Plan type).

Providers should also consider if a Change of Circumstances ESAt or Change of Circumstances OSA would be required.

Note: If a Participant resumes their Period of Service after Exit but transfers prior to Re-engagement, the process for the Gaining Provider and Relinquishing Provider is the same as it would be for any other Transferred Participant.

Chapter 4: Job Plans

Supporting Documents for this Chapter

- Job Plan Codes by phase and participant type
- Employment Goals
- Job Plans – Participant Fact Sheet

Offline Job Plan agreement

- Meaningful Engagement Job Plan template – For Participants (Mutual Obligation)
- Detailed Job Plan template – For Participants (Mutual Obligation)
- Meaningful Engagement Job Plan template – For DSP Recipients (Compulsory Requirements)
- Detailed Job Plan template – For DSP Recipients (Compulsory Requirements)
- Meaningful Engagement Job Plan template – For Participants (Voluntary)
- Verbal notifications and scripts for Job Plan agreement - For Participants (Mutual Obligation) and DSP Recipients (Compulsory Requirements)

4.1 Chapter Overview

All Participants receiving Services are required to have a Job Plan. Each Participant's Job Plan must always be up to date and include requirements that are achievable and appropriate for the person's unique needs and circumstances.

This Chapter explains Provider's responsibilities relating to Job Plans, including:

- the Meaningful Engagement Job Plan, and
- the Detailed Job Plan.

The Meaningful Engagement Job Plan outlines the Meaningful Engagement Requirement — which is a commitment made by the Participant to stay in contact with their Provider, attend Provider Appointments and undertake tasks and activities that will help them to achieve their Employment Goal. As outlined in Section 5.5 Meaningful Engagement Requirement, Providers will need to regularly discuss with each Participant how they will meaningfully engage and record an agreed approach to meaningful engagement that includes a mix of suitable tasks and activities outside of the Job Plan.

The Detailed Job Plan includes a detailed list of compulsory requirements that a Participant will need to meet in order to meet their participation requirements.

Provider staff have been delegated authority under Social Security Law to:

- require a Participant (Mutual Obligation) or DSP Recipient (Compulsory Requirements) to agree to a Job Plan
- approve a Job Plan on behalf of the Participant (with the Participant's agreement via signed hard copy or verbally), and
- vary the terms of a Job Plan — this includes requiring a Participant to agree to compulsory requirements in the Detailed Job Plan when required.

This Chapter should be read in conjunction with Chapter 5: Participation requirements and Chapter 12: Compliance.

4.2 What is a Job Plan?

The Job Plan outlines what a Participant (Mutual Obligation) and DSP Recipient (Compulsory Requirements) must do in return for receiving their payment from Services Australia.

For Participants (Voluntary), the Job Plan sets out what the Participant agrees to do to continue to receive Services from the Provider.

Inclusive Employment Australia Providers will enter into one of the following Job Plan types with a Participant:

- Meaningful Engagement Job Plan, or
- Detailed Job Plan.

There are different templates for the Meaningful Engagement Job Plan and Detailed Job Plan for the following Participants:

- Participant (Mutual Obligation)
- DSP Recipient (Compulsory Requirements) or
- Participant (Voluntary) – Meaningful Engagement Job Plan only.

The Department's IT Systems will automatically create the correct template when exporting the Job Plan as a PDF.

4.2.1 Job Plans for Participants (Mutual Obligation)

For Participants (Mutual Obligation), the Job Plan becomes the 'employment pathway plan' they must have under Social Security Law. Participants (Mutual Obligation) are required to comply with any compulsory requirements in their Job Plan. Participants (Mutual Obligation) must enter into a Job Plan. Failure to enter into the Job Plan when requested is considered a Mutual Obligation Failure. Details relating to Mutual Obligation Failures, including failure to agree to a Job Plan, are included in Section 12.4 Compliance actions - Mutual Obligation Failures.

4.2.2 Job Plans for DSP Recipients (Compulsory Requirements)

For DSP Recipients (Compulsory Requirements), the Job Plan supports the 'participation plan' they have with Services Australia and can also be accepted as a 'participation plan' required under Social Security Law. DSP Recipients (Compulsory Requirements) must enter into a Job Plan. Failure to enter into the Job Plan must be reported to Services Australia, as outlined in Section 12.7.3 Reporting DSP non-compliance.

4.2.3 Job Plans for Volunteers

Participants (Voluntary) must have a Job Plan to receive Services, unless the Participant has a Services Australia Job Plan — as noted in Chapter 3: Commencements, Transfers, Suspensions and Exits.

Failure to enter into the Job Plan will mean that a Participant (Voluntary) cannot be Commenced and therefore will be either Suspended or Exited from the service in accordance with the guidance in Chapter 3: Commencements, Transfers, Suspensions and Exits.

Participants (Voluntary) do not need to update their Job Plan, as the Job Plan is not compellable.

4.3 Provider obligations

Provider staff have delegated powers under Social Security Law to require Participants (Mutual Obligation) to enter into a Job Plan and to approve or update it as required.

The Provider's main obligations relating to the Job Plans for each Participant, include:

- ensuring each Participant always has a current Job Plan during their Period of Registration
- ensuring the Job Plan enables Participants (Mutual Obligation) and DSP Recipients (Compulsory Requirements) to meet their obligations under Social Security Law
- ensuring that the Job Plan is in a form approved by the Department
- entering Job Plan information into the Department's IT Systems, noting:
  - tasks and activities will be agreed to as part of a plan for satisfying the Meaningful Engagement Requirement, managed outside of the Meaningful Engagement Job Plan — refer to Section 5.5 Meaningful Engagement Requirement, or
  - tasks and activities will be specified in a Detailed Job Plan as either a compulsory or voluntary requirement
- determining when a Detailed Job Plan must be entered into
- for Participants (Mutual Obligation) with a Detailed Job Plan:
  - setting an appropriate Job Search Requirement — refer to Section 5.7 Job Search5.7 Job Search, and
  - assessing the Participant's capability to take personal responsibility for self-reporting their requirements — refer to Section 5.10 Personal responsibility for reporting attendance, and
- actively monitoring and recording each Participant's compliance with their participation requirements, including the Meaningful Engagement Requirement – refer to Chapter 12: Compliance.

(Deed Reference(s): Clause 134, 136, 137)

Under Social Security Law, when developing a Job Plan, Providers must consider if the requirements are suitable based on:

- the Participant's education, experience, skills, and age
- the impact of any disability, injury, or health condition on the Participant's ability to work, to look for work, or to participate in Activities
- the impact of family and caring responsibilities on the Participant's ability to work, to look for work or to participate in Activities
- the participation opportunities available
- the state of the labour market and the transport options available
- the length of travel time needed to follow participation requirements, and
- the financial costs (such as travel costs) of following participation requirements and the Participant's capacity to pay for these costs.

4.3.1 Training

Provider staff must successfully complete the mandatory Job Plan training on the Learning Centre at least every 12 months. Staff must pass the module before they can create or update Job Plans.

It is essential that each staff member understands how to develop a Job Plan. In particular, staff members must know how to develop a tailored Detailed Job Plan in partnership with the Participant that meets their needs, personal circumstances, and ability to comply.

(Deed Reference(s): Clause 61.3, 143.1(a))

4.3.2 Ensuring Participants understand their rights and responsibilities

Before a Job Plan is negotiated and approved by the Participant, Providers must discuss the content of the Job Plan and ensure that each Participant understands what is being agreed to and the potential consequences, if any, of not agreeing to enter into the Job Plan or failing to meet requirements within the Job Plan.

The Provider must also ensure the Participant is aware of their rights, responsibilities and obligations under the Social Security Law and other Commonwealth policies, including:

- their right to think time to consider the Job Plan before agreeing to it — refer to Section 4.8.1 Think time
- that the Participant can notify their Provider, and request a review of their requirements, if:
  - there is a change in their circumstances
  - they need more personalised support
  - they believe the tasks and activities they are required to do are not suitable, and/or
  - they are having difficulty meeting their participation requirements, including the Meaningful Engagement Requirement
- the possible consequences of not agreeing with their Job Plan, and
- if relevant, the Complaints and review processes should a Participant not agree with the requirements set within their Job Plan, including the move onto a Detailed Job Plan — refer to Section 12.3.1 Provider Obligations [Targeted Compliance Framework] and Section 12.7.1 Provider Obligations [DSP non-compliance].

If a Participant (Mutual Obligation) is entering into a Detailed Job Plan, the Provider must also ensure the Participant is aware of their personal responsibility to self-report their participation against their Job Plan, unless the Participant is assessed as not being capable of self-reporting — refer to Section 5.10 Personal responsibility for reporting attendance.

(Deed Reference(s): Clause 113.1(l),134.19)

4.3.3 Interpreters, nominees, and support persons

The Participant can bring a support person and/or advocate with them to review their Job Plan, to serve as a trusted adviser. When a Participant asks, if the Provider considers it appropriate, the Provider can organise third party attendance of a support person on behalf of the Participant, with the Participant's consent.

Providers must use an interpreter if a Participant with hearing impairment or a language barrier requires it — for example, a Culturally and Linguistically Diverse (CALD) Participant or First Nations Participant. This is to ensure the Participant understands their participation requirements before they negotiate and agree to their Job Plan.

Where a Participant has court appointed nominee arrangements in place as they are unable to manage their own affairs — for example with state and territory guardianship or financial management orders in place — the nominee should be involved in the negotiation of the Job Plan to ensure it appropriately reflects reasonable requirements for the Participant.

If a Participant has a nominee, advocate or support person in attendance, Providers should still promote self-determination and autonomy by the Participant, such that a Participant is fully involved in the decision-making process. This includes deciding and agreeing to tasks and activities (either as a part of their plan to meet the Meaningful Engagement Requirement or included in the Detailed Job Plan).

Providers may wish to refer to resources on supported decision making hub, on the Disability Gateway website, to understand the general role of advocates and support persons in supported decision making.

4.4 Entering into a Job Plan

All Participants must have a Job Plan. The Job Plan must be agreed before a Participant can Commence in Inclusive Employment Australia and must be updated so that it always remains current. The Job Plan is valid from the day on which it is approved in the Department's IT Systems (which includes agreement to the Job Plan online or verbally).

When entering into a Job Plan, regardless of the Job Plan type, the Provider must explain the purpose and contents of the Job Plan as outlined in Section 4.4.2 Explaining the Job Plan to the Participant.

At the Initial Interview, Providers must review the Participant's Job Plan history and will create a Job Plan for each Participant (unless the Participant has a Centrelink Job Plan) — which may be a Meaningful Engagement Job Plan or Detailed Job Plan in accordance with Section 4.4.1 Determining the appropriate Job Plan type. This Job Plan need only include the pre-populated fields. The Provider can include additional tasks and activities that are negotiated between the Participant and Provider over the Initial Engagement Period.

- Tasks and activities to inform a Participant's Meaningful Engagement Requirement must be managed outside of the Meaningful Engagement Job Plan.
- Tasks and activities to meet Detailed Job Plan participation requirements must be added to the Job Plan.

In creating a Job Plan, Providers must discuss the individual goals a Participant would like to achieve. This will be captured in the Job Plan under the Participant's Employment Goal and reflects how the Provider will help a Participant to work towards achieving their goal(s). See Section 4.5 Setting an Employment Goal for more information on this process.

Regardless of the Job Plan type, the contents of the Job Plan must include details, terms and information about participation requirements that must be met under Social Security Law, where relevant.

Note: If the Department's IT Systems are temporarily unavailable, Providers can use Job Plan templates, available on the Provider Portal, to enter into a Meaningful Engagement Job

Plan with a Participant (Mutual Obligation), DSP Recipient (Compulsory Requirements) or Participant (Voluntary), or Detailed Job Plan with a Participant (Mutual Obligation) or DSP Recipient (Compulsory Requirements). Any Job Plan agreed to in this way must be recorded in the Department's IT Systems as soon as possible. Providers must notify the Participant of their requirement to agree to their Job Plan. A copy of the verbal scripts for Job Plan agreement online by Participants (Mutual Obligation) and DSP Recipients (Compulsory Requirements) has also been made available on the Provider Portal for this purpose.

4.4.1 Determining the appropriate Job Plan type

Considerations at time of Commencement

Upon Commencement, a Participant will generally enter into a Meaningful Engagement Job Plan. There are, however, additional considerations for Transferred Participants and Participants who have transitioned from an Other Employment Service Provider.

At the Initial Interview, if the Participant has a previous Job Plan with an Inclusive Employment Australia Provider during their current Period of Service, the Provider must review the last approved Job Plan and notes entered in the Program Summary.

The Provider will require a Transferred Participant to enter into either a Meaningful Engagement Job Plan or Detailed Job Plan as follows:

- If a Transferred Participant previous Job Plan was a Meaningful Engagement Job Plan, the Provider must enter into a Meaningful Engagement Job Plan with the Participant.
- If a Transferred Participant previous Job Plan was a Detailed Job Plan, the Provider:
  - has discretion to enter into either a Meaningful Engagement Job Plan or Detailed Job Plan for a Participant (Mutual Obligation) in the TCF Green Zone, subject to a review of the Job Plan history and Program Summary comments
  - must enter into a Detailed Job Plan for a Participant (Mutual Obligation), if the Participant is in the TCF Warning Zone, regardless of the number of Demerits on their participation record, or
  - has discretion to enter into either a Meaningful Engagement Job Plan or Detailed Job Plan for a DSP Recipient (Compulsory Requirements), subject to a review of their compliance history, Job Plan history and Program Summary comments.

Note: The Secretary of the Department of Employment and Workplace Relations has taken decisions to pause some aspects of the Targeted Compliance Framework. As part of this, Participants will not incur an Unemployment Failure. This means that an Unemployment Failure will not currently trigger the move of a Participant to a Detailed Job Plan.

The Provider has discretion to enter into a Meaningful Engagement Job Plan or Detailed Job Plan for a Participant (Mutual Obligation) who has Commenced after a payment preclusion period because of a Work Refusal Failure or Unemployment Failure.

The Provider will require a Participant (Mutual Obligation) who transitioned from an Other Employment Service Provider to enter into a Detailed Job Plan if the Participant has 2 or more Demerits on their record, noting that these are not removed at the time of changing between employment services. In all other cases where a Job Plan with their previous Other Employment Service Provider, they should be entered into a Meaningful Engagement Job Plan, regardless of their compliance history.

If the Participant has a Centrelink Job Plan in place, the Provider must not enter into a Job Plan with the Participant.

- Providers can view a Participant's Job Plan history on the 'Job Plan' screen in the Department's IT Systems.
- Providers can view comments entered by other Providers in the Program Summary on the Department's IT Systems.
- Providers can view the number of Demerits on the 'Compliance' screen in the Department's IT Systems.
- Detailed instructions on creating a Job Plan are available in the Create Update Withdraw Meaningful Engagement Job Plan and Create Update Withdraw Detailed Job Plan task cards.
- For a Transferred Participant, the Provider must add a file note that outlines the reasons why they have selected either a Meaningful Engagement Job Plan or Detailed Job Plan on Commencement.
- Providers may record the reasons for entering into a Meaningful Engagement or Detailed Job Plan for a Transferred Participant using the comment functionality in the Program Summary on the Department's IT Systems (see Adding, Viewing and Editing a Comment in Program Summary task card).

Note: After a Participant (Mutual Obligation) has entered into a Detailed Job Plan, the Provider must request the removal of any applied Demerits. As the Provider will be unable to manually remove these Demerits, they must contact their Account Manager and request removal of the Demerits by the Department of Employment and Workplace Relations.

Considerations for Participants who have Exited

Providers may need to create or update a Job Plan for Participants who return within 13 weeks of their Exit (see Section 3.6.4 Participants resuming their Period of Service after Exit), depending on whether the previous Job Plan has been cancelled. The Participant must be entered into the same Job Plan type as the Participant had prior to their Exit, unless the Provider has determined a change of the Job Plan type is required:

- for a Participant (Mutual Obligation) or DSP Recipient (Compulsory Requirements) based on a documented Pattern of Disengagement or Pattern of Renewed Engagement prior to their Exit, or
- for a Participant (Mutual Obligation) as a result of a Work Refusal Failure or Unemployment Failure applied, which would have triggered the Exit.

Returning to Services 13 weeks or more after an Exit is a new Referral, and Providers must follow the process outlined above for determining the appropriate Job Plan at the time of Commencement.

Considerations during the Period of Registration

At any time during a Participant's Period of Registration, a Participant (Mutual Obligation) or DSP Recipient (Compulsory Requirements) may be:

- required to enter into a Detailed Job Plan
- offered the option to re-enter into a Meaningful Engagement Job Plan, or
- required to change between a voluntary or compulsory Job Plan, depending on whether they have an active Volunteer Period.

Information on a Pattern of Disengagement and Pattern of Renewed Engagement is included in the Meaningful Engagement Provider Information Pack on the Provider Portal.

Providers must ensure they have sufficient records regarding their decision to move between Job Plan types in order to support any complaints or appealable decision review processes. This includes the Documentary Evidence of a Pattern of Disengagement or Pattern of Renewed Engagement.

Providers may record the reasons for changing the Participant's type of Job Plan using the comment functionality in the Program Summary on the Department's IT Systems (see Adding, Viewing and Editing a Comment in Program Summary task card).

Change to a Detailed Job Plan (from a Meaningful Engagement Job Plan)

A Provider will be responsible for entering into a Detailed Job Plan when a:

- Participant (Mutual Obligation) or DSP Recipient (Compulsory Requirements) has demonstrated a Pattern of Disengagement, as outlined in Section 12.2 Meaningful Engagement Requirement
- Participant (Mutual Obligation) has an applied Work Refusal Failure or Unemployment Failure (i.e. the failure was confirmed by Services Australia), see relevant Sections in Chapter 12: Compliance and the Social Security Guide — 3.11.13.30 Types of failures | Social Security Guide — for more information on applied failures, or
- Participant (Mutual Obligation) has 2 confirmed Demerits on their participation record.

To change from a compellable Meaningful Engagement Job Plan to a Detailed Job Plan, Providers select the 'Convert to Detailed Plan' option on the 'Job Plan' screen in the Department's IT Systems. Providers will then need to confirm that the Participant failed to meaningful engage (i.e. had a Pattern of Disengagement). Detailed instructions are available in the Job Plan – Convert plan type task card.

Note: After a Participant enters into a Detailed Job Plan, Providers must remove any applied Demerits. Refer to the Manual Demerit Removal supporting document under Chapter 12: Compliance for more information.

Change to a Meaningful Engagement Job Plan

A Provider may also enter/re-enter into a Meaningful Engagement Job Plan when a Participant (Mutual Obligation) or DSP Recipient (Compulsory Requirements) has a demonstrated a Pattern of Renewed Engagement, noting that the Department's IT Systems will block the move if a Participant has 2 Demerits on their record.

Determining a Pattern of Renewed Engagement is at the discretion of the Provider. However, as general guidance, a Participant (Mutual Obligation) should be in the TCF Green Zone and have had no Demerits over the last 3-months. Similarly, a DSP Recipient (Compulsory Requirements) would have no instances of non-compliance reported over a 3-month period. The lack of compliance actions indicates that they are consistently meeting the compulsory requirements in their Detailed Job Plan and therefore have demonstrated a Pattern of Renewed Engagement.

Providers must add a file note when a Participant has a confirmed Pattern of Renewed Engagement. The file note should include a summary of the Documentary Evidence used to support this determination.

Providers should record that a Participant has a Pattern of Renewed Engagement using comment functionality in the Program Summary.

Note: If a Provider is re-entering a Participant onto a Meaningful Engagement Job Plan, it is recommended the Provider seek the Participant's verbal agreement without setting think time. This is because failure to agree to the new Job Plan in a timely manner without a Valid Reason (for a Participant (Mutual Obligation)) or reasonable excuse (for a DSP Recipient (Compulsory Requirements)) would result in compliance action. Not agreeing the Job Plan would mean the Participant can no longer be seen to have demonstrated a Pattern of Renewed Engagement.

In cases where a Participant informs the Provider that they cannot or do not want to agree to the Meaningful Engagement Job Plan, the Provider must withdraw the Participant's Meaningful Engagement Job Plan and the Participant will remain on a Detailed Job Plan.

To change from a Detailed Job Plan to a compellable Meaningful Engagement Job Plan, Providers select the 'Convert to Meaningful Engagement Job Plan' option on the 'Job Plan' screen in the Department's IT Systems. Providers will then need to confirm that the Participant is now able to meaningful engage (i.e. had a Pattern of Disengagement). Detailed instructions are available in the Job Plan – Convert plan type task card.

Change to a voluntary Job Plan

Providers will receive an alert in the Department's IT Systems that the current Job Plan type is not suitable if a Participant's requirements change during their Period of Registration.

Providers must amend the Job Plan from compellable / compulsory to voluntary for the duration that a Participant (Mutual Obligation) or DSP Recipient (Compulsory Requirements) is in an active Volunteer Period — i.e. the Participant is subject to an Exemption or Fully Meeting their Mutual Obligation Requirements but has choose to continue to receive Services.

Providers must amend the Job Plan from voluntary to compellable / compulsory once the Exemption ends or the Participant is no longer Fully Meeting their Mutual Obligation Requirements.

To change the Job Plan, the Provider must cancel the existing approved Job Plan and follow the process to create a new Job Plan in the Department's IT Systems. Detailed instructions are available in the Job Plan – Change of circumstance task card.

4.4.2 Explaining the Job Plan to the Participant

When entering into a Job Plan, as well as when updating a Job Plan, Providers must explain to the Participant:

- the purpose of the Job Plan
- the contents in the Job Plan
- how they will be supported to undertake tasks and activities included within the Job Plan or agreed to outside of the Job Plan (in the case of the Meaningful Engagement Requirement)
- how they will develop and record an Employment Goal

- the requirements outlined in the Job Plan, including the Meaningful Engagement Requirement.

Providers must ensure the Participant is aware of:

- their rights and responsibilities when entering into a Job Plan — refer to Section 4.3.2 Ensuring Participants understand their rights and responsibilities
- when the Job Plan may need to be updated
- how to give prior notice if they cannot meet a compulsory requirement in their Job Plan
- as relevant, what can happen if the Participant does not meet a compulsory requirement in their Job Plan without giving prior notice and/or having a good reason (Meaningful Engagement Job Plan only), Valid Reason (Detailed Job Plan for Participant (Mutual Obligation) only) or reasonable excuse (Detailed Job Plan for DSP Recipient (Compulsory Requirements) only)
- circumstances where a Participant will be required to agree to new terms in a Detailed Job Plan, including the types of evidence that will be collected to inform decisions related to a Pattern of Disengagement and failure to satisfy the Meaningful Engagement Requirement
- if appropriate, circumstances where a Participant could re-enter a Meaningful Engagement Job Plan, including the types of evidence that will be collected to inform decisions related to a Pattern of Renewed Engagement, and
- their right to lodge a complaint or appeal decisions made related to their Job Plan, and where they can find help to do this.

When entering into a Meaningful Engagement Job Plan, including when moving a Participant from the Detailed Job Plan to the Meaningful Engagement Job Plan, Providers must explain to the Participant how they can meet the Meaningful Engagement Requirement, provide a copy of the either the Meaningful Engagement Fact Sheet – For Participants (Mutual Obligation) and DSP Recipients (Compulsory Requirements) or Meaningful Engagement Fact Sheet – For Participants (Voluntary) and begin to develop a plan on how the Participant will meaningfully engage.

Providers should be aware a Job Plan Fact Sheet has been developed by the Department, with additional information included in the Participant Information Pack. These documents are published on the Department's website as well as being available on the Provider Portal.

4.4.3 Communicating Meaningful Engagement Requirements

A Participant (Mutual Obligation) or DSP Recipient (Compulsory Participation) is able to meet their participation requirements by meaningfully engaging — which is a commitment to stay in contact and undertake agreed tasks and activities. This is also known as the Meaningful Engagement Requirement (see Section 5.5 Meaningful Engagement Requirement).

A Meaningful Engagement Fact Sheet – For Participants (Mutual Obligation) and DSP Recipients (Compulsory Requirements) and Meaningful Engagement Fact Sheet – For Participants (Voluntary) has been developed by the Department to help Providers clearly communicate to Participants what is required to satisfy the Meaningful Engagement Requirement, or when the requirement has not been fully satisfied. This Fact Sheet must

be provided to the Participant at the Initial Interview (hard copy or electronic version) and can be shared any other time the Provider feels it would be appropriate to assist conversations. Providers should be aware that additional information is also included in the Participant Information Pack, which is published on the Department's website as well as being available on the Provider Portal.

A Meaningful Engagement Job Plan must be supported by a plan (developed in consultation with the Participant) on how the Participant will meaningfully engage. The aim is to ensure the Participant has ownership of the tasks and activities they will undertake to find suitable work. The contents of the plan must clearly identify the Participant and agreed approach. There are no requirements about the form of this plan (beyond being in a format that is accessible and will work best for the Participant). Considerations for possible tasks and activities a Participant can do as part of the agreed approach for meaningful engagement are included in relevant sections of Chapter 5: Participation requirements.

5.4 Capability Management Tool4.4.4 Requirements that a Job Plan must not contain

Under Social Security Law, a Job Plan must not contain a requirement for a person to undertake an unsuitable or inappropriate Activity — as discussed in Section 7.3.1 Inappropriate Activities. This includes any Activity that would aggravate a Participant's illness, disability or injury.

Under Social Security Law, a Participant cannot be involuntarily required to undergo medical, psychological or other treatment.

A Job Plan must also not contain:

- irrelevant information, such as detailed personal medical information or details of medical conditions and medications, or
- information pertaining to the Participant's day-to-day lives, such as getting their child to school or assisting with homework.

4.5 Setting an Employment Goal

Providers must work with the Participant to create a personalised, strengths-based Employment Goal.

The Employment Goal can be a short, medium, or potentially longer-term aim, and can include steps to address Vocational and Non-Vocational Barriers or steps to maintain existing Employment.

The Employment Goal must stay relevant to a Participant's aspirations and progress towards ongoing, sustainable Employment. A goal can be replaced whenever a Participant shows they have achieved their goal, when they ask for the goal to be amended, or when they wish to set a new goal.

It is best practice to review the Employment Goal each time that the Job Plan is updated. The goal can help with discussions about appropriate Activities and Interventions that will help a Participant achieve their goal.

Providers must ensure the goal as entered into the Department's IT Systems accurately encompasses the Participant's individual goal(s) and is written in the Participant's words.

Providers should ensure that Participants understand that the Employment Goal is included for information purposes only (i.e. there are no implications for not completing the goal),

and that the purpose of the goal is to inform how a Participant will be supported through agreed tasks and activities.

Note: The Employment Goal, as entered into the Department's IT Systems, is shown in the Participant's Job Plan. Their goal is shown under the statement "My personal employment goal(s) is:". For this reason, it is important to avoid entering a goal that:

- starts with "My goal is…"
- includes the Participant's name
- uses a third person point of view (such as, "For <Name> to…", "Client is…" Customer will…", "Participant…"), or
- includes tasks and activities that do not reflect the Participant's employment, education and/or non-vocational aspirations (i.e. tasks and activities that would be better captured in the plan for meaningful engagement or as a requirement in a Detailed Job Plan, such as a goal to "attend provider appointments" or "contact <number> of employers per month").

The Employment Goal supporting document, on the Provider Portal, includes examples that Providers may draw upon when developing a goal with a Participant.

Note: Changes to the Employment Goal cannot be made without triggering an update to the Job Plan.

4.6 Contents of a Meaningful Engagement Job Plan

The Meaningful Engagement Job Plan will pre-populate with the Meaningful Engagement Requirement.

Providers must capture an Employment Goal, as was outlined in Section 4.5 Setting an Employment Goal. The Job Plan will also note that a Participant's primary goal is to prepare for, find and maintain employment.

- The Meaningful Engagement Job Plan will pre-populate with a single compulsory requirement in the Department's IT Systems.
- The Meaningful Engagement Requirement and an Employment Goal must be included for the Job Plan to be considered a valid Meaningful Engagement Job Plan in the Department's IT Systems.

The contents of the Job Plan will also reflect whether a Participant is receiving Pre-Employment Support, Post Placement Support or Ongoing Support.

As noted in Section 4.4 Entering into a Job Plan, any agreed tasks and activities to support the Meaningful Engagement Requirement will be managed outside of the Job Plan. Providers can develop their own approach to support motivation and engagement of the Participant. The Provider should consider how to record and share the outcomes of these discussions with Participants.

- Providers can record the voluntary tasks and activities that the Participant has agreed to participate in using comment functionality in the Participant's Summary on the Department's IT Systems.

Note: There are options for a Provider to compel a Participant to attend a compulsory appointment if they are disengaged as outlined in Section 12.2 Meaningful Engagement Requirement.

4.6.1 Arrangements for Participants with Mutual Obligation Requirements

Participants (Mutual Obligation) can meet their Mutual Obligation Requirements through participation in Inclusive Employment Australia, as long as they satisfy the Meaningful Engagement Requirement.

(Deed Reference(s): Clause 134.8)

Codes within Meaningful Engagement Job Plan (Compulsory)

Code	Requirement in Job Plan	Description
PA19	I will participate meaningfully in the program by engaging with my Provider to prepare for, seek or maintain employment. I am aware this includes attending appointments and doing tasks and activities to help me to achieve my employment goal.	• This is entered as a compulsory requirement. • The Participant must meaningfully engage with the Provider in order to meet their Mutual Obligation Requirements under Social Security Law. • Where a Participant shows a Pattern of Disengagement, a Provider may choose to move the Participant onto a Detailed Job Plan. • This code cannot be removed.

4.6.2 Arrangements for DSP Recipients with compulsory participation requirements

DSP Recipients (Compulsory Requirements) must have at least one compulsory requirement in their Job Plan, which will be the Meaningful Engagement Requirement.

Any requirement to attend regular participation interviews with Services Australia will be included in their Participation Plan and does not need to be included in the Participant's Job Plan.

(Deed Reference(s): Clause 134.11)

Pre-populated codes within Meaningful Engagement Job Plan (DSP U35)

Code	Requirement in Job Plan	Description
PA19	I will participate meaningfully in the program by engaging with my Provider to prepare for, seek or maintain employment. I am aware this includes attending appointments and doing tasks and activities to help me to achieve my employment goal.	• This is entered as a compulsory requirement. • The Participant must meaningfully engage with the Provider in order to meet their participation requirements under Social Security Law, and the terms of their Participation Plan with Services Australia. • Where a Participant shows a Pattern of Disengagement, a Provider may choose to move the Participant to a Detailed Job Plan. • This code cannot be removed.

4.6.3 Arrangements for Volunteers

There is a unique process for creating a voluntary Meaningful Engagement Job Plan.

Job Plans for Participants (Voluntary) can include only voluntary tasks and activities. As such, the contents of their Meaningful Engagement Job Plan will only include Code PA19 [Meaningful Engagement Requirement] as a voluntary requirement.

When a Participant (Mutual Obligation) or DSP Recipient (Compulsory Requirements) is Suspended but chooses to volunteer for Services (as outlined in Section 3.5.2Volunteering during a Suspension3.5.2 Volunteering during a Suspension), Providers must amend the Job Plan — to change the Meaningful Engagement Requirement from compulsory to voluntary (see Section 4.4.1 Determining the appropriate Job Plan type).

In addition, for a Volunteer (Mutual Obligation), the Provider must not negotiate a new Job Plan while a Centrelink Job Plan remains valid. If the Centrelink Job Plan expires, and the Participant is still undertaking an approved Activity that resulted in the Participant Fully Meeting their Mutual Obligation Requirements, they should be referred to Services Australia for the Job Plan to be updated.

If a Participant (Voluntary) has a Centrelink Job Plan, Providers must not replace the Centrelink Job Plan. Instead, the Provider must record the voluntary tasks and activities that the Participant has agreed to participate in using comment functionality in the Participant's Summary on the Department's IT Systems.

(Deed Reference(s): Clause 134.8, 134.11)

Pre-populated fields in Meaningful Engagement Job Plan (Voluntary)

Code	Requirement in Job Plan	Description
PA19	I will participate meaningfully in the program by engaging with my Provider to prepare for, seek or maintain employment. I am aware this includes attending appointments and doing tasks and activities to help me to achieve my employment goal.	• This is entered as a voluntary requirement. • The Participant must meaningfully engage with the Provider in order to receive Services from the Provider. • Not meeting this requirement will result in a Participant being Suspended and/or Exited. • This code cannot be removed.

4.6.4 Arrangements for Participants eligible for Mobility Allowance

Providers must have a conversation with each Participant to confirm if they are claiming or receiving Mobility Allowance — see Services Australia website for more information.

Where a Participant tells the Provider that they are claiming or receiving the **standard** rate of Mobility Allowance, the Provider must ensure that the Participant's Meaningful Engagement Job Plan has one of the following as a voluntary requirement:

- Code JS07 [Research and Prepare Applications] — this activity is suitable for those receiving the Intensive Service Job Search phase, Post Placement Support or Ongoing Support, or
- Code ET64 [Work Preparation] — this Work Preparation activity is suitable for those receiving the Intensive Service Work Preparation phase or Flexible Service. There is no minimum number of hours required, but total hours entered must not exceed the Participant's Employment Benchmark.

If a Participant (Mutual Obligation) or DSP Recipient (Compulsory Requirements) tells the Provider that they are claiming or receiving the **higher** rate of Mobility Allowance, the Provider must ensure that the Participant's Meaningful Engagement Job Plan includes Code JS05 [Job Search with a Disability – Activity Tested] — as voluntary requirement.

If a Participant (Voluntary) tells the Provider that they are claiming or receiving the **higher** rate of Mobility Allowance, the Provider must ensure that the Participant's Job Plan has

JS06 [Job Search with a Disability – Non-Activity Tested] — this can only be entered as a voluntary requirement.

Inclusion of these Job Plan items triggers payment of Mobility Allowance. If the Participant does not have a relevant code included in their Job Plan, their Mobility Allowance payment may be cancelled.

Note: The inclusion of these activities additional to the Meaningful Engagement Requirement is specific to enable the Participant's eligibility for Mobility Allowance. This will be made clear in the Job Plan contents for those with a voluntary requirement entered into a Meaningful Engagement Job Plan.

This applies to Participants receiving not only Pre-Employment Support but also Post Placement Support and Ongoing Support. While a Participant's Employment may be sufficient for the individual to continue to receive Mobility Allowance, the Department considers it best practice to continue to include one of these codes as a voluntary requirement to avoid any risk of payment cancellation.

4.7 Contents of a Detailed Job Plan

The Detailed Job Plan will pre-populate with a set of specified compulsory requirements.

The contents of the Detailed Job Plan should include the pre-populated set, depending on if they are appropriate for the Participant's (Mutual Obligation) circumstances and phase.

The Detailed Job Plan will pre-populate with requirements in the Department's IT Systems. Provider can then tailor the Job Plan to match the Participant's circumstance and phase.

For Participants (Mutual Obligation), the following codes must **not** be removed from the Job Plan:

- Code AI16 [Compulsory Notified Appointments] – requirement to attend Appointments
- Code JS09 [Job Search – Monthly] — setting a Job Search Requirement
- Code JS13 [Accept and retain suitable work] — requirement to be willing to accept any offer of suitable paid work and not leave suitable paid work voluntarily.

For DSP Recipients (Compulsory Requirements), Code AI16 [Compulsory Notified Appointments] must **not** be removed from the Job Plan.

The pre-populated compulsory requirements should be combined with other suitable tasks and activities, either as compulsory or voluntary requirements in the Detailed Job Plan. Guidance on setting appropriate requirements is outlined in Chapter 5: Participation requirements.

Providers are encouraged to create strengths-based, goal orientated Job Plans where a Participant is supported to feel invested in, and have shared ownership of, their Job Plan. Refer to Section 4.5 Setting an Employment Goal for how to capture an Employment Goal.

An Employment Goal must be included for the Detailed Job Plan to be considered a valid Job Plan in the Department's IT Systems.

Care should be taken when determining the contents of a Detailed Job Plan to ensure that the Participant not only has the capacity to meet individual items, but the entire contents of the Job Plan.

Any tasks or activity entered as compulsory are mandatory for the Participant and non-compliance may need to be reported as explained in Chapter 12: Compliance.

Participants (Mutual Obligation) and DSP Recipients (Compulsory Requirements) must agree to the compulsory requirements set in their Detailed Job Plan, as long as the Provider is not requiring the Participant to meet any requirement that would be considered unsuitable under Social Security Law.

The Provider must ensure that the Participant understands the consequences for not undertaking compulsory tasks and activities in their Job Plan.

The Provider and the Participant should regularly review the contents of the Job Plan at Contact Appointments to ensure that all requirements are up to date and remain relevant. Where the review shows an update is needed, the Provider must update the Job Plan following a discussion with the Participant to ensure any changes made are well understood — as outlined under Section 4.8 Review and Agreement of the Job Plan — throughout the Participant's Period of Registration.

The requirements set in a Detailed Job Plan should reflect whether the Participant is receiving Pre-Employment Support, Post Placement Support or Ongoing Support. For those in the Pre-Employment Support phase, it should also reflect if they are receiving the Intensive Service or Flexible Service. The Participant's current phase is shown in their Job Plan.

There are additional considerations for the suitability of requirements in a Job Plan when a Participant is in paid Employment — it sees a shift in focus away from tasks and that activities to help them prepare for or actively look for work. Tasks, activities and Support for a Detailed Job Plan Participant in Employment should relate to helping maintain their job or increase their work hours (depending on whether or not the Participant is working in Open Employment at or below their Employment Benchmark).

There are also limitations in setting some requirements depending on the Participant engagement in certain Activities — with guidance on adjustments to participation requirements outlined under each Activity in Chapter 7: Activities.

The Job Plan Codes by phase and participant type supporting document on the Provider Portal, includes details on what codes can be added as a compulsory and/or voluntary requirement in the Detailed Job Plan.

It is recommended that Providers limit the use of the free text option in the Detailed Job Plan.

(Deed Reference(s): Clause 134.9, 134.13)

Pre-populated fields in Detailed Job Plan (Compulsory) and Detailed Job Plan (DSP U35)

Code	Requirement in Job Plan	Description
AI16	I agree to attend and act appropriately during any compulsory appointments.	• This is entered as a **compulsory** requirement. • The Participant must attend and act appropriately during any compulsory Appointments with their Provider. • This code must not be removed.

Code	Requirement in Job Plan	Description
PA03	I agree to take responsibility to accurately record or report my attendance at my requirements.	• This is entered as a **compulsory** requirement. • The Participant must accurately self-report their attendance at Activities and Job Interviews. • This requirement ensures that Participants are self-reporting attendance for compulsory requirements, if capable. • Providers must remove this requirement if they have assessed personal responsibility to self-report is not right for a Participant. In this case, Providers need to record attendance on the Participant's behalf.
PA12	I agree to follow up on job opportunities and referrals I am referred to by my provider.	• This is entered as a **compulsory** requirement. • The Participant must follow up on any suitable job opportunities they are referred to by their Provider. • This requirement may include applying for specific jobs, accepting a Job Interview, contacting an Employer to arrange or accept a Job Interview, and providing personal details to support a job opportunity. • Providers must remove this requirement if a Participant is already Employed at their Employment Benchmark and receiving Post Placement Support or Ongoing Support.
JS09	I agree to search for work by contacting 12 employers per month, including any to which my provider refers me. I agree to report and provide evidence of these job search contacts to my provider as directed by the <date> of each month. I am aware that I need to look for any suitable work, not just work that I would like to do.	• This is entered as a **compulsory** requirement. • The Participant has a Job Search Requirement and must accurately report the completion of Job Search effort. • Providers should tailor the number of Job Searches noting 12 is the maximum that any Participant can be set — refer to Chapter 7: Activities5.7 Job Search. • For Participants (Mutual Obligation), this code must not be removed and must remain as a compulsory requirement. • For DSP Recipients (Compulsory Requirements), Providers should consider if this requirement is suitable for those receiving Intensive Service Work Preparation, Flexible Service, Post Placement Support or Ongoing Support. This code can be changed to a **voluntary** requirement. This code can be removed if not right for the Participant.

Code	Requirement in Job Plan	Description
JS10	I agree to attend and act appropriately during a job interview(s).	• This is entered as a **compulsory** requirement. • This code can be changed to a **voluntary** requirement. • The Participant must attend and act appropriately at Job Interviews that they are notified to attend by their Provider. • Providers should consider if this requirement is suitable for those receiving Pre-Employment Support. • Providers must remove this requirement if a Participant is already Employed at their Employment Benchmark and receiving Post Placement Support or Ongoing Support.
JS13	I agree to accept any offer of a suitable job and not voluntarily leave a suitable job.	• This is entered as a **compulsory** requirement. • The Participant must be willing to accept any offer of suitable paid work and must not leave suitable paid work voluntarily. • For Participants (Mutual Obligation), not meeting this requirement without a Valid Reason is a Work Refusal Failure or Unemployment Failure. This code should not be removed from a Detailed Job Plan for a Participant (Mutual Obligation). • For DSP Recipients (Compulsory Requirements), Providers should consider if this requirement is suitable for those receiving Intensive Service Work Preparation, Flexible Service, Post Placement Support or Ongoing Support. This code can be removed if not right for the Participant.

4.7.1 Arrangements for Participants eligible for Mobility Allowance

Where a Participant tells the Provider that they are claiming or receiving the **standard** rate of Mobility Allowance, the Provider must ensure that the Participant's Job Plan has one of the following, either as a voluntary or compulsory requirement:

- Code JS04 [Job Search Contacts Voluntary]
- Code JS07 [Research and Prepare Applications]
- Code JS09 [Job Search – Monthly]
- Code JS10 [Job Interviews]
- Code ET64 [Work Preparation].

Where a Participant tells the Provider that they are claiming or receiving the **higher** rate of Mobility Allowance, the Provider must ensure that the Participant's Job Plan has Code JS05 [Job Search with a Disability – Activity Tested]. This must be a compulsory requirement if a Participant is receiving Pre-Employment Support or voluntary requirement if the Participant is receiving Post Placement Support or Ongoing Support.

The inclusion of Code JS05 [Job Search with a Disability – Activity Tested] must be in addition to Code JS09 [Job Search – Monthly] for Participants (Mutual Obligation).

Inclusion of these Job Plan items triggers payment of Mobility Allowance. If the Participant does not have a relevant code, their Mobility Allowance payment may be cancelled.

This applies to Participants receiving not only Pre-Employment Support but also Post Placement Support and Ongoing Support. While a Participant's Employment may be sufficient for the individual to continue to receive Mobility Allowance, the Department considers it best practice to continue to include one of these codes to avoid any risk of payment cancellation.

Information on Mobility Allowance is available on the Services Australia website.

The Job Plan Codes by Phase and Participant Type supporting document identifies codes enabling payment of Mobility Allowance for Inclusive Employment Australia Participants.

4.8 Review and Agreement of the Job Plan

The Job Plan must be agreed between the Participant and the Provider, including whenever the contents of the Job Plan are changed or updated.

Once the Job Plan has been created in consultation with the Participant, the Provider must enter the Job Plan details into Department's IT Systems and provide a copy of the Job Plan to the Participant for their review and agreement — as a soft copy on their Workforce Australia account and/or a hard copy print out.

The Provider must then notify the Participant that they must agree to their Job Plan and explain what will happen if they do not agree.

- If a Participant (Mutual Obligation) does not agree to their Job Plan, without a Valid Reason, they will be notified that their Income Support Payment will be suspended in 5 Business Days if they do not agree to their Job Plan.
- If a DSP Recipient (Compulsory Requirements) does not agree to their Job Plan, without a Reasonable Excuse, their non-compliance will be reported to Services Australia.
- If a Participant (Voluntary) does not agree to their Job Plan, they cannot be Commenced in Services and as a result must be Suspended or Exited.

The Participant can agree to their Job Plan online, by signing the hard copy provided or by stating they agree during a phone call or videoconference (see Sections below).

Further information on the compliance actions for not agreeing to the Job Plan as part of meeting participation requirements can be found in Chapter 12: Compliance. A Provider would Suspend or Exit a Participant (Voluntary) who does not agree to their Job Plan by following the guidance in Chapter 3: Commencements, Transfers, Suspensions and Exits.

4.8.1 Think time

Participants (Mutual Obligation) and Recipient (Compulsory Requirements) have 2 Business Days think time to review the proposed requirements of the Job Plan before agreeing to the Job Plan. Providers should tell the Participants that they can use this time to discuss their Job Plan with a third party (i.e. a nominee, advocate or support person).

When a Participant is to agree to their Job Plan online, via the Workforce Australia website or Workforce Australia App, the Department's IT Systems automatically apply think time.

A Provider must offer think time when a Participant is to agree their Job Plan either in person or via a phone call or teleconference. If the Participant wants to use think time, the Provider should book another Contact Appointment in 2 Business Days to finalise agreement to the Job Plan.

If a Participant wants to immediately agree to their Job Plan and the Provider is confident that the Participant understands the requirements in their Job Plan, no think time is required.

- Participants always receive think time when the Job Plan is sent for online review and agreement.
- If a Participant is to agree to their Job Plan either via a signed hard copy or verbally and asks for time to consider the Job Plan, the Provider must manually 'Set think time' in the Department's IT Systems.

Note: Participants (Voluntary) do not have to agree by a set date, and a Provider does not need to set think time.

4.8.2 Participants agreeing to the Job Plan online

Providers can send a Job Plan to the Participant to review and agree to online by sending it to their homepage through the Workforce Australia website or Workforce Australia app.

The Provider must inform the Participant that the Job Plan has been sent to their Workforce Australia homepage for agreement. The 2 Business Days of think time will start at this point.

The Provider must always read the notification scripts in the Department's IT Systems. It is best practice to also send an email notification to the Participant.

When the Participant agrees to the Job Plan, the Job Plan status will automatically be set to 'approved' in the Department's IT Systems.

If a Participant cannot agree to a Job Plan online because they live in an area with unreliable connectivity or other similar reasons, the Provider needs to inform the Participant that they must instead agree to the Job Plan via a signed hard copy or verbally.

4.8.3 Participants agreeing to the Job Plan via signed copy or verbally

Job Plans can be agreed to by the Participant in person or during a phone or videoconferencing conversation, including when the Participant does not have a Workforce Australia account.

When approving in person, the Provider should print out a hard copy of the Job Plan for the Participant to read and sign. Providers may use alternative methods to enable Participants to sign a copy of their Job Plan electronically, such as using a stylus to sign a copy presented on a touch-screen laptop, if they have this technology available.

When approving during a phone call or videoconference, the Provider must read out the Job Plan requirements to the Participant, and the Participant must clearly state their agreement to their Job Plan.

The Provider must always read out the notification scripts in the Department's IT Systems.

The Provider can finalise and approve the Job Plan in the Department's IT Systems by confirming the Participant has read, understood, and agreed to the Job Plan and the date it was agreed.

Once the Job Plan is approved in the Department's IT Systems, the Participant must be given the signed hard copy, if one was provided.

The Provider must record in the Department's IT Systems the dates the Job Plan was agreed and approved.

Providers must retain a copy of the signed Job Plan.

Once the Job Plan has been agreed and approved in the Department's IT Systems, the Participant will be able to access it from their Workforce Australia homepage.

(Deed Reference(s): Clause 134.17, 134.18)

4.9 Updating a Job Plan

A Participant's Job Plan should be updated as needed, noting that a Provider must ensure that each Participant always has a current Job Plan.

For the purposes of these Guidelines, and as noted in the Deed, changing between Job Plan types or between a compellable and voluntary Job Plan is not considered an update, but rather the creation of a new Job Plan. Refer to Section 4.4Entering into a Job Plan for relevant information on this.

Note: A Job Plan can only be updated if there is no compliance outstanding. If a compliance action is outstanding, the Department's IT Systems will not permit the Job Plan to be updated. The Provider will be redirected to the 'Compliance' screen in the Department's IT Systems to first resolve the non-compliance before updating.

Providers must update the Job Plan whenever the Participant:

- moves to a different phase — noting that the Job Plan will show if the Participant is receiving Pre-Employment Support, Post Placement Support or Ongoing Support
- requests to change their Employment Goal
- resumes their Period of Service, either following a Suspension or Exit
- has a change in their circumstances that impacts their ability to meet the requirements in their Job Plan (Detailed Job Plan only)
- commences a new Activity (Detailed Job Plan only)
- completes an Activity (Detailed Job Plan only)
- is still undertaking the activity agreed to for the purposes of Mobility Allowance but the period entered has expired
- has an ESAt or JCA (Detailed Job Plan only), and/or
- has a Capability Interview or Capability Assessment that determines that their Job Plan is inappropriate (Detailed Job Plan only).

(Deed Reference(s): Clause 134.2, 134.7)

Note: When updating a Job Plan as part of movement between phases or service offers, Providers must ensure that the new phase or service offer has been captured in the Department's IT Systems prior to starting the process to update the Job Plan in the Department's IT Systems.

The Participant will need to review and agree to their Job Plan each time it is updated, as outlined in Section 4.8 Review and Agreement of the Job Plan.

To update a Job Plan, Providers edit the existing Job Plan. The Participant must review and agree to the updated Job Plan.

If an update has been made in error by the Provider or is no longer needed as the Participant has decided not to go ahead with a new task or activity that preceded the

update, Providers may reinstate the previous Job Plan. This is as long as the Job Plan has not yet been approved in the Department's IT Systems.

Participants (Mutual Obligation or and DSP Recipient (Compulsory Requirements) can be subject to compliance action for failure to agree to their Job Plan. If a Participant advises that they do not want to agree to an updated Job Plan, Providers should give consideration as to whether a new Job Plan must be agreed, or whether it is more appropriate to reinstate the previous Job Plan. Failure to agree to their Meaningful Engagement Job Plan should not be the only reason that a Participant is determined to have a Pattern of Disengagement.

Note: Participants (Voluntary) cannot be compelled to update their Job Plan.

Chapter 5: Participation requirements

Supporting Documents for this Chapter

Mutual Obligation Requirements

- Formal Notifications
- Types of Exemptions

Meaningful Engagement Requirement

- Provider Actions – Program Summary
- Meaningful Engagement Provider Information Pack
- Meaningful Engagement Fact Sheet – For Participants (Mutual Obligation) and DSP Recipients (Compulsory Requirements)
- Meaningful Engagement Fact Sheet for Volunteers – For Participants (Voluntary)

Job Search

- Provider Actions – Tailoring a Participant's Job Search Target
- Manual Job Search Reporting Form

Tools to assist in supporting Participants

- Capability Management Tool
- Personal Events Best Practice Guide
- Personal Events Participant Fact Sheet

5.1 Chapter Overview

This Chapter explains what participation requirements each Participant may have under Social Security Law and the role of Providers in helping Participants to understand and meet their participation requirements.

Participation requirements will vary depending on the type of Participant — i.e. if they are a Participant (Mutual Obligation), DSP Recipient (Compulsory Requirements), Volunteer (Mutual Obligation) or Volunteer (Non-Mutual Obligation).

Participation requirements will also vary depending on whether the Participant is meeting their requirements through the Meaningful Engagement Requirement specified in their Meaningful Engagement Job Plan or has compulsory requirements specified in their Detailed Job Plan.

When setting tasks and activities, either in the context of the Meaningful Engagement Requirement or in a Detailed Job Plan, it is considered best practice to review the:

- ESAt report, where relevant, and
- Capability Management Tool (see Section 5.4 Capability Management Tool)5.4 Capability Management Tool.

For the purposes of this Chapter in these Guidelines:

- **self-reporting** means the Participant recording attendance themselves online, and
- **reporting** means the Participant contacts their Provider to report their attendance when/if they are unable to record it online.

This Chapter should be read in conjunction with Chapter 4: Job Plans and Chapter 12: Compliance.

5.2 What are participation requirements?

Most Inclusive Employment Australia Participants will have participation requirements that they need to meet under Social Security Law. This generally means they must attend the Initial Interview, agree to their Job Plan, attend Appointments when requested to do so, and participate in compulsory tasks and activities outlined in their Job Plan.

Participation requirements reinforce that a Participant (Mutual Obligation) and DSP Recipient (Compulsory Requirements) must be willing to look for and accept suitable work as a condition of receiving their Income Support Payment.

The type of participation requirements a person has depends on the Income Support Payment they receive. Participation requirements may be either:

- Mutual Obligation Requirements — the requirements that a Participant (Mutual Obligation) must meet in return for receiving their Income Support Payments from Services Australia, or
- compulsory participation requirements — the requirements that a DSP Recipient (Compulsory Requirements) has in return for receiving the DSP from Services Australia.

Note: The Department's IT Systems will show if a Participant has participation requirements.

A Participant's participation requirements are listed on the 'Participation' screen in the Department's IT Systems.

Participants (Voluntary) do not have participation requirements. If the Participant is not in contact with the Provider or not engaging appropriately with Services, the Provider must either Suspend or Exit the Participant in accordance with the guidance in Chapter 3: Commencements, Transfers, Suspensions and Exits.

At any time, a Participant (Mutual Obligation) and DSP Recipient (Compulsory Requirements) may no longer need to participate in employment services as:

- Services Australia applies an Exemption, or
- they have a temporary reduced work capacity:
  - between 0-14 hours for 12 weeks or more, if a Participant (Mutual Obligation), or
  - less than 8 hours, if a DSP Recipient (Compulsory Requirements).

As noted in Section 3.5 Suspensions and Volunteer Periods3.5 Suspensions and Volunteer Periods, the Participant will be Suspended for the duration of this period, unless they are receiving Post Placement Support or Ongoing Support, or if they volunteer to continue receiving Pre-Employment Support.

Note: During a Volunteer Period, a Participant (Mutual Obligation) continues to receive support as a Volunteer (Mutual Obligation) and a DSP Recipient (Compulsory Requirements) continues to receive support as a Volunteer (Non-Mutual Obligation).

Once the Exemption or temporary reduced work capacity period has ended, the Provider must resume delivery of Services. This would include a face-to-face Contact Appointment with the Participant as part of the Re-engagement process (unless conducting the appointment face-to-face would be unreasonable) and ensuring the Participant understands their participation requirements. It may also be appropriate to ask the Participant to agree to their Job Plan again, depending on when the Job Plan was last approved.

5.2.1 Mutual Obligation Requirements

This Section applies to Participants (Mutual Obligation)

Whether a Participant has full-time or part-time Mutual Obligation Requirements is determined by Services Australia, and will generally be based on:

- the Participant's age
- the Participant's assessed work capacity, and
- if the Participant has primary responsibility for the care of a child.

Due to the eligibility criteria for Inclusive Employment Australia (see Section 1.2 General eligibility criteria1.2 General eligibility criteria), typically Participants will have part-time requirements.

Services Australia may determine that a Participant (Mutual Obligation) is Fully Meeting their requirements if they are undertaking an approved Activity or combination of approved Activities for enough hours each fortnight. Those who are Fully Meeting their requirements are not required to participate with employment services but may choose to volunteer for employment services.

A Participant may have a temporary reduction in their requirements because of a temporary reduced work capacity.

The interaction between a Participant's assessed work capacity, Mutual Obligation Requirements and Employment Benchmark is outlined in the following table.

Participation levels

Work Capacity	Employment Benchmark	Mutual Obligation Requirements	Fully Meeting (Approved Activities)
30+ hours per week *	30 hours per week	Full-time	70 hours per fortnight *
23-29 hours per week	23 hours per week	Part-time	30 hours per fortnight
15-22 hours per week	15 hours per week	Part-time	30 hours per fortnight
8-14 hours per week	8 hours per week	Quarterly interviews with Services Australia	Attendance at quarterly interviews
0-7 hours per week	0 hours per week	Quarterly interviews with Services Australia	Attendance at quarterly interviews

*** Note:** Individuals with an assessed work capacity of 30 hours or more per week are ineligible to Commence in Inclusive Employment Australia, but Participants who Commenced in DES prior to 1 July 2021 may have an Employment Benchmark of 30 hours per week. Fully Meeting requirements through 70 hours per fortnight does not apply to Inclusive Employment Australia Participants. A Principal Carer Parent or Mature Age Participant (aged 55 years of over) with an assessed work capacity of 30 hours or more per work is also able to Fully Meet their requirements through 30 hours per fortnight participation in approved Activities.

Under Social Security Law, Participants with Mutual Obligation Requirements are generally required to enter into a Job Plan, attend Appointments with their employment services provider and demonstrate that they are actively looking for work and/or maintaining their employment. In addition, those with Mutual Obligation Requirements must accept any offer of suitable work and not voluntarily leave a suitable job.

Providers must ensure that the Job Plan for a Participant (Mutual Obligation) will enable them to meet their Mutual Obligation Requirements.

A Participant (Mutual Obligation) with a Meaningful Engagement Job Plan is set the Meaningful Engagement Requirement, through which they can meet their Mutual Obligation Requirements. This is the only compulsory requirement in their Job Plan.

A Participant (Mutual Obligation) with a Detailed Job Plan is expected to have been set the following compulsory tasks and activities, which must be completed to meet their Mutual Obligation Requirements:

- the compulsory requirement to take personal responsibility for self-reporting, unless the Provider has assessed that the Participant is not capable of self-reporting
- the compulsory requirement to willing accept any offer of suitable paid work and not leave suitable paid work voluntarily
- the compulsory requirement to act on Job Referrals, where appropriate
- a compulsory Job Search Requirement, noting that this may be set to zero where appropriate as outlined in these Guidelines
- a compulsory requirement to attend Appointments with their Provider
- a compulsory Activity, where the Provider considers mandatory attendance is required to improve their Work Readiness or prospects of finding and/or maintaining Employment, and
- the compulsory requirement to attend Job Interviews, where appropriate.

(Deed Reference(s): Clause 134.8, 134.9)

Where a Participant (Mutual Obligation) has a repeatedly failed to satisfactorily meet the Meaningful Engagement Requirement, as evidenced by a Pattern of Disengagement, they will be required to enter into a Detailed Job Plan.

Where a Participant (Mutual Obligation) is not complying with their requirements in a Detailed Job Plan, their non-compliance is managed under the Targeted Compliance Framework (TCF) in accordance with the relevant Sections in Chapter 12: Compliance.

A Participant (Mutual Obligation) with a Detailed Job Plan may also agree to other voluntary tasks and activities that address Vocational and Non-Vocational Barriers or otherwise would help them achieve their Employment Goal. These voluntary activities are not compulsory and not completing them will not result in any compliance action.

Reduced capacity due to injury or temporary medical conditions

A Provider may adjust a Participant's requirements to reflect a short-term or temporary change in circumstances that impacts their ability to meet their Mutual Obligation Requirements but will not have a significant long-term impact on the Participant's ability to work or participate in employment services. Where the Participant is receiving Pre-Employment Support, Providers must also consider if the Participant's service offer should be adjusted (see relevant Sections on the service offers and movement between the phases in Chapter 6: Pre-Employment Support for more information).

A Participant can have been assessed as having a temporary reduced work capacity because of an injury or temporary physical or mental health condition. Participants may have reduced requirements for the period of the temporary reduced work capacity.

Note: If the temporary reduced work capacity is between 0-14 hours per week and for a period longer than 12 weeks, a Participant (Mutual Obligation) receiving Pre-Employment Support will be Suspended from Services and become Centrelink Managed. As was noted

earlier in this Section, the Participant may choose to volunteer to continue to receive assistance during this period.

Exemptions from Mutual Obligation Requirements

If a Participant is temporarily unable to meet **any** of their Mutual Obligation Requirements, Services Australia may grant an Exemption for a specified period. If a Provider believes that the Participant does not temporarily have the capacity to meet any of their Mutual Obligation Requirements, the Participant must be advised to contact Services Australia to test their eligibility for an Exemption, on their regular payment line (which can be found on the Services Australia website). Encouraging the Participant to seek an Exemption is important as they may be eligible for additional allowances, such as Pharmaceutical Allowance, depending on their circumstances.

A guide to the situations in which a Participant may be granted an Exemption from their Mutual Obligation Requirements, is included on the Provider Portal as the Types of Exemptions support document.

At the same time, a Provider should also seek to reduce a Participant's requirements and consider if the Flexible Service would be more appropriate. Movement into the Flexible Service while the Participant progresses with applying for an Exemption recognises the lower capacity to engage.

Regardless of whether an Exemption is granted, Providers must not set tasks and activities (either as part of meeting the Meaningful Engagement Requirement or as a compulsory requirement in a Detailed Job Plan) that the Participant would be unable to meet, or that are inappropriate for their circumstances.

Note: Participants granted an Exemption will be Suspended from a Provider's Caseload for the period of the Exemption. These Participants may voluntarily choose to continue participating in employment services as a Participant (Voluntary). Some Participants with longer-term Exemptions may be Exited from a Provider's Caseload.

Pause of obligations

At any time, the Department of Employment and Workplace Relations may pause Mutual Obligation Requirements for Participants (Mutual Obligation) in a certain location — for example, because of a natural disaster or State and Territory Health Orders.

During this period, no payment suspensions will apply to Participants who do not meet their Mutual Obligation Requirements. Participants will also not receive Demerits under the TCF or be required to meet a Re-engagement Requirement.

Note: No change to a Participant's Job Plan is required to enable the pause of requirements.

During a pause, Providers must support Participants to understand:

- what the pause of obligations means
- how long the pause will last
- what happens during the pause
- what they will need to do when the pause ends.

Participants can choose to continue to participate in Appointments and Activities on a voluntary basis. Appointments and Activities scheduled prior to the pause may still appear in their Electronic Calendar and they may still get reminder notifications, but no compliance

action is applied if they do not attend. Providers may encourage Participants to remain in contact and participate in tasks and activities where it is safe to do so.

Providers must not draw upon evidence of any disengagement from this period as part of their assessment of whether a Participant has failed to meet the Meaningful Engagement Requirement. A Provider, however, may consider the level of engagement during this period for a Pattern of Renewed Engagement.

Participants will still need to meet their Job Search Requirement if it is due after the pause ends. Providers should consider the Participant's ability to meet their Job Search Requirement if it is due soon after the pause ends.

Note: Participant's must still report their income to Services Australia each fortnight, using their Centrelink online account.

Fully Meeting Mutual Obligation Requirements

All Participants (Mutual Obligation) in Inclusive Employment Australia can Fully Meet their requirements through sufficient participation, of at least 30 hours per fortnight, in an approved Activity or a combination of approved Activities. A summary of circumstances in which an Inclusive Employment Australia Participant would be Fully Meeting their Mutual Obligation Requirements is included in the table below. Details on approved study are included under Section 7.7.2 Education and Training and details on approved Voluntary Work are included under Section 7.6.1 Provider Sourced Voluntary Work and Section 7.7.3 Participant Sourced Voluntary Work.

Note: All Inclusive Employment Australia Participants have a Partial Capacity to Work (PCW) as those with an assessed work capacity of 30 hours or more per week are ineligible to Commence in Inclusive Employment Australia. Therefore, at a minimum, Inclusive Employment Australia Participants can Fully Meet their requirements under the arrangements for PCW Participants.

A guide to when a Participant can be recorded as Fully Meeting their Mutual Obligation Requirements, can be found in the Social Security Guide — see 3.11.6 Fully meeting requirements | Social Security Guide.

If the Participant has confirmed they are going to undertake an approved Activity but has not yet commenced, they must still participate in Inclusive Employment Australia until they commence the Activity.

Providers can record that Participants are Fully Meeting their Mutual Obligation Requirements through recording their participation in the approved Activity. The Activity does not need to be in their Job Plan for the Participant to be Fully Meeting their requirements, however, it is considered best practice to capture the Activity in the Participant's plan for meaningful engagement or Detailed Job Plan as soon as the Provider arranges the Activity or is advised that the Participant is undertaking the Activity.

Providers must assess and record that a Participant is participating in an activity that is Fully Meeting their Mutual Obligation Requirements in the Department's IT Systems rather than sending the Participant to Services Australia to action.

Detailed instructions on recording activities as Fully Meeting are available in the Recording participants as Fully Meeting mutual obligations task card.

Requirements to be Fully Meeting Mutual Obligation Requirements

Participant Cohort	Requirements
PCW Participants (15-29 hours per week)	• By undertaking 30 hours per fortnight of: ○ paid Employment, including Unsubsidised Self-Employment ○ approved study, or ○ a combination of the above.
Principal Carer Parents (youngest child is under 16 years of age)	• By undertaking 30 hours per fortnight of: ○ paid Employment, including Unsubsidised Self-Employment ○ approved study, or ○ a combination of above. • By undertaking approved Voluntary Work with at least 15 hours of approved study and/or paid Employment, for 30 hours per fortnight.
Participants in receipt of a Carer Allowance	• By undertaking 30 hours per fortnight of: ○ paid Employment, including Unsubsidised Self-Employment ○ approved study, or ○ a combination of above. • By undertaking approved Voluntary Work with at least 15 hours of approved study and/or paid Employment, for 30 hours per fortnight.
Mature aged Participants (55 years or older)	• By undertaking 30 hours per fortnight of: ○ paid Employment, including Unsubsidised Self-Employment ○ approved Voluntary Work, or ○ a combination of above. **Note:** If aged 55-59 years and in their first 12 months of receiving Income Support Payments, Voluntary Work must be combined with at least 15 hours of approved paid work.

Note: Once a Provider or Services Australia determines that a Participant is Fully Meeting their Mutual Obligation Requirements, a Participant receiving Pre-Employment Support will be Suspended from the Provider's Caseload and become Centrelink Managed. If the Participant is expected to continue to Fully Meet their Mutual Obligation Requirements for more than 13 weeks they will be Exited unless they choose to remain in Inclusive Employment Australia as a Volunteer (Mutual Obligation) — refer to Sections 3.5 Suspensions and Volunteer Periods, 3.6 Exits3.5.2 Volunteering during a Suspension and 4.6.3 Arrangements for for more details.

If a Participant ceases to Fully Meet their Mutual Obligation Requirements, the Provider will resume delivery of Services. This would include discussion with the Participant following the period of Exemption to ensure they understand their Mutual Obligation Requirements and identifying appropriate tasks and activities that the Participant can undertake to meet their requirements.

Participants undertaking residential treatment programs

If a Participant is undertaking intensive drug and alcohol treatment or rehabilitation (such as a full-time residential program) they are considered as meeting their Mutual Obligation Requirements and do not have to complete additional requirements.

Note: Participants in residential programs for drug and/or alcohol rehabilitation can have an 'authorised correspondence nominee'. Nominees can let the Provider know the Participant is in a residential program and arrange to get access to all correspondence and

notifications the Provider sends to the Participant. With the consent of a Participant, residential rehabilitation facilities can also advise a Provider that a Participant has entered a residential program, as Participants generally will not have access to communication devices.

Pregnant Participants

Providers must consider a pregnant Participant's personal circumstances when setting their Mutual Obligation Requirements.

From 6 weeks before the expected due date and until 6 weeks following the birth of the child, the Participant can have an Exemption from all their Mutual Obligation Requirements.

5.2.2 DSP compulsory participation requirements

This Section applies to DSP Recipients (Compulsory Requirements)

DSP Recipients (Compulsory Requirements) have agreed to take part in Inclusive Employment Australia to meet the requirements set out in their Participation Plan with Services Australia.

There are other methods by which a DSP Recipient (Compulsory Requirements) may be able to meet their participation requirements, such as Apprenticeships, Traineeships, NDIS employment supports, work experience and voluntary work. If a DSP Recipient (Compulsory Requirements) raises the option to meet their participation requirements through a different activity, the Provider should advise the Participant to raise this at their next participation interview or call Centrelink on 132 717.

A DSP Recipient (Compulsory Requirements) does not need to participate in employment services if they are working in Supported Employment or work under the Supported Wage System. Where a Provider is aware that a DSP Recipient (Compulsory Requirements) would no longer be required to participate in Inclusive Employment Australia, the Provider should advise the Participant to contact Services Australia and ask for a review of their Participation Plan. Following a change to their Participation Plan, the DSP recipient may continue to volunteer for Inclusive Employment Australia.

Under Social Security Law, Participants with compulsory participation requirements for their DSP referred to employment services are generally required to sign a Job Plan, attend appointments with their provider, do any compulsory tasks and activities agreed to, and attend participation interviews with Centrelink).

Providers must ensure that the Job Plan for a DSP Recipient (Compulsory Requirements) will enable them to meet their compulsory participation requirements.

As noted in Chapter 4: Job Plans, DSP Recipients (Compulsory Requirements) must have at least one compulsory requirement in their Job Plan.

A DSP Recipients (Compulsory Requirements) with a Meaningful Engagement Job Plan is set the Meaningful Engagement Requirement, through which they can meet their compulsory participation requirements. This is the only compulsory requirement in their Job Plan.

A DSP Recipient (Compulsory Requirements) with a Detailed Job Plan is expected to have been set:

- any Interventions as specified by Services Australia in the Capability Management Tool
- compulsory attendance at Appointments with their Provider, and

- a compulsory Activity, including job search activities, work preparation activities and/or Job Interviews, where appropriate.
- other voluntary tasks and activities that address Vocational and Non-Vocational Barriers, which may include a Job Search Requirement, work preparation activities or job search activities.

Where a DSP Recipient (Compulsory Requirements) has a repeatedly failed to satisfactorily meet the Meaningful Engagement Requirement, as evidenced by a Pattern of Disengagement, they will be required to enter into a Detailed Job Plan.

(Deed Reference(s): Clause 134.11, 134.12, 134.13)

It is the responsibility of DSP Recipient (Compulsory Requirements) to meet their participation requirements. However, it is important that Providers provide appropriate assistance, depending on the Participant's circumstances and issues, to ensure they can maintain their attendance and participation.

If a DSP Recipient (Compulsory Requirements) is not complying with their requirements, their non-compliance is reported to Services Australia in accordance with Section 12.7 Pause of Mutual Obligation Requirements

The Department pauses Mutual Obligation Requirements when exceptional circumstances are identified that would impact Participants' ability to meet (or report) their Mutual Obligation Requirements, or Providers' ability to deliver employment services. Exceptional circumstances may include:

- natural disasters
- major IT system outages
- other significant events such as a pandemic.

When a pause of Mutual Obligation Requirements is in place, the TCF does not apply. Participants can still engage if it is safe and they wish to do so, but there are no compliance consequences if they do not. Providers must not apply compliance actions during a pause, as all Mutual Obligation Requirements become voluntary during this time.

Where the circumstance is at a localised level such as power outages or public transport disruptions, a pause of Mutual Obligations may not be required. In these cases, Providers should manage any potential impacts on Participants.

Where appropriate, this may include:

  - adjusting requirements for affected Participants
  - rescheduling Provider Appointments or recording that a Participant is no longer required to attend
  - setting Job Search Reporting Periods to No Longer Required (NLR)
  - recording that a Participant is no longer required to attend a job interview or complete a Job Referral task
  - ensuring Participants are given sufficient time before recording a non-attendance result
  - considering if further support referrals are required.

Note: For more information on the Pause of Mutual Obligation Requirements, refer to the Targeted Compliance Framework Reference Guide.

12.8 DSP non-compliance and associated compliance actions.

Note: DSP recipients with compulsory participation requirements may volunteer for Inclusive Employment Australia but be meeting their requirements via another work focused activity — such as, Supported Employment or NDIS employment supports. DSP recipients not subject to compulsory participation requirements can also volunteer to participate in Inclusive Employment Australia. In these cases, the Participant will be identified on the Department's IT Systems as a Participant (Voluntary).

Where a Participant cannot meet their compulsory participation requirements

A Provider should adjust a Participant's requirements to reflect a short-term or temporary change in circumstances.

A Participant may also be assessed as having a temporary reduced work capacity because of an injury or temporary physical or mental health condition.

Note: If the temporary reduced work capacity is less than 8 hours per week, a DSP Recipient (Compulsory Requirements) will be Suspended from Services. As was noted earlier in this Section, the Participant may choose to volunteer to continue to receive assistance during this period.

Services Australia may grant Exemptions for a specified period if a DSP Recipient (Compulsory Requirements) is temporarily unable to meet their requirements. If a Provider believes that the Participant is eligible for an Exemption, the Participant must be advised to contact Services Australia on their regular payment line (which can be found on the Services Australia website).

Services Australia can grant temporary incapacity Exemptions for DSP Recipients (Compulsory Requirements) for up to 2 years based on a medical practitioner's advice on a medical certificate. Other exemptions may be granted up to 13 weeks, depending on individual circumstances.

A guide to the situations in which a Participant may be granted an Exemption from their compulsory participation requirements is included on the Provider Portal as the Types of Exemptions support document.

Pause to requirements

At any time, the Department may pause compulsory participation requirements for DSP Recipients (Compulsory Requirements) in a certain location — for example, because of a natural disaster or State and Territory Health Orders.

During this period, Providers do not need to report any non-compliance to Services Australia. No financial penalties will apply to DSP Recipients (Compulsory Requirements) who do not meet their participation requirements. All existing compulsory requirements will become voluntary requirements. All Participants will be meeting the Meaningful Engagement Requirement.

Note: No change to a Participant's Job Plan is required to enable the change in requirements.

During a pause, Providers must support Participants to understand:

- what the pause to compulsory participation requirements means
- how long the pause will last
- what happens during the pause
- what they will need to do when the pause ends.

Participants can choose to continue to participate in Appointments and Activities on a voluntary basis. Appointments and Activities scheduled prior to the pause may still appear in their Electronic Calendar and they may still get reminder notifications. Providers may encourage Participants to remain in contact and participate in tasks and activities where it is safe to do so.

Note: Participant's must still report their income to Services Australia each fortnight, using their Centrelink online account.

5.2.3 Requirements for Participants undertaking a Program of Support

Participants may be participating in Inclusive Employment Australia as part of a Program of Support requirement. That is, as part of their eligibility for DSP they have been informed that they need to demonstrate that they have actively participated in a program that helps them to prepare for, find and keep a job.

As Inclusive Employment Australia will often be the most appropriate employment service for people applying for the DSP, people with Program of Support requirements may have Directly Registered for Inclusive Employment Australia, subject to meeting general eligibility criteria or special eligibility criteria (see relevant Sections in Chapter 1: Eligibility, Referrals and Direct Registration).

To show that they have participated in a Program of Support, the person needs to have participated in employment services for at least 18 months in the 3 years before they make the DSP claim. Generally, they will meet this requirement if they remain connected with their Provider and do not Exit for more than 13 weeks. If they fail to participate, they may jeopardise their eligibility for DSP.

Note: A person who is participating to meet the Program of Support requirement may be a Participant (Mutual Obligation) or Participant (Voluntary). If they are a Participant (Mutual Obligation), they are subject to the relevant participation requirements and compliance actions linked to their Income Support Payment. If they are a Participant (Voluntary), the Provider can Exit the Participant if they disengage.

There is no flag in the Department's IT Systems that identified if a Participant has a Program of Support requirement. Therefore, it is only when a Participant discloses that they are participating as part of a Program of Support requirement, that Providers must ensure that they understand their requirements for the Program of Support as required in the Deed and these Guidelines.

5.3 Provider obligations

Provider staff have delegated powers under Social Security Law to notify Participants (Mutual Obligation) of their participation requirements.

Providers must work with Participants to set an appropriate mix of tasks and activities, tailored to the individual's circumstances, to support full participation in Inclusive Employment Australia Services.

Under Social Security Law, Participants must be given appropriate notice of any compulsory requirement. The Secretary of the Department of Employment and Workplace Relations has delegated to Provider staff the power to give Participants formal notification of their requirements.

The Provider's main obligations relating to participation requirements include:

- ensuring that Job Plans for Participants (Mutual Obligation) and DSP Recipients (Compulsory Requirements) are suitable to the Participant's personal circumstances and capacity to comply with their obligations under Social Security Law
- ensuring any tasks and activities agreed to are suitable and tailored to the Participant's Employment Goal(s), assessed work capacity, personal circumstances, and work or study commitments (whether these tasks and activities are part of meeting the Meaningful Engagement Requirement or specified in a Detailed Job Plan)
- ensuring each Participant (Mutual Obligation) understands their Mutual Obligation Requirements and what they must do to meet their Mutual Obligation Requirements
- ensuring each DSP Recipient (Compulsory Requirements) understands their obligations under Social Security Law
- ensuring each Participant undertaking a Program of Support understands their obligations
- assessing a Participant's capability to self-report their own attendance, and reviewing their capability to self-report as required
- notifying Participants of their requirements, including how they can meet each requirement and the consequences of not meeting the requirement
- actively checking and recording each Participant's level of engagement against the plan for meaningful engagement
- actively monitoring and recording each Participant's compliance with their requirements and capacity to meaningfully engage — refer to Chapter 12: Compliance, and
- notifying Participants when they are at risk of not meeting a requirement or have failed to meet a requirement.

(Deed Reference(s): Clause 114.1, 138, 139, 140)

5.3.1 Training

It is essential that each staff member understands how to set participation requirements, to ensure that Participants are meeting their requirements under Social Security Law.

Providers are encouraged to adopt shared decision-making processes, giving Participants choice and flexibility over the assistance they receive. Providers should seek to ensure that staff understand the principles of shared decision making and supported decision making.

(Deed Reference(s): Clause 143)

5.3.2 Notifying Participants of their requirements

When a Participant is set a compulsory requirement, the Participant needs to be provided with information about that requirement. That is, the Participant needs to be issued a formal notification.

Note: Notifications may also be sent for voluntary activities, but these are for informational purposes (i.e. include details such as the location, date/days, and time of the activity).

There are a range of modes of communication available for notifications which are automatically sent by the Department's IT Systems. Providers must ensure that

Participants are notified of their upcoming requirements using a mode that considers their preferred contact method.

If the Participant does not have a notification preference recorded in the Department's IT Systems, Providers may need manually issue notifications — by printing and sending the notification to the Participant's residential address.

A Participant's preferred contact method is listed in the Department's IT Systems under the 'Personal details' screen of the Participant's profile.

The Department's IT Systems will automatically create the relevant notification type to be issued when a Provider:

- schedules an Appointment in the Participant's Electronic Calendar
- schedules a compulsory Activity in the Participant's Electronic Calendar
- schedules a Job Interview in the Participant's Electronic Calendar
- negotiates a Job Plan with the Participant, and
- creates a Job Referral or Job Opportunity task.

A hard copy of any manually prepared notification of a requirement must be kept by the Provider.

Notifications generally include:

- the reason for any Appointment, if sent in relation to an Appointment
- if the task or activity is for the purpose of a Re-engagement Requirement
- the date and start time an Appointment, Activity or Job Interview has been scheduled in the Participant's Electronic Calendar
- the location or address of the Appointment, Activity or Job Interview, if the format is face-to-face
- the dial in or dial out details for the Appointment, Activity or Job Interview, if the format is via a phone call or videoconference
- if the Participant must record their own attendance, and, if so, details of when they need to record their attendance
- details of a Job Referral or Job Opportunity task
- any evidence the Participant needs to show to confirm their participation
- advice that the Participant must contact their Provider, if they become aware of any reason that would prevent them from doing the task or activity
- advice that the Participant must contact their Provider if they fail to complete the task or activity, to inform the Provider of the reason why they could not attend
- advice about possible consequences for Participants if they do not meet their requirement
- advice that the Participant must complete the requirement in return for Income Support Payments, and
- if a formal notification, must include a statement that the notification is a notice under Social Security Law.

For formal notifications, the Provider must issue the notification within an appropriate timeframe before the requirement is scheduled to occur. If reasonable notice timeframes are not met, the Participant's Electronic Calendar will not allow the requirement to be

booked, unless the Provider is in direct contact with the Participant and records in the Department's IT Systems the Participant has agreed to meet this requirement.

The Department's IT Systems will not allow a formal notification to be issued if reasonable notice timeframes cannot be met.

Where a Participant has an authorised correspondence nominee, the nominee will receive copies of all notifications sent from the Provider to the Participant.

For more information on formal notifications, refer to the Formal Notifications supporting document on the Provider Portal.

5.3.3 Capturing Personal Events

Personal Events are a way of communicating a period when a Participant has a personal commitment which could prevent them from attending a compulsory requirement. Personal Events can be created for anytime between 6:00 am and 9:00 pm, and can be booked on a recurring basis, up to 8 weeks in advance.

A Participant can create their own Personal Events in their Electronic Calendar, where a Mutual Obligation Requirement is not already scheduled for that time. Providers must encourage Participants to create relevant Personal Events in their Electronic Calendar while receiving Pre-Employment Support and must help to do this when necessary. A Personal Events Participant Fact Sheet available on the Provider Portal helps Participants understand what they need to do have their time for other commitments captured in the Electronic Calendar.

Providers must record a Participant's hours of paid work as a Personal Event on behalf of the Participant, where the hours are regular and it is reasonable to do so. Providers may also create Personal Events on behalf of a Participant for regular commitments such as caring commitments or medical appointments.

If a Participant is receiving Post Placement Support or Ongoing Support and the Participant's Personal Events would create a conflict with the Provider's business hours, the Provider may speak to the Participant to negotiate a suitable, reoccurring day during the week where the Provider would organise Contacts with the Participant either at or near their place of Employment. The Participant would not capture their paid work as a Personal Event for this time.

Providers must regularly review Personal Events added by Participants, including information from the Participant about the personal commitment, and must decide whether to confirm the Personal Event. The Provider must consider the nature of the Personal Event, the Participant's personal situation and the current phase or service offer they are receiving.

It is best practice to incorporate a review of Personal Events into regular Contacts with the Participant.

If a Provider confirms a Personal Event, the Provider must:

- advise the Participant that compulsory requirements may still be scheduled for that time, unless the Personal Event is paid Employment, but
- not schedule any compulsory requirements that conflicts with the confirmed event unless they first discuss the clash with the Participant.

If a Provider leaves a Personal Event unconfirmed, the Provider must contact the Participant to:

- advise the Participant that the Personal Event has not been confirmed
- advise the Participant about what is needed to change the Personal Event to confirmed, and
- request more information about the Personal Event, if needed.

A confirmed Personal Event is considered prior notice that the Participant is unable to attend a requirement at that time. A Provider must not book a conflicting requirement at that time unless the Provider:

- contacts the Participant to explain why the requirement is necessary and to check that the Participant can make alternative arrangements for the Personal Event
- enters a justification for setting the conflicting requirement, as a comment in the Participant's Summary on the Department's IT Systems, and
- formally notifies the Participant in advance of the requirement.

Providers should refer to the Personal Events – Best Practice Guide on the Provider Portal for more information on the types of Personal Events that can be captured and how Personal Events work in the Department's IT Systems for Providers and Participants.

5.4 Capability Management Tool

The Capability Management Tool available via the Job Plan screen in the Department's IT Systems is a supporting tool for Providers. The Capability Management Tool combines information collected from ESAts, any Capability Interviews and/or Capability Assessments, and self-reported barriers entered by the Participants via Workforce Australia Online for Individuals.

The tool allows a Provider to identify any personal circumstances that could affect the Participant's ability to meet their participation requirements and find employment, and record how barriers are being addressed (or are not being addressed, as Participant has exercised choice in the services and support received).

The Capability Management Tool can help Providers to:

- find current vulnerabilities and barriers that may affect a Participant's ability to meet their participation requirements, including any issues self-identified by the Participant
- find ESAt recommended Interventions, and
- find recommendations by Services Australia following a Capability Assessment to consider when updating the Participant's Job Plan, where relevant.

The Provider should also record any information about the Participant's participation (or refusal to participate) in Activities in the Capability Management Tool.

If a Provider finds or becomes aware that a Participant's ongoing ability to meet their requirements is affected by a drug or alcohol dependency, the Provider should seek to source, offer and arrange treatment services and record in the Capability Management Tool if:

- the Participant has accepted and is currently participating in treatment or rehabilitation services
- treatment or rehabilitation services are not available in the Participant's area of residence
- there is a waiting list to participate in treatment, or

- the Participant has refused to participate in treatment or rehabilitation.

For more information on the Capability Management Tool, including its usage as part of the Targeted Compliance Framework, refer to the Capability Management Tool supporting document.

5.5 Meaningful Engagement Requirement

Participants (Mutual Obligation) and DSP Recipients (Compulsory Requirements) can meet their participation requirements through the Meaningful Engagement Requirement.

Participants (Voluntary) are expected to engage in order to continue receiving support, which is also reflected through the Meaningful Engagement Requirement.

As noted in Section 4.6 Contents of a Meaningful Engagement Job Plan, the Meaningful Engagement Job Plan will pre-populate to include Code PA19 [Meaningful Engagement Requirement], as:

- the only compulsory requirement for Participants (Mutual Obligation) and DSP Recipients (Compulsory Requirements), and
- the default voluntary requirement for Participants (Voluntary).

(Deed Reference(s): Clause 134.8)

Providers should work with each Participant to identify suitable tasks and activities that they will undertake to meaningfully engage.

An appropriate mix of tasks and activities for a Participant would be tailored to the Participant's Employment Goal(s), areas of interest, assessed work capacity, personal circumstances, barriers to finding and maintaining sustainable work, and current work or study commitments.

The mix of tasks and activities for each Participant should be dependent on their phase (Pre-Employment Support, Post Placement Support or Ongoing Support) and service offer (Intensive Service Work Preparation, Intensive Service Job Search or Flexible Service).

Providers should adopt a process of shared decision making with the Participant. Shared decision making seeks to ensure the Participant feels invested in, and has shared ownership of, the tasks and activities they will do as part of the agreed approach for meaningful engagement.

To ensure that the terms of meeting the Meaningful Engagement Requirement are clear, agreed tasks and activities (i.e. the agreed approach) must be included in a 'plan' for meaningful engagement — with a copy of the plan given to the Participant. This should be done during the Contact, if possible, and must be done by close of business the same day as discussed with the Participant. A record of the agreed tasks and activities may be captured on the Department's IT Systems in the Program Summary.

There are no requirements on how the copy for a Participant is formatted, but Providers should ensure any handwritten or electronic document (printed hardcopy or electronic version) provided to the Participant considers general principles for creating accessible documents and will meet the needs of the Participant.

The Meaningful Engagement Provider Information Pack, which can be found on the Provider Portal, includes advice on the contents and form of the plan for meaningful engagement.

Guidance on how to capture the agreed approach in the Program Summary is including in the Provider Actions – Program Summary supporting document on the Provider Portal.

Where appropriate, if a Participant is not fully satisfying the Meaningful Engagement Requirement, Providers should change the agreed approach and/or ensure that the Participant understands why tasks and activities have been included in the plan for meaningfully engaging.

Providers must retain records of the tasks and activities the Participant has currently agreed to undertake, as this will form part of the Documentary Evidence requirements for a Pattern of Disengagement.

Providers may record the tasks and activities that the Participant has agreed to participate in using comment functionality in the Program Summary on the Department's IT Systems. If using the Program Summary, Providers should add a new comment, rather than edit existing comments, when the agreed approach changes — to ensure there is a historical record of all tasks and activities that have formed part of the plan for meaningful engagement.

Providers can record information about agreed Activities and Interventions in the Capability Management Tool.

An appropriate mix of individual, group and self-directed tasks and activities for a Participant may include:

- Contacts and Appointments
- Activities to address Vocational Barriers, noting that this may include both formal and informal Activities such as:
  - work preparation activities
  - job search activities, and
  - work experience placements
- Activities and Interventions to address Non-Vocational Barriers
- Job Search
- Job Referrals
- Job Interviews
- Education and Training
- Employment, and/or
- Work Trials.

Guidance is provided in the Sections that follow on considerations for setting tasks and activities, as part of the Meaningful Engagement Requirement, for Participants (Mutual Obligation), DSP Recipients (Compulsory Requirements) and Participants (Voluntary).

Note: A Participant may exercise choice about the Services they receive however the Provider may direct the Participant to complete certain tasks and activities to ensure that they are looking for work.

Providers must ensure that the level of engagement does not exceed the Participant's assessed work capacity when setting tasks and activities under the Meaningful Engagement Requirement.

Providers should seek to regularly discuss engagement levels, outcomes for each task and activity and progress overall against the agreed approach with each Participant This ensures each Participant is aware of whether they are meeting the Meaningful Engagement Requirement.

A Participant is meaningfully engaging — i.e. fully satisfying the Meaningful Engagement Requirement - while the Provider determines that the Participant is completing tasks and activities in an appropriate manner.

If a Participant is not meeting the Meaningful Engagement Requirement (as outlined in Section 5.5.4 Determining if a Participant is meeting the Meaningful Engagement Requirement), and the Provider determines that there has been a Pattern of Disengagement (as outlined in Section 12.2 Meaningful Engagement Requirement), Providers must:

- enter into a Detailed Job Plan for Participants (Mutual Obligation) and DSP Recipients (Compulsory Requirements) — refer to Chapter 4: Job Plans, or
- Suspend or Exit a Participant (Voluntary) — refer to Chapter 3: Commencements, Transfers, Suspensions and Exits.

Note: Participants cannot be compelled to attend or complete tasks and activities as part of the Meaningful Engagement Requirement. However, there are options for a Provider to compel a Participant to attend a compulsory Appointment if they are disengaged as outlined in Section 12.2.4 Compellable Contact Appointment.

More detailed information on what tasks and activities can form part of agreed approach for the Meaningful Engagement Requirement is included in the Meaningful Engagement Provider Information Pack, which can be found on the Provider Portal.

The Meaningful Engagement Fact Sheets — Meaningful Engagement Fact Sheet – For Participants (Mutual Obligation) and DSP Recipients (Compulsory Requirements) or Meaningful Engagement Fact Sheet – For Participants (Voluntary), which must be given to each Participant during their Initial Interview — and Participant Information Pack include information to help Participants understand what they need to do as part of their commitment to meaningfully engage. These documents are published on the Department's website as well as being available on the Provider Portal.

5.5.1 Arrangements for Participants with Mutual Obligation Requirements

Throughout the Participant's Period of Service, Participants (Mutual Obligation) will need to agree to Appointments and Contacts with their Provider. This agreement would include the frequency and Engagement Methods, and a possible schedule for Contact Appointments booked in the Participant's Electronic Calendar.

By the end of the Initial Engagement Period, it is expected that most Participants (Mutual Obligation) will be undertaking a range of different tasks and activities to demonstrate they are meaningfully engaging and satisfying their requirements under Social Security Law, unless they are receiving the Flexible Service, Post Placement Support or Ongoing Support.

Depending on what is right for the Participant's circumstances and phase, the tasks and activities agreed to would generally be aimed at helping the Participant to find and/or maintain work. Tasks and activities included would either:

- help them learn to manage or overcome Vocational and Non-Vocational Barriers that are impeding their progress towards sustainable Open Employment
- demonstrate that they are actively looking for work — such as tasks related to Job Search, Job Interviews and actioning Job Referrals
- be selected to help the Participant in achieving their Employment Goal, and/or

- reflect they are in Open Employment.

5.5.2 Arrangements for DSP Recipients with compulsory participation requirements

Throughout the Participant's Period of Service, DSP Recipients (Compulsory Requirements) will need to agree to Appointments and Contacts with their Provider. This agreement would include the frequency and Engagement Methods, and a possible schedule for Contact Appointments booked in advance in the Participant's Electronic Calendar.

Whether a DSP Recipients (Compulsory Requirements) has other tasks and activities will depend on if they are right for the Participant's circumstances and phase.

By the end of the Initial Engagement Period, it is expected that most DSP Recipients (Compulsory Requirements) will be undertaking work preparation activities or job search activities to demonstrate they are meaningfully engaging and satisfying their requirements under Social Security Law, unless they are receiving the Flexible Service, Post Placement Support or Ongoing Support.

Other tasks and activities agreed to would generally be aimed at helping the Participant to achieve their Employment Goal, prepare for work and/or look for work.

5.5.3 Arrangements for Volunteers

Throughout the Participant's Period of Service, it is expected that Participants (Voluntary) will agree to the frequency and Engagement Methods for staying in Contact with their Provider.

Other tasks and activities agreed to should be based on each Participant's individual circumstances and reasons for registering for Inclusive Employment Australia. This could include work preparation activities, job search activities, Education and Training, and/or other tasks and activities that will improve the Participant's employability.

5.5.4 Determining if a Participant is meeting the Meaningful Engagement Requirement

Providers have discretion to determine whether a Participant is satisfying the Meaningful Engagement Requirement.

Providers will need to conduct a regular review of the tasks and activities that are in the recorded, current plan for meaningful engagement to determine if the Participant is meaningfully engaging.

A Participant is fully engaged while they are participating appropriately and undertaking the agreed tasks and activities as planned.

If the Participant does not engage (i.e. does not do a task or activity that they agreed to) or has acted in an inappropriate manner during an Appointment or Activity (i.e. demonstrates misconduct), the Participant may have failed to meet the Meaningful Engagement Requirement — refer to Section 12.2.1 Confirming failure to meet the Meaningful Engagement Requirement.

Providers have discretion in investigating instances of disengagement — to confirm if the Participant had a good reason for a failure to meet the Meaningful Engagement

Requirement — based on overall levels of engagement and knowledge of the Participant's circumstances, including barriers that may be impacting their level of engagement.

Participants might do tasks and activities that were not included in their plan for meaningful engagement. When assessing overall levels of engagement:

- Providers can consider additional tasks and activities the Participant completed.
- Providers must not consider additional tasks or activities that the Participant did not complete, even if the Provider asked the Participant to undertake the task or activity.

More detailed information on how to monitor a Participant's level of engagement and assessment of the Meaningful Engagement Requirement is included in the Meaningful Engagement Provider Information Pack, which can be found on the Provider Portal. As general guidance, the supporting document includes scenarios that capture when a Participant may have been found to have failed to meet their Meaningful Engagement Requirement, leading to a Pattern of Disengagement.

5.6 Attendance-based Engagements

A core element of participating in Inclusive Employment Australia is:

- maintaining Contact with the Provider, which includes attendance at Appointments, and
- participating in Activities.

This Section outlines general considerations for the delivery of Appointments, Contacts and Activities, as part of a Participant's engagement with Inclusive Employment Australia.

5.6.1 Appointments

Contacts and Contact Appointments

Providers are expected to have regular contact with their Participants to ensure the Participant is meaningfully engaged. The timing and duration mode of for each Contact should depend on the individual circumstances of each Participant, as determined by the Provider.

Providers are encouraged to tailor Contact arrangements to match the Participant's circumstance and phase. Contacts may be one-on-one Appointments (i.e. Contact Appointments) with the Participant or may be group-based activities (such as, employment-related information sessions or training sessions delivered by the Provider for their Participants). Group-based activities may be one-off or reoccurring. Providers can offer to deliver Contacts via a range of communication modes such as videoconferencing, online audio or chat software, phone calls, SMS and email correspondence, where this meets the needs of the Participant and is agreed to by the Provider and Participant.

The frequency of Contact should reflect the current phase and service offer. Refer to the relevant Sections in Chapter 6: Pre-Employment Support, Chapter 9: Post Placement Support and Chapter 10: Ongoing Support.

When scheduling a Contact Appointment, Providers should consider which Engagement Method is right for the Participant, especially for those who are Employed or undertaking Education and Training. Providers should also consider whether to hold face-to-face Contacts at their Site offices, an Outreach Site or at an alternative location that is mutually

agreed upon — noting that Providers are not permitted to be on Private Property, such as the home of the Participant or a Participant's Family Member.

- Providers must schedule Contact Appointments in the Participant's Electronic Calendar.
- If a Participant is to attend a group-based activity, as a form of Contact, the Provider must schedule this as an informal activity in the Participant's Electronic Calendar.

For Participants with a Meaningful Engagement Job Plan, a core element of satisfying the Meaningful Engagement Requirement is attendance at Appointments with the Provider. As such, Providers must ensure that each Participant has a good understanding of how and when they will be expected to attend Contact Appointments. Participants can also meaningfully engage via the other forms of Contacts.

Participants with a Meaningful Engagement Job Plan should also be informed of the circumstances in which they may be compelled to attend Appointments, and the consequences should they fail to attend when formally notified of the requirement to do so.

Note: Providers can compel attendance at a Contact Appointment while a Participant has a Meaningful Engagement Job Plan in a limited number of circumstances. This process does not rely on a compulsory requirement to attend appointments being in the Job Plan. The process is outlined in Section 12.2.4 Compellable Contact Appointment.

Participants with a Detailed Job Plan would be expected to have compulsory Contact Appointments, or some other form of compulsory Contact with their Provider, regardless of their current phase and service offer.

As noted in Section 4.7 Contents of a Detailed Job Plan, Code AI16 [Compulsory Notified Appointments] will pre-populate in a Detailed Job Plan. This must not be removed to reinforce the requirement to attend any compulsory Appointment.

Contacts can be captured as either a voluntary or compulsory requirement in a Participant's Detailed Job Plan by using:

- AI12 [Provider Contact Appointment] — for Contact Appointments held face-to-face, by phone or videoconferencing during the Pre-Employment Support phase
- AI17 [Provider Contact Group Activity] — for meetings or group-based activities that meet the requirements as a Contact
- AI18 [Provider Contact Other] — for exchanges via SMS and emails, and
- AI19 [Provider Contact Appointment – Employment Support] — for Contact Appointments held face-to-face, by phone or videoconferencing during the Post Placement Support and Ongoing Support phases.

The codes listed above should be included in addition to the requirement to attend any compulsory Appointment — Code AI16 [Compulsory Notified Appointments] — as they are more explicit in relation to expectations around how a Participant will maintain contact with their Provider.

Note: While a Participant can have a compulsory requirement to engage via exchange of email or text messages set in a Detailed Job Plan — Code AI18 [Provider Contact Other] — lack of contact via these Engagement Methods will not be subject to the application of the TCF as the Contact is not attendance-based (i.e. is not scheduled in the Participant's Electronic Calendar).

Third-Party Appointments

Third-Party Appointments are any appointments with an organisation other than the Inclusive Employment Australia Provider. For example, a Third-Party Appointment may be scheduled as part an Activity or Intervention (for example, an appointment with a doctor or psychologist) or assessment process.

Attendance at Third-Party Appointments is voluntary — this includes as part of any plan for meaningful engagement. A Provider must not schedule a Third-Party Appointment without the consent of the Participant, and a Participants can refuse to attend.



Providers should schedule Third-Party Appointments in the Participant's Electronic Calendar.

As the requirement is voluntary, a Participant's attendance at Third-Party Appointments does not have to be recorded. However, if a Provider becomes aware of attendance issues it is considered best practice to record the non-attendance in the Participant's Summary on the Department's IT Systems.

If a Participant has a Detailed Job Plan and:

- the Third-Party Appointment is reoccurring, this activity should be included in the Job Plan, or
- the Third-Party Appointment was a one-off appointment or already captured by an Activity within the Job Plan, it would be appropriate not to include in the Job Plan.

The Provider can add a voluntary requirement to attend Third-Party Appointments in a Detailed Job Plan using Code AI15 [Attend third-party appointments]. A one-off appointment may also be recorded using Code AI01 [Attend appointment].

Note: DSP Recipients (Compulsory Requirements) and some Participants (Voluntary) may have compulsory appointments with Centrelink — in their Participation Plan or Centrelink Job Plan, respectively. Including appointments with Centrelink as part of the plan for meaningful engagement is appropriate for these Participants, as a reminder of their other requirements. Attendance will be managed by Services Australia.

Re-engagement Appointment

Re-engagement Appointments are triggered in the application of the TCF. Guidance on scheduling Re-engagement Appointments is included under Section 12.4.6 Re-engagement Requirements. Information is also available in the Finalising Re-engagement Requirements supporting document available under Chapter 12: Compliance.

5.6.2 Activities

Activities help Participants to address their individual Vocational and Non-Vocational Barriers and progress toward sustainable Open Employment.

Providers must work with each Participant to identify and facilitate suitable Activities that will help Participants to achieve their identified employment goals and align with the current service offer while receiving Pre-Employment Support, as detailed in Section 6.5 Support to be provided to Participants and Chapter 7: Activities. This includes arranging Activities listed as recommended Interventions in the Capability Management Tool.

An Early School Leaver would be expected to participate in Education and Training, including Certificate I and II level courses, or a combination of approved study and paid

work for 15 hours or more per week. No further tasks or activities need to be undertaken if an Early School Leaver.

DSP Recipients (Compulsory Requirements) may be referred to Complementary Activities where it is agreed upon as part of participation in Inclusive Employment Australia.

All Participants may be referred Education and Training courses or other government programs that will help build their skills and knowledge, noting that such programs may have their own eligibility criteria.

Note: An Activity must be considered unsuitable if it would place unreasonable demands on a Participant.

Activity management (e.g. arranging, scheduling and monitoring of Activities) must be undertaken in accordance with Chapter 7: Activities.

- Providers must schedule Activities in the Participant's Electronic Calendar.
- Providers must ensure attendance at scheduled Activities is recorded (see relevant task cards on recording activity attendance on behalf of a Participant).

Once a Participant starts receiving Post Placement Support or Ongoing Support, their paid Employment is no longer considered an Activity but a Job Placement. It is no longer appropriate for the Participant to be referred to other Activities once Employed, noting that some Non-Vocational Interventions may still be appropriate if supporting the Participant with their Employment.

It is a requirement that Providers ensure that known paid Employment, where the hours are regular and it is reasonable to do so, are scheduled in the Participant's Electronic Calendar as Personal Events. Providers should encourage, and help where necessary, the Participant to create Personal Events in their Electronic Calendar for this purpose (see Section

5.3.3 Capturing Personal Events).

If a Participant is on a Meaningful Engagement Job Plan, Providers must include Activities agreed to in the plan for meaningful engagement. Providers should seek to outline start and end dates for participation in the Activity within the plan, to make sure details are clear to the Participant. There are no time limits for the duration of an Activity included as part of the plan for meaningful engagement.

If a Participant reports participation in a self-initiated Activity after the Activity has ended, thereby not having it included in the agreed approach for meaningful engagement, Providers can consider the Activity when assessing a Participant's overall level of engagement.

If a Participant is on a Detailed Job Plan, any requirement to undertake an Activity must be captured in the Participant's Job Plan, using the correct code for the Activity.

All Activities can be included in a Detailed Job Plan as a voluntary requirement.

Note: If an Activity is recorded as voluntary, the Participant's Income Support Payment is not affected if they fail to participate in the Activity.

A requirement to participate in a Mandatory Activity should only be set in a Detailed Job Plan for a Participant receiving Pre-Employment Support where the Provider considers mandatory attendance is required to improve their Work Readiness or prospects of finding and/or maintaining Employment. The Job Plan Codes by Phase and Participant Type

supporting document, referred to under Chapter 4: Job Plans, includes details on which Activities may be included as compulsory in a Detailed Job Plan.

5.7 Job Search

Job Search is appropriate for a Participant if they:

- are capable of looking for work, and/or
- are not already working enough hours in a suitable job (referred to as the 'sufficient work test' in Social Security Law).

Note: Job Search can be included as a task if the Provider believes it will benefit the Participant if receiving Pre-Employment Support, regardless of the service offer, or Post-Placement Support.

Providers are responsible for setting an appropriate Job Search Target for each Participant, whether as part of the Meaningful Engagement Requirement or Job Search Requirement.

Job-ready Participants may have up to 12 Job Searches each Job Search Reporting Period. An appropriate Job Search Target is dependent on Participant's capacity. Guidance on setting a Job Search Target is included in Section 5.7.1 General considerations for Job Search and the Setting a Job Search TargetProvider Actions – Tailoring a Participant's Job Search Target supporting document on the Provider Portal.

The minimum Job Search Reporting Period is a month (28 days).

Considerations for Participants with a Meaningful Engagement Job Plan

If Job Search is to be part of the plan for meeting the Meaningful Engagement Requirement, Providers must ensure that both the Job Search Target and Job Search Reporting Period are agreed to with the Participant.

The Job Search Reporting Period may start from when the plan for meaningful engagement was agreed or delayed (for example, the start of the week or month). Providers have discretion to extent the Job Search Reporting Period (for example, a quarter), noting that the maximum Job Search Target would still be 12.

Providers have discretion in terms of monitoring whether a Participant is undertaking appropriate Job Search to meet their Meaningful Engagement Requirement.

Note: Participants (Voluntary) should not be set any Job Search Target, if possible — noting the additional considerations for those who are eligible for Mobility Allowance as outlined in Section 4.6.4 Arrangements for Participants eligible for Mobility Allowance may mean that they need to undertake job search activities.

Considerations for Participants with a Detailed Job Plan

If a Participant (Mutual Obligation) or DSP Recipient (Compulsory Requirements) has a Job Search Target set in their Detailed Job Plan this is called a Job Search Recruitment. Providers capture the Job Search Requirement using the appropriate Job Plan Code(s) outlined in Section 5.7.2 Arrangements for Participants (Mutual Obligation) and Section 5.7.3 Arrangements for DSP Recipients (Compulsory Requirements), noting the number of Job Search efforts cannot exceed 12 each Job Search Reporting Period.

The Department's IT Systems will automatically capture the Job Search Reporting Period for Participants with a Job Search Requirement.

Providers must determine if a Participant (Mutual Obligation) or DSP Recipient (Compulsory Requirements) is satisfactorily meeting their Job Search Requirement.

(Deed Reference(s): Clause 140)

5.7.1 General considerations for Job Search

Setting a Job Search Target

Providers may adjust the Job Search Target whenever appropriate during a Period of Registration.

Providers must tailor the number of Job Searches they require a Participant to undertake based on:

- the Participant's assessed work capacity
- the Participant's age
- the impact of physical, intellectual or psychiatric impairment
- the impact of any family and caring responsibilities on the Participant's ability to look for work
- current Employment status (part-time or casual work)
- the state of the labour market
- the financial costs (such as travel costs) associated with any Job Search efforts and the Participant's capacity to pay for these costs
- current phase and service offer, and
- to account for any Activities being undertaken.

Providers must not require a Participant to undertake Job Search or must reduce the Job Search Requirement to zero in the Department's IT Systems for Participants on a Detailed Job Plan for any Participant (Mutual Obligation) or DSP Recipient (Compulsory Requirements) who is:

- undertaking an approved Education and Training course for 15 hours or more per week that will improve their Work Readiness or prospects of finding Employment — refer to Section 7.7.2 Education and Training
- an Early School Leaver and undertaking full-time Education and Training, including Certificate I and II level courses, or a combination of approved study and paid work for 15 hours or more per week
- undertaking a full-time residential or intensive drug and/or alcohol treatment or rehabilitation program
- undertaking a Defence Force Reserves training camp
- undertaking Self-Employment Assistance Small Business Training
- undertaking Skills for Education and Employment (SEE) or the Adult Migrant Education Program (AMEP)
- pregnant and within 3 months of the expected due date
- relocating for job
- receiving Post Placement Support and working at their Employment Benchmark, or
- receiving Ongoing Support.

Providers must consider the local labour market when tailoring the Job Search Target. Providers must reduce the number of Job Search efforts required for Participants in a poor or below average labour market, or where the person's skills or other circumstances reduce the likelihood of finding work.

Providers are also expected to reduce the Job Search Target in circumstances where a Participant has a personal disruption or crisis, during which time they may be waiting on the outcome of an application for an Exemption from their participation requirements. Such circumstances include:

- significant caring responsibilities or temporary caring responsibilities
- short term family or other emergency
- experiencing domestic violence (including family violence)
- homelessness and/or emergency housing, or
- approved cultural commitments.

Providers must capture the current Job Search Target in the Participant's plan for meaningful engagement.

Providers must update the Participant's Detailed Job Plan to adjust the Job Search Target.



Providers must manually adjust the number of Job Searches required in the Participant's Detailed Job Plan by updating Code JS09 [Job Search – Monthly].



The Provider must record the reason/s for the reduction of the Job Search Requirement as a comment in the Participant's Summary on the Department's IT Systems, using the Participant's Summary screen.

Detailed information on setting an appropriate Job Search Target is included in the Provider Actions – Tailoring a Participant's Job Search Target supporting document on the Provider Portal.

Recording Job Search efforts

Participants are required to report their Job Search efforts.

A Job Search effort includes:

- contacting an Employer by phone, in writing or in person
- submitting a written or online job application
- attending a Job Interview – refer to Section 5.8 Job Interviews, and
- acting on a Job Referral — refer to Section 5.9 Job Referrals.

Note: A Job Search effort may occur during an Activity, if the Activity included a Job Interview or resulted in an offer of paid work. For example, this might occur as part of:

- Employer meet and greet sessions
- job fairs or job expos, or
- work experience opportunities, paid or unpaid, such as:
  - an Observational Work Experience placement
  - a Provider Sourced Voluntary Work placement
  - a Work Trial, or
  - work within a social enterprise.

For the purposes of Social Security Law, a Participant is considered to have undertaken a Job Search effort if the Participant makes contact with another person or body (i.e. Employer) in relation to, and for the purpose of, obtaining paid work with the Employer:

- whether or not the contact is in relation to particular paid work, and
- whether or not the other person or the body has advertised any paid work.

Participants who are Employed can declare Job Search efforts that relate to the same Employer, to count towards Job Search efforts, if it would result in:

- an increase in hours or earnings
- an extension or new period of short-term seasonal, project-based or contract work
- a move from Supported Employment to Open Employment, or
- changing from casual work to permanent Employment.

Participants who are freelance workers or self-employed can also report Job Search efforts for contacting a potential Employer or person for paid work opportunities related to their field of self-employment.

This can include project-based work or short-term contracts such as:

- applying for a grant
- applying or submitting a portfolio for a creative arts project
- contacting an individual who is seeking to hire a tradesperson for renovation works
- contacting a potential client about their advertisement for web design work, and
- contacting the owner of a local venue for a music gig
- applying to run a food stall at a market or a food truck at a festival or event.

Participants can:

- self-report their job applications on the Workforce Australia website and/or App, or
- provide evidence of their efforts to their Provider to record on their behalf.

Note: If a Participant applies for jobs on Workforce Australia, they do not need to manually report the job application as the Department's IT Systems will automatically capture the Job Search effort.



Providers must retain copies of all fully and partially completed Job Search efforts given by a Participant for the current and previous Job Search Reporting Period.



If a Participant submits their Job Searches to their Provider, the Provider must only upload Job Search efforts considered to be satisfactory. Detail instructions on uploading Job Search efforts manually reported are available in the Reporting Job Search on behalf of a Participant task card.

When recording Job Search efforts that are submitted directly, Providers must check that each submitted Job Search effort:

- includes clear details of the job title or occupation
- include clear details of:
  - the person contacted if the Employer is an individual and not a business — note, that if the individual does not wish for their details to be disclosed, the Participant may list the Employer as 'private citizen'
  - the employing business, or
  - the platform where the position was found (e.g. SEEK, Aduna) if neither the name of the individual or business was available
- is dated, and that date is from the relevant Job Search Reporting Period
- is for a role the Participant is qualified for and/or able to undertake
- is for suitable, paid work roles
- has not been deliberately sabotaged, and

- is not the exact same job duplicated within the Job Search Reporting Period.

A Manual Job Search Reporting Form template is available on the Provider Portal. Participants can submit this form directly or upload it via their Workforce Australia account.

Educating Participants on Job Search

Where the Provider determines Job Search efforts are unsatisfactory, either as the Participant did not meet the target number or there were quality issues, the Provider must:

- discuss the reason(s) why any Job Search efforts were found to be unsatisfactory
- educate the Participant on how to improve their Job Search efforts to achieve quality
- discuss what tailored support is available to help the Participant improve their future Job Search efforts
- ensure a Participant (Mutual Obligation) with a Detailed Job Plan submits additional Job Search efforts to meet their requirements before the end of their Job Search Reporting Period, where possible, and
- discuss the consequences of not undertaking satisfactory Job Search efforts, including:
  - how Job Search efforts contribute to meeting the Meaningful Engagement Requirement
  - how Job Search efforts contribute to meeting the compulsory Job Search Requirements in their Detailed Job Plan, or
  - the application of the TCF for Participants (Mutual Obligation) who are on a Detailed Job Plan for unsatisfactory job search.

Where possible, Providers should seek to have a conversation about the Participant's Job Search efforts submitted directly during the same Contact as they were reported, rather than waiting until they have been entered into the Department's IT Systems.

Providers are also expected to be regularly discussing with the Participant if they have any concerns or issues in identifying appropriate job vacancies or possible job opportunities.

Providers may wish to consider changing a Participant's Job Search Target if a Participant is struggling to achieve the number set or meet the standards expected for quality of their job search.

5.7.2 Arrangements for Participants (Mutual Obligation)

A Participant (Mutual Obligation) on a Meaningful Engagement Job Plan is expected to have Job Search included as part of meeting the Meaningful Engagement Requirement unless it would be unsuitable for the Participant based on their personal circumstances or inappropriate based on their current phase and service offer.

A Participant (Mutual Obligation) on a Detailed Job Plan must have a Job Search Requirement included in their Job Plan, including when it has been set to zero Job Search efforts.

As noted in Section 4.7 Contents of a Detailed Job Plan, Code JS09 [Job Search Contacts – Monthly] should not be removed from a Detailed Job Plan for a Participant (Mutual Obligation). Participants (Mutual Obligation) are expected to have their Job Search Requirement captured in their Detailed Job Plan using Code JS09 [Job Search Contacts – Monthly].

The Job Search Requirement for a Participant (Mutual Obligation) may be adjusted based on their circumstances, phase and service offer. This can include:

- reducing Job Searches for a Participant (Mutual Obligation) who is not ready to look for work or has limited capacity to look for work, or
- reducing Job Searches for a Participant (Mutual Obligation) who is in paid Employment, including Unsubsidised Self-Employment, at their Employment Benchmark.

For Participants with a Detailed Job Plan, Providers must:

- ensure the Participant is aware at all times of:
  - their Job Search Requirement
  - how to upload and record their Job Search efforts and related details via their Workforce Australia account
  - how to provide details of their Job Search efforts if submitted directly
  - when their Job Searches must be recorded by, and
  - how many Job Searches they have undertaken and how many still need to be undertaken, and
- monitor the number and quality of Job Searches the Participant undertakes, including:
  - recording Job Search efforts submitted to them by no later than close of business on the day the Participant reports the Job Search effort to them, and
  - reviewing and confirming the quality of Job Search efforts submitted:
    - directly, by no later than close of business, or
    - online, by no later than 5 Business Days after the end of each Job Search Reporting Period.

To meet their Job Search Requirement, the Participant must undertake sufficient Job Searches of satisfactory quality.

As noted in the previous section, Providers must adjust the number of Job Searches to reflect each Participant's circumstances. This is important as failure to meet a compulsory Job Search Requirement within a Detailed Job Plan is subject to the application of the TCF and can result in the Participant's Income Support Payment being suspended (see relevant details in Section 12.4 Compliance actions - Mutual Obligation Failures).

Note: A Participant (Mutual Obligation) on a Detailed Job Plan must also have Code JS13 [Accept and retain suitable work] in their Job Plan as a compulsory requirement regardless of their current phase or service offer.

Determining if a Participant is meeting their Job Search Requirement

The Department's IT Systems will identify whether a Participant has met the number of Job Search efforts required to meet their Job Search Requirement as set out in their Detailed Job Plan.

Where the Job Search Target has been met, the Department's IT Systems will prompt a review of the quality of Job Search efforts submitted.

Providers must review the quality of all Job Search efforts submitted by Participants (Mutual Obligation) with a Detailed Job Plan.

As part of this review, Providers must confirm if the Job Search effort:

- is for a role the Participant is qualified for and/or able to undertake
- is for suitable, paid work roles
- has not have been deliberately sabotaged, and
- is not the exact same job duplicated within the Job Search Reporting Period.

If a Participant contacts an Employer regarding a single job more than once or contacts a potential Employer multiple times asking if any jobs are available, only one of these Job Searches would be found satisfactory.

Note: Job Searches manually reported to the Providers are to be assessed as satisfactory or unsatisfactory before uploading into the Department's IT Systems. Only those assessed as satisfactory are uploaded.

Providers assess the quality of Job Searches available for assessment within the Department's IT Systems, marking each Participant submitted Job Search effort as 'satisfactory' or 'unsatisfactory', no later than 5 Business Days after the Participant's Job Search Reporting Period has ended. Providers must state why any Job Search efforts have been assessed as 'unsatisfactory' and leave comments detailing how quality issues have, or will be, addressed. Detailed instructions on recording the assessment are available in the Assessing Job Search Quality task card.

Under Social Security Law, Providers are required to consider whether Job Search efforts submitted by the Participant were:

- at a variety of levels of seniority or remuneration that is suitable for the Participant
- in a variety of fields and occupations in which the Participant is suitably qualified or has experience, and
- applied for using a variety of methods to contact potential Employers.

However, Participants do not need to meet these criteria in every instance, or at all if not appropriate for their circumstances.

Note: The Social Security Guide provides some examples of the assessment of quality against these criteria — see 3.11.1.30 Adequate job search | Social Security Guide.

Providers must also consider a Participant's Job Search efforts more holistically over time, including:

- labour market restrictions, as the type and number of vacancies available in each Job Search Reporting Period may differ, and
- the most appropriate pathway for the Participant to obtain sustainable Employment.

5.7.3 Arrangements for DSP Recipients (Compulsory Requirements)

A DSP Recipient (Compulsory Requirements) on a Meaningful Engagement Job may have Job Search included as part of meeting the Meaningful Engagement Requirement. Job Search would not be part of the tasks and activities agreed to for meaningful engagement if it was unsuitable for the Participant based on their personal circumstances or inappropriate based on their current phase and service offer.

A DSP Recipient (Compulsory Requirements) on a Detailed Job Plan is expected to have a Job Search Requirement included in their Detailed Job Plan.

A DSP Recipient (Compulsory Requirements) can have their Job Search Requirement captured in their Detailed Job Plan using:

- Code JS04 [Job Search Contacts Voluntary], as a voluntary requirement, or
- Code JS09 [Job Search Contacts – Monthly], as a compulsory or voluntary requirement.

As noted in Section 4.7 Contents of a Detailed Job Plan, Code JS09 [Job Search Contacts – Monthly] pre-populates but is removable from a Detailed Job Plan for a DSP Recipient (Compulsory Requirements).

The Job Search Requirement may, for a DSP Recipient (Compulsory Requirements), be:

- replaced with work preparation activities or job search activities for a DSP Recipient (Compulsory Requirements) who is not ready to look for work, or
- removed for a DSP Recipient (Compulsory Requirements) who is in paid Employment, including Unsubsidised Self-Employment.

If a DSP Recipient (Compulsory Requirements) does not have a Job Search Requirement, and is receiving Pre-Employment Support, it is expected that they have Code ET64 [Work Preparation] included as a compulsory requirement in their Detailed Job Plan.

Note: A DSP Recipient (Compulsory Requirements) on a Detailed Job Plan is also expected to have Code JS13 [Accept and retain suitable work] in their Job Plan as a compulsory requirement if receiving Pre-Employment Support. However, Providers do have discretion to remove this requirement if they believe it is inappropriate to the Participant circumstances or current phase and service offer.

5.8 Job Interviews

Providers should consider tasking Participants to undertake Job Interviews if the Participant is capable of looking for work.

Providers should not arrange Job Interviews for any Participant who is already Employed at their Employment Benchmark and receiving Post Placement Support or Ongoing Support.

Where the Provider arranges the Job Interview, the Provider must ensure the Participant receives proper notification and reasonable notice by capturing the Job Interview in the Participant's Electronic Calendar.



Detailed instructions on how to schedule the Job Interviews in the Participant's Electronic Calendar are available in the Scheduling Job Interview task card.

If a Provider arranges the Job Interview, the Participant is required to confirm that they attended either by reporting through their Workforce Australia account or by contacting their Provider.



Detailed instructions on recording attendance for a scheduled Job Interview are available in the relevant task cards on recording job interview attendance on behalf of a Participant.

Participants should be encouraged to report Job Interviews that they have arranged on their own behalf, noting that they count towards any Job Search Target.

Participants can add Job Interviews in their Electronic Calendar as Personal Events (see Section

5.3.3 Capturing Personal Events).

The format of a Job Interview can vary depending on the type of work. For example, it could include an audition for paid acting role, meetings with clients to get one-off projects or job and meetings with a publisher to discuss a manuscript.

For Participants with a Meaningful Engagement Job Plan, Providers should seek to ensure that the plan for meaningful engagement includes Job Interviews before they schedule any Job Interviews on behalf of the Participant. Job Interviews may only be considered when assessing a Participant's level of engagement if Job Interviews are part of the agreed tasks and activities for meaningful engagement.

Under the requirement set in a Detailed Job Plan, Participants must attend and act appropriately at Job Interviews. Participants are expected to present and conduct themselves in a way that gives them the best opportunity to secure employment.

As noted in Section 4.7 Contents of a Detailed Job Plan, Code JS10 [Job Interview] will pre-populate in a Detailed Job Plan. Providers should consider if the inclusion of this compulsory requirement is appropriate based on the Participant's current phase and service offer.

5.9 Job Referrals

Job Referral tasks can connect Participants with suitable work. The Participant must follow up on any suitable job opportunities they are referred to by their Provider.

Providers should consider tasking Participants to follow up on job opportunities if the Participant is:

- capable of looking for work, and/or
- not already working enough hours in a suitable job (referred to as the 'sufficient work test' in Social Security Law).

Providers should not set Job Referral tasks for any Participant who is already Employed at their Employment Benchmark and receiving Post Placement Support or Ongoing Support.

In determining if a Participant will be offered job opportunities, Providers are expected to consider how well they match to the Employer's needs and/or Vacancy details.

Providers must only set Job Referral tasks for suitable work. Providers must also only set Job Referrals tasks for work which within the assessed work capacity bandwidth for the individual.

Where the Provider identifies a job opportunity for the Participant, the Provider must set a Job Referral task for the Participant to action. The types of Job Referral task a Provider may set are:

- applying for a specific job
- accepting a Job Interview
- contacting an Employer to arrange and accept a Job Interview
- providing personal details to support a job opportunity, or
- a combination of the above.

Providers must only set Job Referral tasks for a Participant where the Participant would be able to successfully undertake the task by the due date.

For Participants with a Meaningful Engagement Job Plan, Providers should seek to ensure that the plan for meaningful engagement includes acting on job opportunities before tasking Participants to action a Job Referral. Job Referrals may only be considered as part

of assessing a Participant's level of engagement if the Job Referral was part of the agreed tasks and activities for meaningful engagement.

Providers will need to ensure that they provide clear instructions for the Participant to follow (either handwritten, electronic document or printed hard copy).

Providers may record details of the Job Referral task using comment functionality in the Participant's Summary on the Department's IT Systems. Providers must not use the Program Summary due to the risk of a privacy breach.

Under the requirement in a Detailed Job Plan, Participants must act and follow up on any Job Referral set by their Provider, by the due date set.

As noted in Section 4.7 Contents of a Detailed Job Plan, Code PA12 [Actioning Job Referrals and Job Opportunities] will pre-populate in a Detailed Job Plan. Providers should consider if the inclusion of this compulsory requirement is appropriate based on the Participant's current phase and service offer.

Providers must ensure that any compulsory Job Referral task is recorded in the Department's IT Systems. The Participant must report back to their Provider as to whether they or not they have completed the Job Referral tasks.

Note: Providers do not need to include specific Job Referral tasks in the Participant's Detailed Job Plan.

Detailed instructions on setting a Job Referral task for a Participant on a Detailed Job Plan is available in the Creating a Job Referral task card.

The Department's IT Systems does not limit the number of Job Referral tasks that can be set for a Participant. Providers must ensure they do not set a number that exceeds the Participant's maximum Job Search Requirement in a Detailed Job Plan.

5.10 Personal responsibility for reporting attendance

Attendance results must be recorded in the Department's IT Systems to determine if Participants are complying with their participation requirements. Either the Participant, if capable, or the Provider can record attendance at Activities and Job Interviews. Providers must record attendance at Appointments.

Participants (Mutual Obligation) and DSP Recipients (Compulsory Requirements) should be encouraged to self-report their attendance, via their Workforce Australia homepage, if they are capable of doing so.

As outlined in Section **Error! Reference source not found.**, Providers must confirm if the Participant has a myGov account that is linked to the Workforce Australia online platform during the Initial Engagement Period. If the Participant does not, the Provider must check that the Participant has other contact details recorded to receive notices and are able to access notices sent to the recorded contact details. In linking myGov and Workforce Australia accounts, Providers must take reasonable steps to verify they are linking the correct individual's account information and must not proceed if they are not satisfied they are linking the correct accounts.

For Participants with a Detailed Job Plan, the Provider must determine if the Participant is capable of taking personal responsibility for self-reporting their attendance against Activities and Job Interviews in their Electronic Calendar.

As noted in Section 4.7 Contents of a Detailed Job Plan, Code PA03 [Personal Responsibility to Report and Record Attendance] will pre-populate in the Detailed Job Plan. This responsibility must be included if the Participant is capable of self-reporting and must be removed if the Participant is not capable of self-reporting.

If the personal responsibility requirement is not included in the Detailed Job Plan, Providers must record their assessment as a comment in the Participant's Summary on the Department's IT Systems.

If a Participant is not capable of self-reporting online, the Provider will be responsible for recording Participant attendance and must ensure that the Participant understands how to report their attendance to their Provider. The Provider must also work with the Participant to improve their capability to accurately navigate online and self-report their attendance.

The determination of whether or not a Participant can self-report is important as failure to report attendance at compulsory Activities and Job Interviews can result in the Participant's Income Support Payment being suspended (see relevant Sections in Chapter 12: Compliance).

If a Provider observes a Participant that has personal responsibility to self-report attendance is not routinely recording their attendance, the Providers should confirm if the Participant can still self-report their attendance.

(Deed Reference(s): Clause 136)

5.10.1 Determining a Participant's capability to self-report attendance online

In determining whether a Participant can self-report their attendance online, the Provider must consider if a Participant is capable of reporting attendance via their Workforce Australia homepage or Workforce Australia App and has reliable access to technology to do so.

This would include if the Participant has:

- connected their myGov profile to their Workforce Australia account or is willing to do so — refer to Section **Error! Reference source not found.**
- an ability to:
  - log on to the Workforce Australia website and/or App
  - view their homepage, and
  - report their own attendance at Activities and Job Interviews
- reliable access to technology — such as a computer or smartphone and connection to the internet — that would allow them to self-report, and
- an understanding of:
  - how to self-report their own attendance
  - that they must self-report by close of business on the day of the requirement
  - what to do and who to contact if they cannot record their own attendance on a given day, and
  - the consequences of not self-reporting their own attendance if they are required to do so.

Chapter 6: Pre-Employment Support

Supporting Documents for this Chapter

- Meaningful exchange of email or text messages – Provider Fact Sheet
- Relocation Assistance Agreement
- Relocation Assistance – Capital City Unemployment Rates

6.1 Chapter Overview

Pre-Employment Support is delivered by Providers to help Participants gain the necessary skills and confidence to look for Employment, identify suitable employers, and facilitate job matching with relevant supports.

Pre-Employment Support comprises:

- Intensive Services for Participants who are able to regularly engage in a full range of services, supports and activities that will help them to prepare for and find work. Intensive Services have 2 phases:
  - Work Preparation phase for Participants who need to address Vocational and Non-Vocational Barriers to build their work readiness, and
  - Job Search phase for Participants who are closer to gaining Employment.
- Flexible Services for Participants engaged in work and/or Activities or who are otherwise not able to participate in the Intensive Service due to their personal or family circumstances.

Participants will be in one of the two Pre-Employment Support Services at any time.

During Pre-Employment Support Providers will deliver Activities to support Participants and may offer Wage Subsidies to help place them into suitable Employment. For more information refer to Chapter 7: Activities and Chapter 8: Wage Subsidies.

This Chapter outlines Pre-Employment Support to Participants and Employers including:

- whether Participants may be placed in the Intensive or Flexible Service
- movement between Pre-Employment Support Services
- movement between Intensive Service phases
- the types of supports that may be provided to Participants
- Contacts with Participants, including the use of interpreter services
- monitoring Participant progress and attendance
- Relocation Assistance to Take Up a Job (Relocation Assistance), and
- Employer engagement and support.

Providers receive Service Fees while Participants are receiving Pre-Employment Support — refer to Section 11.3 Service Fees11.3 Service Fees.

Other fees available while delivering Pre-Employment Support may include:

- Progress Fees — refer to Section 11.4 Progress Fees11.4 Progress Fees.

6.2 Pre-Employment Support

Pre-Employment Support is an important step in assisting the Participant to develop their skills and improve their capacity to find and keep a job. Pre-Employment Support addresses a Participant's Vocational and Non-Vocational Barriers to Employment.

A Participant who commences in Inclusive Employment Australia will generally commence in Pre-Employment Support. A Participant may return from In-Employment Support to Pre-Employment Support if they lose their Employment.

Providers must deliver Pre-Employment Support to Participants while they are preparing for and looking for work. A Provider must:

- build a positive and trusting relationship with the Participant
- develop an understanding of the Participant's unique circumstances
- explain the range of available Inclusive Employment Australia Services and Activities the Participant may choose to undertake,
- decide, in consultation with the Participant, which Pre-Employment Service and phase is right for the Participant, and
- deliver a tailored Service that meets the unique circumstances, skills, strengths and employment goals of each individual Participant.

(Deed Reference(s): Clause 113.1, 113.5)

6.2.1 Intensive Service

The Intensive Service is designed to support Participants who are ready to fully engage in Activities. It is expected that most Participants in Pre-Employment Support will take part in the Intensive Service. It does not require each Participant to be fully 'job-ready'.

To ensure Pre-Employment Support is better tailored to the unique circumstances and capacity of each Participant, the Intensive Service has two phases, Work Preparation and Job Search.

Placing a Participant in either phase makes it clear to both the Participant and Provider staff the:

- stage the Participant is at on their pathway to employment
- types of supports and Services the Participant can expect to receive, and
- types of supports and Services the Provider should deliver in consultation with the Participant.

Work Preparation

The Work Preparation phase is for Participants who need support to prepare for work and are not yet ready to fully engage in job search activities. In this phase, Providers will focus more on supporting Participants to undertake work preparation activities and ensure Participants receive more intensive supports to address Vocational and Non-Vocational Barriers to Employment that help build their Work Readiness.

Work preparation activities are tasks and activities focused on preparing Participants for work, improving Work Readiness and/or increasing the prospects of finding Employment. A Participant in the Work Preparation phase on a Detailed Job Plan is expected to have Code ET64 [Work Preparation] in their Job Plan to reflect their participation in work preparation activities.

Participants in the Work Preparation phase may also take part in some suitable job search activities where appropriate, to complement their more intensive focus on building Work Readiness. It is expected that the scale of any Job Search Requirement would be less than someone in the Job Search phase, reflecting these Participants are less work ready at this point.

The Work Preparation phase also provides an indicator to Provider staff that a Participant may require additional support if being matched to an Open Employment Vacancy.

Job Search

The Job Search phase is for Participants who are ready to engage more intensively to look for and find a job. In this phase, Providers focus on supporting Participants to undertake job search activities, gain work experience and paid work opportunities, and accept Job Referrals to suitable Open Employment.

Job search activities are tasks and activities that have a focus on Participants looking for work, improving their employability and/or increasing the prospect of finding and maintaining Employment. A Participant in the Job Search phase on a Detailed Job Plan is expected to include Code JS09 [Job Search] in their Job Plan to reflect their participation in job search activities.

Providers must ensure that Participants continue to be supported to build their Work Readiness by addressing any Vocational and Non-Vocational Barriers.

(Deed Reference(s): Clause 117)

6.2.2 Flexible Service

The Flexible Service is designed to support Participants who do not currently require an Intensive Service because they are:

- partially meeting their Mutual Obligation Requirements through approved Activities, including paid Employment, Education and Training or Voluntary Work
- undertaking other supports and services, such as Vocational or Non-Vocational Activities or Interventions, to address significant barriers to Employment
- currently Suspended because they have an Exemption from their participation requirements or are Fully Meeting their Mutual Obligation Requirements, and volunteer to take part in the Flexible Service to remain connected to Services
- impacted by other personal and/or family circumstances that limit their capacity to engage intensively at that point in time, such as caring responsibilities or multiple and complex Vocational and Non-Vocational Barriers, or
- a combination of the above factors.

Providers must connect Participants with the most appropriate types of Services to help them build their capacity to engage more fully. In supporting Participants, Providers must consider Participants' individual circumstances and needs, their employment capacity, and any Vocational or Non-Vocational Activities the Participant is or should be engaged in.

Providers must move a Participant to Intensive Service when they have built sufficient capacity to engage more fully in Services.

If a Participant in the Flexible Service wants to participate in the Intensive Service, the Provider may move the Participant if the Provider is satisfied the Participant has the capacity to participate more intensively.

(Deed Reference(s): Clause 118)

6.3 Movement within Pre-Employment Support

All Participants who enter Pre-Employment Support will be placed in the Work Preparation phase of the Intensive Service. This is the default phase for Commencement and movement into Pre-Employment Support. As a Provider engages with a new Participant and develops an understanding of their individual circumstances, skills, strengths, employment goals and support needs, the Provider may decide that the Participant is better suited to the Job Search phase of the Intensive Service, or the Flexible Service.

Similarly, if a Participant has a change in their circumstances, support needs, or capacity to take part in Inclusive Employment Australia, a Provider may decide that the Participant should be in a different Service or phase for a period.

A Provider must decide which Pre-Employment Support Service is most appropriate for the Participant at a point in time. Providers have discretion in deciding whether to change a Participant's phase, the timing of any move, and possible duration in each phase.

Note: The Provider must make this decision after genuine consultation with the Participant, considering their current circumstances and support needs. The Provider must consider suitable Services and Activities available to help build the Participant's skills and capacity to find meaningful and sustainable employment.



Providers must use the Department's IT Systems to move Participants between the Intensive and Flexible Services, or between the Work Preparation and Job Search phases of the Intensive Service.

Providers must keep relevant Documentary Evidence of changes in a Participant's circumstances to support the placement and movement of the Participant between the Intensive and Flexible Services.



Documentary Evidence may include Records and file notes of relevant discussions with Participants.

(Deed Reference(s): Clause 113.5, 117.8, 117.9, 119)

6.4 Movement between Pre-Employment Support and In-Employment Support

Pre-Employment Support ends when a Participant moves to the Post Placement Support phase of In-Employment Support.

A Participant in Post Placement Support or Ongoing Support can return to Pre-Employment Support (for example, if their Job Placement ends), and the Provider must continue delivering Pre-Employment Support.

6.5 Support to be provided to Participants

During a Participant's time in Pre-Employment Support, the Provider must help the Participant prepare for and find work. Providers have significant flexibility in what support is provided to each Participant acknowledging the unique needs of each Participant. Providers must deliver tailored supports that recognise and address Participants' barriers to employment and build their skills and capacity to look for, find and keep suitable work.

Providers must also ensure that the agreed Activities and Services for each Participant are designed to build a pathway to Employment that aligns with the Participant's interests and goals. Services must also ensure that each Participant can meet any participation

requirements that they may have in order to receive Income Support Payments. Refer to Chapter 5: Participation requirements for more information about participation requirements and Chapter 7: Activities for more information on the types of Activities.

Providers must:

- maintain regular Contact with the Participant in line with the Intensive or Flexible Services — refer to Section 6.6 Participant Contact
- deliver or arrange appropriate Activities and Services to meet the Participant's needs
- regularly engage with the Participant to discuss whether the agreed Activities and Services are meeting the Participant's needs, including:
  - the tasks and activities a Participant is undertaking to engage meaningfully, if the Participant has a Meaningful Engagement Job Plan, or
  - the Participant's agreed tasks and activities in a Job Plan (Detailed), and
- review the Participant's Job Plan and update as required — refer to relevant Sections in Chapter 4: Job Plans.

Participant Supports

Category	Supports may include
Addressing disability / injury	• Disability management including providing, buying or helping Participants to access functional capacity evaluations, physical or other assessments to understand their abilities, limits or support needs. • Health support including providing, buying or helping Participants to access physiotherapy, occupational therapy, pain management or psychological counselling.
Vocational skills	• Activities that improve Work Readiness. • Vocational Education or Training, higher education, accredited units of competency, non-accredited study or other training activities that match the Participant's needs (see Section 7.7.2 Education and Training). • Self-Employment Assistance (see Section 7.5.5 Self-Employment Assistance) or other help with entrepreneurship and/or business ownership.
Non-vocational skills	• Whole of life issues that affect job prospects including non-vocational training such as drug and alcohol rehabilitation, self-help and support groups, carer/parenting skills and programs to address disability, injury and health conditions (see Section 7.7.5 Interventions and other non-vocational supports). • Access to relevant Commonwealth, State or Territory Government and local government programs (see Section 7.7.4 Other government programs) and non-government programs and activities. • Language and literacy support. • Presentation support.

Category	Supports may include
Building work readiness	• Work hardening or physical conditioning programs. • Job search activities such as advice on résumé writing, help with job applications and interview preparation. • Sourcing placements in Provider Sourced Voluntary Work (see Section 7.6.1 Provider Sourced Voluntary Work), Observational Work Experience (see Section 7.6.2 Observational Work Experience), paid work experience placements, Work Trials or work with social enterprises. • Arranging Job Placements that provide the Participant with opportunities to build new skills and experiences but would not meet the quality and sustainability criteria required for an Employment Outcome (see Section 7.7.1 Paid Employment).
Job search help	• Help with résumés. • Help with interview skills. • Advice on career options and industry insights (workplace visits, Industry Expos, etc). • Advice on the availability, location and use of job search facilities. • Arranging Job Referrals (see Section 5.9 Job Referrals5.9 Job Referrals). • Sourcing opportunities in paid Employment.
Help with expenses	• Purchase of equipment needed for a Job Placement. • Payment for relevant licenses. • Help with transportation.
Help to find work	• Providing information on how employment opportunities will be sourced, including details of how the Provider will canvass and approach Employers about job opportunities. • Identifying employers that match the interests and goals of the Participant. • Canvassing and approaching Employers for Vacancies with or for the Participant and actively taking part in local area employer networks and forums. • Helping to create employment opportunities by providing guidance to Employers on job design and job customisation. • Referring suitable Participants to Vacancies. • Promoting and marketing the abilities of Participants to Employers. • Use of Wage Subsidies, where appropriate (see Chapter 8: Wage Subsidies).

Providers receive Service Fees to deliver Pre-Employment Support to Participants (see Section 11.3 Service Fees11.3 Service Fees). Providers can use Service Fees to buy or deliver suitable items, Activities and other Services or supports. Providers do not have to use this Funding (and are not prevented from using it) for a particular purpose.

Effective delivery of supports during Pre-Employment Support can help the Participant find suitable Employment or Education. This enables Providers to then consider whether they qualify for Progress and/or Outcome Fees (refer to relevant Sections in Chapter 11: Payments to Providers).

Providers must maintain regular contact with each Participant to monitor progress against their agreed Activities, to demonstrate the Participant's progress towards the Meaningful Engagement Requirement, and to maintain accurate records of what was agreed/any agreed changes to the Participant's Job Plan.

- Providers must include all Activities the Participant will attend, and Services the Participant will receive, in a Participant's Detailed Job Plan.
- Regardless of the Job Plan type, Providers must schedule these contacts in the Participant's Electronic Calendar. This will support the Participant through notifications about Activities arranged for them.
- Providers must take any necessary compliance actions if the Participant does meet their participation requirements.

(Deed Reference(s): Clause 112, 114, 115, 116, 117, 118, 134.4, 135.1, 136.1)

As the Flexible Service targets Participants who have limited capacity to engage in the Intensive Service, including Participants who are already engaged in approved Activities or Non-Vocational Interventions, those in the Flexible Service are not expected to undertake any other Activities.

If a Participant in the Flexible Service requests a referral to other services or support options, to address Vocational or Non-Vocational Barriers, Providers are expected use their local connections to connect the Participant with the relevant service (for example, financial advice, childcare services, counselling, health and allied health services).

(Deed Reference(s): Clause 118)

6.6 Participant Contact

Providers must deliver the following Appointments:

- an Initial Interview, when a Participant starts with the Provider — refer to Section 3.2.2 Initial Interview
- a Contact Appointment following a Change of Circumstances ESAt — refer to Section 2.4 Employment Services Assessment
- a Contact Appointment if the Participant's Employment ends — refer to Section 7.7.1 Paid Employment and relevant details in Section 9.6.1 Changing Participant circumstances
- a Contact Appointment following the completion of Education and Training — refer to Section 7.7.2 Education and Training
- a Contact Appointment following a period of Suspension — refer to Section 3.5 Suspensions and Volunteer Periods
- a Contact Appointment if a Participant resumes Services within 13 weeks of an Exit — refer to relevant details in Section 3.6 Exits
- a Re-engagement Appointment, as needed for a Re-engagement Requirement following a Mutual Obligations Failure or a Work Refusal Failure — refer to relevant Sections in Chapter 12: Compliance, and
- a compellable Appointment if a Participant shows a Pattern of Disengagement and the Provider has been unable to contact the Participant — refer to Section 12.2.4 Compellable Contact Appointment.

The above Appointments should be conducted face-to-face unless it would be more beneficial (or at the request of the Participant) to be conducted by phone or videoconference.

Providers should refer to Chapter 5: Participation requirements5.6.1 Appointments for further information on how to capture the agreed frequency and mode of Contacts and

Contact Appointments, for those with a Meaningful Engagement Job Plan or Detailed Job Plan.

Minimum Contacts

Providers must deliver Pre-Employment supports to a Participant through regular Contacts while the Participant is in Pre-Employment Support. The minimum Contacts a Provider must deliver to a Participant in Pre-Employment Support are:

- for Participants in the Intensive Service – at least 6 Contacts each 3 months, and
- for Participants in the Flexible Service – at least 2 Contacts each 3 months.

The Department can take action, including not paying or recovering paid Pre-Employment Support Service Fees, where a Provider does not deliver the required number of Contacts. The Department will not take action where it is satisfied the Provider made reasonable attempts to deliver the required Contacts, including by rescheduling Contacts and applying the Targeted Compliance Framework correctly.



Documentary Evidence of Minimum Contacts must be retained (in electronic form or hard copy).



The Provider must record an attendance result in the Department's IT Systems by close of business on the day of the Contact Appointment or Activity.



Details of Contacts delivered via email or text may be recorded using comment functionality in the Participant's Summary on the Department's IT Systems.

A Provider may be unable to record an attendance result by close of business on the day of the Contact Appointment. This may occur because:

- the Contact occurred after normal working hours
- the employment consultant is in a remote location without access to the Department's IT System, and/or
- there is an outage of the Department's IT Systems.

If the Provider cannot record an attendance result on the day of a scheduled Contact Appointment, the Provider must take the following actions within 5 Business Days.



For a Scheduled Contact:

- Include a comment in the Appointment notes that records:
  - whether or not the Participant attended, and
  - why an attendance result could not be recorded on the date of the Contact.



For an Unscheduled Contact:

- Step 1: Schedule a 'shell' Contact Appointment with the Participant for the entry date. This is not a real Contact, and the Participant is not expected to attend it.
- Step 2: Record the Notification method as being booked directly with the Participant, so the Participant does not receive a Notice to attend the Appointment.
- Step 3: Enter a result of 'Attended', because the Participant attended the unscheduled Contact.
- Step 4: Include in the Appointment notes a comment that records:
  - the date and time the contact occurred, and
  - why an attendance result could not be recorded on the date of the Contact.

(Deed Reference(s): Clause 114)

Providers should consider the range of Engagement Methods under which they can maintain contact with Participants. These can either complement or as act an alternative to Appointment-based contacts, allowing for more interactive exchanges and relationship building between Participants and Providers. Contacts may be delivered:

- face-to-face
- as a phone conversation
- as a videoconference
- as meaningful email or text message exchanges — to complement other Contacts rather than being the only form of Contact (see Meaningful exchange of email or text messages – Provider Fact Sheet on the Provider Portal for more details)
- as a one off or regular Activity organised by the Provider, and
- as part of workshops or other group activities, information or training sessions organised by the Provider.

Contacts with Participants may also include third parties with consent from the Participant — such as a Family Member or carer(s), NDIS Local Area Coordinator, NDIS support coordinator or NDIS employment assistance provider, or an Employer.

A hybrid arrangement for Contacts and Contact Appointments may be beneficial to all Participants. The Provider must negotiate the Contact schedule and Engagement Methods with the Participant. Providers must also record the Participant's preferred mode of contact for Notifications in the Department's IT System.

Note: If a Provider has an unscheduled Contact with a Participant, the Provider must schedule the Contact in the Department's IT Systems on the day the Contact occurred and record that the Contact was directly booked with the Participant. This prevents a Notification for the Contact being sent.

The Provider must find any necessary supports the Participant needs to take part in the Contact and supply them. This may include:

- reasonable adjustments associated with the Participant's disability
- interpreter support
- the need for a nominee or support person to be present (such as a Family Member, friend, carer(s), support worker, counsellor and/or social worker), and
- adjustments because of aggressive or violent Participant Incidents — refer to Chapter 13: Servicing Participants with challenging behaviours.

Providers can discuss any issue or concerns relevant to the Participant at a Contact.

At each Contact Appointment, Providers must discuss the Participant's personal circumstances and how these may impact their ability to meet their Mutual Obligation Requirements (including the Meaningful Engagement Requirement). Providers must update the Capability Management Tool with any newly disclosed barriers and circumstances (see Section 5.4 Capability Management Tool).

Issues covered in each Contact may include:

- Participant's progress towards finding sustainable Open Employment
- details of assistance and support provided to Participant
- details of any relevant changes to the Participant's circumstances
- non-attendance or non-completion of agreed tasks and activities, and
- overall level of engagement.

- Documentary Evidence must be retained (in electronic form or hard copy) on the conversations during Contacts that relate to:
  - progress towards meaningful engagement or a failure to meaningfully engage, or
  - compliance with the requirements of the Detailed Job Plan.

For Participants who have a Meaningful Engagement Job Plan, Providers must capture any reasons given for failure to attend a Contact as a file note — either as a comment in the Appointment notes or using comment functionality in the Participant's Summary on the Department's IT System. Maintaining contact is a core requirement of meeting the Meaningful Engagement Requirement so these notes may need to be used as Documentary Evidence when assessing a Participant's level of engagement (see Section 5.5.4 Determining if a Participant is meeting the Meaningful Engagement Requirement for more information).

For Participants on a Detailed Job Plan, Providers must record an attendance result. No compliance action can be taken under the Targeted Compliance Framework (TCF) unless a result of 'Did not attend – Invalid' or 'Misconduct' is recorded in the Department's IT Systems by close of business on the day of the scheduled Contact.

Providers must refer to the guidance in Chapter 12: Compliance on the associated compliance action if a Participant (Mutual Obligation) or DSP Recipient (Compulsory Requirements) does not attend a compulsory Contact Appointment.

Providing interpreters

Providers must use an interpreter for Provider Contacts where:

- Services Australia has shown that an interpreter is needed
- the Participant has requested an interpreter, or
- the Provider assesses that an interpreter is needed.

Providers are responsible for the costs of interpreter services.

Providers can book a foreign language interpreter through the Department of Home Affairs' Translating and Interpreting Service (TIS National).

NIAA have a list of Indigenous Interpreters.

Auslan interpreters must be accredited by the National Accreditation Authority for Translators and Interpreters (NAATI). Providers may wish to use:

- the Participant's preferred interpreter, if they are accredited by NAATI
- Deaf Connect – 1300 773 803
- Expression Australia – 1800 937 446
- Deaf Accessible Business Network (DABN) – 1300 462 587
- AuslanServices – 1300 287 526.

Note: Providers can use EAF funding for Auslan services only for Job Interviews. Provider Contacts cannot be funded under EAF.

- Providers must keep Records, either in the Department's IT Systems or on the Participant's individual file, related to:
  - any interpreter requirements, including language, dialect and gender preference
  - details of interpreter use, including kind of interpreter service and date used
  - declined Participant requests for interpreter services, including reasons for refusal

- declined Provider offers of interpreter services, including any given reasons for refusal.

(Deed Reference(s): Clause 7)

6.7 Relocation Assistance

Relocation Assistance To Take Up A Job (Relocation Assistance) is a tool that Providers may use to help eligible Participants move to take up ongoing work.

If a Provider chooses to help a Participant in this way, the Provider must pay any agreed relocation expenses and then claim reimbursement through the Department's IT Systems.

The maximum Relocation Assistance amounts that can be claimed are:

- $3,000 (GST exclusive) if moving to a capital city
- $6,000 (GST exclusive) if moving to a regional area
- an extra $3,000 (GST exclusive) if moving with one or more dependents.

A dependent is a member of the Participant's household who is:

- a spouse/partner who is also receiving an Australian Government Income Support Payment or pension
- a dependent child under 24 years of age who is:
  - financially dependent on the relocating Participant, or
  - a financially dependent child of the Participant's partner, where they are a member of a couple under social security law and the partner is receiving a government payment related to the child
- a parent of Age Pension qualification age who:
  - lives in the same residence as the Participant
  - is dependent on the Participant for day-to-day care
  - is relocating to reside with the Participant.

Where the dependent of the Participant does not meet these requirements, Providers can assess if there is a genuine dependency relationship. The Provider must keep a file note outlining their reasons for the approval. Example: Where the Participant may have legal caring responsibilities for an adult child with a disability, it would be reasonable to grant up to the additional $3,000 in relocation assistance. The Provider must confirm this relationship is reasonable.

The Provider must record the circumstances and reasons why they agree a dependency exists in a file note.

The Provider must direct the Participant to obtain the consent of any third parties or dependents over 15 years of age, before they provide evidence containing a dependent's personal information to the Provider. The Participant can consent on behalf of any dependents under 15 years of age or for whom they are the legal guardian and decision maker.

The Provider must upload evidence of a claimed dependent to the Department's IT Systems, including evidence of:

- the dependent's identity
- relevant Australian Government income support payment or pension
- the Participant's legal care responsibilities, and

- the dependent living with the Participant.

Before collecting or uploading evidence to the Department's IT Systems containing the Personal or Sensitive Information of a third party or dependent, the Provider must be satisfied that appropriate consents have been obtained. A record of the consent must be uploaded, for example a file note if a dependent over the age of 15 provides express verbal consent via a phone call. Providers must also ensure they redact any Sensitive Information within evidence that is not reasonably necessary or required, such as Tax File Numbers. See Inclusive Employment Australia Guidelines: Part A, Chapter 6: Privacy, for further information.

6.7.1 Eligibility

Participants will be eligible for Relocation Assistance immediately on Commencement in Inclusive Employment Australia.

Relocation Assistance may be available where the Participant:

- is in receipt of an Income Support Payment with participation requirements immediately prior to moving to take up the offer of Employment, and
- has accepted an offer of Employment that:
  - is for at least 20 hours per week, for at least 6 months
  - meets relevant employment standards and could result in an Employment Outcome, and
  - is not self-employment or commission-based employment.

Participants can apply for help to move to an address that is:

- within Australia
- at least 90 minutes travel from the Participant's current address, by their normal mode of transport
- within 90 minutes travel of the new job
- not within the same capital city as the Participant's current address, and
- if moving between capital cities, to a capital city with a lower unemployment rate.

Note: Travel time can be decided using available geospatial calculators, such as Google Maps.

Note: The Department publishes regular capital city unemployment rate updates on the Provider Portal.

6.7.2 Relocation Assistance Agreement

When using Relocation Assistance, the Provider must create and sign a Relocation Assistance Agreement with the Participant within 28 days of the Participant starting in the offered job. The Relocation Assistance Agreement template and terms must not be varied by the Provider or Participant.

The signed Relocation Assistance Agreement must include that:

- the Participant accepted the job offer
- the Participant has declared any claimed dependents who will be moving with the Participant, and
- the Provider has sighted evidence of any claimed dependents (and where required their consent).

The Relocation Assistance Agreement will automatically end 3 months after it is approved. The Provider must manually end the Relocation Assistance Agreement when:

- the relocation is complete, and all Relocation Assistance payments have been made
- the relocation did not occur, or
- the Participant did not start the job.

If a Participant with a Relocation Assistance Agreement transfers to a new Provider:

- the Relinquishing and Gaining Providers must negotiate the remaining Relocation Assistance conditions to avoid duplication, and
- the Gaining Provider must sign a new Relocation Assistance Agreement with the Participant.

A sample Relocation Assistance Agreement can be found on the Provider Portal.

6.7.3 Allowable expenses

Relocation Assistance payments can help meet a Participant's costs in preparing to move, moving, and settling in. The following table includes allowable expenses and shows where the Provider must obtain quotes for the expense.

Accommodation-related

Allowable Expense	Quote
Non-rent accommodation at new location – maximum of 2 weeks	Yes
Rent at new location – up to 2 months	No
Rental Bond – Must not exceed any specified state or territory bond payment	No

Disturbance Costs

Allowable Expense	Quote
Gardening fees	Yes
Cleaning fees	Yes
Pet boarding fees - up to one month	Yes
First groceries to set up house	No
Utility connection and exit costs	No
Relocation-associated legal costs	No
Associated medical costs	No
School uniforms	No
School enrolment fees	No
Reasonable breaking lease costs	No
Vehicle registration transfer fees	No
Licence transfer fees	No

Employment-related

Allowable Expense	Quote
Tools (up to $500)	No
Safety clothing	No
Uniforms	No
Boots	No

Removalist / Self-removal

Allowable Expense	Quote
Removalists and removalist insurance	Yes
Truck hire	Yes
Storage	Yes
Trailer hire	Yes

Travel-related

Allowable Expense	Quote
Plane, train or ship tickets and fees	Yes
Car hire and car hire insurance	Yes
Pet transport	Yes
Baggage allowances	No
Fuel	No
Incidentals during travel, for example, food and drinks	No
In-transit accommodation costs	No

For items where quotes are needed, the Provider must obtain and keep at least two quotes (or one quote if there is a sole Provider). Quotes must include:

- the supplier's name and ABN
- date of quote
- itemised details of expenses in the quote including details of the service delivered
- quote amount (including GST).

Providers must ensure they understand relevant state or territory laws about bond payments.

Payments to the relevant state or territory bond board should be in the name of the Provider unless:

- the relevant law or lease agreement places liability for excess damages with the named party, or
- it is not possible to lodge the bond in the Provider's name — in this case, the Provider must inform the Participant that when the lease ends, they must return the bond money to the Provider.

Providers must reimburse the bond refund amount to the Department at the end of the lease.

Relocation Assistance payments cannot be used to cover the following costs:

- assets — for example, whitegoods, furniture, tyres, other household items
- ongoing costs — for example, utilities, school fees, mortgage
- rent beyond the allowable 2-month period
- repairs — including vehicles
- alcohol and tobacco purchases
- Post Placement Support activities
- cost of return to current location or other costs at same location, or
- association fees.

6.7.4 Upfront payments

Providers can offer Participants an upfront payment of up to $2,000 (GST exclusive) to cover payments the Provider cannot make directly to the supplier. This includes prepaid debit cards for basic items such as petrol, groceries or toiletries. The Provider must ensure the Participant uses payments for agreed purposes, including keeping receipts.

If the Participant declares they are experiencing financial difficulties, the upfront payment can be over the standard $2,000 (GST exclusive) amount. Financial hardship exists if the Participant cannot start their placement without the payment.

Note: Apart from up-front payments, expenses may be incurred before the Relocation Assistance Agreement start date but must be within 28 days of the employment start date.

6.7.5 Claims for Reimbursement

Providers can claim Reimbursement of agreed Relocation Assistance expenses from the date the Relocation Assistance Agreement is signed, until 56 days after the Relocation Assistance Agreement has ended.

Prior to claiming Reimbursement, Providers must ensure they have paid the supplier and/or reimbursed the Participant in full.

- To claim Reimbursement, the Provider must enter the Documentary Evidence into the Department's IT Systems.
- The Documentary Evidence may include:
  - a valid tax invoice or recipient created tax invoice, distinguishing between individual items
  - evidence of payment from the Provider to the Participant or supplier, this can include:
    - transaction record (bank statement or record from the Provider's financial system)
    - tax invoice with receipt, or
    - remittance advice, and
  - any required quotes.

The Provider must not include any personal information (including of the Participant or any dependents) when making a claim for Reimbursement, unless requested by the Department to do so.

6.8 Employer Engagement and Support

To support Participants in Pre-Employment Support and help to meet Employer's workforce needs, Providers must engage with, build strong relationships with, support, and provide services to, Employers in their local area.

Providers must build strong relationships with Employers to meet Employers' workforce needs, and broker Employment opportunities for Participants. This may include help with job design or job customisation. Providers must offer tailored support and training to build Employer capability and help Employers to provide suitable, safe and productive workplaces and work practices for employees with disability.

Providers must also help Employers to access available supports. This may include organising workplace modifications, workplace training, or on the job coaching and supports, or Wage Subsidies.

Employer Supports

Category	Supports may include:
Employer access to suitable employees	• Understanding Employers' skill needs and job requirements and arranging activities that offer development opportunities and prepare Participants to meet those needs. • Targeting Employers who can offer a match to employment goals and career pathways of individual Participants. • Proactively promoting and marketing the abilities of individual Participants to Employers, and the support options available to Employers to help make placements a success. • Arranging Participant Work Trials and Observational Work Experience with potential Employers. • Referring the most suitable Participants to Vacancies.
Employer capability-building support	• Providing guidance on creating accessible and inclusive workplaces to help Employers integrate employees with disability and access information and disability training for their workplace. • Providing guidance on job design and job customisation to facilitate the creation of employment opportunities. • Providing guidance on employee retention strategies to help Employers effectively onboard people with disability and reduce turnover. • Helping Employers access information around cultural safety assessments and/or training for their workplace. • Linking Employers to relevant Commonwealth, State or Territory Government, local government, and non-government programs, and to communities of practice.
Additional support for Employers	• Providing a single point of Provider contact to ensure the Employer has a clear pathway to issues resolution and responses to requests. • As appropriate, helping Employers to access financial assistance through the EAF for work-related modifications and services to reduce the costs of hiring a Participant (see Section 9.8 Employment Assistance Fund). • As appropriate, helping an Employer to make an application in respect of the Supported Wage System. • As appropriate, providing information and training on how to access Wage Subsidies (see Chapter 8: Wage Subsidies).

(Deed Reference(s): Clause 9, 121)

Chapter 7: Activities

Supporting Documents for this Chapter

Activity Management

- WHS Incidents and Insurance Readers Guide – Providers
- WHS Incidents and Insurance Readers Guide – Participants
- Public and Products Liability Incident Report
- Public and Products Liability Claim Form

Skills for Education and Employment (SEE)

- When to refer to SEE and AMEP Provider Fact Sheet

Employability Skills Training (EST)

- EST Information for Providers
- EST Information for Participants

Career Transition Assistance (CTA)

- CTA Information for Providers
- CTA Information for Participants

Self-Employment Assistance (S-EA)

- S-EA Participant Fact Sheet

Specified Activities - Observational Work Experience (OWE)

- OWE Host Agreement template
- OWE Participant Fact Sheet

Provider Sourced Voluntary Work

- Voluntary Work Host Agreement template

Risk Assessments

- Activity and Participant Risk Assessment template
- Competent Person register template

7.1 Chapter Overview

This Chapter outlines the requirements for the Provider when setting up and managing Activities.

Participating in Activities while in Pre-Employment Support helps Participants to improve their skills and experience as part of a pathway to find and maintain Employment. Activities can also develop a Participant's ability to work independently, communicate effectively, take directions from a supervisor and work as part of a team.

During a Participant's period in Pre-Employment Support, Providers must arrange Activities for Participants according to their personal preferences, individual circumstances and assessed work capacity. These can be both Vocational and Non-vocational Activities and Interventions designed to assist Participants address their individual barriers and help them progress towards Employment.

To ensure the successful delivery of Activities, Providers should seek to develop and maintain effective relationships in their local areas with Complementary Program providers,

private and community-based service providers, Education and Training institutions, and other organisations and service providers.

This Chapter should be read in conjunction with Chapter 5: Participation requirements and Chapter 6: Pre-Employment Support.

Providers are encouraged to use available resources to provide Participants and Employers with information on Activities, as part of shared decision-making processes. These are available as supporting documents on the Provider Portal.

7.2 Types of Activities

Providers can refer Participants to a wide range of Activities as part of Inclusive Employment Australia.

Some Activities have requirements for Providers within the Deed. In these Guidelines, these are referred to as:

- 'Complementary Activities' – delivered by a Complementary Program provider contracted to deliver programs, activities or services, or
- 'Specified Activities' – delivered by a Host Organisation under an agreement with the Provider.

Participants undertaking Complementary and Specified Activities are covered by insurance policies taken out by the Department, as outlined in Section 7.8.5 Insurance for Activities and the WHS Incidents and Insurance Readers Guide – Providers supporting document on the Provider Portal. The insurance is available because the Activities take place under set rules.

Providers can also arrange Activities that do not have set rules. These 'other' Activities can be developed by the Provider and may be more flexible. Providers are strongly encouraged to innovate and deliver Activities that support diverse pathways to Employment.

These 'other' Activities can be delivered in several ways, for example:

- through in-house Service provision (including Training by Related Entities)
- from an external organisation (purchased or organised),
- by referral to programs and services within the local community, including Commonwealth, State or Territory Government programs, local government programs, and non-government programs delivered by private and community-based organisations, and/or
- Participant self-directed or Participant sourced.

7.3 Identifying suitable Activities

Providers are expected to promote to Participants the benefits of all types of Activities, respond to any enquires from Participants in relation to Activities, and support Participants to fully engage in and maintain a balance across any Activities they choose to undertake or are referred to by the Provider.

When discussing and arranging Activities with a Participant, Providers should consider the Participant's:

- age
- disability type
- education level

- skills, experience and aspirations
- Vocational Barriers
- Non-Vocational Barriers
- cultural background
- caring responsibilities
- assessed work capacity, and
- access to transport.

Activities can be arranged by the Provider or by the Participant with the support of the Provider. Providers must only refer a Participant to Activities that:

- are suitable and safe
- help the Participant build their work skills to increase their chances of getting a job, and
- meet the Participant's individual needs and assessed work capacity.

(Deed Reference(s): Clause 116.1, 116.2)

Key considerations of whether an Activity may be suitable or not are outlined in the following table.

Factors for suitability of an Activity

Activity may be suitable if:	Activity is not suitable if:
• The Participant is eligible to attend the Activity. • The Participant has capacity to undertake the activity (including where other requirements can be adjusted to provide capacity). • The Activity provides skills, Training or experience that would benefit the Participant. • The Provider is prepared to pay costs associated with the Activity.	• The Activity is listed as inappropriate. • The Participant does not wish to engage in Activity, unless it is appropriate for the Provider to require the Participant to attend. • The Activity involves tasks that could exacerbate the Participant's disability, illness or injury. • The Activity does not provide appropriate support or facilities to take account of a Participant's disability, illness or injury.

If the Participant is found to not be eligible for an Activity, after a referral to the Activity, the Provider must assist the Participant to look for another appropriate Activity.

7.3.1 Inappropriate Activities

Providers must not arrange Activities for Participants, or refer Participants to any Activity, where:

- the Department advises the activity cannot be conducted concurrently with Inclusive Employment Australia
- the activity would be undertaking tasks outside of Australia
- the Participant would participate in or otherwise be involved in criminal activity
- the Participant would be 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 would be undertaking tasks or working for any organisation owned or Controlled by either the Participant or by the Participant's Family Member

- the Participant's involvement would displace or reduce an existing employee's hours of work (full-time, casual, or part-time) or customary overtime
- the Participant would be undertaking tasks associated with the sex or adult entertainment industry
- the Participant would be undertaking tasks involving nudity (including retail or hospitality positions)
- the Participant would be undertaking tasks directly involving gambling
- the Participant would be undertaking tasks in a Private House or Private Homes, and/or
- the activity would contravene Commonwealth, State or Territory WHS Laws or law relating to discrimination.

7.4 Managing Participants in Activities

Providers must support Participants to fully engage in Activities.

A Participant on a Meaningful Engagement Job Plan must not have Activities included in their Job Plan, but Providers must have a record that the Participant has agreed to the Activity.

When a Participant on a Detailed Job Plan is referred to an Activity, their Job Plan must be updated to include the Activity using the relevant Job Plan Code, either as a compulsory or voluntary requirement.

As noted in Section 5.6.2 Activities5.6.2 Activities:

- Providers can recommend an Activity be undertaken as part of the Meaningful Engagement Requirement but cannot compel a Participant to participate in the Activity.
- Participants cannot be compelled to attend an Activity that is included in their Detailed Job Plan as voluntary (i.e. will not be subject to compliance actions for failure to attend).
- Participants must attend a Mandatory Activity that is included as a compulsory requirement in their Detailed Job Plan (i.e. will be subject to compliance actions for failure to attend). A Mandatory Activity requirement is limited to Activities that will help the Participant build skills and work-like behaviour.

Regardless of Job Plan type, Activities must be scheduled in the Participant's Electronic Calendar, which then:

- makes the details of the Activity available to the Participant via their Workforce Australia homepage, and
- sends a notification of the Activity, including the need to attend if it is a compulsory Activity in their Job Plan.

Providers must schedule Activities in the Participant's Electronic Calendar.

When referring Participants to an Activity, Providers must ensure that Participants have any prerequisites (for example, a background check or personal protective equipment). Providers may choose to use their own funds to help meet the eligible costs of a Participant's Activity.

Providers must provide a copy of the WHS Incidents and Insurance Readers Guide – Participants to Participants referred to a Complementary Activity or Specified Activity.

While the Participant is undertaking an Activity, the Provider must:

- comply with its WHS obligations
- ensure adequate and appropriate Supervision so that relevant Participants are undertaking appropriate tasks and operating in a healthy and safe environment
- comply with its obligations in relation to insurance
- check if the Participant has any complaints or safety concerns regarding the Activity, including any WHS Incidents to report
- ensure that the Participant is benefiting from the Activity, is enhancing their job prospects, and is not being exploited
- minimise disruptions while the Participant is engaging and attending an Activity, by scheduling Contacts outside of Activity times and or reducing Job Search Requirements
- support the Participant's progress by encouraging attendance and ensuring satisfaction with the Activity, and
- monitor and record attendance in compulsory Activities.

(Deed Reference(s): Clause 56.1, 116, 117.3, 118.3, 134.4, 144, 145)

Providers must ensure attendance at scheduled Activities is recorded (see relevant task cards on recording activity attendance on behalf of a Participant).

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, and/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 Specified Activity or consideration of other Activity.

If transportation cannot be arranged by the Participant or the Provider, the Provider must not proceed with the Activity and must consider an alternative Activity.

Once a Participant is no longer undertaking an Activity, the Provider must:

- update the Participant's plan for meaningful engagement (if the Participant is on a Meaningful Engagement Job Plan)
- update the Participant's Job Plan (if the Participant is on a Detailed Job Plan), and
- consider whether it is appropriate to move the Participant into the Intensive Service (if the Participant had been receiving the Flexible Service).

When a Participant is no longer undertaking an Activity, the Provider must record in the Department's IT Systems:

  - the reason the Participant is no longer participating (completion Exit reason)
  - the final date of participation (end date), and
  - the total number of hours undertaken in the Activity, where relevant.

7.5 Complementary Activities

Participants can participate in other Commonwealth training and employment programs whilst they are participating in Inclusive Employment Australia. These are referred to as Complementary Services in the Deed.

Providers can arrange for Participants to undertake certain Complementary Services as an Activity. These Activities are Complementary Activities for the purposes of these Guidelines.

Complementary Activities that a Provider can arrange for Participants are:

- Skills for Education and Employment (SEE)
- Adult Migrant Education Program (AMEP)
- Employability Skills Training (EST)
- Career Transition Assistance (CTA), and
- Self-Employment Assistance (S-EA).

Benefits of Complementary Activities include:

- the Complementary Service provider manages the Participant's health and safety during the Activity, and
- the Participant is covered by insurance policies taken out by the Department during the Activity.

Prior to referring a Participant to a Complementary Activity, the Provider must:

- confirm the Activity is suitable – the Participant is eligible, can undertake and would benefit from the Activity
- ensure the Participant understands the purpose of the Activity
- ensure the Participant understands their responsibilities if the Activity is a compulsory requirement in their Job Plan (Detailed Job Plans only)
- review the Risk Assessment completed by the Complementary Service provider (for CTA or EST Activities) to ensure it is appropriate for the Participant — refer to Section 7.8.1 Risk Assessments
- ensure the Complementary Service provider has all the relevant information regarding the Participant, including their accessibility requirements
- pay the Complementary Service provider any costs associated with the Activity
- provide any required support through necessary equipment, checks and licences
- encourage the Participant to attend the relevant Activity
- ensure appropriate facilities are available for the Participant during the Activity, and
- work with the Complementary Service provider to support the Participant to successfully complete the Activity.

7.5.1 Skills for Education and Employment

The Skills for Education and Employment (SEE) Program provides language, literacy, numeracy and digital literacy (LLND) skills to eligible Participants. SEE training is delivered by a national network of contracted SEE Providers, offering flexible training options that are tailored to the individual's current skill level, needs and goals.

SEE offers Participants a pathway to stable, long-term employment through:

- improved communication skills, confidence and ability to engage in the community
- real-world, contextualised learning, with embedded content focused on LLND
- study options ranging from LLND Certificate courses to vocational courses in key industries, like Hospitality, Aged Care, Accounts Administration and Retail Services
- flexibility through face-to-face or distance learning or a combination of both.

Participants may also be eligible for the Language, Literacy and Numeracy (LLN) Supplement of $20.80. The LLN Supplement is processed by Services Australia once a Participant commences in SEE.

Refer to the When to refer to SEE and AMEP Provider Fact Sheet for more information on the differences between SEE and AMEP, both available on the Provider Portal.

- SEE activity information must be entered in the Department's IT Systems to ensure eligible Participants receive the Language, Literacy and Numeracy Supplement from Services Australia.
- Providers refer Participants through the Department's IT Systems. Detailed instructions are available in Knowledge Base Article KB0017282 - Activities – Adding a Referral to Skills for Education and Employment (SEE).
- Providers can book a Pre-Training Assessment for a Participant through the Department's IT Systems. Detailed instructions are available in KB0017021 - Activities – Adding a Pre-Training Assessment (PTA) booking for a Skills for Education and Employment (SEE) referral.

When referring Participants with Meaningful Engagement Job Plan to the SEE Program, Providers should add this Activity to their meaningful engagement plan and adjust other tasks and activities.

When referring Participants with Detailed Job Plan to the SEE program, Providers must add Code ET57 [SEE and/or ESL assessment] and Code ET56 [SEE and/or ESL course] to the Participant's Job Plan to capture whether this Activity is a compulsory or voluntary requirement. If the SEE assessment finds that this Activity is not suitable for the Participant, Code ET56 [SEE and/or ESL course] would need to be removed from the Job Plan.

Note: Within Code ET56 and ET56, ESL refers to 'English as a second language'.

Once the SEE provider receives the referral, they will contact the Participant and check the Participant's suitability for the course. This includes:

- assessing the Participant's capability levels against the Australian Core Skills Framework and determining their capacity to benefit from the program,
- advising the Participant and the Provider whether training is recommended, and
- commencing Participant in a course of study aligned to their goals and capabilities, where training is recommended.

SEE First Nations

In addition to General SEE and General SEE Projects, First Nations Participants may be able to access support through a SEE First Nations project in their community.

SEE First Nations is a competitive grant opportunity that supports the development of local, First Nations-led solutions addressing barriers to access and delivery in First Nations communities.

Providers cannot initiate referrals as SEE First Nations projects are community designed and led, aligned to the needs of each community, have identified potential cohorts, and may not be directly related to employment outcomes.

If a First Nations Participant enquires about SEE, the Provider can:

- Advise them to check if a SEE First Nations project is available in their community. A list of approved First Nations Delivery Grants is available at www.dewr.gov.au/skills-education-and-employment/see-first-nations
- If the Participant wishes to attend an available project, contact the SEE First Nations Delivery grantee to discuss referral, participation requirements and eligibility
- If the Grantee and Participant agree to the referral, enter the referral into the Department's IT Systems.

A SEE First Nations Delivery grantee may also contact a Provider to discuss the interest of a First Nations Participant on their caseload in the project and seek your assistance with a referral to the Activity.

Key considerations for SEE referrals

Factor	Details
Participant eligibility	• Aged 15 years or over and under the Age Pension age. • Have working rights in Australia. • Does not have significant non-vocational issues that need to be addressed before they can benefit from SEE. • Not in enrolled in full-time Education or Training. • Not participating in AMEP.
Format	Courses can be delivered either in person or hybrid (combination of in person and online).
Duration	SEE clients have 2 years in a single referral period to complete their chosen course(s) or qualification(s). Participation can be full-time or part-time.
Cost to Provider	N/A
Participation requirements	Participation in SEE can be compulsory or voluntary. A Participant in SEE should have no Job Search as part of the agreed tasks and activities for the Meaningful Engagement Requirement or have their Job Search Requirement set to zero in a Detailed Job Plan. 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 is responsible for exiting the Participant from SEE should they cease to attend training regularly and are not contactable to ascertain a reason. In this instance, the SEE provider will notify the Provider. Best practice is for Providers to work collaboratively with SEE providers to support Participants.

7.5.2 Adult Migrant Education Program

Adult Migrant and English Program (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.

AMEP provides a range of flexible learning options to help Participants study and provides free childcare services if Participants have under school-aged children when participating in face-to-face classes.

Providers have a responsibility to work with their local AMEP providers and ensure they are familiar with AMEP provider's services. There is a Distance Learning option.

- Providers should review the Participant's Job Seeker Snapshot and discuss potential referral to AMEP if the Participant self-identified low ability in speaking, reading or writing English or that an interpreter is required during appointments.

Refer to the following table on key factors to consider when referring Participants to AMEP. Information on the differences between SEE and AMEP is also available as a supporting document on the Provider Portal, refer to the When to refer to SEE and AMEP Provider Fact Sheet.

- The Provider must add the Participant's placement in AMEP as an Activity in the Department's IT Systems.

When referring Participants with Meaningful Engagement Job Plan to AMEP, Providers should add this Activity to their plan for meaningful engagement and adjust other tasks and activities.

If the Participant has a Detailed Job Plan, Providers must add Code ET52 [Adult Migrant English] to the Participant's Job Plan to capture whether this Activity is a compulsory or voluntary requirement.

Note: The AMEP end date in a Job Plan cannot be greater than 25 months from the start date. If a Participant continues to participate in AMEP beyond this end date, a new AMEP Activity should be added to the Job Plan with the start date of the date the Activity is recorded in the Job Plan.

Key considerations for AMEP referrals

Factor	Details
Participant eligibility	• Aged 18 years or over (15-17 years in special circumstances as assessed by the AMEP provider). • Permanent resident, holder of an eligible temporary visa, or citizen who previously had a temporary visa.
Format	Courses can be delivered either in person, hybrid (combination of in person and online) or online.
Duration	Participants can access unlimited hours of English classes until they have achieved vocational English. Participants with a visa commencement date on or before 1 October 2020 have no time limits for registration, commencement and completion. For Participants with a visa commencement date after 1 October 2020, a 5-year completion timeframe applies. This can be extended to 10 years in certain circumstances.

Factor	Details
	Participation can be full-time or part-time.
Cost to Provider	N/A
Participation requirements	Participation in AMEP can be compulsory or voluntary. A Participant in AMEP should have no Job Search as part of the agreed tasks and activities for the Meaningful Engagement Requirement or have their Job Search Requirement set to zero in a Detailed Job Detail. A Participant should be moved to the Flexible Service unless they choose to receive the Intensive Service. Best practice is for Providers to work collaboratively with AMEP providers to support Participants.

7.5.3 Employability Skills Training

Employability Skills Training (EST) is a pre-employment program to support Participants to become more competitive in their local labour market by developing the skills Employers are looking for, building job search, workplace and industry-specific skills, and exploring career options.

EST is provided through two different training blocks, and Participants can undertake one or both training blocks, in any order:

- **Training block 1** courses help Participants develop Job Search and workplace skills.
- **Training block 2** courses help Participants learn more about industries that are in demand or have emerging opportunities in their local labour market.

Following participation in an EST course, Participants will receive (with a copy to the Provider):

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

Providers may approach EST providers to deliver specific or tailored EST courses to meet an identified demand, such as training in a particular location or industry.

Note: 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.

When referring Participants to an EST course, Providers must ensure the EST provider has the information to complete a Risk Assessment.

Note: Providers must inform the Participant of what Personal Information will be shared with the EST provider.

Refer to the EST Information for Providers on the Provider Portal for more information on the program.

Available EST course places can be seen on the Activity Management screen in the Department's IT Systems.

Providers refer Participants through the Department's IT Systems. Detailed instructions are available in the EST Placements Workflow task card.

When referring Participants with Meaningful Engagement Job Plan to EST, Providers should add this Activity to their plan for meaningful engagement and adjust other tasks and activities.

If the Participant has a Detailed Job Plan, Providers must add Code ET68 [PaTH Employability Skills Training] to the Participant's Job Plan as a voluntary requirement.

Once the EST provider receives the referral, the EST provider will contact the Participant. EST providers will check the course's suitability for the Participant, including:

- contacting Participants before they commence to check if the course is suitable
- contacting the Provider to discuss any concerns it identifies, and
- rejecting the referral if it determines the Participant would not benefit.

Note: Participants cannot be referred to an EST Course after the first day of the course schedule.

Key considerations for EST referrals

Factor	Details
Participant eligibility	• Aged 15 years or over. • Be a Participant (Mutual Obligation) or DSP Recipient (Compulsory Requirements). • Does not have significant non-vocational issues that need to be addressed before they can benefit from EST.
Format	Courses are generally face-to-face, however hybrid (a blend of face-to-face and online) and online delivery may be available.
Duration	Each block runs for 75 hours: • 25 hours per week over 3 Consecutive Weeks, or • 15 hours per week over 5 Consecutive Weeks.
Availability	EST providers will make courses available as an Activity in the Department's IT Systems.
Cost to Provider	Courses are available on a fee-for-service basis. Providers must pay the EST provider $1,335 from their own funds for each Participant referral to a training block 1 or training block 2 course. This payment must be made prior to the EST course start date, but after the EST provider has confirmed the Participant's EST place. Participants must not pay for an EST course. The transfer of funds from the Provider to the EST provider occurs outside of the Department's IT Systems. Providers must make their own arrangements with the EST provider to facilitate payment. Course fees are fully refundable if the EST provider cancels the EST course or finds the course not suitable for the Participant. The Provider must discuss with the EST provider what happens if the Participant does not attend.

Factor	Details
Participation requirements	EST is undertaken as a voluntary requirement. EST providers will record Participant's commencement and attendance. The EST provider will end the referral if the Participants does not attend the EST course within 7 Business Days of the course start date. Best practice is for Providers to work collaboratively with EST providers to support Participants, and to encourage Participants to attend their EST course.

7.5.4 Career Transition Assistance

Career Transition Assistance (CTA) is a pre-employment program to support people 45 years and over to build their skills and confidence to re-enter the workforce or change career. CTA providers deliver practical assistance to mature age Participants with the aim of improving digital literacy and increasing their employability and competitiveness in the local labour market.

Following participation in an CTA course, Participants will receive (with a copy to the Provider):

- an updated, professionally presented résumé that identifies the Participant's skills and experience, and
- a personal Career Pathway Plan.

The CTA provider will also offer the Participant 2 future contacts to occur within 3 months of completion of CTA.

Providers may contact local CTA providers directly to discuss course availability and suitability for Participants.

When referring Participants to a CTA course, Providers must:

- ensure the CTA provider has the required information to complete a Risk Assessment
- collaborate with the CTA provider and Participant to arrange for the initial meeting to take place, and
- make sure they participate in a Personal Hand Over with the CTA provider and Participant once the Participant has completed the course, unless:
  - the Participant exits the CTA course before completing 80% of scheduled hours
  - the Participant exits the CTA course to commence Employment, or
  - the Activity placement has been closed by the system.

Note: Providers must ensure the Participant is aware of what Personal Information will be shared with the CTA provider.

Refer to the CTA Information for Providers on the Provider Portal for more information on the program.

Available CTA course places can be seen on the Activity Management screen in the Department's IT Systems.

Providers refer Participants through the Department's IT Systems. Detailed instructions are available in the Career Transition Assistance Placement Workflow task card.

When referring Participants with Meaningful Engagement Job Plan to CTA, Providers should add this Activity to their plan for meaningful engagement and adjust other tasks and activities.

If the Participant has a Detailed Job Plan, Providers must add Code PA05 [Career Transition Assistance] to the Participant's Job Plan to capture this Activity as a voluntary requirement.

Once the CTA provider receives the referral, the CTA provider will contact the Participant. CTA providers will check the Participant's suitability of the course, including:

- contacting Participants to hold an initial meeting to determine if the Participant is suitable
- rejecting the referral if it is identified the Participant would not benefit — the CTA provider will advise the Provider that the Participant has not been accepted into the CTA course, and the reasons for this.

Note: Participants cannot be referred to a CTA Course after the first day of the course schedule.

Key considerations for CTA referrals

Factor	Details
Participant eligibility	• Aged 45 years or over. • Not previously commenced in a CTA course. • Does not have significant non-vocational issues that need to be addressed before they can benefit from CTA.
Format	Courses can be delivered either in person or hybrid (combination of in person and online), with a minimum of 50 hours in a small group setting.
Duration	Each course runs for at least 75 hours over 3 to 8 weeks.
Availability	CTA providers will make courses available as an Activity in the Department's IT Systems.
Cost to Provider	CTA Courses are available on a fee-for-service basis. Providers must pay the CTA provider $1922.40 from their own funds for each Participant referral. This payment must be made prior to the CTA course start date, but after the CTA provider has confirmed the Participant's CTA place. Participants must not pay for a CTA course. 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. Course fees are fully refundable if the CTA provider cancels the CTA course or finds the course not suitable for the Participant. The Provider must discuss with the CTA provider what happens if the Participant does not attend.
Participation requirements	Participation in CTA is voluntary. CTA providers will record Participant's commencement and attendance. Best practice is for Providers to work collaboratively with CTA providers to support Participants, and to encourage Participants to attend their CTA course.

7.5.5 Self-Employment Assistance

The Self-Employment Assistance (S-EA) program encourages Participants to consider self-employment and supports Participants in starting, developing, or growing their small business through individual mentoring and group workshops.

S-EA offers 6 flexible services to both new and existing business owners:

- **Exploring Self-Employment Workshops** helps Participants to learn about small business and helps create and validate a business idea, as well as decide if self-employment is a good fit for them.
- **Small Business Training** provides access for Participants to accredited small business training, which may range from accessing a skillset through to a full Certificate IV qualification.
- **Business Plan** helps Participants to develop a viable business plan and assess the viability of their business idea.
- **Small Business Coaching** provides Participants with 6 personalised business mentoring contacts over 12 months and, for those who are eligible, an allowance for up to 39 weeks and rental assistance for up to 26 weeks.
- **Business Health Checks** helps business owners to identify business development opportunities.
- **Business Advice Sessions** provide flexible advice and support on small business issues.

S-EA also offers regular, free masterclasses and networking events to help Participants to learn and expand their networks.

Providers should ensure that any Participant who expresses an interest in self-employment is made aware of the S-EA program.

When referring Participants to S-EA, Providers must either make a referral or suggest the Participant contact the S-EA provider directly, having provided the Participant with the contact details of the relevant S-EA provider.

- There are 2 ways for a Participant to be referred to Self-Employment Assistance on the Department's IT Systems:
  - Providers can issue a referral to S-EA through the Department's IT Systems by selecting the relevant S-EA provider, or
  - The S-EA provider completes a self-referral. An Inclusive Employment Australia Provider can confirm that the Participant has been referred to S-EA by viewing the contract referral in the Referral History screen in the Department's IT Systems.

The S-EA provider will assess if a Participant is eligible and help identify appropriate services. The S-EA provider will advise the Provider of the Participant's decision(s).

If a Participant has a Meaningful Engagement Job Plan, Providers should add details of the SE-A Activity to their plan for meaningful engagement and adjust other tasks and activities as appropriate.

If the Participant has a Detailed Job Plan, Providers must add Code ET58 [Self-Employment Assistance Training] or Code EM52 [Self-Employment Assistance Program] to the Participant's Job Plan to capture whether the S-EA Activity is a compulsory or voluntary requirement.

Where S-EA is a compulsory requirement, the Provider must advise the Participant of any personal responsibility. This includes recording their own attendance if the Participant's Job Plan includes Code PA03 [Personal Responsibility to Report and Record Attendance].

Once a Participant has been referred, the Provider must ensure Participants accessing S-EA are supported in their engagement with both Inclusive Employment Australia and S-EA. Providers may wish to consider offering the Flexible Service to Participant undertaking Small Business Training.

Note: Participants in Small Business Coaching are in Unsubsidised Self-Employment. Providers may be able to anchor the Placement and claim Outcome Fees (see Section 9.5 Employment Outcome conditions and Section 11.5 Outcome Fees11.5 Outcome Fees).

Key considerations for S-EA referrals

Factor	Details
Participant eligibility	• Aged 15 years or over (18 years or over for Small Business Coaching). • Not be enrolled in full-time Education and Training. • Have working rights in Australia. • Not be an undischarged bankrupt. **Note:** There are additional requirements to access some S-EA services.
Format	Dependent on the S-EA service.
Duration	Dependent on the S-EA service.
Availability	S-EA providers will discuss the availability of services with the Participant.
Cost to Provider	N/A
Participation requirements	Participation in S-EA can be compulsory or voluntary. Participating in Small Business Training will meet a Participant's Mutual Obligation Requirements for up to 8 weeks. During this time, a Participant should not have other tasks and activities as part of the Meaningful Engagement Requirement or have any other compulsory requirements in a Detailed Job Plan. A Provider may consider it appropriate to change the Participant to a Flexible Service if the Participant does not need Intensive Services to maintain participation in S-EA. S-EA providers are responsible for ensuring Participants in Self-Employment Workshop or Small Business Training are participating appropriately. Where a S-EA provider determines that a Participant in one of these Activities is not participating appropriately, they will exit the Participant from relevant Activity and advise the Provider of their decision. S-EA providers are responsible for ending a Participant's S-EA referral where the Participant requests an end to S-EA, is uncontactable or is no longer eligible or suitable for S-EA. Best practice is for Providers to work collaboratively with S-EA providers to support Participants.

7.6 Specified Activities

Specified Activities are activities with a set structure, managed by a Host Organisation under an agreement with an Australian Government department or agency. The specified conditions provide certainty and protection to both the Provider and any eligible Host Organisation that agrees to host a placement.

Specified Activities are:

- Provider Sourced Voluntary Work, and
- Observational Work Experience (OWE).

The set structure of Specified Activities means that:

- the Provider must manage Participant safety by meeting specified requirements
- the Host Organisation must deliver the Activity under specified rules, and
- Participants are covered by insurance policies taken out by the department.

When referring a Participant to a Specified Activity, the Provider must:

- confirm the Activity is suitable — i.e. the Participant is eligible, and able to undertake and benefit from the Activity
- make sure the Participant understands the purpose of the Activity and their responsibilities
- conduct a Risk Assessment for the Activity and the Participant to ensure the placement is appropriate — refer to Section 7.8.1 Risk Assessments
- ensure the Participant will have appropriate Supervision during the placement — refer to Section 7.8.2 Supervision
- make sure the Host Organisation has all the information it needs regarding the Participant
- work with the Host Organisation to ensure the Participant receives any training, equipment and clothing required
- encourage the Participant to attend the relevant activity, and
- adjust the Participant's other participation requirements to support participation in the Activity.

(Deed Reference(s): Clause 144, 145)

7.6.1 Provider Sourced Voluntary Work

Voluntary Work is a work experience placement that gives Participants the opportunity to gain skills to improve their Work Readiness and prospects of finding Employment, while also benefiting the community.

Some of the potential benefits of Voluntary Work 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.

When arranging a Voluntary Work placement, the Provider must:

- ensure the Participant is eligible and suitable for Voluntary Work
- ensure the Host Organisation is eligible to host a Voluntary Work placement
- ensure the Voluntary Work placement:
  - does not involve more than 25 hours voluntary work per week
  - does not exceed a maximum of 8 hours per day
  - includes at least one 30-minute break every 5 hours

    - does not include participation outside core business hours, including on a public holiday, unless a Participant chooses to do so and has agreed in advance, and
    - does not exceed 26 weeks unless the Provider determines this is the best participation option for the individual under the circumstances
- ensure Risk Assessments have been completed by a Competent Person
- negotiate and enter into a Voluntary Work Host Agreement, and
- monitor the Voluntary Work placement for its duration and respond to any issues that arise.

Providers must report Incidents and retain Records of any action taken regarding any Incidents that occur during a Provider Sourced Voluntary Work placement in accordance with the WHS Incidents and Insurance Readers Guide – Providers.

The Provider must retain evidence the Voluntary Work placement commenced (for example an email from the Host Organisation). The Department may request this information as evidence to support a progress payment.

The Provider must ensure Voluntary Work placements:

- are 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 skills that will directly improve their Work Readiness and job prospects. This can include the ability to work as part of a team, take directions from a supervisor, work independently, communicate effectively, and become more motivated and dependable, and
- do not primarily promote a particular religious or political view.

The Provider must add the Participant's placement in Voluntary Work as an Activity in the Department's IT Systems.

This Activity may Fully Meet the Mutual Obligation Requirements of a Participant (Mutual Obligation) if Voluntary Work is an approved Activity through which the Participant can Fully Meet their requirements as outlined in Section 5.2.1 Mutual Obligation Requirements.

Providers must make Participants aware of their rights and responsibilities while in the workplace.

If a Participant has a Meaningful Engagement Job Plan, Providers should add details of the Voluntary Work placement to their plan for meaningful engagement and adjust other tasks and activities.

If the Participant has a Detailed Job Plan, Providers must add Code WE11 [Voluntary Work] to the Participant's Job Plan to capture this Activity as a voluntary requirement.

Key considerations for Provider Sourced Voluntary Work placements

Factor	Details
Participant eligibility	• 15 years or over.
Eligible Host Organisations	Volunteer Work placements can occur in: • not-for-profit organisations • not-for-profit arm of a for-profit organisation, or • community services (examples include firefighter reserves, State Emergency Service, school canteen, etc.).

Factor	Details
	Note: Government agencies are considered not-for-profit organisations for the purpose of Voluntary Work. The placement must benefit the Participant and community and offer no financial gain to the Provider or Host Organisation. The Host Organisation must be adequately insured — at a minimum, they must have public liability and personal accident insurance.
Duration	Each placement can last for up to 26 weeks (unless the Provider determines that a longer placement is the best option based on the Participant's individual circumstances).
Cost to Provider	N/A
Participation requirements	Participation in Provider Sourced Voluntary Work is voluntary. Providers should support and encourage Participants to attend Voluntary Work placements. Providers should monitor the Participant's commencement and attendance. Participants may be able to Fully Meet their Mutual Obligation Requirements through Voluntary Work — refer to Section 5.2.1 Mutual Obligation Requirements.

7.6.2 Observational Work Experience

Observational Work Experience (OWE) placements are voluntary, short-term, unpaid work opportunities that help Participants build soft skills and gain a better understanding of the workplace, an Industry, and potential career opportunities.

Some of the potential benefits of OWE include:

- providing valuable exposure to workplaces and workplace expectations
- enhancing Participants' awareness of different careers, and
- assisting Participants to build employability skills, such as attendance and communication.

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:
  - only involves observation (allowing for participation in meetings and discussions where relevant), with no tasks to be undertaken by the Participant
  - does not involve more than 25 hours of attendance per week
  - does not exceed a maximum of 8 hours per day
  - includes at least one 30-minute break every 5 hours
  - does not include participation outside core business hours, unless the Participant has agreed in advance to do so
  - does not include participation on a public holiday, and
  - does not exceed 4 weeks. The end date must be specified in the OWS Host Agreement.
- ensure a Risk Assessment has been completed by a Competent Person
- negotiate and enter into an OWE Host Agreement with the Participant and the Host Organisation, and
- monitor the OWE placement for its duration and respond to any issues that arise.

Note: 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).

Providers must make the Participant aware of their rights and responsibilities while in the workplace.

If a Participant has a Meaningful Engagement Job Plan, Providers should add details of the OWE placement to their plan for meaningful engagement and adjust other tasks and activities.

If the Participant has a Detailed Job Plan, Providers must add Code WE10 [Unpaid Work Experience] to the Participant's Job Plan to capture this Activity as a voluntary requirement.

Before the OWE placement commences, 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 Provider must add the Participant's placement in OWE as an Activity in the Department's IT Systems.



The Provider must retain evidence the OWE placement commenced (for example an email from the Host Organisation) and may be required to provide it this to the Department upon request to support evidence for a Progress Payment.



Providers must report, and retain Records of any action taken regarding, Incidents that occur during an OWE placement in accordance with the WHS Incidents and Insurance Readers Guide – Providers.

Key considerations for OWE placements

Factor	Details
Participant eligibility	• Aged 15 years or over.
Eligible Host Organisations	OWE placements can occur in: • for-profit organisations • not-for-profit organisations • the Provider's Own Organisation, Related Entities or Subcontractor.
Duration	Each placement can last for up to 4 weeks.
Cost to Provider	N/A
Participation requirements	Participation in OWE is voluntary. Providers should adjust agreed tasks and activities to meet the Meaningful Engagement Requirement or the Job Search Requirement in a Detailed Job Plan for the duration of the placement. Providers should support and encourage Participants to attend OWE placements. Providers should monitor the Participant's commencement and attendance.

7.6.3 Eligible Host Organisations

A Host Organisation is an entity that provides employment opportunities, training, or support to Participants in collaboration with Providers.

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

Host Organisations must:

- have a valid ABN
- offer work-like activities and training that help Participants build skills
- teach basic expectations and behaviours needed to get and keep a job
- offer workforce experience, and
- meet all WHS requirements.

Host Organisations must not:

- engage or have engaged in any illegal operations or promote or condone any form of unlawful conduct
- be or have been or is associated with the sex industry
- promote or condone gambling
- promote or condone any form of violence, self-harm or suicide
- promote or condone any form of discrimination, including on the grounds of race, ethnic group, language, sex, religion or disability, and/or
- provide 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 or continues in any Activity that the Host Organisation provides
- notify the Department immediately and provide information as requested by the Department, and
- if requested by the Department, cease or vary the Activity.

7.6.4 Host Agreements

Host Agreements are agreements between the Provider, a Host Organisation and the Participant. A Host Agreement helps all parties understand their rights and obligations for a Specified Activity.

Providers must discuss with the Host Organisation, and document in the relevant Host Agreement, all the Host Organisation's obligations regarding the relevant Specified Activity.

These obligations will depend on the type of Activity. The Department issues Host Organisation Agreement templates for different Activity types.

To assist the Provider to comply with its obligations under the Deed, the Provider must ensure each Host Agreement includes the following details for the Activity (at a minimum):

- Host Organisation deliverables, including tasks that may be undertaken by Participants
- how the Host Organisation will support and accommodate individual Participants' needs and capabilities (including work restrictions)
- Supervision that the Host Organisation must provide

- any training and induction required before a Participant commences or undertakes particular tasks. This includes details of which party who will provide the training and induction, and which party has responsibility for ensuring it is completed, and
- Host Organisation obligations in relation to WHS and Incident reporting.

Host Organisation Agreement templates can be found on the Provider Portal.

Providers must retain evidence (either hard copy or soft copy) of the Host Agreement signed by all relevant parties.

7.7 Other Activities

This Section outlines other Activities Providers may wish to consider while assisting Participants to improve their employment prospects and/or manage or overcome Vocational Barriers and Non-Vocational Barriers.

Other Activities are any Activities the Provider arranges or access for a Participant to attend, other than those listed as Complementary Activities or Specified Activities in these Guidelines. Other Activities can also be sourced by a Participant.

Examples include:

- work preparation activities such as:
  - soft skills training
  - foundation skills, and
  - work hardening or physical conditioning programs
- job search activities such as:
  - résumé writing sessions
  - sessions on how to apply for jobs online
  - interview preparation sessions
  - Employer meet and greet sessions, and
  - job fairs/job expos
- mentoring or coaching
- accredited vocational education and training courses
- higher education short courses
- non-accredited study
- paid or unpaid Work Trials
- part-time or casual work
- paid work experience
- work with a social enterprise or in Supported Employment Services, and
- Interventions and other non-vocational supports, such as receiving, participating in or undertaking:
  - social support services, such as housing, domestic violence or crisis/trauma
  - legal services
  - financial support services and financial counselling
  - programs that address disability, injury or health concerns
  - appointments with general practitioners and specialists (doctors)

- appointments with allied health professionals, such as physiotherapists, occupational therapists and pain management services
- self/help groups and peer support services
- cultural services and social groups
- other health services, such as drug and alcohol treatment, and/or
- mental health services, for example psychological counselling.

Other Activities can include:

- activities with a formal structure, such as other government programs the Participant can access concurrently with the Inclusive Employment Australia program
- support services available from a range of private or community organisations, and
- activities designed by or for the Provider.

Providers should develop and adapt Activities to meet the diverse needs of local businesses and industries.

The flexibility of other Activities allows Providers to offer a wide range of supports. However, this range of conditions applying to other Activities means that:

- these Activities cannot be covered by insurance policies the Department has taken out, and
- the Provider is responsible for all aspects of the Activity, including Participant safety.

7.7.1 Paid Employment

Providers may offer Participants exposure to paid work opportunities, including casual paid Employment, Work Trials and paid work experience placements. Job Placements do not need to be anchored and progressing towards an Employment Outcome to give the Participant valuable work experience and new skills. This means that Participants can try their hand at a range of jobs while receiving Pre-Employment Support.

The Provider must record the Job Placement in the Department's IT Systems.

Note: Considerations for anchoring a Job Placement and are outlined in Chapter 9: Post Placement Support.

A Participant (Mutual Obligation) may be able to Fully Meet their Mutual Obligation Requirements through Employment (see information on Fully Meeting Mutual Obligation Requirements in Section 5.2.1 Mutual Obligation Requirements).

If a Participant has a Meaningful Engagement Job Plan, Providers must add details of the Participant's Employment to their plan for meaningful engagement and adjust other tasks and activities.

If a Participant has a Detailed Job Plan, Providers must update the Participant's Job Plan to include Code EM56 [Paid Work], EM54 [Self-Employment] or ET53 [Apprenticeship/ Traineeship] as either a compulsory or voluntary requirement. If the Job Placement is later anchored to an Employment Outcome, the Provider must amend the Detailed Job Plan for a Participant (Mutual Obligation) to ensure that the Employment captured through Code EM56 [Paid Work], EM54 [Self-Employment] or ET53 [Apprenticeship/Traineeship] as a compulsory requirement.

During the Job Placement, Providers must record the Participant's hours of Employment as a Personal Event if the hours are regular and it is reasonable to do so — refer to Section

5.3.3 Capturing Personal Events

5.3.3 Capturing Personal Events.

Providers should consider whether a Participant who is working in a paid Employment position that is not progressing towards an Outcome should be supported in the Flexible Service.

When a Participant's Employment ends, the Provider must undertake the Re-engagement process with the Participant. This means the Provider must:

- conduct the first Contact Appointment following Re-engagement face-to-face (unless this would be unreasonable)
- determine the appropriate service offer if the Participant was receiving the Flexible Service, and
- ensure the Participant understands their participation requirements now that they are no longer in paid Employment.

If a Participant's Employment ends, and the Participant is not Exited, a voluntary face-to-face Contact Appointment should be entered into the Participant's Electronic Calendar.

7.7.2 Education and Training

A secondary objective of Inclusive Employment Australia is to support education that improves a Participant's employment opportunities.

Providers should encourage Participants to build on their existing skill sets and help them to access suitable Education and Training opportunities that increase their ability to find work.

The Provider must add the Participant's participation in Education and Training as an Activity in the Department's IT Systems.

Early School Leavers should be required to participate in Education and Training until they have achieved Year 12 or an equivalent level qualification, unless they are already in other suitable Activities for 15 hours per week.

One way for Providers and Participants to search for suitable courses is via the Your Career website.

A Participant (Mutual Obligation) may be able to Fully Meet their Mutual Obligation Requirements through approved study (see information on Fully Meeting Mutual Obligation Requirements in Section 5.2.1 Mutual Obligation Requirements).

Participants can study any Fee-Free TAFE course or course subsidised by a State or Territory Government of less than 12 months. The Provider should seek to guide the choice of course if a Participant is selecting a subsided, accredited course but does not need to approve the Participant undertaking these courses.

Providers can also approve full-time study for Participants in short courses of less than 12 months under approved short course rules described in the Social Security Guide — see 3.11.3.10 Study & training | Social Security Guide. That is, where:

- completing the course is likely to lead to an Employment Outcome for the Participant

- there is little chance of the Participant finding employment with their existing skills
- the course will lead to qualifications in an identified area of Skills Shortage — as identified on Jobs and Skills Australia's Occupation Shortage List, or
- the course provides skills or qualifications for occupations in areas of high labour demand.

Note: As outlined in Section 5.7Job Search5.7 Job Search, Participants undertaking an approved course over 15 hours per week will not be required to complete any Job Search — i.e. Providers must reduce the Job Search Requirement in a Detailed Job Plan to zero and update any plan for meaningful engagement to remove Job Search.

Those on Income Support Payments wishing to undertake full-time study, other than under the conditions outlined above, should be encouraged to test their eligibility for student payments through Services Australia. Full-time students in courses longer than 12 months in duration are generally ineligible for JobSeeker Payment or Youth Allowance (Other).

Participants can undertake part-time study or short courses under their own initiative at any time but would need to continue to look for and accept suitable Employment while studying.

Participants can refuse to undertake a course that does not align with their goals and interests.

While undertaking an approved course, Providers must record the Participant's hours of study as a Personal Event — refer to Section

5.3.3 Capturing Personal Events

5.3.3 Capturing Personal Events.

If a Participant has a Meaningful Engagement Job Plan, Providers must add details of the Participant's Education and Training course to their plan for meaningful engagement and adjust other tasks and activities.

If a Participant has a Detailed Job Plan, Providers must update the Participant's Job Plan to include Code ET59 [Study - part-time or full-time] or Code ET70 [Undertake Other Training] as either a compulsory or voluntary requirement.

Where a Participant has a break in their study, such as a semester break, there is no need to adjust a Participant's Job Plan.

Providers should consider if the Flexible Service is more appropriate while a Participant is undertaking Education and Training.

When a Participant's course ends, the Provider must undertake the Re-engagement process with the Participant. This means the Provider must:

- conduct the first Contact Appointment following Re-engagement face-to-face (unless this would be unreasonable)
- determine the appropriate service offer if the Participant was receiving the Flexible Service, and
- ensure the Participant understands their participation requirements now that they are no longer undertaking Education and Training.

The Provider should also update the Participant's Job Seeker Snapshot, support the Participant to update their résumé to reflect the new qualifications and work with the Participant to target jobs utilising their new skills and qualifications.

When a Participant's course ends, a face-to-face Contact Appointment should be entered into the Participant's Electronic Calendar.

7.7.3 Participant Sourced Voluntary Work

Participant Sourced Voluntary Work is Voluntary Work that a Participant has identified and secured for themselves.

Participant Sourced Voluntary Work has the same benefits as Provider Sourced Voluntary Work. Both Provider Sourced Voluntary Work and Participant Sourced Voluntary Work aim to develop Participants' skills and experience with a not-for-profit community organisation.

Where Providers are aware Participants are undertaking Participant Sourced Voluntary Work, they should discuss with the Participant how the activity benefits and contributes to improving job prospects, including as a way to gain work experience and leverage job networking.

Providers should assist the Participant to include any Participant Sourced Voluntary Work placement in the Participant's resume and should consider how the skills and experience from a Provider Sourced Voluntary Work placement can be used to target further job opportunities.

Participants may be able to Fully Meet their Mutual Obligation Requirements through Voluntary Work if the Voluntary Work is with a not-for-profit organisation (which may include a government agency or not-for-profit arm of a for-profit organisation) or community service. Providers should refer to the relevant information in Section 5.2.1 Mutual Obligation Requirements to determine if the Participant can Fully Meet their requirements through approach Voluntary Work. Alternatively, a Participant and the voluntary work organisation may have submitted a Verification of voluntary work form (SU462) to request approval directly from Services Australia.

The Provider should not add the Participant's participation in Voluntary Work as an Activity in the Department's IT Systems.

The Providers should add a file note in Department's IT Systems describing the Voluntary Work undertaken and when, and that it was sourced by the Participant.

If a Participant has a Meaningful Engagement Job Plan, Providers should add details of the Voluntary Work placement to their plan for meaningful engagement and adjust other tasks and activities.

If a Participant has a Detailed Job Plan, Participant Sourced Voluntary Work may be included as a voluntary requirement in the Job Plan using Code WE11 [Voluntary Work].

Note: A Host Agreement is not required for Participant Sourced Voluntary Work. Providers should help the Participant to understand their rights as a worker.

7.7.4 Other government programs

Participants can undertake other government programs administered by the Commonwealth, State, and Territory Governments or local governments, where:

- the Provider and Participant agree that participation would support the Participant to progress towards Employment
- the Participant meets any eligibility requirements set for the program, and
- participation would be suitable for the Participant.

Other government programs should not duplicate services Providers are contracted to deliver.

The Provider should add the Participant's participation in any other government programs as an Activity in the Department's IT Systems.

Providers should consider if the Flexible Service is appropriate while a Participant is undertaking other government programs.

If a Participant has a Meaningful Engagement Job Plan, Providers should add details of the program to their plan for meaningful engagement and adjust other tasks and activities.

If a Participant has a Detailed Job Plan, Providers must update a Participant's Job Plan to include a code that best reflects the program or use the free-text option to enter in details of the program. Other government programs would generally be a voluntary requirement.

7.7.5 Interventions and other non-vocational supports

Participants can undertake activities to help address Non-Vocational Barriers at any time the Provider thinks it is in the best interest of the Participant.

Interventions are a broad range of assistance that may include:

- medical or health related services
- mental health support services
- cultural services
- personal development, such as addressing self-esteem and confidence issues
- financial courses
- parenting courses
- anger management courses
- drug or alcohol treatment/rehabilitation programs counselling
- treatment for behavioural addictions
- obtaining stable housing
- addressing barriers associated with caring responsibilities
- addressing financial instability/difficulty, and
- addressing transport access issues.

Interventions are voluntary — this includes as part of any plan for meaningful engagement. A Provider may suggest these Activities, but Participants can refuse to undertake an Intervention.

The Provider must add the Participant's participation in Interventions as an Activity in the Department's IT Systems.

Providers should capture Interventions offered to the Participant through the Capability Management Tool in accordance with Section 5.4 Capability Management Tool.

Arranging these Interventions may:

- include the assistance of a:
  - doctor
  - counsellor
  - psychologist

    - social worker, or
    - allied health professional, and/or
- include referral to:
    - rehabilitation provider
    - training course
    - driving lessons
    - self-help programs
    - support groups, or
    - appropriate government, health, community or private organisations.

Interventions and other non-vocational supports can be delivered either in-person or, via videoconference or phone call.

Providers should provide personalised assistance to help the Participant connect to the support or service. This may involve, for example, making a phone call and booking the appointment with the Participant, asking the Participant if they know where the appointment is and if they need assistance to attend the appointment, and following up with the Participant in a non-judgemental manner to see if they attended the appointment or if they need help to make another booking. Relationships with community organisations that provide these services will support these personalised referrals.



Appointments with non-vocational service providers can be captured as a Third-Party Appointment in the Participant's Electronic Calendar.

Providers should consider if the Flexible Service is appropriate while a Participant is undertaking Interventions.

If a Participant has a Meaningful Engagement Job Plan, Providers should add details of the Intervention to their plan for meaningful engagement and adjust other tasks and activities.

If a Participant has a Detailed Job Plan, Providers should update a Participant's Job Plan to include a code that best reflects the non-vocational intervention or use Code NV13 [Intervention – Non-specific], with the Activity captured as a voluntary requirement.

Drug and alcohol treatment or rehabilitation in a residential program

If a Provider identifies or becomes aware that a Participant (Mutual Obligation) has reduced capability to meet their participation requirements due to a drug or alcohol dependency, the Provider should discuss this with the Participant to identify rehabilitation options that would assist the Participant to address their dependence.

Staff of residential programs and intensive treatment programs have an Implied Authority to act on behalf of an individual attending their facility.

Verbal notification of commencement into the treatment program and release is sufficient. Participants or treatment facilities are not required to provide written evidence of their participation in treatment programs. Full-time rehabilitation treatment does not have to be entered in the Participant's Electronic Calendar.

If the Participant will be undertaking non-residential drug or alcohol dependency treatment (such as counselling sessions) or is already doing so when they commence with the Provider, the Provider must schedule it in the Participant's Electronic Calendar and notify the Participant.

The Provider should record any information regarding the Participant's participation (or refusal to participate) in treatment services in the Capability Management Tool (CMT), in the Department's IT Systems — see Section 5.4 Capability Management Tool5.4 Capability Management Tool for further information.

This must be the only requirement that the Participant has for the duration of the residential program.

Note: As outlined in Section 5.2.1 Mutual Obligation Requirements, Participants (Mutual Obligation) who are undertaking full-time residential or intensive drug and alcohol treatment or rehabilitation do not have to undertake Appointments, Job Search or other Activities for the duration of the intervention. Participants will stay on the Provider's Caseload and continue to be serviced by the Provider while undertaking these interventions.

If a Participant has a Detailed Job Plan, Providers should update a Participant's Job Plan to include Code NV07 [Drug and Alcohol Rehabilitation] unless that if there are concerns over the usage of this code such that Code NV13 [Interventions – Non-specific] is more appropriate. The Detailed Job Plan must also be amended to reflect the change in their compulsory requirements for the duration of the treatment or rehibition program.

7.8 Ensuring Participant safety

When a Participant attends an Activity there may be a higher risk of harm occurring to the Participant or harm occurring to others because of the Participant, due to:

- Participants interacting with a range of new people in new locations, and
- the Provider having less control over arrangements outside the Provider's Sites.

Providers must ensure Participants are always in a safe environment when participating in Activities, including Specified Activities and any Other Activities.

The Provider must ensure each Participant is aware of how 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.

Before arranging, or referring any Participant to an Activity, the Provider must confirm:

- the Activity is not prohibited under relevant state and territory laws
- its delivery is permitted under the Deed 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.

The Provider must consult, coordinate and cooperate as appropriate with relevant parties including but not limited to the Department, Complementary Service provider and Host Organisations to ensure that any work health and safety issues in relation to an Activity are appropriately managed.

Providers must assess and manage the higher risk before a Participant starts an Activity in accordance the following sections, as summarised in the following table.

(Deed Reference(s): Clause 56.1, 144, 145)

Responsibilities by Activity type

Requirement	Complementary Activity	Specified Activity	Other Activity
Ensure the activity is suitable	Provider	Provider	Provider
Ensure the activity is safe	Provider	Provider	Provider
Undertake Risk Assessment for the Activity	CTA or EST Provider only	Provider	Not required
Undertake Risk Assessment for the Participant	CTA or EST Provider only	Provider	Not required
Ensure adequate supervision	Complementary Service provider	Provider	Provider
Conduct background checks	Complementary Service provider	Provider	Provider
Ensure WH&S arrangements are in place	Complementary Service provider	Provider	Provider
Ensure Incident notification arrangements are in place	Complementary Service provider	Provider	Provider
Arrange insurance coverage	Department	Department	Provider

7.8.1 Risk Assessments

Providers must not refer a Participant to an Activity unless they have confirmed that the Activity is appropriate for the Participant, taking into account the individual needs and circumstances of the Participant. This includes undertaking a Risk Assessment for Specified Activities.

If a Provider identifies that it cannot ensure appropriate safety, the Provider must:

- not arrange the Activity
- not refer any Participants to the Activity, and
- immediately end any Activity referral that has already occurred.

Complementary Activities

Providers do not need to conduct Risk Assessments for Complementary Activities. The Complementary Services provider manages risks for their Activities. However, Providers must not refer a Participant to the Activity if they are aware the Activity is not suitable for the Participant.

Complementary Services providers will also be responsible for ensuring the health and safety of Participants when they take part in outbound Employer visits, such as guided tours of workplaces. Providers must give Complementary Services providers all the information they require to manage risks and complete any assessments.

Providers must confirm that an EST provider or CTA provider has completed a Risk Assessment for any Participant on their Caseload who is placed into these Activities.

Specified Activities

Providers must conduct Risk Assessments before referring a Participant to a Specified Activity, for:

- the Activity to be undertaken, and
- the Participant undertaking the Activity.

Providers must take suitable actions to manage any risks identified through a Risk Assessment, so there is a safe system of work in place for the activity.

Risk Assessments are part of the safety framework for Specified Activities. Having a Risk Assessment for both the Activity and Participant ensures the Provider is protected in case of injury or damage that can occur because of a placement.

The Provider must ensure Risk Assessments are conducted for the Activity and Participant by a Competent Person and that Risk Assessments are updated as necessary.

Risk Assessments must be undertaken by a 'Competent Person' — a person who has the knowledge and skills to carry out specific work health and safety tasks. If the Provider does not have a Competent Person, it must engage a Competent Person to do Risk Assessments.

A Competent Person must complete a Risk Assessment for:

- the Activity, to:
  - check the Activity is ready to go ahead before the Provider refers the Participant, and
  - discover possible risks that might come up when the Participant takes part in the Activity
- the Participant, before the Participant commences the activity. This assessment checks the activity is suitable for the Participant and their individual circumstances.

Providers must retain copies of:

- Risk Assessments for the Activity and Participant, and
- Competent Person details – name and a description of their training, qualifications and/or experience.

Examples of a Risk Assessment template and Competent Person register template can be found on the Provider Portal.

When conducting Risk Assessments, the Competent Person must consider:

- the role of the Host Organisation
- the specific needs of the Participant
- the type and location of the tasks to be performed by the Participant
- the Participant's personal circumstances
- the level of supervision required for the task to be undertaken
- the type, cause and likelihood of any risks
- the result if an Incident occurs, and
- plans to manage possible risks, including training and personal protective equipment.

Risk plans must meet relevant WHS Laws and the procedures outlined in these Guidelines. They must be reviewed and updated as necessary.

The Department can instruct a Provider to stop or change an Activity, at any time.

Other Activities

Providers must be satisfied that it is safe and appropriate for a Participant to attend any other Activity the Provider has arranged on behalf of the Participant. The Provider is not required to complete a Risk Assessment for these Activities.

7.8.2 Supervision

Participants must be adequately supervised in all Activity placements.

Providers are encouraged to work with the Host Organisation or Activity provider to arrange suitable supervision. The Supervisor should be made aware of and specific needs of the Participant. The Supervisor can be a person normally Employed as part of the Activity, or a person engaged to supervise the Participant.

Background checks are often a required way of making sure a Supervisor or other staff member is a fit and proper person.

If an Activity involves children, the elderly, disabled or other Vulnerable Person, the Provider must ensure there is continuous Supervision in place for the duration of the activity. Continuous Supervision is when the Participant is always with, near or in the line of sight of the Supervisor while taking part in the activity.

Supervisors are expected to report to the Provider if a Participant:

- does not attend the Activity, or
- does not behave properly while completing an Activity.

Complementary Activities

Complementary Service providers are responsible for organising and providing appropriate supervision during the Activity.

Specified Activities and other Activities

Providers must meet their obligations under the Deed about ensuring that there is adequate and appropriate Supervision for Activities the Provider arranges for Participants.

(Deed Reference(s): Clause 147)

Supervisors may be engaged/employed by the Provider or a Subcontractor to supervise Specified Activities or any other Activities arranged by the Provider.

+ 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.

When arranging Specified Activities, Providers must be satisfied that the Host Organisation can provide appropriate supervision. Supervisors and co-workers in close contact with the Participant in an Activity must:

- be a fit and proper person, including any background checks
- have a high level of knowledge, training and/or experience in:
  - each part of the activity they are involved in, and
  - working with, training and supervising Participants in such activities, and
- have had WHS training.

7.8.3 Background checks

For the purposes of these Guidelines, background checks include:

- Criminal Records checks
- Working with Children Checks, and
- Working with Vulnerable People checks.

Providers must:

- confirm whether background checks must be conducted for Participants, Supervisors or staff, and
- arrange and pay for any required background checks.

Background checks are normally required where:

- laws and regulations in their state or territory require the check
- there are industry standards or legal requirements that Participants, Supervisors and staff taking part in an activity, cannot have been convicted of specified crimes
- the Participant and/or Supervisor will have regular or unsupervised contact with Vulnerable Persons, including children and the elderly, or
- required by the Department.

Background checks are conducted by the relevant Activity provider for Complementary Activities, where required. Providers are not required to arrange background checks for Employability Skills Training, Career Transition Assistance, or Self-Employment Assistance activities.

Providers must find out from their relevant state and territory rules and regulations if background checks must be conducted for Participants, Supervisors, or staff during a Specified or Other activity.

If checks are needed, the Provider must contact the relevant checking organisation in their area to arrange and pay for the check to be completed before Participants are able to take part in an activity.

Note: Background checks may take some time to complete.

If a background check shows that a Participant or Supervisor should not participate in a particular Activity, then they must be stopped from participating or having supervising duties in that activity.

Note: Background checks contain Personal Information about the person. Providers must follow obligations about using and disclosing Personal Information as outlined in Part A Guidelines: Chapter 6: Privacy.

(Deed Reference(s): Clause 22)

7.8.4 WHS Incident management

Providers must ensure that supervisors understand how to manage WHS Incidents at Activities and report the Incident to the Provider.

+ Providers must notify the Department of any Incident at (or while travelling to or from) an Activity.

Reporting requirements

Incident type	Timeframe	Description
Critical	Within 1 hour	• Incident that results in a serious injury or death. • Incident that is potentially dangerous or life threatening, even if no one was injured.
Non-critical	Within 1 day	• Non-critical Incident relating to a WHS issue (injury requiring medical attention, minor property damage). • Incident that could impact on a Participant or the Department. • Incident that could bring the program into disrepute.

Providers must complete an WHS Incident Report and claim form, if the Incident could result in an insurance claim.

A summary of required actions that must happen when an WHS Incident occurs at an activity is included in the following table.

Note: There may be time limits for making claims.

Roles and responsibilities for WHS Incidents

Who	Required action
Supervisor	• Provide appropriate medical attention – may include contacting emergency services. • Attempt to protect the Participant and others from unnecessary trauma. • Notify the Provider of the incident as soon as possible.
Complementary Service provider or Host Organisation	• Notify the WHS Regulator of the incident if it results in death or serious injury or exposes someone to serious risk. Directions by a WHS Regulator must be followed. • Notify the Provider of the incident.
Provider	• Notify the Department • 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. • Complete a Public and Products Liability Claim Form, available on the Provider Portal, when a third party is making an insurance claim because of a reported Incident.

7.8.5 Insurance for Activities

The Department purchases insurance policies as outlined in the table below.

Department's Insurance

Insurance Policy	Coverage
Personal Accident	Covers the Participant in respect of personal injury or death that occurs while undertaking Activities authorised by and under the control of the Department, Providers, or Host Organisation. This coverage includes direct travel to, from or during the activities.

Insurance Policy	Coverage
Public and Products Liability	Covers the legal liability of the Participant while undertaking activities administered by the Department, where their negligence causes: • personal injury to a third party, or • damage to a third party's property while participating in the Activity.

The Department's purchased insurance policies do not cover:

- illness or sickness a Participant picks up during an activity, including COVID-19, or
- activities that are not Complementary and Specified Activities.

There may be other exclusions in addition to ones listed above, in the terms and conditions of each insurance policy. Providers can still deliver Activities where tasks are excluded under the department's policies. Providers need to consider whether alternative insurance is required.

To access the Department's insurance coverage, Providers must comply with Incident management and reporting requirements.

The Department's insurance policies do not cover other Activities that Providers arrange which are not Complementary or Specified Activities. For these Activities, Providers must:

- maintain insurances outlined in the Deed and must understand their coverage
- seek their own advice about whether they must take out additional insurance to cover referrals they make to other Activities, and
- confirm that organisations involved in the other Activity have appropriate insurance coverage.

Where coverage is not broad enough, Providers must purchase or fund additional insurance for the Activity.

Providers must advise the Department about Incidents as they could result in a liability claim, even if a claim is not made immediately. This includes Incidents that occur during other Activities.

The Provider must also follow any instructions from the Department or the Department's insurance broker and give them all the details of an WHS Incident after it happens.

Forms for the Provider to advise the Department of any personal accident or public and products liability Incidents are available on the Provider Portal — see Public and Products Liability Incident Report and Public and Products Liability Claim Form.

Providers must keep a copy of all WHS Incident Reports and Records so they can be used as supporting evidence in any insurance claims.

Chapter 8: Wage Subsidies

Supporting Documents for this Chapter

- Wage Subsidy Head Agreement and Schedule
- Wage Subsidy Payroll Declaration Template

8.1 Chapter Overview

There is one Wage Subsidy available as part of Inclusive Employment Australia - the Inclusive Employment Australia Wage Subsidy.

This Chapter outlines the responsibilities of Providers in relation to the Inclusive Employment Australia Wage Subsidy, including:

- the purpose of the Wage Subsidy and when it should be used
- identifying which Participants, Employers and Placements are eligible
- how different levels can support Participants with different work capacities
- Provider responsibilities to support, monitor and pay the Wage Subsidy, and
- how a Provider claims a Reimbursement from the Department.

Providers must not subsidise ongoing employment costs except through an Inclusive Employment Australia Wage Subsidy.

The Inclusive Employment Australia Wage Subsidy is a financial incentive of up to $10,000 that Providers can use to encourage eligible Employers to provide ongoing employment opportunities of at least 8 hours per week for eligible Participants. The Inclusive Employment Australia Wage Subsidy can help by offsetting some of the upfront costs of hiring a new employee. Providers can choose not to offer an Inclusive Employment Australia Wage Subsidy, even if all eligibility requirements are met.

The Inclusive Employment Australia Wage Subsidy must be negotiated and agreed before the Employment starts and the subsidy period commences on the Job Placement Start Date. The terms must be set out in a Wage Subsidy Agreement and approved online by the Employer within 28 days of the Participant's Job Placement Start Date. The terms will include the average number of hours the Participant will be offered each week and the total Wage Subsidy value to be paid according to the Wage Subsidy level. The length of a Wage Subsidy is for a fixed 26-week term - a shorter or longer length cannot be negotiated. The Wage Subsidy value cannot be more than 100% of the wage paid to the Participant during the 26-week Wage Subsidy Agreement Term.

The Inclusive Employment Australia Wage Subsidy is payable for Wage Subsidy Placements that last at least 6 weeks, and a pro-rata Payment is available for Employment lasting between 6 and 26 weeks.

Reimbursements are available after 6 weeks of Employment in line with scheduled Payment instalments, or at the end of the 26-week term. Reimbursements are subject to the mandatory uploading of Documentary Evidence for each Payment in the Department's IT System.

8.2 Eligibility

8.2.1 Participant Eligibility

Time in employment services

Providers can offer Inclusive Employment Australia Wage Subsidies for Participants whose most recent period of continuous Provider-led employment services is at least 6 months in:

- Inclusive Employment Australia or DES
- Workforce Australia Services
- Parent Pathways
- Transition to Work
- Norfolk Island Employment Services Program, and/or
- Community Development Program or the Remote Australia Employment Service.

A period of continuous Provider-led employment services is broken if the Participant Exits employment services for 13 weeks or longer. To be eligible for a Wage Subsidy, the Participant's most recent period must include at least 6 months when the Participant was Commenced and participating in the program. This period does not include any time where the Participant was not participating because they were:

- Pending commencement and not Commenced with another Provider or employment service
- Exited for less than 13 weeks, or
- Suspended and not volunteering.

Providers can also offer Wage Subsidies after Commencement in Inclusive Employment Australia for Participants who have received 12 months of Workforce Australia Online. This excludes any period where the Participant was Suspended or Exited.

Ongoing Support (Work Assist) Participants are not eligible for the Inclusive Employment Australia Wage Subsidy.

(Deed Reference(s): Clause 122.1)

Other Participant requirements

Providers cannot offer a Wage Subsidy for a Participant who:

- is an Ongoing Support (Work Assist) Participant
- has an outstanding workers compensation claim against the Employer
- has a business or family relationship with the Employer, or
- is accessing any other Commonwealth, State or Territory Government Wage Subsidy that overlaps with the Inclusive Employment Australia Wage Subsidy.

8.2.2 Employer Eligibility

A Wage Subsidy Employer must be a legal entity with a valid ABN which complies with all eligibility requirements under the Wage Subsidy Head Agreement terms and conditions.

A Wage Subsidy Employer must have a verified and active Workforce Australia Online for Businesses account before they can be offered the Inclusive Employment Australia Wage Subsidy. Employers can find help to obtain a Workforce Australia Online for Businesses account at:

- How to register a business account with myID
- Sign in as a business user, and/or
- Common myID questions.

A Wage Subsidy Employer must not be:

- the Provider's Own Organisation or a Related Entity of the Provider
- an Australian, State or Territory Government entity
- a local government entity, if the position is funded by an Australian, State or Territory Government entity
- a Family Member of the Participant
- a current or prior Employer or host business of the Participant (within the last 2 years)
- suspended or excluded from receiving Wage Subsidies
- of a type of character that would bring the Commonwealth Government into disrepute, including any conflicts of interest
- an Employer who has recently retrenched or reduced the number of workers (or be proposing to do so) without providing satisfactory explanation to the Provider
- a labour hire company or group training organisation, except where the below requirements are met, or
- as otherwise advised by the Department.

Providers can use the Australian Government's website ABN Lookup — see abr.business.gov.au — to determine if an Employer is eligible and/or request proof from the Employer.

Wage Subsidies are intended to support an initial period of ongoing Employment. Wage Subsidies should not be used for a 6-month Job Placement where there is no likelihood of an ongoing Employment. Employers who have a pattern of terminating a Participant's Employment when the Wage Subsidy ends should not be supported with further Wage Subsidies and should be reported to the Department along with any supporting evidence.

Labour hire companies and group training organisations

A Wage Subsidy Employer can be a labour hire company or group training organisation if:

- that company or organisation is paying the Wage Subsidy Participant's wages, and
- Job Placement(s) with host business(es) meet all eligibility criteria of the Wage Subsidy Placement and Wage Subsidy Employer.

Note: Host businesses who subsequently hire a Wage Subsidy Participant on an ongoing basis are not eligible to receive a Wage Subsidy if that Participant was previously hosted by them within the last 2 years and the Wage Subsidy Participant's Employment lasted less than 6 months (26 weeks).

A labour hire company is not eligible for a Wage Subsidy for:

- placing a Participant with the same host business that they were Employed with over the past 2 years, if the Wage Subsidy Participant's Employment lasted less than 6 months (26 weeks), or
- placing a Participant with a host business who does not meet the general Wage Subsidy Employer eligibility requirements.

Prior Employment and Work Trials

An Employer will not be eligible to receive the Inclusive Employment Australia Wage Subsidy where, prior to the Job Placement Start Date, the Participant has been employed by the Employer (including placements with host businesses via a labour hire company or group training organisation), or any other entities associated with the Employer, within the past 2 years. Previous paid Work Trials and periods of unpaid work (e.g. unpaid Work Trials or Voluntary Work) are not considered prior Employment for the purposes of the Inclusive Employment Australia Wage Subsidy.

A Wage Subsidy Agreement cannot be created from a paid Work Trial Vacancy type in the Department's IT Systems. A new Vacancy will be required where ongoing Employment with an Inclusive Employment Australia Wage Subsidy has been negotiated.

8.2.3 Placement Eligibility

A Wage Subsidy Placement is an Employment position with an eligible Employer that meets all Wage Subsidy eligibility requirements.

The Employment position can be:

- full-time, part-time or casual ongoing employment
- an Apprenticeship or Traineeship, and/or
- found by the Provider or by the Participant.

A Wage Subsidy Placement must:

- be a sustainable and ongoing position expected to continue or a long-term contract. Employment is not intended to end once the Inclusive Employment Australia Wage Subsidy ceases
- provide continuous employment across the full 26-week Wage Subsidy Agreement Term from the Job Placement Start Date of at least 8 hours per week
- offer the Wage Subsidy Participant an average of at least the minimum weekly hours of employment specified in the Wage Subsidy Agreement across the whole 26-week Wage Subsidy Agreement Term
- be under Open Employment conditions consistent with Outcome requirements
- not include any periods of unpaid work
- comply with all relevant Employment standards for the Employment position under any relevant Commonwealth, State, Territory and/or Local Authority laws and requirements, including but not limited to:
  - complying with the National Employment Standards under the *Fair Work Act 2009* (Cth)
  - complying with the minimum terms and conditions of employment prescribed in any Modern Award, Enterprise Agreement or workplace determination that covers or applies to the Wage Subsidy Placement
  - paying the Wage Subsidy Participant at least the equivalent of the minimum rate prescribed in any Modern Award, Enterprise Agreement or workplace determination that covers or applies to the Employment position. If no Modern Award covers or applies to the Employment position, pay at least the equivalent of the National Minimum Wage, and
  - complying with the relevant jurisdiction's WHS Laws

- making superannuation contributions in accordance with the *Superannuation Guarantee (Administration) Act 1992* (Cth), and
- always provide a safe system of work for the Wage Subsidy Participant during the Wage Subsidy Placement.

A Wage Subsidy Placement must not:

- displace an existing employee
- be a commission-based, self-employment or subcontracted position (excluding Placements with labour hire companies or group training organisations)
- be funded by another Commonwealth, State, Territory, or Local Government initiative, including the Disabled Australian Apprentice Wage Support Program, or
- otherwise, be a position that would result in a Non-Payable Outcome — refer to Section 11.5.3 Non-Payable Outcomes11.5.3 Non-Payable Outcomes.

Employers cannot receive the Inclusive Employment Australia Wage Subsidy if, within the previous 12 months, the Employer has received another Inclusive Employment Australia Wage Subsidy for the same position. This does not include Employers with multiple positions with the same duties, for example factory line workers. In this case, the Inclusive Employment Australia Wage Subsidy can be offered for each individual position (see also Section 8.5.5 Concurrent funding).

An agreed Wage Subsidy Placement can proceed where the Participant commences Employment up to 14 days earlier than the Job Placement Start Date recorded in the Department's IT Systems if they were eligible on the actual start date. The Wage Subsidy period can start from either the first week of work, or from the Wage Subsidy Agreement start date for a maximum of 26 weeks. Payroll evidence of the actual start date must be provided.

In these circumstances, do not change the start date in the system, as this will void the approved Wage Subsidy Agreement with the reason 'Created in Error'.

Note: The 14-day 'grace period' applies to approved Wage Subsidy Agreements only. The policy intent is to ensure Employers are not disadvantaged where they have commenced a Participant earlier than advised and be ineligible based on prior employment. Unless otherwise notified by the Department, this flexibility must not be used to extend the 28-day timeframe to enter into a Wage Subsidy Agreement with an Employer.

8.3 Wage Subsidy Levels and Participant Employment Benchmarks

The Inclusive Employment Australia Wage Subsidy has different levels based on the number of hours employment the Employer agrees to provide, on average each week, during the 26-week Wage Subsidy Agreement Term as outlined in the table below.

Inclusive Employment Australia Wage Subsidy Levels

Level	Maximum Value and Average Weekly Hours
Level 1	Up to $3,000 where the Employer agrees to provide Employment of 8 hours or more per week. *
Level 2	Up to $5,000 where the Employer agrees to provide Employment of 15 hours or more per week.
Level 3	Up to $7,500 where the Employer agrees to provide Employment of 20 hours or more per week.
Level 4	Up to $10,000 where: • the Employer agrees to provide Employment of 30 hours or more per week OR • the Employer agrees to provide Employment of 20 hours or more per week, if the Participant is aged under 25 years.

*** Note:** Participants with a 0-7 hour work capacity are eligible for a Wage Subsidy if the Employer agrees to offer 8 hours or more on average each week. However, the Wage Subsidy is payable at the Level 1 amount in the Wage Subsidy Agreement if the Wage Subsidy Participant achieves an average of at least 5 hours per week Employment (see Section 8.5.3 Calculating Wage Subsidy Payments for Employers for more information on pro-rata Wage Subsidy Payments).

The Wage Subsidy value cannot be more than 100% of the wage paid to the Participant during the 26-week Wage Subsidy Agreement Term. Providers must also not supplement the Inclusive Employment Australia Wage Subsidy using their own funds or other additional funding.

(Deed Reference(s): Clause 122.3, 116.5)

The Provider and Employer must agree in advance of the Wage Subsidy commencing what Wage Subsidy Payment Level amount will apply. The agreed amount must be set out in the Wage Subsidy Agreement.

Reimbursement cannot exceed the original level amount specified in the Wage Subsidy Agreement (see Section 8.6 Claims for Reimbursement). For example, if a Provider negotiates a level 3 Wage Subsidy of $7,500 for employment of at least 20 hours per week, the maximum reimbursement is $7,500 even if the participant works an average of 30 hours per week (the level required for a $10,000 level 4 Wage Subsidy).

Reimbursement will be less than the maximum listed in the Wage Subsidy Agreement if:

- the Participant works an average of less than the minimum weekly hours
- the placement ends within the 26-week Wage Subsidy Agreement Term, or
- the actual wages paid to the Participant are less than the maximum amount.

Participants aged under 25 years

To help young Participants (those aged under 25 years) find sustainable Employment, when an Employer agrees to provide a minimum of 20 hours of Employment per week on average across the Wage Subsidy Agreement Term, the highest Wage Subsidy Level of $10,000 applies. If an Employer offers a young Participant less than 20 hours of work per week, they will only be able to agree the maximum Wage Subsidy value specified for that level (i.e. levels 1 to 3 depending on the total weekly hours worked over the Wage Subsidy Agreement Term, as per the table above).

Subsidy work hours

Wage Subsidies are intended to ensure Participants are offered hours of work appropriate to their work capacity. A Wage Subsidy Agreement must specify weekly hours of Employment that would allow the Participant to achieve a:

- Full or Partial Outcome for Participants who have an Employment Benchmark or 15, 23 or 30 hours per week, or
- Full Outcome for Participants who have an Employment Benchmark of 0 or 8 hours per week (as an Inclusive Employment Australia Wage Subsidy must be for a minimum of 8 hours per week average).

The following table shows which levels of Wage Subsidy may be available for Participants, based on their Employment Benchmark.

Inclusive Employment Australia Wage Subsidy Level Availability by Benchmarks

Participant's Employment Benchmark	Partial Outcome Hours	Level 1: 8 14 hours per week	Level 2: 15 19 hours per week	Level 3: 20 29 hours per week	Level 4: 30+ hours per week
0 hours	5-7*	Available	Available	Available	Available
8 hours	5-7*	Available	Available	Available	Available
15 hours	10-14	Available**	Available	Available	Available
23 hours	15-22	Not available	Available	Available	Available
30 hours	20-29	Not available	Not available	Available	Available

*** Note:** The minimum agreed hours in an Inclusive Employment Australia Wage Subsidy Agreement is 8 hours of Employment on average per week.

**** Note:** A Participant with an Employment Benchmark of 15 hours per week can achieve a Partial Outcome with Employment of 10 hours per week on average. The Provider can agree a Level 1 Wage Subsidy (8-14 hours per week) for this Participant only when the Employer has agreed to offer an average minimum of 10 hours per week of Employment.

For example, a Participant with an assessed work capacity of 23-29 hours per week has an Employment Benchmark of 23 hours per week. The Participant can achieve a Full Outcome if they work 23 hours per week or higher, and a Partial Outcome if they work between 15 and 22 hours per week. In this scenario, the Provider:

- cannot offer a level 1 Wage Subsidy as Employment at 8-14 hours would not be at the level required for an Outcome
- can offer a level 2 Wage Subsidy as Employment at 15-19 hours would be at the level required for a Partial Outcome, and
- can offer a level 3 or 4 Wage Subsidy as these hours would achieve a Full Outcome.

Note: If a Wage Subsidy Participant does not work the required hours for some weeks, but remains Employed, the Wage Subsidy Agreement must continue even though the Participant may not achieve Employment at the level of a Full or Partial Outcome. Providers must continue to support the Wage Subsidy Participant and Employer through the remainder of the Wage Subsidy Agreement Term, and the Employer may be eligible for pro-rata Payments (see Section 8.5.3 Calculating Wage Subsidy Payments for Employers).

8.4 Negotiating the Inclusive Employment Australia Wage Subsidy

8.4.1 Offering and Negotiating Wage Subsidy Agreements

Providers are expected to use their discretion to determine if a Wage Subsidy is the most effective intervention to secure employment. Wage Subsidies are not intended to support the ongoing financial viability of a business.

Instances where a Provider might consider a Wage Subsidy is appropriate includes if the financial incentive:

- would cause the Employer to offer an appropriate employment opportunity, or
- would result in the Employer increasing the number of hours of work being offered, on an ongoing basis, to an appropriate number of work hours for the Participant.

Confirming eligibility

Before offering a Wage Subsidy, the Provider must confirm that:

- the Participant meets Wage Subsidy Participant eligibility requirements, and determine what levels of Wage Subsidy are available for the Participant
- the Employer meets Wage Subsidy Employer eligibility requirements, and has (or is willing to) open an active Workforce Australia Online for Businesses account, and
- the proposed Job Placement meets Wage Subsidy Placement eligibility requirements.

Offering and negotiating a Wage Subsidy

Providers must commence Wage Subsidy Agreement negotiations with an eligible Employer before the Wage Subsidy Placement starts. The Provider must ensure the Employer understands that:

- no Wage Subsidy has been agreed or promised until the Employer approves a Wage Subsidy Agreement that sets out the terms of the subsidy
- the Employer should have an active Workforce Australia Online for Business account to be eligible for a Wage Subsidy, and
- no Wage Subsidy Payment will be made if the Wage Subsidy Placement ends within the first 6 weeks (42 days) of the Wage Subsidy Agreement Term.

Providers are responsible for negotiating and managing all elements of a Wage Subsidy Agreement including making Wage Subsidy Payments to Wage Subsidy Employers. Providers must not charge Wage Subsidy Employers to manage their Wage Subsidy Agreement or use any of the Wage Subsidy for this purpose.

Providers will negotiate:

- the date Employment will commence, from when the Wage Subsidy Agreement will take effect
- how many hours will be offered as part of the placement — this will determine the appropriate Wage Subsidy level to be applied – the Provider must consider the Participant's Employment Benchmark and personal circumstances in determining a Participant's average weekly hours

- how the Provider will support the Participant and Employer during the Wage Subsidy Placement, including if any ongoing adjustments are required and any applications to the Employment Assistance Fund (EAF)
- how the Employer will support the Participant
- the Wage Subsidy value (up to the set maximum value for the Participant's circumstances)
- the mechanism the Wage Subsidy Employer will use to demonstrate that the Wage Subsidy conditions were — refer to Documentary Evidence requirements outlined in Section 8.8 Record Keeping, and
- whether the Wage Subsidy will be paid as:
  - a single lump sum payment upon completion of the 26-week Wage Subsidy Agreement Term, or
  - instalments, including the timing and value of instalments.

Based on these negotiations, some standard Wage Subsidy conditions are set:

- the date of commencement of the Wage Subsidy is the Job Placement Start Date
- the duration of the Wage Subsidy Agreement Term is 26 weeks, and
- the maximum value and minimum employment hours of the Wage Subsidy are determined by the level being offered and/or if the Participant is under 25 years of age.

The agreed terms and conditions of the Wage Subsidy must be set out in a Wage Subsidy Agreement that must be approved by the Wage Subsidy Employer within 28 days of the Wage Subsidy Participant's Job Placement Start Date. An extension to the 28-day period to approve the Wage Subsidy with the Employer may be available in extenuating circumstances. If required, Providers should contact the Department to discuss options before the end of the 28-day period.

Setting Wage Subsidy Payment timing and value

Instalment Payments

When discussing the terms of the Wage Subsidy Agreement, the Provider must negotiate with the Wage Subsidy Employer the Wage Subsidy Payment frequency to create instalments that suit the Wage Subsidy Employer's business.

Payments can be made progressively to the Wage Subsidy Employer in either weekly, fortnightly, or monthly instalments. Alternatively, they may be paid as a lump sum of the full amount upon completion of the 26-week Wage Subsidy Agreement Term, or another timeframe as agreed by the Provider and Wage Subsidy Employer.

The Wage Subsidy Employer is only eligible to receive a Wage Subsidy Payment where they have met the terms and conditions of the Wage Subsidy Agreement, including meeting the agreed cumulative average weekly hours applicable at the time of requesting each Wage Subsidy Payment.

Providers will need to set the instalment frequency to align with the Schedule negotiated with the Employer. The frequency selected will trigger system notifications to the Employer.

Note: The 100% rule applies to all Wage Subsidy Payments — the total value will not exceed 100% of the Wage Subsidy Participant's wages at any point over the Wage Subsidy Agreement Term.

Wage Subsidies must not be paid at a lower level if the average hours specified in the Wage Subsidy Agreement are not met, including if a lower number of average hours are achieved that would have meet the criteria for that level of Wage Subsidy (see the example provided in Section 8.3 Wage Subsidy Levels and Participant Employment Benchmarks).

For Wage Subsidy Participants with a 0-hour Benchmark (0-7 hour assessed work capacity) only, if the Wage Subsidy Participant is offered an average of 8 hours per week Employment in the Wage Subsidy Agreement but only achieves an average of 5 hours per week Employment, the Provider may be eligible for reimbursement for the full Level 1 amount specified in the Wage Subsidy Agreement. The Provider may only be reimbursed for up to 100% of the wages paid.

Final Payments

As specified in the Wage Subsidy Head Agreement, Wage Subsidy Employers have 28-days from the end date of the Wage Subsidy Agreement to request Payment of any remaining / final balance.

Employers must submit an invoice to the Provider, based on evidence that the Wage Subsidy Participant has worked the required average minimum weekly hours across the duration of the Wage Subsidy Agreement Term.

8.4.2 Entering into Wage Subsidy Agreements

Head Agreement and Schedules

The Wage Subsidy Agreement includes a:

- 'Head Agreement' with general terms and conditions, and
- 'Schedule' with the specific terms relating to the Wage Subsidy Placement and Wage Subsidy Participant.

Providers must enter into a Head Agreement once with each Wage Subsidy Employer, via the Department's IT Systems and the Wage Subsidy Employer's Workforce Australia Online for Businesses account.

A separate Schedule for each new Wage Subsidy Participant will be attached to the Head Agreement. Schedules contain the specific details of the Wage Subsidy Placement for each new Wage Subsidy Participant.

Each Schedule the Provider attaches to the Head Agreement will relate to a single Wage Subsidy Placement and will create a separate Wage Subsidy Agreement between the Provider and the Wage Subsidy Employer in relation to that specific Wage Subsidy Placement.

Both the Head Agreement and the Schedule must be in the format specified by the Department, created in the Department's IT Systems.



Where the Department changes the terms and conditions of the Head Agreement, the Provider must enter into a new Head Agreement with each Wage Subsidy Employer in accordance with the updated terms and conditions before attaching any new Schedules for each new Wage Subsidy Participant.

Providers must explain the terms and conditions of the Wage Subsidy Agreement to the Employer to ensure they fully understand their rights and obligations in accepting the Wage Subsidy. This includes Documentary Evidence requirements and that the Employer must advise immediately if the Wage Subsidy Placement terminates early.

The Provider must also explain to the Employer how their personal information may be handled as part of the Wage Subsidy Agreement. This includes that their personal information may be disclosed to third parties, for example the Department, or a different Provider or an Employer in the event the Participant transfers.

- Wage Subsidy Agreements must be created in the Department's IT Systems by the Provider and approved online by the Employer in their Workforce Australia Online for Business account.
- The Wage Subsidy Agreement Schedule must:
  - link the Vacancy, Wage Subsidy Employer and Placement details
  - specify the minimum average hours of employment that the Employer must provide the Wage Subsidy Participant each week, and
  - set out the maximum amount of the Wage Subsidy being offered, based on the agreed level.
- **IMPORTANT**: Once a Wage Subsidy Agreement has been created from a Vacancy, the Vacancy details cannot be edited. Changing any Vacancy details (e.g. the tenure) will void any attached Wage Subsidy Agreements with the reason 'Created in Error'.

  Before updating any Vacancy you must first check for any attached Wage Subsidy Agreements via the 'Agreements' tab. Where a Vacancy has an Agreement attached you should instead create a new Vacancy rather than amending the existing one.

If a Wage Subsidy Payments will be made in instalments during the Wage Subsidy Agreement Term, the Wage Subsidy Agreement Schedule must also set out when each instalment will be paid and the maximum value of the instalment.

Wage Subsidy Agreements will not be accepted in an offline format.

- If amendments to the Wage Subsidy Employer's information are required — for example, a change to the Employer's ABN — the Provider must update the changed details in the Department's IT Systems.

Large Employers and ABN

Where a large Employer has multiple subsidiaries, the ABN of the subsidiary business directly employing the Participant (i.e. the Wage Subsidy Employer), must be listed on the Wage Subsidy Agreement. The Provider must ensure the Employer understands which ABN is required to be recorded in the Department's IT System for each Head Agreement.

Time requirements for approving a Wage Subsidy

Wage Subsidies start on the Job Placement Start Date. Providers must:

- negotiate and agree a Wage Subsidy with an eligible Employer prior to the Participant's Job Placement Start Date, and
- ensure that the Employer has approved the Wage Subsidy Agreement within 28 days of the Job Placement Start Date.

The 28-day timeframe allows Employers time to consider the terms and conditions of the Wage Subsidy Agreement and to provide their approval online. Providers must ensure Employers are aware that Wage Subsidy Agreements will not be approved beyond the 28-day period from the commencement of Employment.

Providers will not be Reimbursed for any payments made to an Employer where an approved Wage Subsidy Agreement is not in place.

Providers must have appropriate administrative processes in place to meet the 28-day timeframe and must work with Employers to ensure that this timeframe is met. The Department may take compliance action(s) against a Provider where there is evidence (e.g. correspondence and/or a draft Wage Subsidy Agreement in the Department's IT Systems) that the Provider delayed the Employer's online approval. This includes, and is not limited to, Provider delays caused by:

- not confirming the Employer's eligibility prior to offering a Wage Subsidy
- offering a Wage Subsidy to an Employer after the Participant has commenced their Job Placement, or
- failing to respond to Employer enquiries in a timely manner.

Note: The Department's IT Systems will not allow a Wage Subsidy to start on the day that a Participant commences in Inclusive Employment Australia. If Participant starts an employment placement for which a Wage Subsidy has been negotiated on the day they are Commenced, the Provider should record the Job Placement Start Date as being the day after the Participant Commences.

Employer Notifications

Throughout the Wage Subsidy Agreement Term, the Department's IT Systems will send notifications to a Wage Subsidy Employer's email address to prompt action related to the Wage Subsidy Agreement. Some notifications are triggered manually by the Provider, while others are automated. The following outlines the different types of notifications a Wage Subsidy Employer may receive.

Wage Subsidy Agreement is ready for approval

When a Wage Subsidy Agreement is ready for the Employer to approve, an email notification will be sent to the Employer.

- To trigger the notification, select 'Send for approval' on the draft Agreement screen. The email will include a link to Workforce Australia Online for Businesses. The Employer must use this link to access the online draft Agreement for approval.

For Employers entering their first Wage Subsidy with the Provider, the notification will trigger two approval requests — one to accept the terms and conditions of the Head Agreement and another to confirm the Schedule.

For any subsequent Wage Subsidies, the Head Agreement remains the same, so this notification will ask Employers to review and approve the additional Schedules only.

The first Wage Subsidy approved between the Provider and the Employer via this notification will also link the Employer's Workforce Australia Online for Business account with the Head Agreement. This ensures the Employer can access and manage this and all future Wage Subsidy Agreements via their account.

Wage Subsidy Agreement is ready to view and manage

After the Employer approves a Schedule, the Employer will automatically receive a notification confirming the Wage Subsidy Agreement is now active. The notification will advise the Wage Subsidy Employer that they will receive email reminders to invoice the Department and supply documentary evidence when any scheduled Wage Subsidy Payment is due.

- Following approval of the Agreement by the Employer, the status of the Agreement in the Department's IT Systems will change from 'Draft' to 'Approved'.

ABN attached to a Wage Subsidy Head Agreement has been updated and requires Employer re-approval

When a Wage Subsidy Employer changes their ABN, they will need to set up a new Workforce Australia Online for Business Account linked to the new ABN.

Once the Wage Subsidy Employer has set up their account, the Provider must update the Wage Subsidy Employer's Head Agreement in the Department's IT Systems with the new ABN. The Provider must check if the Wage Subsidy Employer's email details are still current and correct and then send the Head Agreement for re-approval.

Select 'Resend for Approval' to trigger notification to the Wage Subsidy Employer's email address.

The Head Agreement must be re-approved by the Wage Subsidy Employer before the end date of any Schedule. If a Schedule reaches the end date without re-approval, the Department's IT Systems will prevent any Wage Subsidy Payments.

Wage Subsidy Payment is due

After each agreed Wage Subsidy Payment instalment period (completed after the first 6 weeks of the Wage Subsidy Agreement Term), the Wage Subsidy Employer will be sent a reminder notification. This will inform them they can request a Wage Subsidy Payment, as set out in the schedule, by invoicing the Provider and supplying documentary evidence.

Wage Subsidy Agreement Term has been completed

On the Wage Subsidy Agreement end date, an automatic notification is sent to the Wage Subsidy Employer to advise them to submit their documentary evidence and invoice for the final Wage Subsidy Payment within 28 days of the Wage Subsidy Agreement end date.

8.5 Payments to Wage Subsidy Employers

A Provider must pay a Wage Subsidy Payment to a Wage Subsidy Employer at the intervals specified in the Wage Subsidy Agreement Schedule. As described at 8.4.2 Entering into Wage Subsidy Agreements, this may mean either:

- instalment payments at agreed intervals, or
- a single lump-sum payment at the conclusion of the 26-week Wage Subsidy Agreement Term.

If the employment placement terminates before the end of the 26 week Wage Subsidy Agreement Term, the Provider must instead pay a final Wage Subsidy Payment of the outstanding amount to finalise the Wage Subsidy.

The Provider must only pay a Wage Subsidy Payment if the Wage Subsidy Employer has:

- approved the Wage Subsidy Agreement online via Workforce Australia Online for Businesses
- invoiced the Provider for a Wage Subsidy Payment, and
- submitted documentary evidence that demonstrates the conditions of the Wage Subsidy Agreement have been met.

Documentary Evidence must confirm the Wage Subsidy Participant has worked the required minimum average weekly hours under the Wage Subsidy Agreement for the invoiced period.

Wage Subsidy Payments will be at the amounts specified in the Wage Subsidy Agreement Schedule when the Job Placement is proceeding at the agreed hourly settings.

Wage Subsidy Payments may be lower or higher than listed amounts specified in the Wage Subsidy Agreement Schedule when the actual employment conditions vary from those set out in the Schedule. When this occurs, the Wage Subsidy Payment will be a pro-rata amount of the cumulative instalments to that point.

The value of varied Wage Subsidy Payments is set out at 8.5.3 Calculating Wage Subsidy Payments for Employers.

In all cases, Wage Subsidy Payments must not exceed:

- the actual wages paid to the Participant, or
- the maximum value specified in the Wage Subsidy Agreement.

8.5.1 Assessing Periods of Leave

Where a Wage Subsidy Participant has paid or unpaid leave approved in accordance with entitlements under a relevant Modern Award or the National Employment Standards, it can count towards the minimum hours required under the Wage Subsidy. Unpaid leave will not count as wages paid by the Employer in calculating the total Wage Subsidy Payment amount that the Wage Subsidy Employer is eligible to receive from the Provider.

A Wage Subsidy Employer cannot use approved leave to regularly supplement a Wage Subsidy Participant's work hours for the purpose of meeting the minimum average number of hours per week. A Wage Subsidy Participant declining work or failing to turn up for work is not approved leave.

The Wage Subsidy Employer must provide records of approved leave. Evidence of approved leave (paid or unpaid) must show that the Wage Subsidy Employer agreed to the leave at the time the Wage Subsidy Participant requested it, and can either be:

- recorded on the Wage Subsidy Participant's payslip, or
- on a written declaration from the Wage Subsidy Employer.

Workers Compensation

Workers Compensation payments are an acceptable form of approved leave and count toward the hours worked by the Wage Subsidy Participant, provided this is reflected in Documentary Evidence.

Workers Compensation payments made to the Participant do not count as wages paid by the Employer in calculating the total Wage Subsidy Payment that the Wage Subsidy Employer is eligible to receive.

Providers cannot offer a Wage Subsidy for Participants already receiving Workers Compensation payments. The Worker's Compensation must have commenced during the 26-week Wage Subsidy Agreement Term to count towards the hours worked.

8.5.2 Change of Business Ownership

If a Wage Subsidy Employer changes ownership, the new owner is eligible to claim the remaining Wage Subsidy Payment(s), provided all other eligibility requirements are met. The Wage Subsidy Agreement must be novated between the parties before the new owner can claim the remaining Wage Subsidy Payment(s).

8.5.3 Calculating Wage Subsidy Payments for Employers

Providers must pay Wage Subsidy Payments at the rates and times specified in the Wage Subsidy Agreement Schedule if the Job Placement is meeting the terms of the Agreement.

When the Job Placement does not provide the full terms set out on the Wage Subsidy Agreement, the Provider must calculate and pay a pro-rata Wage Subsidy Payment that reflects the level of compliance with the agreed terms and conditions. This can occur at:

- a scheduled Wage Subsidy Payment (instalment or final payment established in the Wage Subsidy Agreement Schedule, or
- an unscheduled Wage Subsidy Payment that replaces schedule payments, when the Job Placement terminates before the end of the Wage Subsidy Agreement Period.

Note: Payments (including pro-rata payments) are not available unless and until the Job Placement has continued for at least six weeks from the Wage Subsidy start date.

Pro-rata Payments

A Wage Subsidy Payment may be *less* than the amount in the Wage Subsidy Agreement Schedule due to:

- *termination* - the Job Placement ends before the relevant Wage Subsidy payment period
- *hours worked* - the Participant worked a weekly average of less than the agreed minimum weekly hours during the relevant Wage Subsidy payment period, or
- *wages paid* - the wages paid to the Participant during the relevant Wage Subsidy payment period were less than the Wage Subsidy Payment period.

A payment may be *more* than the amount in the Wage Subsidy Agreement Schedule where a 'catch-up' payment is required. This can occur where previous Wage Subsidy Payment(s) were less than the amounts specified but the terms of the Wage Subsidy Agreement are being better or fully met at the time of the Wage Subsidy Payment.

At any time, a pro-rata Wage Subsidy Payment is the maximum amount an Employer is entitled to based on what the Job Placement has delivered compared with what the Wage Subsidy Agreement Schedule specified would be delivered by the relevant payment point.

To determine the pro-rata Wage Subsidy Payment amount, follow the steps detailed in the table below.

Step	Description
1. Calculate the Weekly Wage Subsidy Rate	The **Weekly Wage Subsidy Rate** is the rate at which the full Wage Subsidy amount would be paid each week. It is calculated as: **Total Wage Subsidy value** specified in the Wage Subsidy Agreement Schedule, *divided by* **Wage Subsidy Agreement Term** (26 weeks)
2. Calculate the Equivalent Weeks Worked	The **Equivalent Weeks Worked** is how many weeks the participant would have worked at the minimum average hours specified in the Wage Subsidy Agreement to achieve their hours worked. It is calculated as: **Total hours worked** (including approved paid and/or unpaid leave) across the Wage Subsidy Agreement Term, *divided by* **Minimum average weekly hours** specified in the Wage Subsidy Agreement Schedule

Step	Description
	Note: the Equivalent Weeks Worked cannot be greater than the number of weeks actually worked in the Wage Subsidy Agreement Term. If the calculated number is higher (because the participant worked more than the Minimum average weekly hours specified), use the number of weeks actually worked instead.
3. Calculate the Total Pro-rata Amount	The **Total Pro-rata Amount** is the amount payable across the completed part of the Wage Subsidy Agreement Term. It is calculated as: **Weekly Wage Subsidy Rate** (calculated at Step 1), *multiplied by* **Equivalent Weeks Worked** (calculated at Step 2)
4. Adjust for total wages paid	The Wage Subsidy Employer cannot receive more than the actual wages paid to the participant during actual weeks worked within the Wage Subsidy Agreement Term. If the total wages paid was lower than the Total Pro-rata Amount calculated at Step 3, reduce the Total Pro-Rata Amount to the actual wages paid.
5. Adjust for scheduled payment	***Note**: Do not perform this step for unscheduled payments that terminate a Wage Subsidy because the placement ended early.* Scheduled payments cannot provide greater funding than the instalments set out in the Wage Subsidy Agreement Schedule. If the Total Pro-rata Amount based on the Weekly Wage Subsidy Rate is higher than the sum of scheduled instalments, reduce the Total Pro-Rata Amount to the sum of scheduled instalments.
6. Calculate the Final Payment	The **Pro-rata Payment** is the payment amount required to achieve the Total Pro-rata Amount. It is calculated as: **Total Pro-Rata Amount** (calculated at Step 4), *minus* Value of any instalments already paid.

8.5.4 Invoicing

Wage Subsidy Employers must supply the required documentary evidence and invoice to the Provider for each scheduled payment in the Wage Subsidy Agreement Schedule, including any instalments and the final payment. The Provider must not make a Wage Subsidy Payment without reviewing this information.

As specified in the Wage Subsidy Head Agreement, Wage Subsidy Employers have 28-days from the end date of the Wage Subsidy Agreement Term to request Payment of any remaining / final balance.

Employers must submit an invoice to the Provider, based on evidence that the Wage Subsidy Participant has worked the required average minimum weekly hours across the duration of the Wage Subsidy Agreement Term.

8.5.5 Concurrent funding

Under the terms and conditions in the Head Agreement, Wage Subsidy Employers are required to notify Providers of any Commonwealth, State or Territory Government funding they receive for the Wage Subsidy Participant.

Wage Subsidy Employers cannot access the Inclusive Employment Australia Wage Subsidy if they receive funding from other Commonwealth, State or Territory Government wage

subsidies or similar employment program funding for the same Participant in the same position as the Wage Subsidy Placement.

The Provider should continue to check whether the Wage Subsidy Employer is following the above requirements throughout the Wage Subsidy Agreement Term.

8.5.6 Wage Subsidy Employers not registered for GST

The total maximum amounts of a Wage Subsidy specified in these Guidelines are GST inclusive. Where a non-GST registered Wage Subsidy Employer submits a Tax Invoice for the correct amount of a Wage Subsidy to a Provider, the Provider must pay the Wage Subsidy Employer the amount (GST exclusive).

When the Provider submits a claim for Reimbursement, the Department will pay the full amount (GST inclusive). The Provider is responsible for remitting the GST amount to the Australian Tax Office.

8.6 Claims for Reimbursement

A Provider can claim Reimbursement for a Wage Subsidy Payment if:

- all terms and conditions of the Deed, these Guidelines, and the Wage Subsidy Agreement have been met
- the Participant has remained Employed for at least 6 weeks
- the Provider has made an agreed Instalment Payment out of their own funds to the Wage Subsidy Employer
- the Reimbursement claim is for the same dollar value they paid the Wage Subsidy Employer, and
- they have retained sufficient Documentary Evidence to demonstrate the above.

The Department has no obligation to Reimburse the Provider for a Wage Subsidy where the Provider has failed to make a claim for Reimbursement.

The Department will monitor Providers' use and Reimbursement of Wage Subsidies. Incidents of misuse or misappropriation by a Provider may be subject to the *Criminal Code Act 1995* (Cth).

8.6.1 Time requirements for claiming a Reimbursement

Providers must submit all claims for Reimbursement no later than 56 days after the end of the Wage Subsidy Placement.

Under the general terms and conditions in the Head Agreement, Wage Subsidy Employers are required to notify Providers immediately if the Wage Subsidy Participant's Employment ends before the end date of the Wage Subsidy Agreement. Providers must record the correct Placement end date in the Department's IT Systems and must claim Reimbursement no later than 56-days from the end of the Wage Subsidy Placement.

Providers must have appropriate administrative processes in place to meet the 56-day timeframe and must work with Wage Subsidy Employers to ensure that this timeframe is met. Providers who fail to meet the 56-day timeframe may not be Reimbursed.

Payments to Employers

Under the Head Agreement, Providers must make the final Wage Subsidy payment to the Wage Subsidy Employer where, within 28 days from the end of the Wage Subsidy Placement, the Employer:

- requests the final Wage Subsidy payment, and
- supplies the required Documentary Evidence for that payment to the Provider.

Providers may choose to make the final Wage Subsidy payment to the Wage Subsidy Employer when they submit the required Documentary Evidence after the 28-day timeframe, if all other eligibility requirements are met. However, the Provider must claim the Reimbursement from the Department no later than 56 days from the end of the Wage Subsidy Placement.

Recovery of Reimbursement Claims Paid

The Department may recover any Reimbursements made to the Provider where the Department determines, at its absolute discretion, that the Wage Subsidy Employer has:

- misused the Wage Subsidy
- not met the terms and conditions of the Wage Subsidy Agreement
- been suspended and/or excluded by the Department from participating in Wage Subsidies, or
- otherwise engaged in an activity that may bring, or could be perceived to bring, the use of government payments or the Commonwealth of Australia into disrepute.

The Department may at its absolute discretion, also recover any Reimbursement made to the Provider where the Department determines that the Provider has not met the requirements of the Deed or these Guidelines.

8.7 Managing Wage Subsidy Agreements for Wage Subsidy Participants

8.7.1 Supporting Participants on Wage Subsidies

Providers are expected to support Wage Subsidy Participants and Wage Subsidy Employers to maximise the success of Wage Subsidy Placements. As a Wage Subsidy Participant is usually in Post Placement Support, the Provider's support may also assist the Wage Subsidy Participant to successfully complete an Employment Outcome.

In some cases, a Wage Subsidy Participant may return to Pre-Employment Support because they have not worked the agreed minimum average hours and will therefore not meet the required hours to achieve an Outcome. The Provider must continue to support these Participants during the remaining part of the Wage Subsidy Agreement Term. The Provider can re-anchor the Job Placement in Post Placement Support, where appropriate (see Section 9.5.4 Re-anchoring Job Placements).

Providers should immediately advise the Department if a Wage Subsidy Participant reports any Incidents of inappropriate or unsafe workplace behaviour and must follow the appropriate process and protocols as outlined in these Guidelines.

8.7.2 Managing Wage Subsidy Agreements for Transferred Participants

If a Wage Subsidy Participant transfers to another Provider, the Gaining Provider must contact the Transferred Wage Subsidy Participant's Employer and use their best endeavours to enter into a new Wage Subsidy Agreement with the Wage Subsidy Employer to maintain the terms and conditions in the original Wage Subsidy Agreement.

(Deed Reference(s): Clause 122.6, 122.7)

A new Wage Subsidy Agreement between the Wage Subsidy Employer and the Gaining Provider ensures that the Participant continues to be supported in their Placement, and that all parties understand the terms and conditions of the new Wage Subsidy Agreement.

8.8 Record Keeping

Below is a summary of the Documentary Evidence requirements for this Chapter.

Evidence from the Wage Subsidy Employer of Participant's Employment

Providers must upload mandatory Documentary Evidence of the Wage Subsidy Participant's Employment into the Department's IT Systems at the time of making a claim for Wage Subsidy Reimbursement.

- Documentary Evidence must confirm the Wage Subsidy Employer's details (including name and ABN) and the Wage Subsidy Participant's full name.
  - The ABN on the Documentary Evidence must match the ABN on the approved Wage Subsidy Agreement. Exceptions that can be supported with additional evidence are:
    - Employer engages a third party to act on their behalf to manage the administration of a Wage Subsidy
    - Employer has a separate ABN for the payroll function in their business structure, or
    - Employer's ABN has changed since the agreement was approved and the Department's IT Systems does not support a corresponding change to the Head Agreement (for example, when the ABN change is not identified until after the Wage Subsidy Agreement end date).

    In these cases, the Provider should obtain sufficient Documentary Evidence which clearly explains the relationship across the ABNs. This includes a written statement from the Employer that explains the reason for the discrepancy, supported with the Provider's record of any impacting IT issue, if relevant.
  - If the Wage Subsidy Employer is a labour hire company or group training organisation:
    - the ABN of the host business(es) the Wage Subsidy Participant was placed with throughout the Wage Subsidy Agreement Term. This can be recorded on the Wage Subsidy Payroll Declaration template, provided via email or included in the statutory declaration, and
    - evidence the labour hire company or group training organisation disclosed they were receiving an Inclusive Employment Australia Wage Subsidy to the host business.

- Documentary Evidence must redact a Participant's TFN and include evidence to confirm the Wage Subsidy Participant's Employment which demonstrates the hours worked each week (including any periods of approved leave taken) and wages paid for the entire Wage Subsidy Period, which may be in the form of (but is not limited to):
  - a completed Wage Subsidies Payroll Declaration (available on the Provider Portal)
  - payslips or a printout from the Wage Subsidy Employer's payroll software, or
  - a statutory declaration, email or other correspondence from the Wage Subsidy Employer.
- Where a Wage Subsidy Participant's Employment ends before the Wage Subsidy Placement end date, a written statement of the reason why the Employment ended is required.

The Department can request additional Documentary Evidence from Providers relating to a Wage Subsidy Placement, Wage Subsidy Participant and/or Wage Subsidy Agreement from Providers, to support Program Assurance Activities. If Providers do not have this Documentary Evidence, they can request it from a Wage Subsidy Employer. Employers are required under the Wage Subsidy Agreement to supply any requested information.

End of Participation in Inclusive Employment Australia

Where a Wage Subsidy Participant:

- revokes their consent for their personal information to be handled in accordance with the Direct Registration Form or Privacy Notification and Consent Form,
- is exited or suspended from the program,
- ceases to participate in the program before the Wage Subsidy Placement end date, and/or
- experiences circumstances that impact the Provider's and/or Employer's ability to meet their obligations under the Head Agreement, or the Deed or any other employment agreement they may have with the Participant,

the parties should provide a written statement to the Employer or the Provider (or where necessary the Department) of the reason why the Wage Subsidy obligations cannot be fulfilled. Providers should otherwise comply with the Wage Subsidy Agreement up until the date the Participant withdrew their consent. The Providers may issue a pro-rata subsidy in accordance with Section 8.5.3 above.

Evidence from Provider for Claims for Reimbursement

Providers must also demonstrate payment of a Wage Subsidy amount to the Wage Subsidy Employer before claiming a Reimbursement.

Tax File Numbers must be redacted from any payslips before being uploaded into the Department's IT Systems as Documentary Evidence to support Wage Subsidy Payments.

- Documentary Evidence demonstrating payment may be in the form of a:
  - record of transaction (bank statement or report from the Provider's financial system)
  - Tax Invoice and corresponding receipt from the Wage Subsidy Employer
  - Tax Invoice from the Wage Subsidy Employer and a remittance advice, or
  - statutory declaration, email or other correspondence from the Provider.

Documentary Evidence to support a claim for Reimbursement must confirm:

- the Wage Subsidy Participant's name and JSID
- the Wage Subsidy Employer's details (including name and ABN)
- the amount of the Wage Subsidy Payment, and
- the date the Wage Subsidy Payment was made.

In addition to the mandatory Documentary Evidence requirements to support Payment integrity activities, Providers are also encouraged to upload other relevant evidence (correspondence or file notes) to support their claims, particularly if there were unusual or complex circumstances that require further explanation.

Chapter 9: Post Placement Support

Supporting Documents for this Chapter

- Meaningful exchange of email or text messages – Provider Fact Sheet
- Employment Assistance Fund Guidelines

9.1 Chapter Overview

This Chapter outlines a Provider's responsibilities when delivering Post Placement Support. This includes:

- when to move a Participant to Post Placement Support
- how to support a Participant to achieve Employment Outcomes
- how Post Placement Support links to Ongoing Support, and
- when a Participant Exits from Post Placement Support.

Post Placement Support is available as part of the In-Employment Support phase of Inclusive Employment Australia. A Participant receives Post Placement Support when their Provider considers the Participant's Job Placement is likely to continue to an Employment Outcome. The Provider decides when to anchor a Job Placement by moving the Participant to Post Placement Support. This starts an Outcome Period.

During Post Placement Support:

- Participants and their Employer can receive support to ensure the Job Placement is successful, and
- Providers receive Fees to support sustained and successful Job Placements.

Fees available in Post Placement Support may include:

- Progress Fees after 4-weeks of sustained Employment — refer to Section 11.4 Progress Fees11.4.2 Progress Fees for Employment, paid work experience or a paid Work Trial
- Outcome Fees after a 12-week Period, 26-week Period and 52-week Period of sustained Employment — refer to Section 11.5 Outcome Fees11.5 Outcome Fees11.5 Outcome Fees11.5 Outcome Fees, and
- Moderate Intellectual Disability (MID) Payments, which may be paid in addition to Full Employment Outcome Fees if the Participant has moderate intellectual disability and has worked on average at least 15 hours per week over the Outcome Period — refer to Section 11.6 Moderate Intellectual Disability Payment.

Providers must deliver Post Placement Support to a Participant who has commenced a Job Placement which is progressing towards an Employment Outcome until the Participant has completed a 26-week Employment Outcome. The Provider must continue to support the Participant until they achieve a 52-week Employment Outcome by delivering either Post Placement Support or Ongoing Support.

The Participant will receive Post Placement Support to help with keeping their Employment until the Participant returns to Pre-Employment Support, starts receiving Ongoing Support or is Exited (see Section 9.6 Moving between Post Placement Support and other phases).

The Provider must Exit a Participant (Voluntary) who does not wish to receive Post Placement Support and who is eligible to Exit, as outlined in Chapter 3: Commencements, Transfers, Suspensions and Exits3.6 Exits.

9.2 Post Placement Support

Providers must deliver Post Placement Support to Participants for the duration that they are in Post Placement Support.

Post Placement Support can include:

- regular Contacts to the Participant, as needed, to support the Job Placement
- support for the Employer (where agreed by the Participant), including advice about disability management and available support
- help with the costs of necessary equipment, licenses or transport, and
- supporting the Participant and/or Employer to access funding for workplace modifications and equipment where needed, through the Employment Assistance Fund (EAF).

Services provided during the Post Placement Support phase will vary depending on the circumstances of the Participant, Employer and Job Placement.

Providers should keep an effective, positive relationship with the Participant and/or Employer to ensure the effectiveness of the Job Placement. An effective relationship will also help the Provider to collect Documentary Evidence that must support any claim for an Employment Outcome Fee.

Providers must consider any sensitivities, for example, whether the Participant has not disclosed their disability to their Employer and/or whether the Participant does not want their Provider to contact their Employer. In these instances, the Provider would contact the Participant only. Providers must not disclose the Participant's disability, health condition or other personal details to the Participant's Employer unless the Participant has consented to the disclosure.

(Deed Reference(s): Clause 119, 121)

9.3 Movement to Post Placement Support

9.3.1 Vacancy management

Providers record the details of Job Placements, including Vacancies sourced by the Participant, in the Department's IT Systems as a Vacancy.

Providers will need to enter a range of information including a job description, Employer details, hours, salary, Vacancy type and whether the job was sourced by the Participant.

Vacancy types are:

- normal position — used when none of the more specific types below are applicable
- Apprenticeship or Traineeship
- Pre-Existing Employment
- internship
- graduate
- seasonal, and
- self-employment.

When sourcing Vacancies for a Participant, Providers must ensure the Vacancy is not a Non-Payable Outcome, including that the relevant minimum wage is satisfied — Providers may wish to refer to information on Minimum Wages published by the Fair Work

Ombudsman. Providers must not refer Participants to any Vacancy that does not meet minimum requirements under applicable workplace legislation.

In addition, Providers must not anchor any Participant sourced Vacancy or claim an Outcome Fee for that placement if the Provider becomes aware the employment does not meet National Minimum Wage requirements. In this case, the Provider should ensure the Participant is aware of the information and assistance available to them through the Fair Work Ombudsman.

- Providers must lodge Vacancies in the Department's IT Systems and follow the workflow to provide a complete record of the Employment details.
- Providers must connect the Vacancy record with a Participant in the Department's IT Systems when the Participant is placed into the Vacancy. This includes the date the Participant started in the Job Placement.

Placements with the Provider or Related Entity

Providers can place a Participant into a paid Employment position with the Provider's Own Organisation or Related Entity. However, Job Placements within a Provider's Own Organisation or Related Entity cannot form part of any Employment Outcome claim unless the Provider has obtained the Department's written agreement that the Job Placement can be used this way. This is because there is a real or apparent conflict of interest when a Provider can claim an Outcome Fee by Employing a Participant on their own Caseload.

Providers can seek the Department's approval of an Own Organisation or Related Entity Job Placement by sending an email to their Account Manager that sets out the full circumstances of the Job Placement, including:

- the intended work duties, term of employment, hours and wages
- why the Provider wishes to make the placement, and
- any other relevant employment placements the Participant has undertaken relating to the proposed Vacancy.

The Department may agree to an Own Organisation or Related Entity Job Placement where the Department is satisfied that the Job Placement is genuine Employment that is suitable for the Participant, and where the Provider would bear the full cost of the Employment for the Full Outcome Period.

If the Department does not provide agreement, the Provider can continue to support the Participant's Employment in the Own Organisation or Related Entity but cannot anchor the Job Placement or claim an Employment Outcome.

Providers cannot use a Wage Subsidy for any Job Placement with a Provider's Own Organisation or Related Entity (as outlined in Section 8.2.2 Employer Eligibility).

(Deed Reference(s) Clauses 122.4, 163.2)

9.3.2 Anchoring a Job Placement

Participants may work in one or more Job Placements during the Pre-Employment Support phase, including as short-term or casual paid work, paid work experience placements or paid Work Trials — see Section 7.7.1 Paid Employment for more information.

Providers must consider whether a Participant is likely to achieve an Employment Outcome when deciding to move a Participant to Post Placement Support, as this movement ceases

Service Fee payments and starts progress towards Outcome Fees and/or a Progress Fee (where relevant).

Providers can anchor a Job Placement in the Department's IT Systems by moving the Participant to Post Placement Support when the Participant has been placed against a recorded Vacancy. The Anchor Date can be as early as the date the Participant starts in the Job Placement, or any later date.

Note: Only one Job Placement can be anchored, even if the Participant is working in more than one Job Placement. The Participant's work across all recorded Job Placements can count towards Employment Outcome requirements.

Providers can record and anchor a Job Placement on the Department's IT Systems where they satisfied that the Participant is undertaking Unsubsidised Self-Employment. A Participant undertaking subsidised self-employment should not be anchored as they are ineligible to achieve an Outcome for that self-employment.

Next actions

Providers must update a Participant's Job Plan when they anchor a Job Placement (see Section 4.9 Updating a Job Plan). This must be done shortly after the movement between the Pre-Employment Support and Post Placement Support phases, at the next Contact. Once updated, the Job Plan will capture that the Participant is receiving Post Placement Support.

If the Participant has a Meaningful Engagement Job Plan, Providers also must ensure they review the tasks and activities agreed with the Participant as part of the plan for meaningful engagement and adjust / remove any that conflict with the Participant's focus on paid Employment.

If the Participant has a Detailed Job Plan, Providers must also adjust the requirements in the Participant's Job Plan. This update includes:

- adding Code EM56 [Paid Work], EM54 [Self-Employment] or ET53 [Apprenticeship/Traineeship] — depending on the nature of the Employment
- removing Activities that conflict with the focus on paid Employment, and
- adjusting tasks and activities to recognise the Participant needs to prioritise their paid Employment, including the Job Search Requirement for a Participant (Mutual Obligation).

Note: If a Participant (Mutual Obligation) is Fully Meeting their Mutual Obligation Requirements while receiving Post Placement Support, they will have no compulsory requirements in their Job Plan —refer to Section 5.2.1 Mutual Obligation Requirements. Those Fully Meeting their requirements are not required to look for additional work or participate in other Activities.

9.4 Participant Contact

Providers are expected to deliver regular support tailored to each Participant in Post Placement Support through Contacts but are not required to deliver a minimum number of Contacts.

(Deed Reference(s): Clause 114.1)

Providers are not required to deliver specific supports during Post Placement Support because:

- the Participant is expected to concentrate on successfully undertaking their Employment, and
- the Provider is expected to provide any supports the Participant may need.

Providers must agree a mode of contact with the Participant while delivering Post Placement Support. Providers may also agree a Contact schedule with the Participant if this approach will aid in delivering support.

Support can be delivered to a Participant via a Contact using the following Engagement Methods:

- face-to-face
- as a phone conversation
- as a videoconference, and
- as meaningful email or text message exchanges (see Meaningful exchange of email or text messages – Provider Fact Sheet on the Provider Portal for more details).

The Provider must ensure the Participant knows how they can request support, when needed.

If the Participant has not scheduled their hours of work as a Personal Event in the Participant's Electronic Calendar, the Provider must record this for them. The Provider must not schedule Contacts during Personal Events without first getting the agreement of the Participant.

Providers can deliver Contacts in the workplace with the agreement of the Participant and the Employer. When scheduling Contacts during the Participant's work hours, the Provider must record in a file note the Employer's willingness to allow the Participant to engage during work hours, and agreement as to whether the Contact can occur at the workplace or not.

Note: Participation requirements may continue to apply to Participants (Mutual Obligation) and DSP Recipients (Compulsory Requirements) while they receive Post Placement Support. Providers should refer to Section 5.6.1 Appointments5.6.1 Appointments for further information on how to capture Contacts and Contact Appointments for those with a Meaningful Engagement Job Plan or Detailed Job Plan.

9.5 Employment Outcome conditions

Moving a Participant to Post Placement Support anchors the first Outcome Period and starts the Participant's progress towards meeting Employment Outcome requirements.

Providers may claim Outcome Fees when a Participant they are servicing achieves an Employment Outcome in Employment, Unsubsidised Self-Employment, an Apprenticeship or Traineeship. This includes self-employment through S-EA and employment arranged by a CTA or EST Provider.

As noted in 11.5.3 Non-Payable Outcomes11.5.3 Non-Payable Outcomes, a Participant's Employment prior to Commencing in Inclusive Employment Australia cannot count towards an Employment Outcome unless the Participant's working hours in that Employment increased after Commencement in Inclusive Employment Australia.

More details on Outcomes Fees and the requirements for claiming these Fees are included in Section 11.5 Outcome Fees11.5 Outcome Fees.

9.5.1 Full or Partial Outcome requirements

There are different Outcome requirements for Full Outcome and Partial Outcomes.

A Participant can achieve a Full Outcome when, across an Outcome Period, the Participant:

- works an average number of hours at least equal to their Employment Benchmark, or
- reports to Services Australia income earnings that are sufficient to cause the Basic Rate of their Income Support Payment to cease.

A Participant can achieve a Partial Outcome when, across an Outcome Period, the Participant works an average number of hours per week which is approximately two-thirds or more of their Employment Benchmark.

The average number of hours a Participant must work to meet Outcome requirements is shown in the table below.

Hours required for Full and Partial Outcomes

Employment Benchmark	Average weekly hours required for a Full Outcome	Average weekly hours required for a Partial Outcome
0 hours	8*	5
8 hours	8	5
15 hours	15	10
23 hours	23	15
30 hours	30	20

*** Note:** For Participants with an Employment Benchmark of 0 hours per week, there is some additional flexibility to account for building work capacity or unanticipated gaps in weekly hours. A Full Outcome will also be available for working at least 8 hours per week for:

- 9 of 12 weeks for a 12-week Employment Outcome, and
- 20 of 26 weeks for the 26-week Employment Outcome, and
- 20 of 26 weeks for the remaining 26 weeks of the 52-week Employment Outcome.

An Employment Outcome can only be claimed if the preceding Outcome was claimed. That is:

- a 26-week Employment Outcome cannot be claimed unless a 12-week Employment Outcome was claimed during the 26 weeks of the 26-week Outcome Period, and
- a 52-week Employment Outcome cannot be claimed unless a 26-week Employment Outcome was claimed immediately before the 26 weeks of the 52-week Outcome Period.

(Deed Reference(s): Clause 163.1, 163.2, 163.3)

9.5.2 Outcome Periods

Outcome Periods are Consecutive Weeks of Employment over defined periods of 12 or 26 weeks. When a Provider can show that a Participant worked the required number of hours or earned enough income during an Outcome Period, the Provider can claim the Outcome Fee for that Outcome Period.

An Outcome Period may be broken by one or more Permissible Breaks. When a Permissible Break is used, the Outcome Period consists of the relevant number of Consecutive Weeks on either side of the Permissible Break.

Once an Employment Outcome has been claimed, the Outcome Period Start Date cannot be changed.

(Deed Reference(s): Clause 163)

12-week Period (12 Consecutive Weeks)

The 12-week Period is a period of 12 Consecutive Weeks that starts on the Job Placement Anchor Date set when a Participant moves to Post Placement Support and ends when the Participant completes 12 Consecutive Weeks of Employment.

A Provider can claim a 12-week Outcome if, during the 12-week Period, the Participant:

- worked enough hours each week, on average, to achieve at least a Partial Outcome, or
- earned enough income to cause their Basic Rate of Income Support Payments to cease.

26-week Period (26 Consecutive Weeks)

The 26-week Period is a period of 26 Consecutive Weeks that starts on the Job Placement Anchor Date set when a Participant moves to Post Placement Support and ends when the Participant completes 26 Consecutive Weeks of Employment. This means that the time, hours and earnings from the 12-week Period form part of the time, hours and earnings of the 26-week Period.

A Provider can claim a 26-week Outcome if, during the 26-week Outcome Period, the Participant:

- worked enough hours each week, on average, to achieve at least a Partial Outcome, or
- earned enough income to cause their Basic Rate of Income Support Payments to cease.

52-week Period (26 Consecutive Weeks)

The 52-week Period is a period of 26 Consecutive Weeks that starts on the day after the 26-week Period ends and ends when the Participant completes a further 26 Consecutive Weeks of Employment. This means that the time, hours and earnings from the 12-week Period and the 26-week Period do not form any part of the time, hours and earnings of the 26-week Period.

A Provider can claim a 52-week Outcome if, during the relevant 26 weeks of the 52-week Outcome Period, the Participant:

- worked enough hours each week, on average, to achieve at least a Partial Outcome, or
- earned enough income to cause their Basic Rate of Income Support Payments to cease.

9.5.3 Permissible Breaks and Voluntary Changes in Employment

Permissible breaks

Providers can record a Permissible Break within an Outcome Period where a Participant who is tracking towards an Employment Outcome is unable to work at their normal employment conditions due to circumstances outside the control of the Participant or Provider.

Permissible Breaks recognise that unforeseen situations may temporarily disrupt sustained and ongoing Employment. This can include situations such as:

- Illness or injury
- Major personal crisis
- Declared natural disasters
- Employer initiated shutdowns
- Unexpected termination followed by a new job within the break period
- Carer emergencies
- Temporary lack of access to childcare
- Culturally significant events for Aboriginal and Torres Strait Islander persons, and
- While undertaking an education and training course

A Permissible Break does not form part of an Outcome Period. This means that:

- the days of the Permissible Break, including any hours worked and income earned during that time, do not count towards the Outcome' or
- the Outcome end date is extended by the number of days equal to the Permissible Breaks. Hours worked and income earned during this extended period do count towards the Outcome.

This means the Outcome Period continues to be 12 or 26 Consecutive Weeks, excluding the Permissible Break.

Providers do not need to use Permissible Breaks. When a Participant's circumstances would allow a Permissible Break to be used, the Provider must decide whether to enter a Permissible Break. Providers must retain Documentary Evidence of the need for any Permissible Break used.

In general, Participants can have Permissible Breaks of up to:

- 28 days during the 12 Consecutive Weeks of the 12-week Period
- 28 days in the 14 Consecutive Weeks between the end of the 12-week Period and the end of the 26-week Period, and
- 28 days for each 13-weeks between the 26-week and 52-week Outcomes.

Each maximum of 28 days can include one or more break periods.

Providers can submit a request to the Department for approval of additional Permissible Breaks exceeding the 28-day limits described above for any Participant where needed because of exceptional circumstances. Additional Permissible Breaks will usually be approved only where there is a very clear need for a further break, for reasons beyond the Participant's or Provider's control, such as the impact of a natural disaster.

Principal Carer Parents can have an additional Permissible Break of up to 8-weeks for an Employer-initiated shutdown over the Christmas period, providing that the Participant will resume their Employment in the New Year.

Permissible Breaks are added on the 'Outcome details' screen, as described in the Adding Permissible Breaks task card.

Providers must retain Documentary Evidence to support each Permissible Break. Acceptable Documentary Evidence is a statement (signed and dated hard copy or email) from the Participant or Employer, confirming:

- the Employer organisation name
- the event or circumstances requiring the Permissible Break
- the start and end dates of that event or circumstances
- that the Participant is still employed following the event or circumstances (where relevant), and
- the full name, phone number and email address of the person making the statement.

Voluntary Change in Employment

Voluntary Change in Employment breaks are available to Participants tracking towards an Employment Outcome in recognition that Participants in Post Placement Support (or Ongoing Support) and their Providers should not be penalised for finding alternative Employment.

Where a Participant voluntarily changes their Employment during an Outcome Period, Providers can record a short break of up to 7 Calendar Days between Job Placements so that the Provider does not have to re-anchor the Outcome. A Voluntary Change in Employment break may be used for each change in Employment.

If the break between Job Placements is longer than 7 Calendar days, the Provider must re-anchor the new Job Placement to recommence the Outcome Period.

For each Voluntary Change in Employment break used, the Provider must keep a statement (signed and dated hard copy or email) from the Participant or the Provider confirming:

- the change in Employment
- the new Employer organisation name
- the end and start dates of the two employment placements, and
- the full name, phone number and email address of the person making the statement.

9.5.4 Re-anchoring Job Placements

Re-anchoring a Job Placement re-starts the Outcome Period from the new Anchor Date. Providers can re-anchor a Job Placement at any time.

Providers may choose to re-anchor a Job Placement if they think the Participant is likely to achieve a better outcome in the new Outcome Period.

If a Job Placement is re-anchored, the Outcome Period starts from the new Anchor Date and does not include any hours or earnings from the earlier Outcome Period.

If a Provider re-anchors a Job Placement, the Provider cannot claim any 12-week, 26-week or 52-week Outcome Payment that the Provider claimed in the previously anchored Outcome Period. The Provider:

- must submit a claim for $0 for any previously claimed Outcome, after confirming that the Participant met the requirements of a Partial Outcome or Full Outcome for that Outcome in the re-anchored Outcome Period, and
- can then claim any Outcome not previously claimed, after confirming that the Participant met the requirements of that Outcome in the re-anchored Outcome Period.

9.6 Moving between Post Placement Support and other phases

Participants continue to receive Post Placement Support until the Participant:

- moves to Ongoing Support
- achieves a 52-week Outcome and Exits the Program, or
- returns to Pre-Employment Support.

9.6.1 Changing Participant circumstances

Providers must decide how to support a Participant in Post Placement Support when their circumstances change.

Participant completes a 26-week Employment Outcome

When a Participant with higher levels of support needs is nearing completion of a 26-week Employment Outcome, a Provider can refer the Participant for an Ongoing Support Assessment, as described in Chapter 10: Ongoing Support. Otherwise, the Provider continues to offer Post Placement Support.

The Provider can also refer a Participant to an Ongoing Support Assessment at any time after the Participant receiving Post Placement Support completes a 26-week Outcome until the Participant has completed a 52-week Outcome, if the Provider considers higher levels of support are required.

Participant completes a 52-week Employment Outcome

When a Participant has completed a 52-week Employment Outcome, the Provider can:

- Exit the Participant from Inclusive Employment Australia if they can continue working independently
- move the Participant to Ongoing Support if the Provider considers that the Participant needs more support. This includes referring the Participant for an Ongoing Support Assessment to confirm the Participant's Ongoing Support needs, as described in Chapter 10: Ongoing Support, or
- continue to support the Participant in their Placement in Ongoing Support, if the Participant is already receiving Ongoing Support.

Participant is no longer Employed

If a Participant is no longer Employed, the Provider can:

- consider if a Permissible Break or a break for a Voluntary Change in Employment would cover a short break in Employment — refer to Section 9.5.3 Permissible Breaks and Voluntary Changes in Employment

- return the Participant to Pre-Employment Support, or
- Exit the Participant from Inclusive Employment Australia, if the Participant no longer wishes to receive support and is eligible for a Provider Exit — refer to Section 3.6 Exits3.6 Exits.

If a Participant returns to Pre-Employment Support because the Participant ceases Employment or does not meet the required hours for an Employment Outcome, the Provider must:

- hold a face-to-face Contact Appointment for the purposes of Re-engagement
- review and update the Participant's Job Plan (if appropriate), and
- resume delivering Pre-Employment Support.

Participant's hours of employment reduced

If a Participant's hours of employment reduce, the Provider can:

- continue to support in Post Placement Support (or Ongoing Support), if the Participant may still achieve a Partial Outcome
- return the Participant to Pre-Employment Support while supporting any continued employment and looking for opportunities to increase employment, or
- Exit the Participant from Inclusive Employment Australia, if the Participant has already achieved a 26-week Outcome and is eligible for a Provider Exit — refer to Section 3.6 Exits3.6 Exits.

A Participant who returns to Pre-Employment Support can return to Post Placement Support when they are undertaking one or more Job Placements that are expected to achieve an Employment Outcome, in accordance with Section 9.3 Movement to Post Placement Support. This can include re-anchoring a Participant in a previously anchored Job Placement, if the Participant's work hours increase (see Section 9.5.4 Re-anchoring Job Placements).

Participant's hours of Employment increased

If a Participant's hours of Employment increase, the Provider may decide that the Participant's hours of Employment may now result in a higher Employment Outcome. In this circumstance the Provider can:

- continue to support the Participant in Post Placement Support (or Ongoing Support), and
- re-anchor the Job Placement— refer to Section 9.5.4 Re-anchoring Job Placements.

9.7 Support to be provided to Employers

Most Post Placement Support assistance is expected to be on-the-job help and is delivered through Provider Contacts with Participants. These supports may be delivered in the Participant's workplace if required.

Supports must be tailored to the individual needs of the Participant and the Employer. Examples of Employer supports are outlined in the following table.

(Deed Reference(s): Clause 9, 121)

Examples of In-Employment Support for Employers

Category	In Employment Supports may include:
Employer access to suitable employees	• Referring the most suitable Participants to Vacancies. • Matching employees to an Employer and respecting the cultural safety requirements set by an Employer, ensuring that a Participant understands these requirements and that any training on these issues the Provider commits to provide to the Participant is undertaken. • Managing paid work experience placements or Work Trials that allow an Employer to see if a Participant will be a good fit for their business. • Supporting upskilling and training of individuals to increase capability and capacity for suitable roles.
Employer capability-building support	• Providing guidance on creating accessible and inclusive workplaces to help Employers to manage employees with disability, and support Employers to access information around disability training for their workplace. • Helping Employers to access information around cultural safety assessments and/or training for their workplace. Employers may have employees from a variety of backgrounds where an understanding of the cultural needs of others ensures workplace harmony. In some ESAs, there may be several organisations that are First Nations entities, where a demonstration of cultural safety may be a pre-requisite of working in the organisation. Providers must assess, on a case-by-case basis, an Employer's requirements for cultural safety in the workplace and ensure the Participant has the required support. • Providing guidance on job design and job customisation to facilitate the creation of employment opportunities. • Providing guidance on employee retention strategies to help Employers to effectively onboard people with disability and reduce turnover. • Linking Employers to relevant Commonwealth, State and Territory Government, local government, and non-government programs, and to communities of practice.
Additional Supports for Employers	• Providing a clear contact person, to ensure there is a clear path for issue resolution and responses to requests. • As appropriate, helping Employers to access financial assistance through the EAF for work-related modifications and services (see Section 9.8Employment Assistance Fund). • As appropriate, helping an Employer to make an application in respect of the Supported Wage System. • As appropriate, providing information and training on how to access Wage Subsidies to support Participants and Employers (see Chapter 8: Wage Subsidies). • As appropriate, providing information on the Disabled Australian Apprentice Wage Support Program.

9.8 Employment Assistance Fund

The Employment Assistance Fund (EAF) provides reimbursements for pre-approved reasonable workplace modifications, equipment and services necessary for a person with disability to perform their employment duties. The EAF is delivered through the JobAccess provider on behalf of the Department. JobAccess also provides an information and advice service to help employers and people with a disability find or maintain employment.

Employers have obligations under the *Disability Discrimination Act 1992* (Cth) to make reasonable adjustments in work arrangements for their employees with disability, to ensure they have equal opportunities in the workplace.

The EAF is available to a person with disability who meets the eligibility criteria. Providers can help eligible Participants and their Employers to access the EAF, where a need is identified.

Access to information about the EAF can be found on the JobAccess website.

Providers can request support for Participants who:

- have been offered, or are working, in Employment of at least 8 hours per week for at least 13 weeks, and/or
- need work-related assistive technology, special work equipment or Auslan interpreting.

A person with a disability may also be eligible for EAF assistance if they:

- have periods of employment of less than 13 weeks
- are employed in a position that may not be continuous (e.g. seasonal industries), or
- are employed for less than 8 hours a week but have a commitment from their employer to support them building at least 8 hours per week.

*Applications in these circumstances will be considered by the department on a case-by case-basis.

The EAF can be used to help with the cost of:

- computer software and software upgrades
- modifications to work vehicles
- communication and assistive technology devices
- items of work equipment, or modifications to existing work equipment
- building modifications
- Auslan interpreting services (not available for Appointments with the Provider)
- assistance to help a person with disability learn to use specific modifications or equipment
- specialised support and training packages for people with mental health conditions or specific learning disorders, and
- disability awareness training for the workplace (including deafness awareness training and mental health awareness training.

To seek funding through the EAF, Providers must:

- confirm the Participant meets the eligibility requirements
- collect the Documentary Evidence required, and
- complete the EAF Online Application on JobAccess Secure.

Providers will be advised whether the EAF application has been approved.

If the EAF application is approved, the Provider:

- must create an EAF application file to hold all relevant Documentary Evidence
- can buy the approved EAF help, and
- must update the EAF items to "Purchase Declared" within 21 days through the Department's IT Systems.

EAF payments are automatically lodged when an item is "Purchase Declared".

Providers must refer to the Employment Assistance Fund Guidelines for details on eligibility for EAF, the EAF application process and claiming Reimbursement of approved EAF expenses.

The EAF application file must hold:

- a copy of the completed EAF application
- quotations obtained, and any technical or descriptive information on items requested
- evidence of expenditure, supplier receipts and Tax Invoices
- a declaration from the Participant or Provider that help has been provided
- any completed 13-week Post Implementation EAF Outcomes Survey, and
- written agreement of affected parties' ownership of any workplace modification.

Chapter 10: Ongoing Support

Supporting Documents for this Chapter

- Ongoing Support needed to keep and support open employment – Provider Fact Sheet
- Purchased support and how it may contribute to hours of Ongoing Support – Provider Fact Sheet
- Ongoing Support contacts – Provider Fact Sheet
- Meaningful Exchange of Email or Text Messages – Provider Fact Sheet

10.1 Chapter Overview

Ongoing Support is available to employees with disability, injury or a health condition who require support to maintain their Employment. Providers deliver continuing, tailored support to Participants, with the aim of building Participants' and Employers' capability to manage disability-related barriers in the workplace and building each Participant's capacity to work independently.

Ongoing Support is available as part of the In-Employment Support phase of Inclusive Employment Australia. Entry into Ongoing Support is available to:

- eligible Participants receiving Post Placement Support from the time they achieve a 26-week Employment Outcome until they achieve a 52-week Employment Outcome, and who need Ongoing Support to keep their Employment, and
- employees already in Employment who access Inclusive Employment Australia as an eligible Ongoing Support (Work Assist) Participant to receive Ongoing Support because they are having difficulty performing the essential functions of their job due to their disability, injury or health condition.

Initially, a Participant's need for and Level of Ongoing Support is identified by the Provider. An independent Ongoing Support Assessment (OSA) is then conducted by a National Panel of Assessors (NPA) provider. The OSA will confirm that Ongoing Support is needed or recommend that it is not needed. OSAs that recommend Ongoing Support is needed remain current for a set period (either 1, 2 or 5-years) based on the circumstances of the individual Participant and must be reviewed to allow the Participant to continue receiving Ongoing Support.

Ongoing Support may continue for eligible Participants for as long as it is needed to help them keep their Employment, or until an eligible Participant no longer wishes to receive Ongoing Support. This is subject to the Participant having a current OSA that recommends they require Ongoing Support. Other requirements the Participant must meet to remain eligible for Ongoing Support are outlined in Section 10.7 When Ongoing Support can be provided.

This Chapter outlines the Provider's responsibilities to in relation to Ongoing Support. This includes:

- identifying a Participant's need for Ongoing Support
- organising and supporting initial OSAs and OSA reviews, and
- how to support a Participant (and their Employer) through Ongoing Support.

Providers receive Ongoing Support Fees to deliver Ongoing Support to eligible Participants — refer to Section 11.7 Ongoing Support Fees11.7 Ongoing Support Fees.

Other fees available while delivering Ongoing Support may include:

- Outcome Fees after a 52-week Period of sustained Employment — refer to Section 11.5 Outcome Fees11.5 Outcome Fees11.5 Outcome Fees11.5 Outcome Fees, and
- Moderate Intellectual Disability (MID) Payments, which may be paid in addition to Full Employment Outcome Fees if the Participant has moderate intellectual disability and has worked on average at least 15 hours per week over the Outcome Period — refer to Section 11.6 Moderate Intellectual Disability Payment.

10.2 Levels of Ongoing Support

Ongoing Support is available at 3 levels of intensity based on a Participant's individual support needs as outlined in the table below.

(Deed Reference(s): Clause 125.1)

Levels of Ongoing Support

Level	Participant support needs	Support over 6 months*
Flexible	Sporadic, episodic or irregular	Up to 25 hours
Moderate	Regular and ongoing	25 – 42 hours
High	Regular and ongoing, significant in hours or intensity	More than 42 hours

*** Note:** This is an indicative guide of hours of support for each level of Ongoing Support. The guide can be used by providers and independent Ongoing Support Assessors to inform decisions about the appropriate level of Ongoing Support for individual Participants.

10.3 Determining the need for Ongoing Support

Ongoing Support is available where:

- the Provider finds the Participant needs higher levels of support than most Participants to maintain employment
- the Participant agrees to receive Ongoing Support, and
- an independent OSA confirms the Participant needs Ongoing Support.

When determining if a Participant in Post Placement Support requires Ongoing Support, Providers must consider how much support the Participant has needed since their Job Placement started.

Providers must assess whether a Participant needs Ongoing Support when a:

- Participant in Post Placement Support is approaching a 26-week Employment Outcome, or if a higher need for support becomes apparent at any time after the Participant has achieved a 26-week Outcome and is tracking towards a 52-week Outcome
- Participant in Post Placement Support achieves a 52-week Employment Outcome and must be Exited from Inclusive Employment Australia if Ongoing Support is not needed, or
- person who is already Employed (not currently in Inclusive Employment Australia) approaches a Provider to Directly Register as an Ongoing Support (Work Assist) Participant.

Details on determining the need for Ongoing Support are included in the table below.

(Deed Reference(s): Clause 125, 126)

Requirements when deciding need for Ongoing Support

Condition	Details
Participant in Post Placement Support is approaching or has already achieved a 26-week Employment Outcome	This is when Ongoing Support becomes available for a Participant in Post Placement Support. The Provider must decide if the Participant can achieve a 52-week Employment Outcome with the support provided in Post Placement Support, or if the Participant has higher needs that can only be met through Ongoing Support. If the Provider thinks the Participant needs Ongoing Support and the Participant agrees to receive Ongoing Support, the Provider: • must request an OSA immediately (within 2 Business Days of a Participant moving to the Ongoing Support phase) • can deliver the Level of Ongoing Support they think is appropriate until the OSA is completed (maximum of 28 days) • can, if the OSA recommends Ongoing Support is needed, continue to deliver Ongoing Support, and • must, if the OSA recommends Ongoing Support is not needed, return the Participant to Post Placement Support if they are continuing to track towards a 52-week Employment Outcome. Participants can move from Post Placement Support to Ongoing Support at any time as needed from the time they achieve a 26-week Employment Outcome until a 52-week Employment Outcome is achieved.
Participant in Post Placement Support is approaching or has already achieved a 52-week Employment Outcome	This is when Ongoing Support becomes the only Inclusive Employment Australia support choice available for the Participant if they continue to be employed. The Provider must decide if the Participant can work independently, or if they need Ongoing Support to maintain their Employment. If the Provider thinks the Participant needs Ongoing Support in the lead-up to the 52-week Outcome or when it is achieved, and the Participant agrees to receive Ongoing Support, the Provider: • must request an OSA immediately • can deliver the Level of Ongoing Support they think is appropriate until the OSA is completed (maximum of 28 days) • can, if the OSA recommends Ongoing Support is needed, continue to deliver Ongoing Support, and • must, if the OSA recommends Ongoing Support is not needed, Exit the Participant once a 52-week Employment Outcome is achieved. If the Provider and/or the Participant decide that the Participant can maintain their employment without additional assistance through Ongoing Support, an OSA is not needed. Once the Participant has achieved a 52-week Employment Outcome, the Provider must Exit the Participant — refer to Section 3.6 Exits3.6 Exits.

Condition	Details
Employee Directly Registers as an Ongoing Support (Work Assist) Participant	Ongoing Support is also available to employees in existing Employment who are not currently receiving support through Inclusive Employment Australia. Eligible employees can volunteer to receive Services as an Ongoing Support (Work Assist) Participant if they are having difficulty performing the essential functions of their job because of their disability, injury or health condition. The Provider must decide if the Participant needs Ongoing Support to maintain their Employment. If the Provider thinks the employee needs Ongoing Support, the Provider: • must check eligibility* and Directly Register the Participant for Inclusive Employment Australia • must immediately request an OSA • can only deliver Moderate Ongoing Support until the first OSA is completed (maximum of 28 days) • can, if the OSA recommends Ongoing Support is needed, continue to deliver Moderate or High Ongoing Support, and • must, if the OSA recommends Ongoing Support is not needed, Exit the Participant from the Inclusive Employment Australia.

10.3.1 Movement into Ongoing Support

Movement into Ongoing Support differs for Ongoing Support Participants transitioning from Post Placement Support and those who enter Inclusive Employment Australia as Ongoing Support (Work Assist) Participants.

For Participants transitioning from Post Placement Support, Providers must first hold a Contact Appointment with the Participant to:

- discuss the Participant's circumstances, Employment situation and support needs
- explain the range of supports that can be provided through Ongoing Support
- seek the Participant's agreement to receive Ongoing Support, and
- if the Participant agrees to receive Ongoing Support:
  - request an OSA
  - commence the Participant in Ongoing Support, and
  - once the Participant has commenced in Ongoing Support, update the Participant's Job Plan to reflect that the Participant is now receiving Ongoing Support.

Providers can immediately start delivering Ongoing Support to the Participant once they have moved them to the Ongoing Support phase in the Department's IT Systems.

Providers must change a Participant's phase to Ongoing Support in the Department's IT Systems.

For Participants who transition from Post Placement Support, the Level of Ongoing Support is determined by:

- the Provider in the period before the first OSA is completed, and
- the first OSA, from the date it is completed.

For Ongoing Support (Work Assist) Participants, Providers must at the Initial Interview:

- discuss the Participant's circumstances, Employment situation and support needs
- explain the range of supports that can be provided through Ongoing Support
- if the Provider considers the Participant needs Ongoing Support to maintain their Employment, seek the employee's agreement to receive Ongoing Support, and

- if the employee agrees to receive Ongoing Support:
  - request an OSA, and
  - enter into a voluntary Meaningful Engagement Job Plan with the Participant, to Commence the Participant.

For Ongoing Support (Work Assist) Participants, the Level of Ongoing Support is:

- set at Moderate Ongoing Support in the period before the first OSA is completed
- determined by the first OSA from the date it is completed, noting that the first OSA may only recommend either Moderate or High Ongoing Support, and
- determined by the OSA from the first 1-year OSA review and any subsequent reviews, noting that the OSA can now recommend either Flexible, Moderate or High Ongoing Support as needed.

Note: Flexible Ongoing Support generally cannot be provided to Ongoing Support (Work Assist) Participants prior to their first OSA review, which is due 1-year from the date of the initial OSA. However, a Participant can be referred for a Change of Circumstances OSA to review the initial OSA if the Provider considers Flexible Ongoing Support is appropriate, and the Ongoing Support (Work Assist) Participant has been in Ongoing Support for at least 26-weeks.

Once the initial OSA is completed, the Provider will generally deliver Services at the Level of Ongoing Support recommended in the OSA report.

If a Participant has lower support needs for a period, a Provider can move a Participant to a lower Level of Ongoing Support, deliver the support needed for that level, and receive the corresponding Ongoing Support Fees. The Provider can, if needed, later return the Participant to the higher Level of Ongoing Support recommended in the OSA.

Providers cannot change the Participant to a higher Level of Ongoing Support than that recommended in the OSA. If a Participant's circumstances change so that they need more support, the Provider can request a Change of Circumstances OSA.

Note: For Ongoing Support Payment arrangements before the first OSA is completed refer to relevant details in Section 11.7 Ongoing Support Fees11.7 Ongoing Support Fees.

(Deed Reference(s): Clause 126, 127, 128, 130, 132)

10.4 Ongoing Support Assessments

OSAs provide an independent assessment of a Participant's need for Ongoing Support, including for Ongoing Support (Work Assist) Participants. As noted in Section 2.6 Ongoing Support Assessments, OSAs are conducted by Ongoing Support Assessors who are NPA providers.

The Ongoing Support Assessor will make a recommendation on the Level of Ongoing Support needed by the Participant (Flexible, Moderate and High) or may recommend that Ongoing Support is not needed, as set out in the NPA Guidelines: Chapter 3: Ongoing Support Assessments.

The Ongoing Support Assessor will also recommend a timeframe for the next OSA review of either 1, 2 or 5-years. The timeframe for the next OSA review is based on the Participant's circumstances, the requirements of their Employment, and stability and permanence of their support needs.

All Ongoing Support (Work Assist) Participants will have their first OSA review set at 1-year from the date of their first OSA. At any next and subsequent reviews, the Ongoing Support Assessor may set the next review due date at 1, 2 or 5-years.

Providers are responsible for deciding when an OSA is needed:

- to confirm a Provider's Assessment that a Participant needs Ongoing Support ('initial' OSA), and
- when a Provider thinks an Ongoing Support Participant's support needs have changed (Change of Circumstances OSA).

The Department's IT Systems will remind Providers when OSA reviews are due based on the time for review set at the last OSA, of either 1, 2 or 5-years. After that period expires, a new OSA must be conducted if the Provider decides, and the Participant agrees, that the Participant continues to need Ongoing Support.

(Deed Reference(s): Clause 108.4, 125, 129, 130)

10.4.1 Requesting an OSA

Providers must submit an OSA Allocation request within 2 days of:

- a Participant moving to the Ongoing Support phase for Participants who have achieved a 26 or 52-week Employment Outcome
- the Provider moving an Ongoing Support (Work Assist) Participant into the Ongoing Support phase, or
- being notified that an OSA review is due.

The Department's IT Systems will notify Providers 6-weeks before an OSA review is due. The Provider must request an OSA Allocation through the Department's IT Systems.

The Department's IT Systems will allocate the OSA to an Ongoing Support Assessor, who will accept or reject the allocation within 2 Business Days of receiving it. If the OSA allocation is rejected, the Provider must resubmit the OSA allocation.

Note: If the Provider does not think further Ongoing Support is needed beyond the end of the current period of Ongoing Support, the Provider does not need to take any action to schedule an OSA review. Ongoing Support must end by the OSA review due date, and the Provider must Exit the Participant from Ongoing Support or from Inclusive Employment Australia in accordance with 10.8.2 Exits from Ongoing Support.

(Deed Reference(s): Clause 125)

10.4.2 Supporting the OSA

As noted in Section 2.6 Ongoing Support Assessments, Providers must support the Ongoing Support Assessor with information about the Participant, including providing any supporting evidence as outlined in 10.4.3 Supporting evidence for OSAs.

The Ongoing Support Assessor may seek the Provider's help in contacting the Participant to arrange an interview. The Provider must advise the Ongoing Support Assessor as soon as possible if they cannot contact the Participant.

The Ongoing Support Assessor may ask the Provider to:

- support and attend the interview with the Participant, a Participant's nominee and/or Participant's advocate(s)
  - the interview can include third party attendance by a nominee or advocate for the Participant, or
  - with the Participant's consent, the interview can be with the nominee or advocate instead of the Participant
- arrange the workplace component of the OSA if the Participant has given consent for their Employer to be contacted, to allow the Ongoing Support Assessor to conduct the Employer interview in the Participant's workplace, and
- take part in the Employer interview.

(Deed Reference(s): Clause 133.3)

10.4.3 Supporting evidence for OSAs

Providers must help the Ongoing Support Assessor make a correct assessment in the OSA by providing documentation outlining the support provided to the Participant over the Job Placement period.

Evidence for OSAs

Information that must be provided	Possible evidence sources
• Frequency of support • Number of Contacts provided • Hours of support provided • Specific strategies for support provided	• The Department's IT Systems Records — for example, Contact dates, times and formats, comments on servicing, Job Plan history • ESAts and other reports • Medical reports • Invoices and receipts • Provider file assessments • Observation Records • Information from interviews with Participant, Family Members, advocates, Employers and supervisors • File notes of conversations • File notes detailing progress made by the Participant

Providers can also help the Ongoing Support Assessor by including information about the Participant's:

- current and previous barriers to work, including how those barriers affect the Participant and the Participant's progress against them, and
- support history and expected support requirements.

10.4.4 OSA outcomes

The Ongoing Support Assessor undertakes the OSA by:

- conducting interviews with the Provider, Participant and Employer (where agreed)
- preparing the Assessment report and deciding on a recommendation, and
- completing and submitting the Assessment report on the Department's IT Systems.

The Department's IT Systems will notify the Provider of the OSA recommendation, and the full Assessment report will be viewable.

Possible recommendations in the OSA report are:

- Ongoing Support is needed (and the Level of Ongoing Support), or
- Ongoing Support not needed.

(Deed Reference(s): Clause 125.6)

When an OSA recommends Ongoing Support is needed

When the outcome of an OSA is that Ongoing Support is needed, the Provider must:

- discuss the recommended Level of Ongoing Support (Flexible, Moderate or High) with the Participant at their next Contact
- agree how the Ongoing Support will be delivered
- update the Participant's Job Plan, if needed, and
- deliver the recommended Level of Ongoing Support (except in the circumstances outlined below).

The Provider:

- cannot receive Payment for a higher Level of Ongoing Support than the recommended Level of Support
- can refer a Participant for a Change of Circumstances OSA at any time if the Participant's needs have changed and they need a higher Level of Ongoing Support, and
- can deliver a lower Level of Ongoing Support than the recommended Level during periods where the Participant does not need their usual Level of Ongoing Support (see the following exception for Ongoing Support (Work Assist) Participants).

For Ongoing Support (Work Assist) Participants, the Provider:

- cannot generally deliver Flexible Ongoing Support to an Ongoing Support (Work Assist) Participant prior to their first OSA review, which is due 1-year from the date that the first OSA was completed, and
- can refer a Participant for a Change of Circumstances OSA if the Provider decides Flexible Ongoing Support is the most appropriate Level, and the Participant has been in Ongoing Support for at least 26-weeks.

When an OSA recommends Ongoing Support is not needed

When the outcome of an OSA is that Ongoing Support is not needed, the Provider must:

- for a Participant who has achieved a 26-week Employment Outcome:
  - if the Participant is still Employed and is continuing to work towards a 52-week Employment Outcome, return the Participant to Post Placement Support
  - if the Participant is still Employed and the 52-week Employment Outcome has been achieved, Exit the Participant from Inclusive Employment Australia as an independent worker
- if the Participant is no longer tracking towards a 52-week Employment Outcome, Exit the Participant from Inclusive Employment Australia, or
- for an Ongoing Support (Work Assist) Participant, Exit the Participant from Inclusive Employment Australia.

10.4.5 Disputing the OSA

Providers or Participants can dispute an OSA report if they think the content or recommendation of the report is not right. Assessments must be disputed as soon as possible, and within 28 days of the OSA completion date. Providers can include more information, if appropriate.

To dispute an OSA report (within 28 days of OSA completion date):

- the Provider or Participant contacts the Ongoing Support Assessor to explain their view and to present reasons and evidence (including any other information)
- if the Ongoing Support Assessor agrees changes are needed, they will:
  - ask the DSS Relationship Manager to set the OSA report status to 'In review', and
  - update the Recommendation Summary section of the report, setting out the review reasons and outcome, including a summary of any changes
- if the Ongoing Support Assessor does not agree to change the OSA report and the Provider still considers the recommendation is incorrect, the Provider can contact the DSS Relationship Manager. The Department will aim to decide an outcome to the dispute within 28 Business Days.

Providers and Participants cannot dispute an OSA more than 28 Business Days after the report is completed. Providers can request a Change of Circumstances OSA to review the OSA if they think an OSA completed more than 28 days ago does not reflect the Participant's current needs.

Note: The Department's Assessment team tracks OSA requests. If the Department thinks a Provider is making unnecessary OSA requests, the Provider will be asked to provide justifications for consideration by the Assessment team.

10.5 Support to be provided to Participants

Providers must deliver support needed for the Participant's Level of Ongoing Support, including Ongoing Support Contacts as outlined in Section 10.6 Participant Contact. Most of the Ongoing Support is expected to be on-the-job assistance and delivered through Provider Contacts with Participants. Contacts may be delivered in the Participant's workplace where all parties agree (i.e. the Participant, Employer and Provider).

Support must focus on helping the Participant meet the requirements of their current Employment, as outlined below and in the Ongoing Support needed to keep and support open employment – Provider Fact Sheet on the Provider Portal.

However, Providers can also provide support to help a Participant to change roles where this support assists them to maintain ongoing Employment longer-term. Supports to change roles can be used to help Participants to either seek a promotion or role change with their current Employer or obtain new, sustainable Employment and include:

- up-skilling of a Participant, including qualifications, if the Participant is reasonably likely to find new sustainable Employment or is seeking opportunities for promotion or a role change with their current Employer. Up-skilling does not need to be in the Participant's current industry, and
- Job Search to help the Participant to look for new sustainable Employment.

Providers should ensure that any supports provided through Ongoing Support to help a Participant to change roles, are balanced against the need to continue providing Ongoing

Support to the Participant to maintain their current Employment while working towards a change in role.

10.5.1 Provider supports

Providers can deliver a range of supports to a Participant through Ongoing Support, including:

- social and behavioural help
- cognitive help
- vocational help
- physical help and personal care
- workplace environment help
- special help (counselling, treatment of episodic conditions, prevention of harm)
- career and professional development help, and
- any other support needed to maintain sustainable, open employment.

The support provided through Ongoing Support must:

- be necessary, reasonable and directly relate to keeping the Participant's Employment
- address the gap between the Participant's job requirements and what they can do (or has difficulty doing) due to their disability, injury, or health condition
- for professional services such as psychological Interventions, must be evidence-based and delivered by health professionals that meet Australian registration requirements, and
- be value for money.

The support may include:

- Participant Training related to their current Open Employment
- on-the-job help and guidance
- skills Training needed to up-skill a Participant's qualification and or skills in their current Employment or new Employment
- advising and supporting employers
- employer and co-worker training
- evidence-based psychological counselling such as cognitive behavioural therapy
- advising or counselling family members, and
- traveling time to provide support.



Providers must record details of Ongoing Support delivered to a Participant in the Department's IT Systems, including information on the Instances of Flexible Ongoing Support provided and the Contacts delivered for Moderate and High Ongoing Support.

The support provided must not duplicate, substitute, or subsidise:

- Employer obligations
- other requirements under the Deed, or
- help available under any other Commonwealth, State or Territory Government service, including supports available as part of a Participant's NDIS plan.

Note: Where a Participant requires Ongoing Support and is also receiving assistance through a worker's compensation scheme, the Provider must only provide the Services the Participant requires that are over and above what they are being provided through worker's compensation, as well as giving consideration to whether or not Ongoing Support can be provided as detailed in 10.7 When Ongoing Support can be provided.

The following Provider actions may not be counted towards Ongoing Support provided to a Participant:

- contacts that do not help to keep or support the Participant's current Open Employment
- job search activities, except after upskilling has been completed and recorded in the Job Plan
- contacts and interventions that are delivered as part of a NDIS plan, including where the Provider is also an NDIS provider for the Participant
- Subcontracting arrangements unless approved by the Department, and
- time spent by staff at meetings, training and undertaking administration.

Further guidance on the types of Ongoing Support a provider may deliver is available in the Ongoing Support needed to keep and support open employment – Provider Fact Sheet on the Provider Portal.

10.5.2 Purchased support

Support bought from the Provider's Own Entity, a Related Entity, or third-party organisation, can be delivered in addition to required Contacts.

Details on whether purchased support can or cannot be counted towards Ongoing Support provided to the Participant are included in the Purchased support and how it may contribute to hours of Ongoing Support – Provider Fact Sheet on the Provider Portal.

Note: Purchased support will be considered by an Ongoing Support Assessor when deciding how much support the Participant needs during an OSA review. Ongoing Support Assessors will generally consider that bought support delivered in a group setting equates to a lesser amount of individual support.

10.6 Participant Contact

Flexible Ongoing Support

For Flexible Ongoing Support, a Provider can deliver support when needed, up to a maximum of 6 'Instances' of support in any 26-calendar week period. An Instance is one or more contacts delivered by a Provider equating to at least 4 hours of Service and can be delivered on a single day or across multiple dates. A Payment will be made for each Instance of Flexible Ongoing Support completed in the Department's IT Systems, up to the maximum allowed of 6 Instances within any 26-calendar week period.

- Providers must schedule Ongoing Support Contacts in the Participant's Electronic Calendar.
- Providers must also complete details of each Flexible Ongoing Support Instance provided to the Participant in the Department's IT Systems to generate the Payment of a Flexible Ongoing Support Fee. The Department's IT Systems will allow Providers to record details for Instances that occur across multiple dates.

For current Ongoing Support Participants and Ongoing Support (Work Assist) Participants, Instances of Flexible Ongoing Support must be created and completed in the Department's IT Systems within 28 days of the Instance start date.

To automatically generate Payment of the Instance, Providers must:

- create an Instance in the Ongoing support tab
- record details about the amount (at least 4 hours) and type of Support, how and to whom it was delivered by the Provider and the date(s) the Instance was delivered
- complete the Instance, including certifying that:
  - the details recorded in the Instance are true and correct
  - sufficient documentary evidence has been retained to support the Payment, and
  - the Participant has met their minimum 8-hours work per week requirement (this checkbox will not appear if the Participant is exempt from this requirement).

Detailed instructions are available in the Managing Flexible Ongoing Support (FOS) Instances task card.

Note on recording additional Instances: Providers have the discretion to deliver and record additional un-paid Instances of Flexible Ongoing Support beyond the 6 'Instances' of support allowable in any 26-calendar week period. Providers can use this functionality to track evidence of extra support delivered, if needed. For example, this evidence could be used to support a Change of Circumstances OSA.

Additional instances can be created and completed in the Department's IT Systems. Once the Instance has been completed the Ongoing Support Instances table will display the status as 'Completed – not payable'.

Note on who can receive support: Under Inclusive Employment Australia a Provider must deliver the majority of each Flexible Ongoing Support Instance directly to a Participant. However, if it is not in the Participant's best interests to be included in every aspect of the Instance, such as a meeting between the Provider and Employer or a Provider delivering advice or counselling to a family member, the Participant is not required to be present for that part of the Instance.

Note on Suspensions: If a Participant needs to be Suspended, all Instances of Flexible Ongoing Support (at least 4 hours of Support) that have been delivered must be completed in the Department's IT Systems before the Participant is Suspended.

Note on Exits: If a Participant Exits Inclusive Employment Australia, all Instances of Flexible Ongoing Support (at least 4 hours of Support) that have been delivered must be completed in the Department's IT Systems before the Participant is Exited.

Moderate and High Ongoing Support

For Moderate or High Ongoing Support, a Provider is required to deliver support via the minimum number of Contacts – 6 Contacts per quarter for Moderate Ongoing Support, and 12 Contacts per quarter for High Ongoing Support.

Providers must schedule Ongoing Support Contacts in the Participant's Electronic Calendar.

- Providers must also record details of each Moderate and High Ongoing Support Contact in the Department's IT Systems to both generate Payments of Ongoing Support Fees and to support minimum Contact assurance processes.
- For current Ongoing Support and Ongoing Support (Work Assist) Participants, Contacts for Moderate or High Ongoing Support Contacts must be created and completed no more than 180 days after the Contact start date.
- To automatically generate a Payment Providers must
  - create individual Contacts that they have delivered in the Ongoing support tab
  - record details about the amount and type of Support, how and to whom it was delivered by the Provider and the date(s) the Contact was delivered
  - complete individual Contacts, including certifying that:
    - the details recorded in the Contact are true and correct
    - sufficient documentary evidence has been/will be retained to support the claim, and
    - the Participant has met their minimum 8-hours work per week requirement (this checkbox will not appear if the Participant is exempt from this requirement).
- Detailed instructions are available in the Managing Moderate Ongoing Support (MOS) and High Ongoing Support (HOS) Contacts' task card.

Note on documentary evidence: When completing Ongoing Support Contacts in the Department's IT Systems, Providers can certify Contacts even if documentary evidence is not yet available to show that the 8-hour requirement has been met. However, Providers must only complete a Contact if they know at the time the Contact was delivered that:

- the Participant will be able to meet their requirement to work an average of at least 8-hours per week, and
- they will be able to obtain the necessary documentary evidence as soon as possible.

Alternatively, Providers also have the option to wait until documentary evidence has been obtained to complete the Contact. Providers have up to 180 days from the start date of the Contact to complete the Contact in the Department's IT Systems.

Note on who can receive support: Under Inclusive Employment Australia a Provider must deliver the majority of Moderate or High Ongoing Support Contacts directly to a Participant. However, if it is not in the Participant's best interests to be included in every Contact, such as a meeting between the Provider and Employer or a Provider delivering advice or counselling to a family member, the Contact may be delivered wholly or partly to another person.

Note on Suspensions: If a Participant needs to be Suspended, all Contacts for Moderate or High Ongoing Support that were delivered before the Suspension commenced must be completed in the Department's IT Systems before the Participant is Suspended.

Note on Exits: If a Participant Exits Inclusive Employment Australia, all Contacts for Moderate or High Ongoing Support that were delivered before the Participant ceased to be a Participant must be completed in the Department's IT Systems before the Participant is Exited.

Ongoing Support Minimum Contacts and Payment requirements

Moderate and High Ongoing Support Fees may be payable to a Provider monthly (by default) or quarterly. The frequency of Moderate and High Ongoing Support Contacts required for each month or quarter is outlined in the following table.

Level of Ongoing Support	Quarterly Contact and Payment requirement	Monthly Contact and Payment requirement
Moderate	At least 6 Contacts must be delivered to each Participant and completed in the Department's IT Systems each quarter to meet the minimum Contact requirement of at least 6 contacts per quarter. At least 3 Contacts must be delivered to each Participant and completed in the Department's IT Systems within the Payment quarter to trigger Payment.	An average of 2 Contacts must be delivered to each Participant and completed in the Department's IT Systems each month to meet the minimum Contact requirement of at least 6 Contacts per quarter. At least 1 Contact must be delivered to each Participant and completed in the Department's IT Systems within the Payment month to trigger Payment.
High	At least 12 Contacts must be delivered to each Participant and completed in the Department's IT Systems each quarter to meet the minimum Contact requirement of at least 12 Contacts per quarter. At least 3 Contacts must be delivered to each Participant and completed in the Department's IT Systems within the Payment quarter to trigger Payment.	An average of 4 Contacts must be delivered to each Participant and completed in the Department's IT Systems each month to meet the Contact requirement of at least 12 Contacts per quarter. At least 1 Contact must be delivered to each Participant and completed in the Department's IT Systems within the Payment month to trigger Payment.

Notes on delivering minimum Contacts in line with OSA recommendations:

- Providers are required to deliver the minimum number of Contacts for the Level of Ongoing Support as recommended by the OSA. Pro-rata recovery of Ongoing Support Fees for Contacts not delivered may apply and will be considered on a case-by-case basis.
- If a Participant has lower support needs for a period, a Provider can move the Participant to a lower Level of Ongoing Support, deliver the support required for that level, and receive Payment for the corresponding Ongoing Support Fees.

Delivering Contacts

Providers must agree the Contact schedule and modes of Contact with the Participant when providing Ongoing Support. Support counts as an Ongoing Support Contact when it is delivered to the Participant in one of the following accepted forms:

- face-to-face
- phone conversation
- videoconference, and
- meaningful exchange of email or text messages — that is, more than one message that includes:
  - details about support the Participant needs to keep Employment and work independently, and
  - one or more responses to the messages by the Participant.

More information is available in the Ongoing Support contacts – Provider Fact Sheet available on the Provider Portal.

More information on use of email or text messages is available in the Meaningful exchange of email or text messages – Provider Fact Sheet available on the Provider Portal.

Note: Participation requirements may continue to apply to Participants (Mutual Obligation) and DSP Recipients (Compulsory Requirements) while they receive Ongoing Support. Providers should refer to Section 5.6.1 Appointments 5.6.1 Appointmentsfor further information on how to capture Contacts and Contact Appointments for those with a Meaningful Engagement Job Plan or Detailed Job Plan.

10.7 When Ongoing Support can be provided

Providers are expected to deliver Ongoing Support to an eligible Ongoing Support Participant or Ongoing Support (Work Assist) Participant while the Participant:

- remains Employed and working in an Open Employment position, and
- undertakes work at an average of at least 8 or more hours per week where a Participant's assessed future work capacity with intervention is 8 hours or more, or
- the Participant can work fewer than 8 hours a week where the Participant's assessed future work capacity with intervention is less than 8 hours per week, or they are an Ongoing Support (Work Assist) Participant.

Note: Participants who have received Ongoing Support since before 1 July 2018 can continue to receive Ongoing Support under the conditions that applied when they first received Ongoing Support. These 'grandfathered' Participants can receive Ongoing Support while they are still Employed and working, even if they average less than 8 hours work per week.

(Deed Reference(s): Clause 125, 126, 127, 128)

When a Participant moves to a new job while in Ongoing Support

Multiple changes of Employment are available during any period of Ongoing Support, but all new Employment must be Employment that contributes to an Employment Outcome. That is, it cannot be Employment that meets the definition of a Non-Payable Outcome.

If the Participant finds a new job, the Provider must enter details of the new Employment into the Department's IT Systems and keep Documentary Evidence as verification.

Note: A Change of Circumstances OSA is only required if the Provider considers that the Participant's circumstances have changed due to the change in Employment.

Participants receiving worker's compensation

A Participant is usually considered to be Employed while they are receiving worker's compensation payments. During this period, worker's compensation is the primary source of Employment supports. This means a Participant may need less (or no) Ongoing Support during a period of worker's compensation.

The Provider must:

- Exit the Participant, if the Provider or Ongoing Support Assessor decides the Participant no longer needs Ongoing Support above the support provided through worker's compensation, or

- Suspend the Participant, if they are working fewer than 8 hours per week and have an Employment Benchmark of 8 hours (unless exempt as outlined above).

Note: Refer to Section 10.8.1 Suspending Ongoing Support for additional circumstances where a Provider Exit must be considered.

If a Provider intends to continue delivering Ongoing Support to a Participant receiving worker's compensation, they must refer the Participant for a Change of Circumstances OSA. The OSA will assess how much support the Participant needs through Ongoing Support while they are being supported through worker's compensation. This avoids doubling up of resources.

There is a worker's compensation scheme for each state and territory and 3 Commonwealth schemes. Each one is governed by different laws and may vary in the way it operates. Providers should familiarise themselves with the relevant schemes to understand what support is provided under schemes that apply in their ESA.

10.8 When Ongoing Support is not needed

When a Participant does not need Ongoing Support, the Provider must follow the guidance for Suspending and Exiting Participants as outlined in Chapter 3: Commencements, Transfers, Suspensions and Exits. In addition to this guidance, other considerations for Suspending and Exiting Participants from Ongoing Support are outlined below.

10.8.1 Suspending Ongoing Support

Providers can Suspend a Participant receiving Ongoing Support, to pause the Participant's Period of Registration and temporarily stop delivery of Ongoing Support for the duration of the Suspension period. Suspending the Participant prevents:

- continued delivery of Contacts at a time when the Participant is unable to receive help from the support, and
- condensed delivery of Contacts, once a Participant can participate, to meet support requirements for the relevant Level of Ongoing Support within the set Ongoing Support delivery period.

Providers can Suspend a Participant, as appropriate, for up to 13 Consecutive Weeks. The Provider can extend the Suspension period for a further 13 weeks if required by the Participant. The Provider may extend the Suspension multiple times to a maximum of 12 months in one consecutive period.

Note: The Provider must discuss the Suspension period and any extensions to this period with the Participant.

Providers:

- must Suspend Ongoing Support when a Participant does not meet the requirements to receive Ongoing Support (unless an Exit is more appropriate)— refer to Section 10.7 When Ongoing Support can be provided, and
- may Suspend Ongoing Support during periods when they consider the Participant does not need Ongoing Support.

Examples of scenarios where Providers can Suspend a Participant to allow for any breaks in the Participant's Employment or periods where the Participant is temporarily unable to meet their requirement to keep Ongoing Support eligibility, are outlined below.

When a Participant takes leave

Providers may Suspend a Participant in Ongoing Support if a Participant does not need support for a period (for example, during Christmas shutdowns, annual leave, extended periods of sickness leave, parental leave or long service leave).

Providers can offer to continue to deliver Ongoing Support for up to 4 weeks without Suspending the Participant if the Participant requires help to keep their Open Employment during a period of short leave such as annual leave or over the Christmas shutdown. If the Participant does not agree to receive help over this period, the Provider must Suspend the Participant.

A Participant who is Suspended from Ongoing Support may request that they receive Ongoing Support before the Suspension is due to be completed, for example, to assist them to prepare to return to Employment following a period of leave. In such cases, the Provider may lift the Suspension early and provide Ongoing Support.

The earliest date on which the lifting of a Suspension from Ongoing Support can take effect is the next Business Day after the Provider updates the Suspension end date in the Department's IT Systems.

A Provider may if required deliver Ongoing Support to a Participant before a Suspension has been lifted in the Department's IT Systems, for example, on the day a Suspended Participant requests Ongoing Support. When the lifting of the Suspension has taken effect in the Department's IT Systems on the next Business Day, the Provider may complete the Instance or Contact with a completion date of the day after the Instance or Contact was delivered. The Provider must keep Documentary Evidence that shows the actual date that the Instance or Contact was delivered.

- To lift the Suspension early, the Provider must update the Suspension end date details in the Department's IT Systems.
- The Provider must record the Instance or Contact in Department's IT Systems and keep Documentary Evidence, including evidence that shows the actual date that it was delivered.

When a suspension is required for longer than 12 months

Providers can generally only Suspend Participants in Moderate or High Ongoing Support for a maximum of 4 consecutive 13-week periods (up to a total of 12 months). In some cases, the Department may approve an extension of a Participant's Suspension beyond 12 months, for example if the Participant is on parental leave. Where approved, the Provider may extend the Suspension period for a further 13 weeks. This may be done multiple times, with approval. Providers should follow their Organisation's communication protocol to submit a request to their Account Manager for Ongoing Support Suspension extensions.

When a Participant is unable to meet the 8-hour Employment requirement

Unless exempt, Participants must work at an average of at least 8 or more hours per week to receive Ongoing Support. If the hours of Employment for an Ongoing Support Participant fall below 8 hours per week on average, the Provider should Suspend delivery of Ongoing Support until the hours increase or the Provider assesses that the Participant should be Exited as outlined in Section 10.8.2 Exits from Ongoing Support.

Note: Exempt Participants include Participants with an Employment Benchmark of less than 8 hours, Ongoing Support (Work Assist) Participants and 'grandfathered' Participants who have continued to receive Ongoing Support since before 1 July 2018, as outlined in 10.7 When Ongoing Support can be provided.

Permissible Breaks and Voluntary Changes in Employment

A Participant receiving Ongoing Support may have a short break in Employment for:

- a Permissible Break of up to 28 days (generally) if the Participant is unable to work at their normal employment conditions due to circumstances outside the control of the Participant or Provider, and the Participant subsequently commences in alternative Employment or returns to the same Employer, or
- a Voluntary Change in Employment of up to 7 Calendar Days.

Further information about Permissible Breaks and Voluntary Changes in Employment is outlined in Section 9.5.3 Permissible Breaks and Voluntary Changes in Employment.

Section 10.7: When a Participant moves to a new job while in Ongoing Support, includes further information about the need for a Change of Circumstances OSA due to a change in Employment.

10.8.2 Exits from Ongoing Support

The Department's IT Systems will automatically Exit any Participant receiving Ongoing Support who has not received any Flexible Ongoing Support Instances for any period of 52 Consecutive Weeks.

Providers must Exit an Ongoing Support Participant from Inclusive Employment Australia if:

- the Provider decides the Participant no longer requires Ongoing Support, unless the Participant is moved back to Post Placement Support because they are tracking towards a 52-week Employment Outcome
- an OSA recommends the Participant no longer requires Ongoing Support, unless the Participant is moved back to Post Placement Support because they are tracking towards a 52-week Employment Outcome
- the Participant has achieved a 52-week Employment Outcome and requests to leave Ongoing Support, and is:
  - Fully Meeting their Mutual Obligation Requirements or has an Exemption, or
  - a Volunteer (Non-Mutual Obligation)
- the Participant ceases to be in Employment, Unsubsidised Self-Employment, Traineeship or Apprenticeship (excluding any time during a Voluntary Change in Employment), unless the Participant is moved back to Pre-Employment Support, or
- the Participant is in Moderate or High Ongoing Support and Ongoing Support has been Suspended for more than 12 months (unless otherwise agreed by the Department as outlined in 10.8.1 Suspending Ongoing Support).

Providers must Exit an Ongoing Support (Work Assist) Participant from Inclusive Employment Australia if the:

- Provider considers the Participant no longer requires Ongoing Support
- OSA recommends the Participant no longer requires Ongoing Support
- Participant requests to leave Ongoing Support

- Participant ceases to be in Employment, Unsubsidised Self-Employment, Traineeship or Apprenticeship, or
- Participant is in Moderate or High Ongoing Support and Ongoing Support has been Suspended for more than 12 months (unless otherwise agreed by the Department as outlined in 10.8.1 Suspending Ongoing Support).

Note: Participants who have been Exited from Inclusive Employment Australia but are still in Employment may re-enter Inclusive Employment Australia as an Ongoing Support (Work Assist) Participant if they need Ongoing Support again in the future.

(Deed Reference(s): Clause 126.1(b), 128, 132.1(e), 154.12, 154.13)

10.9 Additional considerations for Ongoing Support (Work Assist) Participants

Employees who are already in Employment (not currently in Inclusive Employment Australia or an Other Employment Service) may become an Inclusive Employment Australia Participant to access Ongoing Support because they are having difficulty performing the essential functions of their job due to their disability, injury or health condition.

Some of these Participants may have found their own Employment and may have never interacted with Inclusive Employment Australia or an Other Employment Service before. Others may be former Participants who have Exited Inclusive Employment Australia and then commence in Inclusive Employment Australia again as an Ongoing Support (Work Assist) Participant because there has been a change in their circumstances that is affecting their Employment.

Ongoing Support (Work Assist) Participants do not have an Employment Benchmark. Providers must address the Participant's Employment barriers and build their capacity, so Participants can keep or resume their usual hours of Employment.

Ongoing Support (Work Assist) Participants receive the same supports as Inclusive Employment Australia Participants who move from Post Placement Support to Ongoing Support.

There are some special conditions for Registering, commencing, assessing and servicing Ongoing Support (Work Assist) Participants.

Ongoing Support (Work Assist) Participants:

- must meet the eligibility criteria to be Directly Registered as listed in Section 1.3.6 Ongoing Support (Work Assist) Participants
- do not require an ESAt or JCA
- do not have to work a minimum of 8 hours per week to continue receiving Ongoing Support
- are not subject to the Initial Engagement Period
- can only receive Moderate Ongoing Support until the initial OSA is completed
- will have the due date for their first OSA review set 1-year from the date the initial OSA was completed, and
- cannot in general* receive Flexible Ongoing Support prior to their first OSA review to allow the Provider and Ongoing Support (Work Assist) Participant adequate time and more regular contact through Moderate or High Ongoing Support to develop a relationship that enables them to work together to address the barriers and urgent

support needs that prompted the Participant to reach out for support through Inclusive Employment Australia.

*** Note:** If a Provider decides during the first year of Ongoing Support that Flexible Ongoing Support is the most appropriate Level of Ongoing Support for an Ongoing Support (Work Assist) Participant, the Provider may, after at least 26 weeks of Moderate or High Ongoing Support, refer the Participant for a Change of Circumstances OSA to determine if Flexible Ongoing Support is the right Level of Ongoing Support for the Participant.

Providers should refer to Section 10.4 Ongoing Support Assessments and Section 10.5 Support to be provided to Participants for further guidance on OSAs and delivery of support for Ongoing Support (Work Assist) Participants.

(Deed Reference(s): Clause 108.4, 113.6, 125.4, 127, 128, 129, 130, 132)

10.10 Support to be provided to Employers

If a Participant who is eligible to receive Ongoing Support chooses not to disclose their injury, disability or health condition to their Employer, the Provider must not disclose this information to the Employer and must not contact the Employer about Ongoing Support. In this situation, the Provider will deliver Ongoing Support to the Participant only.

When a Participant does agree to the Provider contacting their Employer about Ongoing Support, the Provider must work with both the Participant and the Employer to support the Participant to keep their current Employment.

Most of the Ongoing Support help is expected to be on-the-job assistance and is delivered through Provider Contacts to support Participants to meet the requirements of their role.

Supports must be tailored to the individual needs of the Participant and the Employer. Employer supports are outlined in the following table.

(Deed Reference(s) Clause 121)

Employer Supports

Category	In Employment Supports may include:
On-the-job support	• Supporting Employers through Ongoing Support provided to Participants (as outlined in 10.5 Support to be provided to Participants), to assist Employers to build each Participant's capacity to work independently. • Assisting employers with advice and support. • Assisting Employers to adjust duties or providing training to learn new skills. • Organising workplace assessments and modifications.
Employer capability-building support	• Providing guidance on creating accessible and inclusive workplaces to help Employers to manage employees with disability. • Supporting Employers to access information around disability training for their workplace. • Providing guidance on employee retention strategies to help Employers to effectively support people with disability and reduce turnover. • Providing guidance on job design and job customisation.

Category	In Employment Supports may include:
	• Linking Employers to relevant Commonwealth, State and Territory Government, local government, and non-government programs, and to communities of practice.
Additional support for Employers	• As appropriate, helping Employers to access financial assistance through the Employment Assistance Fund (EAF) for work-related modifications and services (see Section 9.8 Employment Assistance Fund). • As appropriate, helping an Employer to make an application in respect of the Supported Wage System. • As appropriate, providing information and training on how access to Wage Subsidies to support Participants and Employers (see Chapter 8: Wage Subsidies).

Chapter 11: Payments to Providers

Supporting Documents for this Chapter

- Manual Payments and System Corrections – Provider Fact Sheet

11.1 Chapter Overview

This Chapter outlines Payments available to Providers and any actions required to claim each Payment.

The Chapter outlines:

- Employment Benchmarks
- Service Fees
- Progress Fees
- Outcome Fees
- Moderate Intellectual Disability (MID) Payment, and
- Ongoing Support Fees.

The Participant Investment Funding Model applies to Service Fees and Outcome Fees. Under the Participant Investment Funding Model, more funding is available to support Participants who have multiple or complex barriers to Employment as determined by factors such as:

- demographic characteristics
- disability type, as captured by the ESAt or JCA, and
- other relevant statistical data collected by the Australian Bureau of Statistics (ABS), Services Australia and DEWR.

The Department will periodically recalibrate the Participant Investment Funding Model, where appropriate, to reflect changes in the relative likelihoods of Employment on which Participants' Funding Levels are based.

Providers will need to meet Documentary Evidence requirements for Payment claims. Providers will be required to supply Documentary Evidence at the time of making the relevant claim for a Payment through the Department's IT Systems or within 10 Business Days of a request by the Department.

This Chapter should be read in conjunction with Part A Guidelines: Chapter 5: Record Management Instructions.

Note: All Fees for Inclusive Employment Australia are specified in Annexure B – Fees and Outcomes of the Inclusive Employment Australia Deed and subject to indexation rate determinations.

11.2 Employment Benchmarks

Each Participant who is not an Ongoing Support (Work Assist) Participant will have an Employment Benchmark of 0, 8, 15, 23, or 30 hours per week.

The Employment Benchmark gives the number of hours that a Participant must work each week, on average, to achieve a Full Outcome. It also impacts how many hours the Participant must work to achieve a Partial Outcome.

A Participant's Employment Benchmark may be set by either:

- the Participant's assessed work capacity in their most recent ESAt/JCA, or
- the 'ESAt/JCA Exempt' flag in the Participant record in the Department's IT Systems.

Employment Benchmarks based on assessed work capacity

An Employment Benchmark based on the Participant's assessed work capacity sets the Employment Benchmark as the lower of:

- the lower end of the Participant's 'with intervention' work capacity bandwidth (special case for some Participants with a work capacity of 0-7 hours), or
- (where applicable) 15 hours, if the Participant has caring responsibilities.

This is shown in the table below.

Participant	Employment Benchmark
'With intervention' capacity of 0-7 hours per week *[Note 1]*	0 hours
'With intervention' capacity of 0-7 hours per week and capacity to work at least 8 hours per week with ongoing support or intervention *[Note 1]*	8 hours
'With intervention' capacity of 8-14 or 8+ hours per week	8 hours
'With intervention' capacity of 15-22 hours per week	15 hours
'With intervention' capacity of 23-29 hours per week	23 hours
'With intervention' capacity of 30+ hours per week *[Note 2]*	30 hours
Principal Carer Parents	15 hours
Parenting Payment recipients without participation requirements	15 hours
Carer Payment recipients who choose to work reduced hours due to caring responsibilities	15 hours

Note 1: If a Participant's 'with intervention' work capacity in their ESAt is 0-7, the provider must check to see if the ESAt notes they could work for 8 hours with ongoing support.

Note 2: Individuals with an assessed work capacity of 30 hours or more per week are ineligible to Commence in Inclusive Employment Australia, but Participants who Commenced in DES prior to 1 July 2021 may have an Employment Benchmark of 30 hours.

Employment Benchmarks based on ESAt/JCA Exempt flag

The 'ESAt/JCA Exempt' flag is usually applied by the Provider as part of the direct registration process, indicating that the Participant is eligible to use one of the special eligibility pathways described at Section 1.3 Special eligibility criteria.

Where an ESAt/JCA Exempt flag is applied, the Participant's Employment Benchmark will be as set out in the table below.

Participant	Employment Benchmark
Eligible School Leaver	8 hours
Special Class Client	8 hours
Ongoing Support (Work Assist)	N/A

Note: Ongoing Support (Work Assist) Participants do not require an Employment Benchmark as they cannot achieve Employment Outcomes.

Participant Employment Benchmarks are included in the Employment Services Reporting Portal caseload report SUB*622 – Inclusive Employment Australia – Caseload Report or* can be derived from the Participant's ESAt on the Department's IT system along with other Participant information in the above tables.

11.3 Service Fees

A Provider may be eligible for Service Fees for a Participant while the Participant is receiving Pre-Employment Support. The Service Fees recognise delivery of quality person-centred case management that invests in building a Participant's Work Readiness and supports them in finding sustainable Open Employment (see Chapter 6: Pre-Employment Support). Service Fees also contribute to any investments the Participant needs to improve their work readiness or vocational skills.

There are 5 Service Fee Funding Levels for those receiving the Intensive Service, as determined by the Participant Investment Funding Model. The higher Funding Levels recognise that greater investment will be required to support them to prepare for and find work.

The Flexible Service has a single flat fee, in line with the less intensive support needed.

Providers must deliver minimum Contacts to be eligible for Service Fees. As noted in Section 6.6Participant Contact6.6 Participant Contact, the minimum Contacts a Provider must deliver to a Participant in Pre-Employment Support are:

- for Participants in the Intensive Service – at least 6 Contacts each 3 months, and
- for Participants in the Flexible Service – at least 2 Contacts each 3 months.

(Deed Reference(s): Clause 114.1)

Providers do not need to provide Documentary Evidence to claim Service Fees, however, are required to retain sufficient Documentary Evidence that demonstrates that Services have been delivered to support each Service Fee claim.

Providers do not need to submit a claim for Payment. The Department's IT Systems will automatically calculate and pay a Provider a Service Fee for each eligible Participant Commenced on the Provider's Caseload.

Payments are made in arrears after 28 calendar days of Pre-Employment Support, starting from the Participant's Commencement Date with the Provider.

The Service Fee period ends, and a pro-rata Service Fee is paid, when:

- the Participant moves from Pre-Employment Support into Post Placement Support
- the Participant's Period of Registration is paused due to a Suspension, or
- the Participant's Period of Registration ends because the Participant transfers to another Provider or the Participant Exits the Inclusive Employment Australia Program.

A new Service Fee period will start if a Participant returns to Pre-Employment Support, ends a period of Suspension, or resumes their Period of Service within 13 weeks of Exiting from the Program (refer to relevant Sections in Chapter 3: Commencements, Transfers, Suspensions and Exits).

The Service Fee Payment value will depend on the Participant's Funding Level applicable for each day of the Service Fee period and whether the Participant was receiving the Intensive Service or Flexible Service.

At each Payment date, the Department's IT Systems will generate a Tax Invoice for each Commenced Participant and pay the calculated Service Fee Payment.

(Deed Reference(s): Clause 161, Annexure B1)

11.4 Progress Fees

A Progress Fee is a Payment available to a Provider for a demonstrable improvement in the Participant's Work Readiness and progress towards Employment through the provision of Services.

(Deed Reference(s): Clause 162, Annexure B1)

11.4.1 Eligibility for Progress Fees

Progress Fees recognise that there are various steps individual Participants may take to move closer to sustainable Employment. There are 3 ways a Participant can demonstrate progress including through:

- Employment (for details, see Section 11.4.2 Progress Fees for Employment, paid work experience or a paid Work Trial), with
  - achievement of 4-weeks of Employment, or
  - completion of paid work experience, including shorter jobs (that may be non-ongoing) and work in a social enterprise.
- Education or Training (for details, see Section 11.4.3 Progress Fees for Education and Training), with
  - attainment or participation in a Certificate III or higher qualification, or
  - attainment of a Certificate II, where the Participant does not already hold a Year 12 or equivalent qualification.
- Activities that address Vocational Barriers (for details, see Section 11.4.4 Progress Fees for Activities that address Vocational Barriers), with
  - participation in a Complementary or Specified Activity that builds Work Readiness, or
  - participation in approved Voluntary Work.

Providers are eligible to claim Progress Fees where the Participant started the Employment, Education/Training or Activity after commencing in Inclusive Employment Australia and continued to meet the requirements of the Progress Fee until the relevant claim point. The Progress Fee can be claimed by the Provider supporting the Participant at the time the Progress Fee becomes claimable.

Services and phases in which Progress Fees may be claimed

A Progress Fee may be payable for Employment that commences while a Participant is in Pre-Employment Support (Intensive or Flexible Service and Work Preparation or Job Search phases). The Progress Fee may be claimed during Pre-Employment Support if the Job Placement is not anchored, for example because it is a paid Work Trial or work experience placement.

A Progress Fee may be claimed during Post Placement Support if the Job Placement is ongoing and has been anchored (see Section 9.3.2 Anchoring a Job Placement).

A Progress Fee for Education and Training or Activities that address Vocational Barriers may be payable while a Participant is receiving Pre-Employment Support or Post-Placement Support.

No Progress Fees are payable in Ongoing Support.

Progress Fee availability to claim

Providers are eligible to claim up to 2 Progress Fees for a Participant for each 12 months (52 Consecutive Weeks) the Participant remains Registered with the Provider. If a Participant transfers and Commences with a new Provider, a new 12-month period will start.

When a Participant transfers after completing the requirements for a Progress Fee (i.e. the completion of the Activity occurred while the Participant was on the Relinquishing Provider's Caseload), the Relinquishing Provider must claim a Progress Fee Payment within 28 calendar days from the date of transfer.

Non-Payable Progress Fees

After 2 Progress Fees have been claimed in a 12-month period, no further claims can be made even where the Participant meets the eligibility for a Progress Fee. The date the requirements for a Progress Fee have been met determines which period the fee falls in.

Only 1 of the 2 Progress Fees can be claimed for Education and Training in a 12-month period.

Providers are not eligible to claim a Progress Fee for a Participant placed in:

- other government program (i.e. those funded by the Commonwealth, State or Territory Government and not listed as a Complementary or Specified Activity in these Guidelines)
- Non-Vocational Activities and Interventions
- Volunteer Work that is not with an eligible organisation as specified in these Guidelines
- a position in a social enterprise that is not registered with Social Traders Australia or People and Planet First
- Employment, Work Trials, paid work experience or Voluntary Work within the Provider's Own Organisation or a Related Entity
- a position for which the type of work is inappropriate for the Participant based on their ESAt, or
- a Non-Payable Progress Placement as defined in Annexure A of the Deed.

Providers cannot claim multiple Progress Fees linked to the same job or course. For example, a Progress Fee that has been claimed for Voluntary Work, Observational Work Experience, or paid work experience cannot then be claimed again for 4-weeks Employment with the same Employer. Similarly, if a Progress Fee is claimed for a Participant completing 26 Consecutive Weeks of a Certificate III certification, a Progress Fee cannot be claimed when they attain the certification for the same course.

(Deed Reference(s): Clause 162, Annexure B1)

11.4.2 Progress Fees for Employment, paid work experience or a paid Work Trial

A Progress Fee based on Employment, work experience or a paid Work Trial may be claimed for:

- achievement of 4 weeks Employment, with or without an Anchor Date set for an Employment Outcome.

To claim a Progress Fee based on Employment, paid work experience or a paid Work Trial, Providers must:

- support the Participant to work for a minimum of 24 hours over a continuous 4-week period, and
- confirm the Participant is paid at the relevant Modern Award, National Minimum Wage or Enterprise Agreement rate in Open Employment.

The placement does not need to:

- be anchored, unless the Participant is in Post Placement Support
- meet the Participant's Employment Benchmark, or
- be ongoing Employment (for example, it could be short term or seasonal work).

If the position is in a social enterprise, the social enterprise must be registered with Social Traders Australia or People and Planet First and must not be for work in Supported Employment Services. Positions paid under the Supported Wage System may be eligible for a Progress Fee.

The period for the Progress Fee can count towards a 12-week Employment Outcome.



The Job Placement Vacancy ID must be recorded in the Progress Payment screen in the Department's IT Systems. Providers may enter an achievement date is that more than four weeks later than the job placement start date for the purposes of tracking and claiming a Progress Fee (Employment).



Documentary Evidence, showing the Participant remained Employed or in Paid Work Experience for the entire 4-week period and worked the required 24 hours, must be in the form of:

- copies of payslips covering the entire 4-week period, or
- a signed and dated written statement or email from the Employer or Participant.

Note: Providers may ask Participants for payslips for the purposes of verifying Employment Outcomes, but Participants are under no obligation to provide this information. If a Participant does not want to supply payslips, Providers must not attempt to coerce or pressure the Participant. Providers must not threaten to, or apply, payment suspensions or Demerits under the Targeted Compliance Framework (TCF) to compel Participants to supply payslips or other evidence of Employment. Additionally, Providers must not contact an Employer directly to ask for evidence without the Participant's permission or consent, and Providers must not visit a Participant's Private Residence seeking payslips.

The Department will thoroughly investigate any claims of this nature and pursue action for a Breach of the Deed as appropriate.

11.4.3 Progress Fees for Education and Training

A Progress Fee based on accredited Education and Training may be claimed where:

- a Certificate II is attained, and the Participant does not already hold a Year 12 or equivalent qualification — noting the Certificate must be attained and not just participated in, or
- a Certificate III or higher qualification is either attained, or 26 Consecutive Weeks of the certification is completed.

The Activity ID must be recorded in the Progress Payment screen in the Department's IT Systems.

Documentary Evidence must be in the form of either:

- a copy of the qualification or statement issued by the Registered Training Organisation or Education institution showing the qualification achieved, the Participant's name, and details of the Registered Training Organisation or Education institution, or
- confirmation from the Registered Training Organisation or Education institution that the course is full-time study as defined by the Registered Training Organisation or Education institution and that the Participant is still participating in the course 6 months after commencement. This may be in the form of correspondence from the Registered Training Organisation or Education institution, a certificate of attainment, an academic transcript or extract.

11.4.4 Progress Fees for Activities that address Vocational Barriers

A Provider may be able to claim a Progress Fee for a Participant's participation in, or completion of, the following Activities:

- Voluntary Work — Provider or Participant Sourced
- Observational Work Experience (OWE)
- Adult Migrant English Program (AMEP)
- Skills for Education and Employment (SEE)
- Career Transition Assistance (CTA)
- Employability Skills Training (EST), or
- Self-Employment Assistance (S-EA):
  - Exploring Self-Employment Workshop, or
  - Small Business Training.

Voluntary Work

To be eligible to claim a Progress Fee for Voluntary Work, the Voluntary Work placement must:

- be with an Eligible Host Organisation, for Provider Sourced Voluntary Work (see Section 7.6.1 Provider Sourced Voluntary Work)
- meet the criteria for approved Voluntary Work, for Participant Sourced Voluntary Work (see Section 7.7.3 Participant Sourced Voluntary Work)
- be continuous for at least 4-weeks
- result in a minimum of 24 hours worked over the 4-week period, and

- not be a Non-Payable Progress Placement.

The Voluntary Work Activity ID must be recorded in the Progress Payment screen in the Department's IT Systems.

Documentary Evidence must provide written confirmation that the Participant participated in the Voluntary Work placement for the required 4-week period. Confirmation can be in the form of a signed and dated written statement or email from the Host Organisation / voluntary work organisation that includes:

- details uniquely identifying the specific placement (such as the Activity ID, or details of the Participant and agreed start and end dates for the Voluntary Work placement),
- hours volunteered, and
- the Host Organisation's business name and ABN.

Observational Work Experience

To be eligible to claim a Progress Fee for OWE, the Participant must have completed an OWE placement of at least 8 hours — noting the maximum is 25 hours per week over 4 weeks (see Section 7.6.2 Observational Work Experience).

The OWE Activity ID must be recorded in the Progress Payment screen in the Department's IT Systems.

Documentary Evidence must provide written confirmation that the Participant participated in the OWE placement for the required duration. Confirmation can be in the form of a letter or email from the Host Organisation that includes:

- details uniquely identifying the specific OWE placement (such as the Participant's full name and their placement dates or the unique OWE Activity ID), and
- the Host Organisation's business name and ABN.

Skills for Education and Employment

Providers may claim a Progress Fee when the Participant achieves advancement in at least one level of a Core Skill in the Australian Core Skills Framework (i.e. learning, reading, writing, oral communication, numeracy and/or digital skills) as part of participating in the SEE program, or has participated in SEE for at least 26 Consecutive Weeks.

This applies to advancement in levels 1 through to 5 in the Australian Core Skills Framework and within Pre Levels A and B outlined in the Pre Level 1 supplement, which is available for download on the Department of Employment and Workplace Relations website.

Advancement to the next level in all indicators of an individual Core Skill must be demonstrated, noting that in some cases, the indicators may span more than one level.

The SEE Program Activity ID must be recorded in the Progress Payment screen in the Department's IT Systems.

The Documentary Evidence must be in the form of either:

- a statement from the SEE provider including the dates the Participant was participating in SEE or that they are continuing in SEE
- a statement from the SEE provider detailing the advancement(s) the Participant has achieved in terms of level(s), such as via email or as additional comments in the SEE/AMEP Capability Guide, or

- a copy of the Customised Training Plan completed by the SEE provider, indicating progress achieved.

Adult Migrant English Program

Providers may claim a Progress Fee when the Participation has a achieved a Statement of Attainment as part of participating in AMEP or following participation in AMEP for at least 26 Consecutive Weeks.

The AMEP Activity ID must be recorded in the Progress Payment screen in the Department's IT Systems.

Documentary Evidence must be in the form of either:

- a copy of the Statement of Attainment (Statements of Attainment are available with the Unique Student Identifier (USI) through the USI website or the Provider can contact the Register Training Organisation for documentation), or
- written confirmation from the AMEP provider acknowledging participation for at least 6 months. The confirmation can be in any format (e.g. email exchange) but must include the Participant's start date and end date, or the start date and acknowledgment that the Participant is still undertaking AMEP. An AMEP provider is not required to provide specific hours and/or days attended by the Participant.

Employability Skills Training (EST)

Providers may claim a Progress Fee when a Participant completes the EST course or achieves at least 60 hours of attendance over the EST course (either a training block 1 or 2).

Providers can determine, for an individual Participant, if completion of one or both Training Block 1 Course or/and Training Block 2 Course of EST may be sufficient depending on the Participant's circumstances.

The EST course Activity ID must be recorded in the Progress Payment screen in the Department's IT Systems.

Career Transition Assistance

Providers may claim a Progress Fee when a Participant completes the CTA course or achieves at least 60 hours of attendance over the CTA course.

The CTA course Activity ID must be recorded in the Progress Payment screen in the Department's IT Systems.

Self-Employment Assistance

Providers may claim a Progress Fee in relation to S-EA Exploring Self-Employment Workshop or Small Business Training.

For both Self-Employment Workshop and Small Business Training, the Documentary Evidence must be in the form of either:

- a statement of attainment
- academic transcript, or
- completion certificate.

Exploring Self-Employment Workshop

The Participant must complete an Exploring Self-Employment Workshop, which is recorded by the S-EA provider in the Department's IT System.

The S-EA Workshop Activity ID for the completed Workshop must be recorded in the Progress Payment screen in the Department's IT Systems.

Participation in Small Business Training

The Participant must enrol in and complete at least one of the accredited units of competency available through Small Business Training with a S-EA provider.

The S-EA program Activity ID must be recorded in the Progress Payment screen in the Department's IT Systems.

11.5 Outcome Fees

Outcome Fees reward Providers for achieving sustainable Employment for Participants and recognise the work Providers need to do to assist each Participant to find and maintain Employment.

There are 5 levels of Outcomes Fees, as determined by the Participant Investment Funding Model. The higher Funding Levels recognise that greater investment is likely to be required for some Participants to help them find and maintain Employment.

The Employment Outcome Fee amount will also depend on:

- the duration of the Employment Outcome (12, 26 or 52-weeks), and
- if a Full Outcome or a Partial Outcome is achieved.

See Chapter 9: Post Placement Support for further information about Job Placements and Employment Outcome conditions.

(Deed Reference(s): Clause 163, Annexure B1)

11.5.1 Claiming Employment Outcome Fees

An Employment Outcome is achieved if, for the entire Outcome Period, a Participant:

- remains Employed or in Unsubsidised Self-Employment, and
- meets a requirement for a Full Outcome or Partial Outcome.

Outcome Fees are available to claim on the Department's IT Systems at the end of each Outcome Period (i.e. 12-week Period, 26-week Period and 52-week Period).

Outcomes

Participant's Employment Benchmark	Outcome Level	Earnings based Outcome	Hours based Outcome
8 hours or more	Full Outcome	Income earned is enough to reduce the Participant's Income Support Payments to zero.	Hours worked each week are, on average, at least equal to the Participant's individual Employment Benchmark.
8 hours or more	Partial Outcome	N/A	Hours worked each week, on average, are close to the Participant's individual Employment Benchmark.

Participant's Employment Benchmark	Outcome Level	Earnings based Outcome	Hours based Outcome
0 hours	Full Outcome	N/A	8 hours worked each week on average in the Outcome Period. OR Minimum of 8 hours worked in: • 9 out of 12 Consecutive Weeks (for the 12-week Outcome), or • 20 out of 26 Consecutive Weeks (for each of the 26-week or 52-week Outcomes).
0 hours	Partial Outcome	N/A	5 hours worked each week on average in the Outcome Period.

Before claiming Outcome Fees, Providers should ensure the following conditions have been met:

- the Participant has met Outcome requirements for hours worked or income earned over the Outcome Period, including any Permissible Breaks
- if a 26-week Outcome is being claimed, a 12-week Outcome has been paid in relation to the Participant for the 12 Consecutive Weeks following the same anchor date
- if a 52-week Outcome is being claimed, a 26-week Outcome has been paid in relation to the Participant for the 26 Consecutive Weeks immediately before the 52-week Outcome Period
- none of the conditions defined as a Non-Payable Outcome in the Deed apply to the Job Placement
- the Provider has obtained the Department's written agreement that the Job Placement can be used to an achieve an Outcome, if the Employment position was with the Provider's Own Organisation or a Related Entity
- the Provider has completed the required processes within the Department's IT Systems to enable the Payment, and
- the Provider has collected and uploaded any required Documentary Evidence to support the claim for payment.

As noted above, Participants with an Employment Benchmark of 0 hours have similar requirements for Outcomes as those with an Employment Benchmark of 8 hours, but additional flexibility applies to achieving a Full Outcome. A Full Outcome for these Participants will be available for working at least 8 hours per week for:

- 9 of 12 weeks for a 12-week Employment Outcome
- 20 of 26 weeks for the 26-week Employment Outcome, and
- 20 of 26 weeks for the remaining 26 weeks of the 52-week Employment Outcome.

Outcomes can be achieved at different levels for the different Outcome Periods. For example, a Participant may achieve a Full Outcome at 12 and 26 Weeks, but a Partial Outcome at 52 Weeks.

For more detailed information, refer to the relevant Sections in Chapter 9: Post Placement Support, in particular Section 9.5.2 Outcome Periods, Section 9.5.3 Permissible Breaks and Voluntary Changes in Employment and Section 9.6.1 Changing Participant circumstances.

Providers must not attempt to harass, coerce or pressure the Participant into providing Documentary Evidence related to their Employment. Further information is provided in below on claiming Outcomes using Documentary Evidence.

Earnings-based Outcomes

A Full Outcome may be claimed when the Income earned by a Participant is enough to reduce the Participant's Income Support Payments to zero. An earnings-based Outcome is claimed and verified by using Services Australia data in the Department's IT Systems.

Partial Outcomes cannot be claimed based on earnings.

Hours-based Outcomes

The hours each Participant must work to achieve an hours-based Outcome is based on their individual Employment Benchmark (see Section 11.2 Employment Benchmarks). A Participant's Employment Benchmark may change at any time during their Period of Service. Examples of when a Participant's Employment Benchmark could change include:

- following a Change of Circumstances ESAt — which assesses the Participant with a different work capacity, or
- if the Participant changes Income Support Payment.

The following table outlines the hours Participants must work to achieve a Full or Partial Employment Outcome. Scenarios follow in relation to claiming Outcomes where the Employment Benchmark changes during the Outcome period.

Required hours to achieve Full and Partial hours-based Outcomes

Employment Benchmark	12 week (Full)	26 week (Full)	52 week (Full)	12 week (Partial)	26 week (Partial)	52 week (Partial)
0 hours	See below*	See below*	See below*	60	130	130
8 hours	96	208	208	60	130	130
15 hours	180	390	390	120	260	260
23 hours	276	598	598	180	390	390
30 hours	360	780	780	240	520	520

* Participants with an Employment Benchmark of 0 hours can achieve a Full Outcome by working:

- the hours a Participant with an Employment Benchmark of 8 requires for a Full Outcome, or
- at least 8 hours per week in:
  - 9 of 12 weeks for a 12-week Employment Outcome
  - 20 of 26 weeks for the 26-week Employment Outcome, and
  - 20 of 26 weeks for the remaining 26 weeks of the 52-week Employment Outcome.

Decrease in Employment Benchmark during any Outcome Period

If the Provider anchors a Job Placement and the Employment Benchmark subsequently reduces, the Provider is eligible to claim an Outcome based on the lower Employment Benchmark.

Increase in Employment Benchmark during the 12-week or 26-week Outcome Period

If a Participant has already been anchored in a Job Placement and their Employment Benchmark increases within the 12-week or 26-week Outcome Period, the Provider can claim Outcome Fees:

- for both the 12-week Period and 26-week Period, based on the lower Employment Benchmark that applied at the Anchor Date, and
- for the 52-week Period, based on the Employment Benchmark at the start of the period (i.e. after 26-week Outcome).

Increase in the Employment Benchmark during the 52-week Outcome Period

If a Participant has already been anchored in a Job Placement and their Employment Benchmark increases within the 52-week Outcome Period (that is, after the 26-Week Outcome), the Provider can claim Outcome Fees based upon the Employment Benchmark that applied at the end of the 26-week Period.

11.5.2 Outcome Claiming Methods

Providers may be able to claim Outcome Fees using:

- income and working hours declared to Services Australia, if the Participant is receiving an Income Support Payment, or
- Documentary Evidence collected by the Provider.

If a Participant is receiving an Income Support Payment, the Department's IT Systems will track Employment Outcomes using the income and hours information that the Participant reports to Services Australia.

Providers can instead choose to claim outcomes using Documentary Evidence. This may be used for:

- claims where information is incomplete or not available for Participants, or
- claims where the Provider disagrees with the information in the Department's IT Systems.

If a Participant is not receiving an Income Support Payment or has an Employment Benchmark of 0-hours, the Outcome must be claimed using Documentary Evidence.

Claiming an Outcome based on information declared to Services Australia

The Department's IT Systems will use earnings and/or hours worked information declared by the Participant to Services Australia to determine if an Outcome is payable. The Department's IT Systems will automatically make Partial or Full Outcomes available if Outcome requirements have been met.



If the Outcome requirements have been met, the Department's IT Systems will present the Employment Outcome as available to be claimed by the Provider.



Providers do not need to hold Documentary Evidence for Employment Outcomes where the Department's IT Systems are able to use Services Australia data to verify that an Employment Outcome is payable.

Participants report income and hours worked to Services Australia on set fortnightly periods.

When a Job Placement is anchored during a fortnight:

- for hours-based outcomes, the Department's IT Systems will count a proportion of the hours worked for the outcome period equal to the proportion of that fortnight within the outcome period. When the outcome period ends during a fortnight, it will include a similar pro-rating of hours worked during that fortnight, and
- for earnings-based outcomes, the Participant must achieve a 100% reduction in their Income Support Payments for the entire outcome period, including fortnights that cross the start or end of the outcome period.

When a Permissible Break includes part of a Services Australia fortnightly reporting period, the Department's IT Systems will calculate hours and earnings based outcomes using the same pro-rata calculation (see Section 9.5.3 Permissible Breaks and Voluntary Changes in Employment).

Earnings-based Outcomes

Earnings-based outcomes may be available through the Job Seeker Rate Reduction (JRRR) tool. The JRRR shows how much the Participant's Income Support Payment was reduced in each fortnight because of income reported by the Participant. If the JRRR shows a 100% rate reduction in each fortnight of the outcome period, the Provider can claim a Full Outcome. There are no Partial Outcomes available for earnings-based outcomes.

Hours-based Outcomes

Hours-based outcomes may be available through the Job Seeker Employment Hours Result (JEHR) tool. The JEHR collects information about the Participant's reported hours of employment. If the JEHR shows that the Participant worked the required number of hours during the outcome period required by the Participant's Employment Benchmark, the Provider can claim a Full or Partial Outcome.

Note: If the Provider considers the Participant is not accurately declaring earnings and work hours to Services Australia, the Provider should ensure the Participant is aware of the importance of correct declarations. Accurate declarations help to ensure the Participant receives the correct amount of Income Support Payments and avoids payment delays, debts or penalties being incurred.

Claiming Outcomes using Documentary Evidence

The Provider may submit a claim for an Outcome using Documentary Evidence if the requirements of an Employment Outcome have been met.

Providers must upload Documentary Evidence to the Department's IT Systems to support a claim. Evidence uploaded must show that the Participant:

- was Employed or in Unsubsidised Self-Employment for the full Outcome period being claimed
- worked the hours required to complete a Full or Partial Employment Outcome, and
- received an hourly rate of payment (or earnings, if self-employed) of at least:
  - the relevant Award or agreement wage for the position
  - the National Minimum Wage (if there is no Award wage for the job), or
  - the agreed Supported Wage System wage rate (if this applies).

Providers may ask Participants for payslips for the purposes of verifying Employment Outcomes; however, Participants are under no obligation to provide this information. If a

Participant does not want to supply payslips, Providers must not attempt to coerce or pressure the Participant. Providers must not threaten to or apply payment suspensions or Demerits under the Targeted Compliance Framework (TCF) to compel Participants to supply payslips or other evidence of Employment. Additionally, Providers must not contact an Employer directly to ask for evidence without the Participant's permission or consent. Providers must not visit a Participant's Private Residence seeking payslips. The Department will thoroughly investigate any claims of this nature and pursue action for a Breach of the Deed as appropriate.

If the Outcome Fee relates to a Job Placement that was with the Provider's Own Organisation or Related Entity, the Provider must also upload the Department's written agreement that the Job Placement is eligible to achieve an Outcome.

- Acceptable forms of evidence for paid Employment include:
  - copies of payslips covering the entire Outcome Period of the claim
  - signed and dated written statement or email from the Employer or Participant (see below), and
  - file notes.
- Provider file notes and statements or emails from Employers or Participants must include the following details:
  - name of the Employer (can be the Participant, for self-employment)
  - period covered by the statement
  - hourly rate of payment during the statement period
  - hours of paid Employment each week/fortnight of the Outcome period
  - gross income each week/fortnight of the Outcome period
  - full name, phone number and email of person making the statement, and
  - date the statement was made.

Note: File notes will be accepted only if the Department is satisfied by evidence from the Provider that they made reasonable efforts to obtain payslips or a written statement / email but could not do so. Provider File Notes should include evidence of such efforts.

Claiming an Outcome for Participants in Unsubsidised Self-Employment

Where a Participant who is in Unsubsidised Self-Employment earns enough income to cause the Participant's Basic Rate of Income Support to cease, and all other requirements of a Full Outcome are met, a Full Outcome Fee may be claimed.

Where an Outcome Fee is being claimed based on hours worked, the Participant must work the required number of hours relative to their Employment Benchmark, on average, throughout the 12-week Period, 26-week Period and 52-week period.

For example, a Participant with an Employment Benchmark of 15 hours may work 12 hours per week preparing goods for sale, and an additional 20 hours every month during market days. The Participant will meet their Employment Benchmark when these hours are averaged across the weeks of the Outcome Period.

A Participant in Unsubsidised Self-Employment may be in receipt of some Centrelink Income Support Payment during an Outcome period and still meet the requirements of an Outcome Fee based on self-employment, provided that all other requirements for the Fee

have been met (for example, that the self-employment is not subsidised, and the Participant's earnings are at a rate equivalent to the Minimum Wage).

A Participant undertaking Small Business Coaching through the Self-Employment Assistance program is undertaking Unsubsidised Self-Employment.

A Provider may also claim using Documentary Evidence of Unsubsidised Self-Employment provided by the Participant.

Acceptable forms of evidence for Unsubsidised Self-Employment include:

- sales Records (including receipts), contracts with clients or contracts of Employment
- statement relating to the Participant's business from a Certified Practicing Accountant or Certified Accountant
- signed and dated written statement or email from an accountant and/or registered bookkeeper, and/or
- signed and dated written statement or email from the Participant (see below).

Provider file notes and statements, or emails from the Participant, must include:

- name of the Participant
- period covered by the statement
- hourly rate of payment during the statement period
- hours of Unsubsidised Self-Employment undertaken each week/fortnight
- gross income each week/fortnight of the Outcome period (excluding any Self-Employment Allowance received while the Participant is undertaking Self-Employment Assistance)
- full name, phone number and email of person making the statement, and
- date the statement was made.

If the evidence used is a statement from the Participant, the Provider must check the consistency of the statement with any other evidence that may be available for part of the Outcome period, such as a Profit and Loss Statement, Business Activity Statement or tax return statement.

Proof of business establishment alone is not sufficient evidence to support an Outcome Payment.

The records or statements provided must show the Participant has earned enough to record a profit — i.e. generating sufficient personal income (net of business expenses, including tax). These records or statements should also confirm whether the National Minimum Wage rate has been achieved when combined with evidence that the Participant has worked the required hours each week/fortnight to achieve sufficient hours (such as a record of the Participant's appointments or diary entries).

Note: Providers do not need to hold Documentary Evidence if the Department's IT Systems are able to use Services Australia data to verify that an Employment Outcome is payable.

Additional considerations for Transferred Participants

Where a Participant transfers while progressing towards an Outcome Fee, the Outcome Fee is only available to the Provider with whom the Participant is Commenced at the time the Outcome Fee becomes claimable. Employment Outcome Payments cannot be claimed on a pro-rata basis.

Additional considerations for Participants moving into Employment while participating in Complementary Services

An employment or training program administered by the Commonwealth (other than Inclusive Employment Australia), or provided by a State or Territory Government, is called a Complementary Service. Providers may access these programs to provide additional or alternative specialised assistance to a Participant.

If a Participant moves from a Complementary Service into Employment that satisfies the requirements for an Outcome and the service provided under the Complementary Service is the same or a similar service to Inclusive Employment Australia, the Provider may only claim an amount equal to **the difference** between:

- the Outcome Fee, plus any Moderate Intellectual Disability Payment, payable, and
- the fee, if any, payable to the relevant Complementary Services provider in relation to the same Employment related activity under any contract with the Commonwealth, or any State or Territory Government.

(Deed Reference: Clause 157.3)

11.5.3 Non-Payable Outcomes

There are some situations where achievement of Employment Outcomes does not attract Outcome Fees, even where the Participant works sufficient hours or earns sufficient income to meet the Employment Outcome requirements. These are referred to as Non-Payable Outcomes.

The following Employment types are examples of Non-Payable Outcomes:

- volunteer work, unpaid work experience or unpaid Work Trail
- non-ongoing paid work or paid Work Trial
- work under a program funded by the Australian Government, or a State or Territory Government, unless otherwise advised by the Department
- position generating income or earnings directly from gambling
- position generating income or earnings directly from commission, and
- position (or similar position) vacated within 14 Calendar Days by another Participant, for which the Provider claimed an Outcome Fee.

Pre-Existing Employment

Employment that a Participant is already undertaking when they Commence in Inclusive Employment Australia is not generally eligible for an Employment Outcome.

However, if a Participant increases their working hours to their Employment Benchmark or more, either through more hours in the Pre-Existing position or through the addition of a new Job Placement an Outcome will be payable based on the extra hours.

Recurring Employment

Outcome Fees are not payable in instances of Recurring Employment.

A position is Recurring Employment if:

- it involves the same or very similar duties to another position the Participant has undertaken ('similar job'), and
- the Employer is the same Employer as for the similar job, and

- the Provider previously claimed an Outcome Fee for that similar job in Inclusive Employment Australia or Disability Employment Services.

It is not Recurring Employment if the Participant worked in the similar job before commencing in specialist employment services (Inclusive Employment Australia or Disability Employment Services), if the outcome for the similar job was claimed by another provider, or the similar job was with a different employer.

Contrived Employment

Outcome Fees are not payable in instances of contrived Employment.

Contrived Employment is an arrangement whereby a Provider or another person creates an artificial work opportunity to maximise Payments or otherwise obtain a benefit. The Department will decide instances of contrived employment in its absolute discretion.

A position that is not in Open Employment

Placements must be in Open Employment positions to be eligible for Outcome payments. 'Open' or 'mainstream' employment settings refer to work settings where people with and without disability are employed.

Indicators that the Placement is in Open Employment include:

- the position is not in a segregated workplace setting
- the Employer, and any organisation where the Participant is placed by the Employer, is a commercial business or organisation, or if it is a social enterprise, is working on a commercial basis, and
- the position is available to the open labour market including people without disability or involves functions and conditions comparable to those of a similar role in a commercial business.

Indicators that the Placement is not in Open Employment include:

- the organisation is a Supported Employment Services provider
- the Employer and any organisation where the Participant is placed by the Employer is a social enterprise focussing on the employment of people with disability and is not working on a commercial basis
- the position involves functions or conditions that are not comparable to those for a similar role in a commercial business, and
- the position involves interaction mainly with other employees and non-employees in the physical work environment, who have disability or are in a work experience position.

A position where the conditions of employment do not meet legal requirements

Outcome fees are not payable for employment that contravenes Commonwealth, State or Territory legislation or provides terms and conditions of employment that are inconsistent with the relevant workplace relations legislation.

Providers should also ensure the Participant is aware of their rights and who to contact to enforce workplace laws.

Employment with the Provider's Own Organisation or Related Entity

Generally, an Employment Outcome is not available for a Participant who is Employed within the Provider's Own Organisation or a Related Entity.

Providers may seek approval from the Department to claim an Employment Outcome for a Participant Employed within the Provider's Own Organisation or a Related Entity. The Department will consider such requests on a case-by-case basis. The Provider should indicate if:

- the Employment in the Own Organisation or Related Entity was offered on an ongoing basis
- the period of Employment does not continue an outcome period from an anchored job placement with a different Employer who is not the Provider's Own Organisation or a Related Entity
- the Participant is provided with normal Post Placement Support and searching for alternative Employment is not an activity listed in the Participant's Job Plan, and
- the Job Placement is not otherwise a Non-Payable Outcome.

The Provider may include any other additional information supporting their case to claim an Outcome.

Evidence of the Department's approval should be uploaded as Documentary Evidence with the claim for payment of the Outcome.

Commission-based employment

Employment where the remuneration includes a commission is a Non-Payable Outcome unless the position also includes a wage that fully meets any applicable modern award or national minimum wage requirements, without including commission income.

'Gig economy' positions

The gig economy is characterised by short-term, flexible, task-based work, often facilitated by digital platforms that connect independent contractors with clients or work opportunities. This includes services such as ridesharing and food delivery, where individuals typically operate as subcontractors rather than employees under an applicable industrial award.

Most gig economy roles are both non-ongoing and commission-based employment, despite amendments to the *Fair Work Act 2009* that introduce protections for certain gig economy workers, and the ability of the Fair Work Commission to set minimum standards for "employee-like" workers on digital platforms.

Job placements in the gig economy are considered Non-Payable Outcomes unless the Provider can clearly demonstrate that the placement is ongoing employment under a modern award and meets outcome conditions excluding any commission involved.

11.6 Moderate Intellectual Disability Payment

The Moderate Intellectual Disability (MID) Payment can be claimed when a Participant with moderate intellectual disability has worked an average of at least 15 hours per week over the Outcome Period and is not a Non-Payable Outcome. It is paid in addition to the associated Full Outcome Fee.

To be eligible for the MID Payment, the Participant must have either:

- have an assessed Intelligence Quotient (IQ) of 60 or less, or
- have been classified by a registered psychologist, using a recognised assessment tool, as having moderate intellectual disability.

Registering a Participant with Moderate Intellectual Disability

The Moderate Intellectual Disability flag must be added to the Participant's Registration Record, once the eligibility of the Participant for MID Payment has been established with Documentary Evidence. This is generally done during the Referral or Direct Registration process.

The Provider can apply flag the to the Participant's record through the Registration screen in the Department's IT System. The flag is applied by adding 'Moderate Intellectual Disability' special client type.

Providers are required to retain suitable Documentary Evidence to support their decision to apply the Moderate Intellectual Disability flag.

Providers must upload the evidence that the Participant has a moderate intellectual disability. Documentary Evidence of the person's moderate intellectual disability can include:

- copy of an IQ assessment report clearly indicating the person's IQ is 60 or less
- signed statement from a registered psychologist that the person's IQ is 60 or less
- signed statement from an officer in Services Australia, an ESAt assessor, an education authority or a state or territory disability commission that they have evidence on file that the person's IQ is 60 or less
- signed statement from a registered psychologist containing:
  - a statement that the person falls within a moderate intellectual disability classification, based on a combination of IQ and other adaptive factors in a recognised assessment tool
  - the name the assessment tool used (including version or revision number)
  - the score or assessment relevant to the classification scale, and
  - the assessment outcome, or
- statement in a completed ESAt report that the assessor sighted a relevant assessment which indicates that the Participant has an IQ of 60 or less.

Claiming the MID Payment

A MID Payment will be automatically paid when a Provider:

- submits a claim for, and is paid, a 12-week Outcome, 26-week Outcome or 52-week Full Outcome for a Participant recorded in the systems as having a moderate intellectual disability, and
- the Participant has worked at least 15 hours per week, on average.

11.7 Ongoing Support Fees

Ongoing Support Fees are paid to Providers to deliver continuing, tailored support that to help a Participant remain in Employment as part of the Ongoing Support phase (see Chapter 10: Ongoing Support).Chapter 11: Payments to Providers

11.7.1 Eligibility for Ongoing Support Fees

The Participant must have a current Ongoing Support Assessment (OSA) in place or must be in the first 28 days of Ongoing Support, for the Provider to be eligible for Ongoing Support Fees. If the Provider does not submit the OSA Allocation by the OSA due date, then the Department's IT Systems will pause Ongoing Support, and the Provider cannot

complete an Instance or Contact of Ongoing Support until the OSA Allocation has been submitted.

Providers should not submit a Request Payment because an OSA Allocation has not been submitted by the OSA due date. Once the Provider has submitted the OSA Allocation, Payment will be triggered for the relevant Ongoing Support Fees as they become available.

11.7.2 Payment of Ongoing Support Fees

Ongoing Support Fees are payable for eligible Ongoing Support and Ongoing Support (Work Assist) Participants.

To be eligible for Ongoing Support Fees, Providers should ensure the following conditions have been met:

- the Participant has a current OSA in place or is in the first 28 days of Ongoing Support
- the Participant has met the 8 hours of work per week requirement (unless exempt), and
- requirements as outlined in 10.6 Participant Contact10.6 Participant Contact have been met:
  - for Moderate or High Ongoing Support, the Provider has delivered the minimum Contacts – 6 per quarter for Moderate Ongoing Support and 12 per quarter for High Ongoing Support, or
  - for Flexible Ongoing Support the Provider has completed an Instance of Ongoing Support as required.
- the Provider has recorded all required information in the Department's IT Systems, including moving a Participant to Ongoing Support, and completing details of the Ongoing Support Instances or Contacts delivered to a Participant.

Providers must retain Documentary Evidence to support their eligibility for Payment.

- Providers must collect evidence that the Participant:
  - was employed for the Full Payment period, and
  - worked at least 8 hours per week, on average.

  Note: Some participant types are exempt from the 8 hours per week requirement, as noted in Chapter 10: Ongoing Support, 10.7 When Ongoing Support can be provided.
- Acceptable forms of evidence for paid Employment include:
  - copies of payslips covering the entire Payment period
  - signed and dated written statement or email from the Employer or Participant, including:
    - name of the Employer
    - period covered by the statement
    - statement about the hours of paid Employment during the Payment period
    - full name, phone number and email of the person making the statement, and
    - date the statement was made.
- Providers must include details of support delivered to the Participant in the Ongoing Support tab in the Department's IT Systems and must retain additional

records if required in the form of a file note or other evidence. The information must show:

- Support provided to the Participant at each Instance or Contact, including evidence of delivery of Instances or Contacts
- Delivery of the required hours of Flexible Ongoing Support for each Instance or the minimum number of Moderate or High Ongoing Support Contacts within the Ongoing Support Payment period
- Relevant changes to the Participant's circumstances and support needs, and
- Any assistance that was purchased, including receipts and invoices.

Providers will be paid on completion of an Instance of Flexible Ongoing Support, and monthly (default) or quarterly in arrears for Moderate or High Ongoing Support.

Ongoing Support Fees will not be paid for Job Placements that meet any of the conditions defined as a Non-Payable Outcome, except for Recurring Employment (see Section 11.5.3 Non-Payable Outcomes).

If a Participant Period of Service ends during an Ongoing Support Payment period, the Provider will not receive any payment for Moderate or High Ongoing Support for that period, including as a pro-rata payment. Providers cannot record Instances of Flexible Support following the Participant's Exit. Providers will not receive payment for an Instance of Flexible Support that has not met the conditions for the Flexible Ongoing Support Fee.

(Deed Reference(s): Clause 165)

Suspended Participants

Ongoing Support Fees are only payable for a Participant who is Suspended by Services Australia if the Participant is in an active Volunteer Period (i.e. has volunteered to continue to receive Services) and continues to meet the eligibility requirements for Ongoing Support, including the requirement to be Employed.

(Deed Reference(s): Clause 152)

If a Participant is suspended from Ongoing Support (see Section 10.8.1) their current Ongoing Support Payment period will be extended by the number of days of the suspension.

First 28-days of Ongoing Support

Ongoing Support Fees are available for support delivered in the first 28 days and before the initial OSA is completed, even if the OSA recommends no Ongoing Support is required or a different Level of Ongoing Support is required.

Providers cannot receive Payment for any further support delivered after the first 28 days until the initial OSA has been completed. Once the initial OSA confirms the Participant's Ongoing Support needs, the Provider can receive:

- Flexible Ongoing Support Fees as Instances are completed.
- Moderate or High Ongoing Support Fees when they fall due, with the second Ongoing Support Payment period commencing from:
  - the day after completion of the initial 28-day period, if the OSA has been completed, or
  - date the OSA is completed, if the OSA is not completed within the first 28 days.

(Deed Reference(s): Clause 125)

Flexible Ongoing Support Fees

Flexible Ongoing Support Fees are paid on a fee-for-service basis for each Instance of support over 4 hours delivered and completed in the Department's IT Systems. An Instance can cover an accumulated number of smaller contacts, or a single Instance of more intensive support.

A maximum of 6 Instances of Flexible Ongoing Support can be paid for a Participant within a 26-week period. If further support is required, a Change of Circumstances OSA must be requested to determine if a different Level of Ongoing Support is required.

Flexible Ongoing Support Fees are paid automatically once an Instance of Support over 4 hours is completed in the Department's IT Systems. Providers do not need to claim for Payment.

Note: For current Ongoing Support and Ongoing Support (Work Assist) Participants, Contacts for Flexible Ongoing Support can be completed in the Department's IT Systems up to 28 days after they were delivered.

Note: If a Participant Exits Inclusive Employment Australia, all Instances of Flexible Ongoing Support must be completed in the Department's IT Systems before the Participant is Exited.

(Deed Reference(s): Clause 114, 130, 165)

Moderate and High Ongoing Support Fees

Moderate and High Ongoing Support fees are paid monthly or quarterly in arrears.

The Provider is required to deliver the minimum number of Ongoing Support Contacts within the Payment period.

Moderate and High Ongoing Support Fees will be triggered for automatic Payment to a Provider who has completed in the Department's IT Systems at least one Contact in each monthly Ongoing Support Payment period or at least 3 Contacts in each quarterly Ongoing Support Payment period. Providers do not need to claim for Payment.

Note: For current Ongoing Support and Ongoing Support (Work Assist) Participants, Contacts for Moderate or High Ongoing Support must be created and completed in the Department's IT Systems. To generate an automatic payment, the Contact must be completed no more than 180 days after the Contact start date.

Note: If a Participant Exits Inclusive Employment Australia, all Contacts for Moderate or High Ongoing Support must be completed in the Department's IT Systems before the Participant is Exited.

If a Provider receives a monthly or quarterly Ongoing Support Fee for a Participant but has not delivered the required minimum number of Contacts — 6 per quarter for Moderate Ongoing Support and 12 per quarter for High Ongoing Support — pro-rata recovery of Ongoing Support Fees may apply and will be considered on a case-by-case basis.

(Deed Reference(s): Clause 114, 165)

Monthly or quarterly Payment periods

Moderate or High Ongoing Support Fees will be paid monthly in arrears by default.

If a Provider wishes to be paid Moderate or High Ongoing Support Fees quarterly in arrears, the Provider must contact their Account Manager to request a change to the payment schedule.

Note: The Ongoing Support Payment schedule is set at a contract level, so will apply across all Ongoing Support Participants on a Provider's Caseload.

Changes in Level of Ongoing Support

Pro-rata Payments will be made if a Participant changes their Level of Ongoing Support during a Payment period.

Where a Participant was in both Moderate and High Ongoing Support during a Payment period, the Ongoing Support Fee will be based on the proportion of the period in each level of support.

Where a Participant was in Flexible Ongoing Support and at least one other Level of Ongoing Support during a Payment period, the Provider will be paid the Flexible Ongoing Support Fee for Instances of Flexible Support delivered, and a High or Moderate Ongoing Support Fee equal to the proportion of the period that the Participant was receiving Moderate or High Ongoing Support.

(Deed Reference(s): Clause 165)

Additional considerations for Transferred Participations

If a Flexible Ongoing Support Participant transfers to a new Provider:

- the Relinquishing Provider will receive a Flexible Ongoing Support Fee for each completed Instance of Flexible Ongoing Support delivered before the Transfer, and
- the Gaining Provider will receive a Flexible Ongoing Support Fee for each completed Instance of Flexible Ongoing Support delivered after the Transfer

Each Provider can be paid up to the maximum of 6 Instances allowed in a 26-week period.

If a Moderate or High Ongoing Support Participant transfers to a new Provider:

- the Relinquishing Provider will receive a pro-rata Payment for the proportion of the final Payment period that they supported the Participant, and
- the Participant commences a new Moderate or High Ongoing Support Payment period from the transfer date to the Gaining Provider.

(Deed Reference(s): Clause 165)

Chapter 12: Compliance

Supporting Documents for this Chapter

Targeted Compliance Framework (General)

- Targeted Compliance Framework Reference Guide
- Targeted Compliance Framework workflow
- TCF Poster – Understanding the Zones

Non-compliance reporting

- Demerit and payment suspension triggers – Provider Actions
- Valid Reason Assessment
- Manual Demerit Removal
- Finalising Re-engagement Requirements
- Capability Interview – Best Practice Guide
- Conducting a Capability Interview – Provider Actions

12.1 Chapter Overview

This Chapter explains what happens when a Participant does not comply with their participation requirements as outlined in Chapter 5:Participation requirements. It also details the actions a Provider must take in response to non-compliance.

This Chapter:

- outlines the actions that must be taken when a Participant has a Meaningful Engagement Job Plan, and the Participant is not meeting this Meaningful Engagement Requirement
- provides information about when and how a Provider can compel a Participant on a Meaningful Engagement Job Plan to attend a Contact Appointment
- provides information about the Targeted Compliance Framework (TCF) and outlines how it applies to Participants (Mutual Obligation) in Inclusive Employment Australia
- describes what happens when Participants (Mutual Obligation) commit Mutual Obligation Failures, Work Refusal Failures and Unemployment Failures and Provider actions in response — including guidance on assessing reasons for failures and ensuring correct and timely reporting against Participant's Mutual Obligation Requirements
- provides information about Capability Interviews and Capability Assessments — safeguards under the TCF determine the suitability of a Participant's Job Plan and Mutual Obligation Requirements, and
- provides information about the compliance arrangements for DSP Recipients (Compulsory Requirements), who are not subject to the TCF.

Participants (Voluntary) do not have compulsory requirements. A Participant (Voluntary), who is not volunteering while they have an Exemption to their participation requirements, must be Suspended if they are not meaningfully engaging and then be Exited if they do not make contact with the Provider — refer to Section 3.5 Suspensions and Volunteer Periods and Section 3.6 Exits.

Providers should be aware of the role of the National Customer Service Line (NCSL) when reading this Chapter.

12.2 Meaningful Engagement Requirement non-compliance and associated actions

This Section applies to Participants (Mutual Obligation) and DSP Recipients (Compulsory Requirements)

12.2.1 Confirming failure to meet the Meaningful Engagement Requirement

A Participant with a Meaningful Engagement Job Plan must meet the Meaningful Engagement Requirement as described in Section 5.5 Meaningful Engagement Requirement.

Before confirming a Participant has failed to meet the Meaningful Engagement Requirement, Providers must seek to discuss the reasons why the Participant has not appropriately engaged.

Providers have discretion in whether they will accept a reason provided or not. Providers are encouraged to take what the Participant says in good faith and use their judgement when determining whether to accept the reason. At a minimum, a good reason would that one that would otherwise be considered a Valid Reason (for a Mutual Obligation Failure) or reasonable excuse (for DSP non-compliance). Examples of good reasons include, but are not limited to:

- conflict with work hours
- illness or injury
- mental health issues
- family and caring responsibilities
- inability to get to an Appointment or Activity (for example, IT failure, transport issues, issues with childcare)
- death in the family, or
- other personal crisis.

If a Provider is unable to contact the Participant to discuss overall levels of engagement and/or a failure to meet the Meaningful Engagement Requirement, this contributes to the Pattern of Disengagement.

Providers must document when they do not accept a reason provided and what the reason given was.

Each recorded instance of failing to meet the Meaningful Engagement Requirement, without a good reason, forms part of the Documentary Evidence for determining a Participant has a Pattern of Disengagement.

Providers may record details of each instance of failure to meet the Meaningful Engagement Requirement, without a good reason, using comment functionality in the Program Summary on the Department's IT Systems.

Providers may record the reasons provided and their assessment of why the Participant did not have good reason using comment functionality in the Participant's Summary on the Department's IT Systems. Providers must not use the Program Summary to capture reasons given due to the risk of a privacy breach.

12.2.2 Determining a Pattern of Disengagement

Once there are multiple instances of failing to satisfy the Meaningful Engagement Requirement, the Participant has an 'emerging' Pattern of Disengagement.

During a Contact, including engagement via email or SMS (if the Participant has agreed to these methods of contact), Providers seek to discuss if there are factors affecting their capacity to engage. This discussion may include identifying if:

- the Participant understands how to meet the Meaningful Engagement Requirement
- the Participant has a good reason for not fully satisfying the Meaningful Engagement Requirement
- there has been a change in circumstances that is impacting their capacity to engage, which would prompt a review of the tasks and activities
- the tasks and activities the Participant had been directed to participate in are considered meaningful to the Participant or if there are better alternatives for reaching their Employment Goal(s), and/or
- the Participant requires more support to be able to undertake the tasks and activities as agreed.

This review should seek to confirm that tasks and activities are suitable — that is, appropriate for their circumstances and the Participant is capable of undertaking the tasks and activities. If the Participant's circumstances have changed, Providers should adjust what tasks and activities the Participant will do as part of meaningful engagement.

Before a Participant can be found to have a Pattern of Disengagement, a Provider must:

- take steps to increase a Participant's overall level of engagement
- warn the Participant that they might not be engaging at a level required to continue to meet their participation requirements through the Meaningful Engagement Requirement, and
- warn the Participant that they are at risk of having to enter into a Detailed Job Plan, having repeatedly failed to meet the Meaningful Engagement Requirement.

Providers have discretion in how to issue a warning to the Participant but should seek to do so during a Contact Appointment due to the sensitive nature of the discussion. As part of the warning, the Provider must inform the Participant of their concerns. The warning should ensure that the Participant is aware that continued disengagement, without a good reason, will result in the determination that they have failed to engage appropriately (i.e. have demonstrated a Pattern of Disengagement). This will result in the Participant having to enter into Detailed Job Plan with compulsory requirements that must be met to continue to receive Centrelink payments.



Providers must document that they have issued a warning to the Participant.



Providers may record that a warning was issued using comment functionality in the Program Summary.

Once there are further failures to meet the Meaningful Engagement Requirement — after the Participant has been issued a warning and attempts have been made by the Provider to increase engagement — the Provider may determine that the Participant has a Pattern of Disengagement.

Note: Providers have discretion around whether the actions undertaken by the Participant constitute a Pattern of Disengagement. There is no set rule to be followed, noting that the

basis of a Pattern of Disengagement is multiple failures to meet the Meaningful Engagement Requirement without a good reason. As general guidance, a confirmed Pattern of Disengagement would be where a Participant has not meaningfully engaged more than once, including at least one instance of not engaging after being issued a warning, and these occurrences have taken place within any 3-month period.

A Provider must schedule a face-to-face Contact Appointment to confirm there is a Pattern of Disengagement. At this Appointment, the Provider must:

- advise the Participant that they have demonstrated a Pattern of Disengagement
- outline the evidence for finding the Participant has a Pattern of Disengagement, drawing upon when the Participant has failed to meet the Meaningful Engagement Requirement, and
- seek to identify if the Participant has any good reasons not previously disclosed that would mitigate the Pattern of Disengagement.

If, after the above discussion, no additional reasons are provided that a Provider deems acceptable to mitigate the Pattern of Disengagement, the Provider must create a Detailed Job Plan for the Participant and explain the consequences of failing to meet any of the compulsory requirements in their Job Plan — refer to Section 4.7 Contents of a Detailed Job Plan.

Providers must add a file note when a Participant has a confirmed Pattern of Disengagement. The file note should include a summary of the Documentary Evidence used to support this determination.

Providers should record that a Participant has a Pattern of Disengagement using comment functionality in the Program Summary.

12.4 Compliance actions - Mutual Obligation Failures12.4.6 Re-engagement Requirements12.7 Pause of Mutual Obligation Requirements

The Department pauses Mutual Obligation Requirements when exceptional circumstances are identified that would impact Participants' ability to meet (or report) their Mutual Obligation Requirements, or Providers' ability to deliver employment services. Exceptional circumstances may include:

- natural disasters
- major IT system outages
- other significant events such as a pandemic.

When a pause of Mutual Obligation Requirements is in place, the TCF does not apply. Participants can still engage if it is safe and they wish to do so, but there are no compliance consequences if they do not. Providers must not apply compliance actions during a pause, as all Mutual Obligation Requirements become voluntary during this time.

Where the circumstance is at a localised level such as power outages or public transport disruptions, a pause of Mutual Obligations may not be required. In these cases, Providers should manage any potential impacts on Participants.

Where appropriate, this may include:

- adjusting requirements for affected Participants

- rescheduling Provider Appointments or recording that a Participant is no longer required to attend
- setting Job Search Reporting Periods to No Longer Required (NLR)
- recording that a Participant is no longer required to attend a job interview or complete a Job Referral task
- ensuring Participants are given sufficient time before recording a non-attendance result
- considering if further support referrals are required.

Note: For more information on the Pause of Mutual Obligation Requirements, refer to the Targeted Compliance Framework Reference Guide.

12.8 DSP non-compliance and associated compliance actions12.2.3 Reasonable attempts to contact the Participant

Providers must make reasonable attempts to contact a disengaged Participant before they can be compelled to attend a Contact Appointment.

This means that the Participant must have 3 opportunities to attend a voluntary Contact Appointment before a Provider can schedule a compellable / compulsory Contact Appointment.

These attempts need to occur over the shortest timeframe possible while still ensuring the Participant receives sufficient notice of the requirement to attend a Contact Appointment.

5.6.1 Appointments5.6.1 AppointmentsIf the Participant has not attended a voluntary Contact Appointment after a Provider has made 3 reasonable attempts to contact the Participant, the Provider can notify the Participant to attend a compulsory Contact Appointment12.2.4Compellable Contact Appointment. Compliance actions apply if the Participant fails to attend a compulsory Contact Appointment.

All attempts to contact the Participant must be documented using comment functionality in the Participant's Summary on the Department's IT Systems.

Attempting to schedule Contact Appointment with a Participant

Providers should seek to contact the Participant, via their preferred contact method (which may include email or SMS), to schedule the Contact Appointment at a mutually agreed time.

The nature and frequency of attempts to contact the Participant should be based on the Provider's understanding of the Participant, the Participant's receptiveness to engage, and the different types of Engagement Methods available.

Note: If contact through the Participant's preferred contact methods is unsuccessful, Providers should consider using alternative methods for contact. A Participant's preferred contact method is listed in the Department's IT Systems under the 'Personal details' screen of the Participant's profile.

Where contact is successful, Providers must agree a suitable time with the Participant to meet. Providers must inform Participants that, if they fail to attend, they then may be required to attend a compulsory Appointment that could result in their Income Support Payments being suspended by Services Australia. Unless otherwise agreed with the

Participant, the Appointment scheduled should be made at least 2 Business Days into the future.

Where contact is not successful, Providers can schedule a time based on availability in the Participant's Electronic Calendar — considering any Personal Events. The Appointment scheduled should be made at least 5 Business Days into the future if the Participant is to be notified via email or at least 8 Business Days into the future if the Participant is to be notified via letter. Providers may also rely on existing Contact Appointments booked in the Participant's Electronic Calendar.

- The Contact Appointment must be in the Participant's Electronic Calendar. The Provider must ensure the Contact Appointment is entered as a voluntary requirement. The Department's IT Systems will automatically create relevant notifications when scheduling the Contact Appointment.

Scheduled Contact Appointments

Once a Contact Appointment has been scheduled, if the Participant either reschedules or does not attend, this will form part of the 3 opportunities provided to the Participant to attend a Contact Appointment. This is regardless of the Participant having what would otherwise be considered a valid reason or reasonable excuse.

- If the Participant tells the Provider they cannot attend the Appointment before the scheduled start time, the Provider must record a result of 'Rescheduled' in the Department's IT Systems.
- If the Participant does not attend the scheduled Appointment, the Provider must record a result of 'Did Not Attend' in the Department's IT Systems by the end of the day on which the Contact was scheduled to occur.

After a Provider has recorded a result of 'Rescheduled' or 'Did Not Attend', the Provider must:

- schedule another Contact Appointment at next available opportunity, if fewer than 3 attempts have been made to deliver the Contact Appointment, or
- schedule a compulsory Contact Appointment, if 3 attempts have been made to deliver the Contact Appointment. This process is described in Section 12.2.4 Compellable Contact Appointment.

12.2.4 Compellable Contact Appointment

Under Social Security Law, Provider staff are delegated to make the decision to issue a notice to attend a compulsory Appointment.

Providers can book a compulsory Contact Appointment in a Participant's Electronic Calendar where a Participant (Mutual Obligation) or DSP Recipient (Compulsory Requirements) has a Meaningful Engagement Job Plan in the following circumstances:

- Participant has a Pattern of Disengagement, and the Provider has made a reasonable attempt to schedule Contact Appointments with the Participant
- Participant has committed an apparent Work Refusal Failure, or
- Participant has committed a potential Unemployment Failure.

The Participant will receive a formal notification that they are required to attend a compulsory Contact Appointment under Social Security Law.

Note: Providers must not use the option of scheduling a compulsory Contact Appointment for a Participant with a Meaningful Engagement Job Plan for any other reason than listed above. Failure to attend a compulsory Appointment may result in compliance actions under the TCF.

When scheduling the Appointment, Providers must manually select that it is compulsory. Detailed instructions on scheduling an Appointment are available in the Booking, rescheduling or cancelling a Provider Contact Appointment task card.

12.3 Targeted Compliance Framework

This Section applies to Participants (Mutual Obligation)

The Secretary of Employment and Workplace Relations (the 'Employment Secretary' under Social Security Law') has taken decisions to pause some parts of the TCF, while legal and IT assurance reviews are underway.

Formal responsibility for administering the TCF sits with the Employment Secretary. Various decisions and functions have been delegated to officers of the Department of Employment and Workplace Relations, Services Australia, and Personnel engaged by a contracted employment service provider. As such, the Department and employment service providers are jointly responsible for administering this framework in accordance with the systems and guidelines developed by the Department.

In taking these decisions, the Secretary considered their current level of confidence in how the system, and decision-making processes within the system, are operating and the impact of these decisions on participants. Of critical importance is that people subject to the TCF are often our most vulnerable, including those who are homeless, First Nations people and people with disability.

While this is being resolved, participants will not have their payments:

- reduced for persistently failing to meet their mutual obligations requirements (as applied under 42AF(2)(c) of the Social Security (Administration Act) 1999 (the Act)
- cancelled for failing to meet their mutual obligations requirements (as applied under 42AF(2)(d)) of the Act, and
- cancelled and/or have a 4-week unemployment preclusion period applied (not being able to apply for or receive a social security payment) for an 'unemployment failure' (as defined in 42AE and applied under 42AH of the Act).

On 5 July 2025, the Department paused decisions to apply compliance action for Work Refusal Failures. While this is being resolved, Participants will not have their payments cancelled for a 'Work Refusal Failure' (as defined in 42AD and applied under 42AG of the Act).

Sections throughout these Guidelines reflect these decisions.

For further information on the specifics of these recent decisions, please see the Department of Employment and Workplace Relations website — Assuring the integrity of the Targeted Compliance Framework.

For Participants (Mutual Obligation), instances of non-compliance with their requirements are actioned under the TCF, excluding non-compliance with the Meaningful Engagement Requirement.

The TCF encourages Participants to engage with their Provider, take personal responsibility for managing and meeting their Mutual Obligation Requirements, actively look for work (within their assessed work capacity, if they are able), and improve their job prospects.

Participants commit Mutual Obligation Failures if they fail to comply with their Mutual Obligation Requirements. Participants commit a Work Refusal failure if they refuse or fail to accept an offer of suitable employment (subject to certain exemptions).

A guide to types of failures for Participants with Mutual Obligation Requirements can be found in the Social Security Guide — see 3.11.13.30 Types of failures | Social Security Guide.

Note: Providers must not use or threaten to use the TCF to compel Participants to supply payslips or other evidence of Employment. The Department will thoroughly investigate any claims of this nature.

Key elements of the TCF

Under the TCF, a Participant's Income Support Payment may be:

- suspended if they commit a Mutual Obligation Failure
- suspended and/or cancelled if they commit a Work Refusal Failure (that is, they refuse or fail to accept an offer of suitable employment, subject to certain exceptions), or
- cancelled if they do not meet a Reconnection Requirement within 28 calendar days after it is notified to the Participant.

Participants will accrue Demerits if they commit a Mutual Obligation Failure without a Valid Reason.

The TCF includes safeguards to ensure a Participant's Mutual Obligation Requirements were tailored to the Participant's circumstances and capacity. This includes the Participant attending a capability review, which will be:

- a Capability Interview with the Provider when they accrue a total of 3 Demerits, and
- a Capability Assessment with Services Australia when they accrue a total of 5 Demerits.

Note: Work Refusal Failures and Unemployment Failures are currently paused until otherwise advised.

The TCF comprises 3 zones for Participants, as outlined in the table below.

The key things that determine if a Participant moves through the zones are:

- the accrual of a Demerit
- how many Demerits are accrued in a particular period, and
- the outcomes of any capability reviews.

TCF Zones

Zone	Conditions of the Zone
Green Zone	All Participants (Mutual Obligation) start in the Green Zone when they Commence in employment services. They stay in this zone if they do not commit any Mutual Obligation Failures without a Valid Reason. If a Participant has 2 or more Demerits when they Commence in Inclusive Employment Australia, the Participant will enter into a Detailed Job Plan and be moved back to the Green Zone. The Provider will request the removal of any Demerits by the Department. If a Participant accrues Demerits while on a Meaningful Engagement Job Plan, the Participant will move back into the Green Zone when they enter into a Detailed Job Plan. The Provider will manually remove any Demerits.
Warning Zone	Participants are in the Warning Zone when they have 1 to 5 Demerits. Each Demerit lasts for 6 active months, after which it automatically expires in the Department's IT Systems. The term '6 active months' generally means (182 days, but the period is prolonged (up to a maximum of 12 months) for any time the Participant: • is in a post-cancellation non-payment period • has been referred for a Capability Assessment and is waiting for that assessment to be completed, or • has certain Exemptions. When a Mutual Obligation Failure is applied to Participant in the Warning Zone, the Participant's payments may be suspended until they provide a Valid Reason or a Re-engagement Requirement is met. Participants must attend: • a Capability Interview with their Provider if they accrue 3 Demerits. The Capability Interview determines whether the Participant stays in the Warning Zone or returns to the Green Zone with their Demerits reset to zero. • a Capability Assessment with Services Australia if they accrue 5 Demerits. The Capability Assessment determines whether a Participant was able to meet the requirements off their Job Plan. Following a Capability Assessment, the Participant is moved back to the Green Zone by the Department with their Demerits reset to zero. Participants will also be fast-tracked to the next capability review if they commit a 'fast-track' Mutual Obligation Failure.
Penalty Zone	The Penalty Zone is still reflected in the Department's IT Systems, however the application of financial penalties in the Penalty Zone of the TCF has been paused. After the fifth demerit, Participants will still undergo a Capability Assessment with Services Australia. This is an important check to ensure a Participant is able to meet the requirements of their Job Plan and is given an opportunity to provide any other information relevant to their participation. If a Participant is found to be capable of meeting their Mutual Obligation Requirements at the Capability Assessment, as the Penalty Zone doesn't currently apply, they will be returned to the Green Zone by the Department (this will occur overnight), and their Job Plan will continue to apply. Providers should not report non-compliance to Services Australia for Participants who are being returned to the Green Zone.

Interaction with Job Plan types

A Participant (Mutual Obligation) may either have a Meaningful Engagement Job Plan or Detailed Job Plan — see Chapter 4: Job Plans. The application of the TCF will depend on the Participant's Job Plan type.

A Participant (Mutual Obligation) with a Meaningful Engagement Job Plan may have their payment suspended and, if they do not have a Valid Reason, accrue Demerits if they do not:

- attend, or act in an appropriate manner, at their Initial Interview
- agree to their Job Plan, or
- attend, or act in an appropriate manner, a compulsory Contact Appointment with their Provider.

A Participant (Mutual Obligation) with a Detailed Job Plan may have their payment suspended and, if they do not have a Valid Reason, accrue Demerits if they do not:

- attend or act in an appropriate manner at their Initial Interview, noting that a Participant may transfer Providers which will result in an Initial Interview with the Gaining Provider
- agree to their Job Plan
- attend, or act in an appropriate manner, compulsory Appointments with their Provider
- satisfy their Job Search Requirement, or
- meet the compulsory tasks and activities detailed in their Job Plan, such as a Mandatory Activity, Job Interviews and Job Referral tasks.

Irrespective of the Job Plan type, a Participant (Mutual Obligation) may be subject to payment suspension if they do not accept suitable work or start suitable work as planned — that is, commit a Work Refusal Failure.

Note: Work Refusal Failures and Unemployment Failures are currently paused until otherwise advised.

12.3.1 Provider Obligations

Provider staff have delegated powers under Social Security Law to notify Participants (Mutual Obligation) of their requirements.

The Provider's main obligations relating to the TCF include:

- checking a Participant's ability to self-report their own participation — refer to Section 5.10 Personal responsibility for reporting attendance
- ensuring the Participant's Mutual Obligations Requirements are set out in their Job Plan (including any Job Search Requirement, where applicable) — refer to Chapter 4: Job Plans and Chapter 5: Participation requirements
- ensuring the Participant's Mutual Obligations Requirements in a Detailed Job Plan are suitable and tailored to their personal circumstances and commitments — refer to Chapter 5: Participation requirements
- actively checking and recording each Participant's attendance, as appropriate
- actively checking and recording each Participant's compliance with their Mutual Obligation Requirements, and

- timely and accurate recording in the Department's IT Systems when a Participant has committed a Mutual Obligation Failure or Work Refusal Failure — refer to Section 12.4 Compliance actions - Mutual Obligation Failures and Section 1212.5 Compliance actions - Work Refusal Failures.

(Deed Reference(s): Clause 135.1,136.1, 136.2, 136-142)

Training

Provider staff must successfully complete all mandatory TCF training on the Learning Centre at least every 12 months.

It is essential that each staff member understands the TCF.

(Deed Reference(s): Clause 61.3, 143)

Ensuring a Participant understands their rights and responsibilities

The Provider must ensure the Participant is aware of their rights and obligations under Social Security Law, including:

- their Mutual Obligation Requirements and what they must do to meet their requirements
- that in meeting the Meaningful Engagement Requirement they can meet their Mutual Obligation Requirements
- their personal responsibility to self-report their attendance at certain Appointments and Activities (unless the Participant is assessed as not being capable of self-reporting) — refer to Section 5.10 Personal responsibility for reporting attendance
- the option to reschedule Appointments, Activities or Job Interviews if contact with a Provider is made in advance of the start time and they can provide an Acceptable Reason as to why they are unable to attend
- the circumstances in which a Mutual Obligation Failure can occur and the consequences of not meeting their Mutual Obligation Requirements
- the circumstances where a Work Refusal Failure can occur and the consequences of refusing or not accepting suitable Employment, and
- the circumstances in which they may have a Re-engagement Requirement and the consequences of not meeting this requirement.

(Deed Reference(s): Clause 134.1, 134.19)

All Participants have the right to ask for a review of a decision made under Social Security Law through the Social Security Appeals Process.

The application of a formal review, and the right to appeal the decision to a tribunal or court, applies to decisions to suspend a Participant's Income Support Payment because of non-compliance, and decisions made by Services Australia to reduce or cancel their Income Support Payment.

If a Participant does not agree with a decision that has resulted in a payment suspension, they can ask Services Australia to review the decision. A review can be requested by calling either Services Australia on their regular payment line (which can be found on the Services Australia website), appearing in person at a Services Australia service centre, or by downloading and submitting an Explanation or formal review of a decision form (SS351). More information for Income Support Payment recipients on the request for an explanation or formal review of decisions is available on the Services Australia website.

Decisions related to Demerits and a Participant's placement in the TCF zones are not decisions based on Social Security Law, but rather decisions made under Government policy. As such, Participants cannot appeal or ask for a formal review using the same processes as those that apply for decisions under Social Security Law. However, Participants can dispute these decisions using the following process:

- Participants should discuss their concerns about these decisions with their Provider. The Provider is responsible for providing the Participant with an explanation of the decision and initial reconsideration of the decision
- If they don't feel comfortable talking to their provider or still wish to dispute the decision after a discussion with their Provider, they can contact the NCSL (details for which can be found on the Workforce Australia website). By contacting the NCSL, the Participant is in effect making an Inclusive Employment Australia-related Complaint, and
- If required, the Provider must action Complaints that are referred to them by the NCSL. This may include reviewing the decision-making process, including any Documentary Evidence recorded on the Department's IT Systems.

Note: If a Participant was to fail to agree to their Job Plan when required to enter into a Detailed Job Plan, and this resulted in the decision to apply a payment suspension as a result of the Mutual Obligation Failure, the Participant would be able to request a formal review of their payment suspension and requirement to agree to the Job Plan under the mechanism outlined above.

Recording participation by close of business

Providers must schedule all Mutual Obligation Requirements in each Participant's Electronic Calendar, except the Participant's requirement to:

- enter into a Job Plan
- undertake Job Search, or
- action a Job Referral.

Providers must confirm and/or record the Participant's participation against each scheduled requirement in the Participant's Electronic Calendar. Providers must do this by close of business on the day that the requirement is scheduled to occur in the Participant's Electronic Calendar. Further details are included in Section 12.4 Compliance actions - Mutual Obligation Failures.

Note: Failure to record an outcome by close of business on the day as a Mandatory Activity or compulsory Job Interview could result in incorrect suspension of the Participant's Income Support Payment.

(Deed Reference(s): Clause 112.4, 112.5, 112.6, 134, 136, and 155)

Providers must also act on Work Refusal Failures on the same Business Day that they become aware of the apparent failure. Further details are included in Section 12.5 Compliance actions - Work Refusal Failures.

Resolution time prior to Income Support Payment suspensions for Participants in the Green or Warning Zone

Resolution time applies when a Participant commits a Mutual Obligations Failure while in the Green Zone or Warning Zone. It allows the Participant a period of 5 Business Days to contact their Provider to discuss and resolve the Mutual Obligation Failure, if possible, before the Participant's payment is affected.

During the 5 Business Days of resolution time, the Provider must be available to engage with Participants who make contact to discuss a Mutual Obligation Failure.

(Deed Reference(s): Clause 113.1)

A Participant's Income Support Payment will not be affected if, within the period of resolution time:

- the Participant makes contact to report their participation
- the Provider records the Participant has a Valid Reason, or
- the Provider records the Participant does not have a Valid Reason, but the Participant has met a Re-engagement Requirement that has been set.

Triggers for resolution time are outlined in the Providers Actions – Demerit and Payment Suspension Triggers supporting document available on the Provider Portal.

Manual Removal of Demerits

Providers must remove Demerits:

- if the Demerit was recorded in respect of a Mutual Obligation Failure by a Participant who was subsequently found to have had a Valid Reason for committing the Mutual Obligation Failure and the Department's IT system did not automatically remove the Demerit
- if the Demerit was recorded in error, or
- after a Participant enters into a Detailed Job Plan (see Section 4.4.1 Determining the appropriate Job Plan type for more information).

When removing the Demerit, the Provider must record the reason for the removal. A full list of these drop-down menu options can be found within the Manual Demerit Removal supporting document.

Detailed instructions on removing a demerit for a Participant's record are available in the Manually Removing Demerit task card.

12.4 Compliance actions - Mutual Obligation Failures

This Section applies to Participants (Mutual Obligation)

12.4.1 Types of Mutual Obligation Failures

A summary of the types of Mutual Obligations Failures is outlined in the table below.

Certain types of Mutual Obligation Failures are referred to as 'misconduct'.

Misconduct refers to inappropriate behaviour by the Participant:

- during an Appointment they were notified about and needed to attend as part of their Mutual Obligation Requirements
- while taking part in a Mandatory Activity they were notified about and needed to undertake as part of their Mutual Obligation Requirements, or
- during a Job Interview that could, or did, result in an offer of Employment not being made.

Note: The description below may not be the same as the descriptions shown in the Department's IT Systems when managing non-compliance.

Mutual Obligation Failures

Failure type	Mutual Obligation Failure definition
Job Plan	• Failing to agree to Job Plan.
Non-attendance	In relation to a compulsory Detailed Job Plan requirement or notified requirement: • failing to attend, or be punctual for, an Appointment • failing to attend, or participate in, a Mandatory Activity • failing to attend a Job Interview (fast-track failure), and • failing to comply with any other requirement.
Misconduct	In relation to a compulsory Detailed Job Plan requirement or notified requirement: • acting in an inappropriate manner during an Appointment, Mandatory Activity or scheduled Job Interview • intentionally acting in a way that could result in a job offer not being made.
Job Search	• Failing to undertake the number of Job Searches in their Detailed Job Plan.
Job Referral	• Failing to act on a job opportunity when notified to do so by their Provider in the Department's IT Systems.

Fast-track Mutual Obligation Failures

Mutual Obligation Failures are referred to as 'fast-track' Mutual Obligation Failures result in a Participant having a Capability Interview or Capability Assessment more quickly than would otherwise be the case.

A fast-track Mutual Obligation Failure occurs when a Participant (with a Detailed Job Plan):

- fails to attend or take part appropriately at a scheduled Job Interview, or
- fails to act on a Job Referral task when requested to do so by their Provider.

The Department's IT Systems will automatically increase the number of Demerits to:

- 3 Demerits if the Participant has fewer than 3 Demerits when they commit a fast-track Mutual Obligation Failure, or
- 5 Demerits if the Participant has either 3 or 4 Demerits when they commit a fast-track Mutual Obligation Failure.

Missed requirements that do not result in a Mutual Obligation Failure

All Participants new to employment services will not have compliance action taken the first time they do not meet their Mutual Obligation Requirement.

The Department's IT Systems will identify those new to employment services and, instead of applying the TCF, will send a notification via their preferred notification method reminding them:

- where to locate information about their requirements
- to contact their Provider if they are having difficulty understanding or meeting their requirements, or they require a referral to support services, and
- that on this occasion no action will be taken in relation to their Income Support Payment.

However, this warning notification excludes instances where the first failure was failing to:

- attend the Initial Interview
- act in an appropriate manner at the Initial Interview, such that the appointment cannot be completed, or
- agree to their Job Plan.

If these failure types are the first failure the Participant commits after entering employment services, the TCF is applied per usual processes. The next failure will then attract the warning notification.

Providers must attempt to contact the Participant to discuss an apparent non-compliance event, including an event that would attract a warning. If the contact attempt is successful and the Provider records that the Participant had a Valid Reason within 5 business days of the non-compliance event date, the warning will be reset. This means the Participant will receive a warning for their next eligible failure.

- To reset the warning within 5-buiness days of the non-compliance event date, Providers can use the Compliance History screen in the Department's IT system by:
  - selecting the reset option under the action button for the non-compliance event the warning was issued for, then
  - selecting the Valid Reason accepted from the option drop down list.

Providers cannot reset the warning after 5 business days have passed. In this case, the Provider must email to their Account Manager within 28 business days from the non-compliance event information including:

- the Participant's JSID
- the reason the Participant provided
- supporting information why this is accepted as a Valid Reason.

The department will review the request and determine whether resetting the warning is appropriate.

Participants who report they are undertaking 30 hours paid work per fortnight will generally not have compliance action applied for non-attendance at a Provider Appointment. Providers must not schedule compellable Provider Appointments at times they know a Participant is undertaking paid work (see Section

5.3.3 Capturing Personal Events).

12.4.2 Identifying Mutual Obligation Failures

Providers must meet their obligations under the Deed when they become aware that a Participant may have failed to meet a Mutual Obligation Requirement.

(Deed Reference(s): Clause 139)

The Department's IT Systems will assist in identifying if:

- a Participant did not attend a Provider Appointment
- a Participant did not attend a Mandatory Activity or compulsory Job Interview, or if a participation result has not been recorded by a Participant with the requirement to self-report
- a Participant has not agreed to their Job Plan after the 2 Business Days 'think time' period (see Section 4.8 Review and Agreement of the Job Plan for more information), or

- a Participant has not reported the number of Job Search efforts required to meet their Job Search Requirement (see Section 5.7.2 Arrangements for Participants (Mutual Obligation)5.7.2 Arrangements for Participants (Mutual Obligation) for more information).

Contact with the Participant

Before reporting non-compliance, the Provider must attempt to contact the Participant on the same Business Day that the Provider becomes aware that a Participant has not meet a Mutual Obligation Requirement for a scheduled attendance-based requirement. Depending on whether the Provider is successful at contacting the Participant, they must record the appropriate result against the requirement in the Department's IT Systems.

Note: If a Participant has failed to enter into a Job Plan or failed to meet their Job Search Requirement for a Job Search Reporting Period, the Department's IT Systems will automatically notify the Participant of their non-compliance and the action the need to take during resolution time to avoid payment suspension.

Where contact can be made with the Participant, the Provider must discuss the circumstances of the failure and determine if the Participant had a Valid Reason for the non-compliance.

If, after discussing the circumstances of the Mutual Obligation Failure, the Provider cannot establish the Participant had a Valid Reason for the non-compliance, the Provider must immediately record this in the Department's IT Systems in accordance with Section 12.4.3 Reporting Mutual Obligation Failures and determine if a Re-engagement Requirement should be set for the Participant in accordance with Section 12.4.6 Re-engagement Requirements.

If, after discussing the circumstances of the Mutual Obligation Failure, the Provider establishes the Participant had a Valid Reason for the non-compliance, the Provider must record there was a Valid Reason as outlined in Section 12.4.4 Recording that a Participant had a Valid Reason.

Where contact cannot be made with the Participant, the Provider must record that they are not in contact with the Participant and undertake the steps needed to report the Mutual Obligation Failure as outlined in Section 12.4.3 Reporting Mutual Obligation Failures.

If the Provider is later contacted by the Participant, the Provider must discuss with the Participant the circumstances of the failure and determine if they had a Valid Reason. If the Provider establishes the Participant had a Valid Reason for the non-compliance, the Provider must update the report recording non-compliance in the Department's IT Systems, in accordance with Section 12.4.4 Recording that a Participant had a Valid Reason.

If a Participant contacts the Provider prior to the scheduled start time for a Mutual Obligation Requirement, the Provider must then assess if the Participant's reason for being unable to comply with the Mutual Obligation Requirement is an Acceptable Reason.

If the Provider is satisfied that the Participant has an Acceptable Reason, the Provider must reschedule or remove the scheduled Mutual Obligation Requirement from the Electronic Calendar.

If the Provider is not satisfied that the Participant had an Acceptable Reason, the Provider must:

- inform the Participant that they are still expected to meet the requirement, and
- remind the Participant of the consequences of not meeting the requirement.

Rescheduling means that the Provider moves the relevant Engagement to another day and/or time in the Electronic Calendar. Providers must formally notify the Participant of the details of their new date and/or time of the Engagement and the consequences of not meeting the relevant Mutual Obligation Requirement. The Provider does this by undertaking the following steps in the Department's IT Systems:

- Step 1: Select 'Rescheduled' against the Mutual Obligation Requirement.
- Step 2: Select the description from the drop-down menu that most closely aligns with the Participant's Acceptable Reason.
- Step 3: Follow the workflow to generate the notification.

Removing means that the Provider records in the Department's IT Systems that the relevant Engagement is 'No Longer Required'. Providers must notify the Participant as soon as this is done, to ensure there is no confusion. The Provider does this by undertaking the following steps in the Department's IT Systems:

- Step 1: Select 'No Longer Required' against the Mutual Obligation Requirement
- Step 2: Select the description from the drop-down menu that most closely aligns with the Participant's Acceptable Reason.
- Step 3: Follow the workflow to generate the notification.

Determining if the Participant has a Valid Reason

When the Provider discusses the reasons that the Participant gives for failing to meet a requirement, the Provider must assess if the Participant has a Valid Reason.

A Participant has a Valid Reason if the Provider is satisfied that:

- it was not reasonable for the Participant to give prior notice of their inability to comply, and
- the reason provided for missing their requirement:
  - prevented them from giving prior notice of their inability to comply
  - would have directly prevented the Participant from meeting the Mutual Obligation Requirement at the relevant time that the Mutual Obligation Failure occurred,
  - would be considered reasonable by a member of the public, and
  - aligns with their personal circumstances as known by the Provider.

Providers notified of family and domestic violence as the reason for a Participant not meeting their Mutual Obligation Requirements must consider this in their assessment of whether the Participant had a Valid Reason. Providers should also advise the Participant that they can contact Services Australia for an Exemption.

See the Valid Reason Assessment supporting document for more information on Valid Reasons.

The exception to the above relates to drug and alcohol dependency or misuse. There are limits on the circumstances in which a Provider can determine that a Participant's drug or alcohol misuse or dependency is an Acceptable Reason or Valid Reason for a Mutual Obligation Failure as outlined separately within this Section.

Acceptable Reasons when giving prior notice

If a Participant contacts their Provider prior to the scheduled start time for a Mutual Obligation Requirement, the Provider must assess if the Participant has an Acceptable Reason for being unable to meet the Mutual Obligation Requirement.

The Participant has an Acceptable Reason if:

- the Participant notified the Provider - before the scheduled start time for, or due date of, a Mutual Obligation Requirement - that the Participant is unable to meet the Mutual Obligation Requirement, and
- the Provider is satisfied that the reason the Participant gave would reasonably mean they could not comply with the Mutual Obligation Requirement.

Note: A person notifying the Provider that they will be working at the time of a requirement is considered an Acceptable Reason. A confirmed Personal Event in the Participant's Electronic Calendar is also considered acceptable.

The exception to the above relates to drug and alcohol dependency or misuse. There are limits on the circumstances in which a Provider can determine that a Participant's drug or alcohol misuse or dependency is an Acceptable Reason or Valid Reason for a Mutual Obligation Failure as outlined separately within this Section.

See the Valid Reason Assessment supporting document for guidance on what reasons can be accepted or not accepted.

Misconduct — Acting in an inappropriate manner

A Provider must determine that a Participant's behaviour involved 'misconduct' when the Participant's behaviour during the requirement:

- was within the Participant's control
- prevented the purpose of the relevant Appointment, Activity or Job Interview from being met, and
- would be considered as inappropriate in the circumstances by the public.

This behaviour may include:

- dressing inappropriately for the requirement
- using offensive language
- showing an obvious lack of interest to the extent that it limits or prevents participation
- exaggerating the severity of an injury or illness to avoid fully taking part in the requirement, or
- leaving the requirement before its completion.

Behaviour that appears to be inappropriate but is out of the Participant's control is not misconduct. For example, a Participant may act in an inappropriate manner because they:

- do not have appropriate clothes to wear
- are affected by a personal crisis, or
- are affected by a medical condition.

Additional considerations for Participants who disclose drug or alcohol dependence

There are additional considerations for Participants who disclose that drug or alcohol use or dependency is impacting their ability to meet their requirements and secure paid work.

The first time a Participant cites drug or alcohol misuse or dependency as the reason they are not able to meet an upcoming Mutual Obligation Requirement or have committed a Mutual Obligation Failure, the Provider may determine this is an Acceptable Reason or a Valid Reason, respectively.

Drug or alcohol misuse or dependency, however, should not be used as a repeated excuse for not meeting requirements. Instead, the expectation is that Providers will assist the Participant to access treatment services to overcome their dependency, where available and as appropriate.

Following the disclosure, the Participant must be offered appropriate treatment to address this barrier and their response (i.e. whether the Participant accepts or refuses services this support must be recorded in the Capability Management Tool). Refer to Section 7.7.5 Interventions and other non-vocational supports for more information on referrals to drug and alcohol treatment or rehabilitation programs.

If a Participant states that drug or alcohol misuse or dependency was the reason they have committed a Mutual Obligation Failure, the Provider cannot determine that this is an Acceptable Reason or Valid Reason, as relevant, if:

- the Provider previously determined that the Participant's drug or alcohol misuse or dependency was an Acceptable Reason or Valid Reason, so the relevant upcoming Mutual Obligation Failure was rescheduled or the relevant Mutual Obligation Failure did not result in a Demerit
- the Provider referred the Participant to available and appropriate treatment to address the drug or alcohol misuse or dependency, and
- the Participant refused or did not take part in the treatment.

The above rules do not apply when:

- the treatment that the Participant was referred to was not available or appropriate for the Participant
- the Participant was genuinely unable to take part in the treatment
- the Participant agreed to take part in the treatment but, despite taking all reasonable steps to start the treatment, the treatment did not commence, or
- before the Participant was referred to the treatment, the Participant had:
  - completed the same type of treatment as the treatment they were referred to, or
  - completed treatment that was substantially like the treatment they were referred to and, in the opinion of an appropriately qualified medical professional, the Participant would not be helped by further treatment of the same kind as the type of treatment already completed by the person.

12.4.3 Reporting Mutual Obligation Failures

The way the Provider reports Mutual Obligation Failures differs depending on the type of Mutual Obligation Failure the Participant has committed, as outlined below.

Reporting that they are not in contact with the Participant will create a pending Demerit on the Participant's record and may trigger a payment suspension if the Participant does not make contact or does not meet a Re-engagement Requirement within resolution time.

By recording the Participant's reason is not a Valid Reason, the Provider is confirming the relevant Mutual Obligation Failure on the Participant's record.

On the day the Provider determines a Participant did not have a Valid Reason, the Provider must inform the Participant:

- what and when the Participant's Re-engagement Requirement will be, if relevant
- why their given reason was not a Valid Reason (including the consequences of having no Valid Reason for non-compliance)
- how this determination will be displayed on the 'Participant's Compliance Status Indicator' on their Workforce Australia homepage, including the number of Demerits the Participant has accrued
- if the Mutual Obligation Failure is a 'fast-track' Mutual Obligation Failure and, if so, what that means and what the next steps are
- the importance of meeting all Mutual Obligation Requirements, and
- their Income Support Payment may be suspended in 5 Business Days unless the Participant meets a Re-engagement Requirement before those 5 Business Days lapse.

See the Provider Actions – Demerit and payment suspension triggers supporting document on the Provider Portal for information on what happens when a Provider records a Participant has failed to meet a requirement.

Failure to enter into a Job Plan

If a Participant outright refuses to agree to their Job Plan and refuses think time, the Provider must record this in the Department's IT Systems by close of Business Day.

Detailed instructions on reporting outright refusal to agree to a Job Plan are available in the When a Participant Refuses to Agree to Their Job Plan task card.

The Department's IT Systems will automatically create a non-compliance event if the Participant has not agreed to their Job Plan within the 2 Business Days think time and a demerit will be automatically confirmed.

On the day the Provider becomes aware the Participant did not have a Valid Reason for not agreeing to their Job Plan by the due date, the Provider must record this in the Department's IT Systems by close of Business Day.

To report that a Participant did not have a Valid Reason, the Provider must undertake the following steps in the Department's IT Systems:

- Step 1: Go to the Outstanding Non-Compliance screen.
- Step 2: Select 'no' to indicate that the Participant's reason for not entering into a Job Plan has not been accepted.
- Step 3: Record the reason the Participant gave from the 'Reasons not accepted' drop-down menu — a full list of the drop-down menu options can be found within the Valid Reason Assessment supporting document.
- Step 4: Select 'submit', which will close the report.

If the Participant did not have a Valid Reason, the Provider does not need to renegotiate a Job Plan with the Participant.

Attendance-based requirements

Providers must record non-attendance at a compulsory Provider Appointment by close of business on the day the requirement was scheduled.

On the day the Provider becomes aware the Participant has an apparent Mutual Obligation Failure because of non-attendance at a Mandatory Activity or compulsory Job Interview, as required in their Detailed Job Plan and scheduled in their Electronic Calendar, the Provider must report the failure by close of business.

If a Provider's attempts to contact the Participant are not successful, the Provider must record they are not in contact with the Participant and select 'Did Not Attend—Invalid' in relation to the relevant Mutual Obligation Requirement in the Participant's Electronic Calendar. A pending Demerit will be created on the Participant's record.

If the Provider needs to update the record to record that the Participant did not have a Valid Reason, the Provider should select the relevant Appointment, Activity or Job Interview and the system will prompt Providers to record the reason the Participant provided. Once the Provider records in the Department's IT Systems that the Participant does not have a Valid Reason, the Demerit will be confirmed.

On the day the Provider becomes aware the Participant did not have a Valid Reason, the Provider must record this in the Department's IT Systems by close of Business Day. By recording the Participant's reason is not a Valid Reason, the Provider is confirming the relevant Demerit on the Participant's record.

- To report that a Participant missed a requirement, the Provider must undertake the following steps in the Department's IT Systems:
  - Step 1: Select the relevant Appointment, Activity or Job Interview in the Participant's Electronic Calendar.
  - Step 2: Answer 'yes' to the question of if they are in contact with the Participant.
  - Step 3: Select 'Did Not Attend—Invalid'.
  - Step 4: Select 'no' in response to the question of whether they accept the Participant's reason.
  - Step 5: Record the reason the Participant gave from the 'Reasons not accepted' drop-down menu — a full list of the drop-down menu options can be found within the Valid Reason Assessment supporting document.
  - Step 6: Select 'submit', which will close the report.

A Participant does not accrue a Demerit for not recording their participation against a Mutual Obligation Requirement. They do, however, accrue a Demerit if the Provider determines they did not have a Valid Reason for their failure to attend or take part in the Mutual Obligation Requirement, including when they did not give prior notice to their Provider of their inability to meet the requirement when it was reasonable to expect them to do so.

See the Provider Actions – Demerits and payment suspensions triggers supporting document on the Provider Portal for information on the circumstances in which a Demerit (pending confirmation) will be confirmed or removed from the Participant's record.

Misconduct

On the day the Provider becomes aware the Participant has an apparent Mutual Obligation Failure because of misconduct at a compulsory Appointment, Activity or Job Interview, as required in their Detailed Job Plan and scheduled in their Electronic Calendar, the Provider must report the failure by close of business.

- To report a Participant's misconduct during a requirement, the Provider must undertake the following steps in the Department's IT Systems:

- Step 1: Select the relevant Appointment, Activity or Job Interview in the Participant's Electronic Calendar.
- Step 2: Select 'Misconduct'.
- Step 3: Follow any other prompts within the system and then submit, which will close the report.

Failures to meet a Job Search Requirement

The Department's IT Systems will automatically create a non-compliance event and apply a demerit if the Participant does not record a sufficient number of Job Searches to meet their Job Search Requirement, as required in their Detailed Job Plan.

If a Participant fails to meet their Job Search Requirement as the assessment of their Job Searches found they were not of satisfactory quality, and the Provider's attempts to contact the Participant are not successful, the Provider must record they are not in contact with the Participant and enter an assessment result of 'Unsatisfactory–Invalid'.

On the day the Provider becomes aware the Participant did not have a Valid Reason, the Provider must record this in the Department's IT Systems by close of Business Day.

- To report that a Participant did not have a Valid Reason, the Provider must undertake the following steps in the Department's IT Systems:
  - Step 1: Go to the Outstanding Non-Compliance screen.
  - Step 2: Select 'no' to indicate that the Participant's reason for not entering into a Job Plan has not been accepted.
  - Step 3: Record the reason the Participant gave from the 'Reasons not accepted' drop-down menu— a full list of the drop-down menu options can be found within the Valid Reason Assessment supporting document.
  - Step 4: Select 'submit', which will close the report.

Failures to act on a Job Referral

Providers have 5 Business Days to record a result for a Job Referral task.

On the day the Provider becomes aware the Participant has failed to act on a job opportunity, when notified to do so by the Provider and required to do so in their Detailed Job Plan, the Provider must record this in the Department's IT Systems by close of business day.

If a Provider's attempts to contact the Participant are not successful, the Provider must record they are not in contact with the Participant and enter an assessment result of 'Unsatisfactory'.

On the day the Provider becomes aware the Participant did not have a Valid Reason, the Provider must record this in the Department's IT Systems by close of Business Day.

- To report that a Participant failed to meet this requirement and did not have a Valid Reason, the Provider must undertake the following steps in the Department's IT Systems:
  - Step 1: Go to the Outstanding Non-Compliance screen.
  - Step 2: Select 'no' to indicate that the Participant's reason for failing to act on a Job Referral has not been accepted.

- Step 3: Record the reason the Participant gave from the 'Reasons not accepted' drop-down menu— a full list of the drop-down menu options can be found within the Valid Reason Assessment supporting document.
- Step 4: Select 'submit', which will close the report.

12.4.4 Recording that a Participant had a Valid Reason

On the day the Provider determines a Participant has a Valid Reason for a Mutual Obligation Failure, the Provider must record this in the Department's IT Systems.

The way the Provider records this differs depending on the type of Mutual Obligation Failure the Participant has committed, as outlined below.

By recording that the Participant had a Valid Reason, the Provider is:

- finalising the Mutual Obligation Failure to prevent the Participant's Income Support Payment being affected
- lifting the Participant's Income Support Payment suspension, if the Participant's payment is suspended
- removing any Re-engagement Requirement associated with the Mutual Obligation Failure, and
- removing any relevant pending Demerit from the Participant's record.

See the Provider Actions – Demerit and payment suspension triggers supporting document on the Provider Portal for information on what happens when a Provider records a Participant had a Valid Reason.

Failure to enter into a Job Plan

On the day the Provider becomes aware the Participant had a Valid Reason for a Mutual Obligation Failure due to the Participant not entering into a Job Plan the Provider must record this in the Department's IT Systems by close of Business Day.

To report that a Participant did not meet this requirement but had a Valid Reason, the Provider must undertake the following steps in the Department's IT Systems:

- Step 1: Go to the Outstanding Non-Compliance screen.
- Step 2: Select 'yes' to indicate the Participant's reason for not entering into a Job Plan has been accepted.
- Step 3: Record the reason the Participant gave from the 'Reasons accepted' drop-down menu— a full list of the drop-down menu options can be found within the Valid Reason Assessment supporting document.
- Step 4: Select 'submit', which will close the report. If the associated Demerit is not automatically removed by the IT system through this process, the Provider must manually remove the Demerit. See Manual Removal of Demerits for more information.

Once the Provider has recorded that the Participant has a Valid Reason and the Demerit has been removed, the Provider must then create a Contact Appointment for the Participant to attend within 2 Business Days to renegotiate a Job Plan.

If the Participant attends the Appointment, the Provider must discuss the Job Plan with the Participant and seek their approval of their Job Plan, granting think time if required.

If the Participant does not attend the Appointment to discuss the Job Plan, this is a Mutual Obligation Failure if the Appointment was compulsory.

Information on the processes to create, update and withdraw a Job Plan is included in Chapter 4: Job Plans.

Attendance-based requirements

On the day the Provider becomes aware the Participant had a Valid Reason for failing to attend a compulsory Appointment, Activity or Job Interview scheduled in their Electronic Calendar, the Provider must record this in the Department's IT Systems by close of Business Day.

If the Provider's earlier attempts to contact the Participant were not successful (i.e. the Provider has already recorded 'Did Not Attend—Invalid' in relation to the relevant Mutual Obligation Requirement in the Participant's Electronic Calendar), the Provider will need to update the record for the relevant Appointment, Activity or Job Interview.

To report that a Participant had a Valid Reason for an attendance-based requirement, the Provider must undertake the following steps in the Department's IT Systems:

- Step 1: Select the relevant Appointment, Activity or Job Interview in the Participant's Electronic Calendar.
- Step 2: Answer 'yes' to the question of if they are in contact with the Participant.
- Step 3: Select:
  - 'Did Not Attend—Valid', if an attendance result has not already been recorded, or
  - 'yes' in response to the question of if they accept the Participant's reason, if the Provider has already recorded 'Did Not Attend—Invalid' or 'Misconduct' in relation to the relevant Mutual Obligation Requirement.
- Step 4: Record the reason the Participant gave from the 'Reasons accepted' drop-down menu— a full list of the drop-down menu options can be found within the Valid Reason Assessment supporting document.
- Step 5: Select 'submit', which will close the report.

Failures to meet a Job Search Requirement

On the day the Provider becomes aware the Participant had a Valid Reason for not meeting their Job Search Requirement (either quantity or quality), the Provider must record this in the Department's IT Systems by close of Business Day.

To report that a Participant did not have a Valid Reason, the Provider must undertake the following steps in the Department's IT Systems:

- Step 1: Go to the Outstanding Non-Compliance screen.
- Step 2: Select 'yes' to indicate that the Participant's reason for not entering into a Job Plan has not been accepted.
- Step 3: Record the reason the Participant gave from the 'Reasons accepted' drop-down menu— a full list of the drop-down menu options can be found within the Valid Reason Assessment supporting document.
- Step 4: Select 'submit', which will close the report. If the associated Demerit is not automatically removed by the IT system through this process, the Provider must manually remove the Demerit. See Manual Removal of Demerits for more information.

Failures to act on a Job Referral

On the day the Provider becomes aware the Participant had a Valid Reason for not acting on a Job Referral task when requested to do so by the Provider, the Provider must record this in the Department's IT Systems by close of business on the day it becomes aware of the failure.

To report that a Participant did not meet this requirement but had a Valid Reason, the Provider must undertake the following steps in the Department's IT Systems:

- Step 1: Go to the Outstanding Non-Compliance screen.
- Step 2: Select 'Unsatisfactory—Valid' to indicate the Participant's reason for not acting on a Job Referral or Job Opportunity has been accepted.
- Step 3: Select the reason from the 'Reasons accepted' column of the drop-down menu that most closely aligns with the reason that the Participant gave as to why they did not attend their requirement. A full list of these drop-down menu options can be found within the Valid Reason Assessment supporting document.
- Step 4: Select 'submit', which will close the report.

12.4.5 Notifications to Participants of Mutual Obligation Failures

When the Provider records in the Department's IT Systems that a Participant has committed a Mutual Obligation Failure, the Department's IT Systems creates a notification on the Provider's behalf.

The notification:

- is automatically sent to the Participant, if the Participant has SMS or email details recorded in the Department's IT Systems for automatic notification, or
- must be sent by the Provider to the Participant's postal address on the same day the Provider records in the Department's IT Systems that the Participant has committed a Mutual Obligation Failure, if the Participant does not have SMS or email details recorded in the Department's IT Systems for automatic notification.

Detailed instructions on issuing notifications are available in the Printing Compliance Notifications task card.

If the Participant was in the Green Zone or Warning Zone when the Mutual Obligation Failure occurred, the notification advises the Participant:

- they have failed to meet a Mutual Obligation Requirement
- their Income Support Payment may be suspended after 5 Business Days have passed if they take no further action, and
- what action they need to take.

A further notification will be created if the Participant's Income Support Payment is suspended after the 5 Business Days resolution time, advising the Participant:

- that their Income Support Payment is suspended
- why their Income Support Payment is suspended, and
- what they must do for the Income Support Payment suspension to be lifted (i.e. their Reconnection Requirement).

A Participant's Income Support Payment will normally remain suspended until they meet a Reconnection Requirement or until the Provider records a Valid Reason in the Department's IT Systems.

12.4.6 Re-engagement Requirements

Re-engagement Requirements are set following Mutual Obligation Failures.

A Re-engagement Requirement is what a Participant must do during resolution time to prevent their Income Support Payment from being suspended.

A Reconnection Requirement is what a Participant must do to have their Income Support Payment suspension lifted.

Throughout this section, both of these are referred to as Re-engagement Requirements.

Re-engagement Requirements are generally set automatically by the Department's IT Systems, when the Participant has failed to:

- complete the number of Job Searches required in their Detailed Job Plan, or
- enter into a Job Plan,

except where a capability review is triggered.

For all other failures, where the Participant does not have a Valid Reason, the Provider will need to set the Re-engagement Requirement.

The Provider must comply with the Deed:

- when recording Re-engagement Requirements in a Participant's Electronic Calendar, and
- in relation to rescheduling or removing a Re-engagement Requirement from a Participant's Electronic Calendar.

(Deed Reference(s): Clause 134, 138)

After a Re-engagement Requirement is set, it may be appropriate in some cases to remove the need for the requirement. Recording 'Compliance Action No Longer Appropriate' will remove the need for the requirement and end resolution time or lift the payment suspension (as relevant).

When a Participant commits multiple Mutual Obligation Failures before contact with their Provider to discuss those Mutual Obligation Failures:

- only one Re-engagement Requirement can be set, and
- the Provider must tell the Participant they only have to meet one Re-engagement Requirement.

See the Provider Actions – Demerits and payment suspensions triggers supporting document on the Provider Portal for information on the circumstances in which a Participant's payment suspension is lifted or can be avoided.

Scheduling a Re-engagement Requirement

When setting a Re-engagement Requirement, the Provider must follow the prompts in the Department's IT Systems and notify the Participant of the Re-engagement Requirement.

The Department's IT Systems will specify the type of Re-engagement Requirement which the Provider must set for the purposes of complying with their obligations under the Deed.

Any attendance-based Re-engagement Requirement must be scheduled to occur within 2 Business Days following the day the Provider discussed the failure with the Participant — refer to the Finalising Re-engagement Requirements supporting document for more information.

- Providers must have the available sessions in the Electronic Calendar — Re-engagement Appointments or All Appointment Types can be used to schedule an Appointment for Re-engagement.

(Deed Reference(s): Clause 112.1)

Exceptions to this 2 Business Day requirement are:

- the Participant has an Acceptable Reason for not being able to meet the Re-engagement Requirement within the 2 Business Day timeframe, or
- the Provider is not able to arrange or deliver the Re-engagement Requirement within the 2 Business Day timeframe.

Exception 1: Acceptable Reason to not meet Re-engagement Requirement within 2 Business Days

When the Provider is in contact with a Participant to discuss an apparent Mutual Obligation Failure, as outlined in Section 12.4.2 Identifying Mutual Obligation Failures, and determines that the Participant has committed a Mutual Obligation Failure, the Provider must consider if the Participant has an Acceptable Reason for being unable to meet their Re-engagement Requirement within 2 Business Days following that contact.

- If the Provider considers that the Participant has an Acceptable Reason for being unable to meet their Re-engagement Requirement within 2 Business Days, the Provider must undertake the following steps in the Department's IT Systems:
  - Step 1: Go to the Outstanding Non-Compliance screen.
  - Step 2: Select 'Unable to Re-engage Within 2 Business Days' — this will prevent or lift suspension of the Participant's Income Support Payment suspension and remove the need for a Re-engagement Requirement.
  - Step 3: Record the Acceptable Reason from the drop-down menu — a full list of the drop-down menu options can be found within the Finalising Re-engagement Requirements supporting document.

Exception 2: Provider not able to arrange or deliver the Re-engagement Requirement within 2 Business Days

In limited circumstances, a Provider may not be able to arrange or deliver the Re-engagement Requirement within 2 Business Days after the contact between the Participant and the Provider.

- If the Provider cannot arrange or deliver the Re-engagement Requirement within 2 Business Days, the Provider must undertake the following steps in the Department's IT Systems:
  - Step 1: Select 'Re-engagement Not Required' on the Outstanding Non-Compliance screen — this will prevent or lift suspension of the Participant's Income Support Payment suspension and remove the need for a Re-engagement Requirement.
  - Step 2: Record the reason as to why the requirement could not be arranged or delivered from the drop-down menu — a full list of the drop-down menu options

can be found within the Finalising Re-engagement Requirements supporting document.

Re-engagement Requirement is no longer appropriate or required

Once a Participant's Re-engagement Requirement has been set, unexpected circumstances may make it inappropriate to expect the Participant to meet the requirement, have their payment suspended and/or have their payment suspension continue.

- If it is no longer appropriate to undertake compliance action, the Provider must undertake the following steps in the Department's IT Systems:
  - Step 1: Select 'Compliance action no longer appropriate' on the Outstanding Non-Compliance screen — this will prevent or lift suspension of the Participant's Income Support
  - Step 2: Select from reason the requirement is no longer appropriate from the drop-down menu — a full list of these drop-down menu options can be found in the Finalising Re-engagement Requirements supporting document.

Where the Provider finalises attendance-based non-compliance prior to the end of resolution time and is satisfied that a Re-engagement Requirement is not necessary, the Provider can end the need for the Participant to have a Re-engagement Requirement.

- If the Re-engagement Requirement is no longer required, the Provider must record 'Re-engagement Not Required – non-compliance discussed' in the Department's IT Systems (see the Finalising Re-engagement Requirements supporting document).

Note: Re-engagement Requirements are always required following Mutual Obligation Failures for:

- Initial Interviews, and
- Job Plans.

Failure to meet a Re-engagement Requirement

If the Provider becomes aware that a Participant has failed to meet a Re-engagement Requirement, the Provider must try to contact the Participant on the same Business Day.

If the Provider is able to contact the Participant, the Provider must discuss the Participant's reasons for not meeting the Re-engagement Requirement and assess if they had a Valid Reason for being unable to meet their Re-engagement Requirement.

- If the Participant had a Valid Reason, the Provider must select 'Did Not Attend–Valid' in relation to the Re-engagement Requirement in the Participant's Electronic Calendar.

In the case where a Participant has a Valid Reason for being unable to meet their Re-engagement Requirement, recording the result 'Did Not Attend–Valid' will lift any suspension of the Participant's Income Support Payment. However, the Provider must set a new Mutual Obligation Requirement for the Participant to occur within 2 Business Days after the day on which the Provider determines that the Participant has a Valid Reason for not meeting the Re-engagement Requirement.

- If the Participant did not have a Valid Reason, the Provider must select 'Did Not Attend—Invalid' in relation to the Re-engagement Requirement in the Participant's Electronic Calendar.

In the case where a Participant did not have a Valid Reason:

- if the Participant's Income Support Payment is not yet suspended, it will be suspended if the Participant does not meet another Re-engagement Requirement before the original 5 Business Days resolution time expires, or
- if the Participant's Income Support Payment is suspended, the payment will remain suspended, and the Provider must book a new Re-engagement Requirement.

If the Provider cannot contact the Participant, the Provider must record that they are not in contact with the Participant and report that the Participant has failed to meet the requirement.

The Provider must select 'Did Not Attend—Invalid' in relation to the Re-engagement Requirement in the Participant's Electronic Calendar.

In this case:

- if the Participant's Income Support Payment is not yet suspended, it will be suspended when the 5 Business Days resolution time following the original failure expires, or
- if the Participant's Income Support Payment is suspended, the payment will remain suspended until the Re-engagement Requirement is met.

12.4.7 Capability Interviews

A Capability Interview is the Re-engagement Requirement when a Participant has 3 confirmed Demerits or a Demerit for a fast-track failure.

Note: Capability Interviews are only applicable for Participants that have a Detailed Job Plan.

The purpose of the Capability Interview is to determine if:

- the requirements in the Participant's Job Plan are appropriate for their circumstances, and
- the Participant can meet the requirements.

Mutual Obligation Requirements are suitable if:

- they are appropriate to the Participant's circumstances, and
- the Participant can meet them.

The Department's IT Systems will determine the outcome of the Capability Interview based on the information that the Provider records in the Department's IT Systems in relation to the Capability Interview.

If the outcome of the Capability Interview is that the Participant was not capable of meeting their requirements, the Participant will return to the Green Zone with their Demerits reset to zero. If required, the Provider must review the Participant's requirements and adjust the Participant's Job Plan so that it includes only suitable requirements.

If the outcome of the Capability Interview is that the Participant was capable of meeting their requirements, the Participant will continue in the Warning Zone with their Demerit count unchanged.

Providers must still create Work Refusal Failure reports, regardless of whether the Participant has an outstanding Capability Interview in the Department's IT Systems.

When a Capability Interview is triggered

The Department's IT Systems will identify that a Participant's Re-engagement Requirement is a Capability Interview when:

- they have reached 3 Demerits (including through a 'fast-track' failure), and
- they have not had a Capability Interview in the last 60 days that found their requirements suitable.

In these circumstances, a Capability Interview is said to be 'triggered', and the Department's IT Systems will list the Capability Interview as 'outstanding'.

The Department's IT Systems will identify that a Capability Interview is 'outstanding' until it is finalised.

While the Capability Interview is outstanding, the Participant cannot accrue further Demerits and the Participant's Job Plan cannot be updated.

The Capability Interview will be finalised when the Provider selects 'submit' in the Department's IT Systems after completing the pre-interview questions and recording all the relevant information during the Capability Interview. Detailed instructions are available in the Conduct Capability Interview task card.

Scheduling a Capability Interview

The Provider must schedule the Capability Interview to occur within 2 Business Days after the Participant accrues the relevant Demerit.

Exceptions to delivery of the Capability Interview within 2 Business Days are:

- the Participant has an Acceptable Reason for not being able to attend the Capability Interview within the 2 Business Day timeframe,
- when operating hours of Part-Time or Outreach Sites prevents delivery of the Capability Interview within 2 Business Day timeframe
- when the Participant is transferred to another Provider, or
- the Participant is returning to service after an Exemption.

Providers must conduct Capability Interviews face-to-face except in allowable circumstances, which are limited to circumstances that:

- are beyond the Participant or Provider's control, and
- prevent the Capability Interview from being delivered face-to-face.

Allowable circumstances include where any one or more of the following applies to the Participant:

- they live in an area that is affected by:
  - extreme weather conditions
  - a natural disaster
  - public transport strikes, and/or
  - a written Direction as Notified by the Department, addressing expectations in relation to Provider servicing arrangements and Participants' Mutual Obligation Requirements,
- they are participating in full-time Education or Training, and this participation restricts their availability to attend the Capability Interview face-to-face
- they are Employed and their hours restrict their availability to attend the Capability Interview face-to-face, and/or

- they are not medically fit to attend the Capability Interview face-to-face.

If allowable circumstances prevent the Capability Interview from being delivered face-to-face, the Provider may conduct the Capability Interview via a phone call or videoconference so that it is delivered within the standard 2 Business Days timeframe.

When scheduling the Capability Interview to be delivered via a phone call or videoconference, the Provider must record the 'allowable circumstance' in the Department's IT Systems.

Providers must ensure the scheduled Capability Interview appointment time is of sufficient length to allow for a thorough review of the Participant's personal circumstances and have a detailed discussion. The recommended time for a Capability Interview is between 45 and 60 minutes.

As with all other compulsory Appointments, Providers must ensure efforts are made to avoid clashes with any Personal Events in a Participant's Electronic Calendar.

When scheduling the Capability Interview, the Provider must ensure that they explain to the Participant:

- the purpose of the Capability Interview
- the reason they must participate in a Capability Interview (either because they accrued 3 Demerits or because they committed a fast-track Mutual Obligation Failure), and
- the potential consequences of continued Mutual Obligation Failures.

(Deed Reference(s): Clause 139.8, 139.9, 139.10)

Circumstance 1: Participant has an Acceptable Reason

If a Participant notifies the Provider that they are unable to attend a scheduled Capability Interview, the Provider must assess if the Participant's reason for not being able to attend with 2 Business Days is an Acceptable Reason.

The Provider must determine that a Participant has an Acceptable Reason for being unable to attend the Capability Interview within the standard 2 Business Days timeframe if:

- the Participant notified the Provider, before the end of the standard 2 Business Days timeframe, that the Participant is unable to attend the Capability Interview, and
- the Provider is satisfied that the Participant has a Valid Reason for being unable to attend the Capability Interview within the standard 2 Business Days timeframe.

If the Provider determines a Participant has an Acceptable Reason, the Provider must schedule the Capability Interview to occur within 12 Business Days after the standard 2 Business Days timeframe (14 Business Days after the Participant accrues the Demerit that triggers the Capability Interview).

If there is an Acceptable Reason, the Provider must undertake the following steps in the Department's IT Systems:

- Step 1: Select 'unable to re-engage within 2 Business Days' — this will lift the Participant's Income Support Payment suspension, but the requirement to attend the Capability Interview will still be outstanding on the Participant's record
- Step 2: Select from the drop-down menu a description of the relevant Valid Reason that is most like the reason as described by the Participant to the Provider — a full list of the reasons that appear in the drop-down menu can be found in the Finalising Re-engagement Requirements supporting document, and

- Step 3: Schedule the Capability Interview within the 14 Business Day timeframe.

Circumstance 2: Participant does not have an Acceptable Reason

If the Provider assesses that the Participant's reason is not an Acceptable Reason as discussed above, the Provider must:

- schedule the Capability Interview within the standard 2 Business Days timeframe
- tell the Participant why their reason is not an Acceptable Reason
- inform the Participant that they are still expected to attend the Capability Interview, and
- remind the Participant that, if their Income Support Payment is currently suspended, that their payment suspension will not be lifted until they attend the Capability Interview.

Circumstance 3: When Part-Time or Outreach Site operations prevent delivery of the Capability Interview within 2 Business Days

If Part-Time or Outreach Site hours of operations prevent the Provider from delivering the Capability Interview face-to-face within the standard 2 Business Days timeframe, but the Provider has determined the Capability Interview must be conducted face-to-face (e.g. because it is unsuitable to deliver the Capability Interview via a phone call or videoconference or no allowable circumstance exists), the Provider must schedule the Capability Interview to occur as soon as possible after the standard 2 Business Days timeframe.

In any event, the Provider must schedule the Capability Interview to occur within 12 Business Days after the standard 2 Business Days timeframe. Broadly speaking, this means that the Provider must schedule the Capability Interview within 14 Business Days after the Participant accrues the Demerit that triggers the Capability Interview.

In these cases, the Provider must undertake the following steps in the Department's IT Systems:

- Step 1: Select 'Re-engagement not required' — this will lift the Participant's Income Support Payment suspension, but the requirement to attend the Capability Interview will still be outstanding on the Participant's record
- Step 2: Record the reason why 'Re-engagement not required' — the only drop-down menu option is 'Part-time/outreach services', and
- Step 3: Manually schedule the Capability Interview in the Participant's Electronic Calendar.

Circumstance 4: When the Participant is transferred to another Provider, or the Participant is returning to service after an Exemption

A Provider does not need to conduct the Capability Interview within the standard 2 Business Days timeframe where, after the Capability Interview is triggered, but before it is finalised, the Participant:

- transfers from their current Provider to another Provider or Other Service, or
- is granted an Exemption.

In these cases, the Capability Interview must still be undertaken by:

- the new Provider, at the Initial Interview when the Participant transfers to the new Provider, or

- the current Provider, within 14 Business Days of the Participant returning after an Exemption.

Capability Interviews is no longer required but still outstanding

The Department's IT Systems will identify that an 'outstanding' Capability Interview is 'No Longer Required' when, after the Capability Interview is triggered, but before it is finalised, the Participant:

- transfers from the Provider to another Provider, or
- is granted an Exemption.

The process for resolving the outstanding Capability Interview is outlined in the previous section on scheduling a Capability Interview (see Circumstance 4 above).

If a Participant fails to attend their Capability Interview

As a Capability Interview is generally a type of Re-engagement Requirement the Provider must take the action required when a Participant fails to meet a Re-engagement Requirement. See the relevant information in Section 12.4.6 Re-engagement Requirements.

Conducting a Capability Interview

The Provider must accurately complete the pre-interview questions in the Department's IT Systems prior to the Capability Interview.

The Provider must conduct the Capability Interview in accordance with to the Provider Actions – Conducting a Capability Interview supporting document on the Provider Portal.

When conducting the Capability Interview, Providers must always consider the importance of Participants' privacy and confidentiality. Capability Interviews should be conducted in a private setting that enables participants to disclose personal circumstances safely and honestly.

- To finalise the Capability Interview, select 'submit' in Department's IT Systems after:
  - completing the pre-interview questions, and
  - recording all the relevant information during the Capability Interview.

Actioning the outcomes of the Capability Interview

The Department's IT Systems will display one of the following outcomes of a Capability Interview:

- Capable
- Not Capable due to errors in compulsory requirements
- Not Capable of meeting current requirements due to ongoing circumstances
- Not Capable due to newly disclosed information, or
- Not Capable due to a change in service eligibility or stream.

Each of these outcomes is discussed in further detail below.

The Provider must explain the outcome of the Capability Interview to the Participant while they are still in attendance/in contact during the Capability Interview appointment. The Provider must ensure that the Participant understands what the Capability Interview outcome means and what will happen next.

(Deed Reference(s): Clause 139.8, 139.9, 139.10)

Capable

If the outcome of the Capability Interview is that the Participant's Job Plan and compulsory requirements are suitable for the Participant, they will continue in the Warning Zone with 3 Demerits.

Because the Job Plan is suitable for the Participant, the Mutual Obligation Requirements specified in the Participant's Job Plan do not need to be updated.

Providers must undertake the following actions:

- Advise the Participant that their Job Plan and Mutual Obligation Requirements have been assessed as being suitable for them
- Advise the Participant, if they continue to commit Mutual Obligation Failures without a Valid Reason, this may result in a Capability Assessment with Services Australia, and
- Explain to the Participant their Mutual Obligation Requirements and the consequences of non-compliance.

Not Capable due to errors in compulsory requirements

If the outcome of the Capability Interview is that there are errors in the Participant's compulsory requirements, the Participant is returned to the Green Zone with their Demerits reset to zero.

Providers must undertake the following actions:

- Discuss the Participant's requirements with them, renegotiate and update the Participant's Job Plan and compulsory requirements so that they are suitable. This should be undertaken as soon as the Capability Interview outcome has been determined by the Department's IT Systems, or if this is not possible within 10 Business Days following the finalisation of the Capability Interview, and
- Explain to the Participant their Mutual Obligation Requirements and the consequences of non-compliance.

Note: Until the Job Plan has been renegotiated and agreed, the Participant cannot accrue further Demerits. Once the Participant has agreed to their new Job Plan, the Participant will be able to accrue Demerits.

Not Capable of meeting current requirements due to ongoing circumstances

If the outcome of the Capability Interview is the Participant is not capable of meeting their current compulsory requirements due to ongoing circumstances, the Participant is returned to the Green Zone with their Demerits reset to zero.

Providers must undertake the following actions:

- Discuss the Participant's requirements with them, renegotiate and update the Participant's Job Plan and compulsory requirements so that they are suitable. This should be undertaken as soon as the Capability Interview outcome has been determined by the Department's IT Systems, or if this is not possible within 10 Business Days following the finalisation of the Capability Interview, and
- Explain to the Participant their Mutual Obligation Requirements and the consequences of non-compliance.

Note: Until the Job Plan has been renegotiated and agreed, the Participant cannot accrue further Demerits. Once the Participant has agreed to their new Job Plan, the Participant will be able to accrue Demerits.

Not Capable due to newly disclosed information

If the outcome of the Capability Interview is that the Participant was not capable of meeting their compulsory requirements at the time non-compliance occurred, the Participant is returned to the Green Zone with their Demerits reset to zero.

Providers must undertake the following actions:

- Consider if the Mutual Obligation Requirements specified in the Participant's Job Plan remain appropriate to the Participant's circumstances and the Participant can meet them
- If not, discuss the Participant's requirements with them, renegotiate and update the Participant's Job Plan and compulsory requirements so that they are suitable. This can be undertaken at the Capability Interview, or if this is not possible within 10 Business Days following the finalisation of the Capability Interview, and
- Explain to the Participant their Mutual Obligation Requirements and the consequences of non-compliance.

Not Capable due to a change in service eligibility or stream

If the outcome of the Capability Interview is the Participant is not capable due to a change in service eligibility or stream, the Participant is returned to the Green Zone with their Demerits reset to zero.

Providers must undertake the following actions:

- Advise the Participant that their level of servicing or program eligibility has changed because of an updated JSCI score or new ESAt
- Discuss the Participant's requirements with them, renegotiate and update the Participant's Job Plan and compulsory requirements so that they are suitable. This should be undertaken as soon as the Capability Interview outcome has been determined by the Department's IT Systems, or if this is not possible within 10 Business Days following the finalisation of the Capability Interview, and
- Explain to the Participant their Mutual Obligation Requirements and the consequences of non-compliance.

12.4.8 Capability Assessment

A Capability Assessment is the Re-engagement Requirement when a Participant has 5 confirmed Demerits.

Note: Capability Assessments are only applicable for Participants that have a Detailed Job Plan.

A Capability Assessment is further protection for the most vulnerable Participants to confirm that a Participant's Job Plan and Mutual Obligation Requirements are suitable and gives another opportunity for Participants to disclose issues that may be affecting their ability to meet the requirements specified in their Job Plan.

Capability Assessments are conducted by Services Australia.

Even though Providers do not conduct Capability Assessments, Providers still have obligations under the Deed in relation to Capability Assessments.

(Deed Reference(s): Clause 139.11)

Irrespective of the outcome, following a Capability Assessment, the Participant is returned to the Green Zone by the Department of Employment and Workplace Relations with their Demerits reset to zero.

If a Participant commits further Mutual Obligation Failures after participating in a Capability Assessment but before the Capability Assessment has been finalised in the Department's IT Systems, the Participant will not accrue Demerits, but their Income Support Payment may still be suspended to encourage the Participant to reconnect with their Provider.

Providers must still report Work Refusal Failures, regardless of whether the Capability Assessment is finalised in the Department's IT Systems.

When a Capability Assessment is triggered

Services Australia conducts a Capability Assessment when the Participant has:

- reached 5 Demerits (including through a 'fast-track' failure) and
- been found capable of meeting their requirements at a Capability Interview.

In these circumstances a Capability Assessment is said to be 'triggered', and the Department's IT Systems will identify that the Participant's Re-engagement Requirement is Capability Assessment.

When alerted that the Participant must attend a Capability Assessment, the Provider must read the formal notification script displayed in the Department's IT Systems to the Participant. This notification informs the Participant that:

- they must contact Services Australia as soon as possible to participate in a Capability Assessment, and
- if their payment is not already suspended, that their Income Support Payment will be suspended in 5 Business Days if they do not contact Services Australia, or
- if their payment is suspended, that it will remain suspended until they meet the Re-engagement Requirement.

Participants will be unable to report their income for their next fortnightly Income Support Payment until they contact Services Australia to undertake the Capability Assessment.

Actioning the outcomes of a Capability Assessment

Services Australia will notify Providers of Capability Assessment outcomes via the Department's IT Systems.

Once the Capability Assessment has been finalised in the Department's IT Systems, the Provider must review the outcomes and any servicing recommendations Services Australia has recorded in the Capability Management Tool.

The possible outcomes are that the Participant is:

- Capable
- Not Capable due to errors in compulsory requirements
- Not Capable of meeting current requirements due to ongoing circumstances
- Not Capable due to newly disclosed information, or
- Not Capable due to a change in service eligibility or stream (**Note:** This outcome is applicable when the Participant is not capable due to a change in service eligibility).

Each of the above outcomes are discussed in further detail below.

Providers can view the Capability Assessment outcomes on the 'Targeted Compliance Framework History' screen in the Departments IT Systems.

The Provider must ensure that the Participant understands what the Capability Assessment outcome means and what will happen next.

Note: When a Participant is found Not Capable, the Participant cannot accrue further Demerits until the Job Plan is updated and agreed, if required.

Capable

If the outcome of the Capability Assessment is that the Participant's Job Plan or Mutual Obligation Requirements are suitable for the Participant, they will move into the Penalty Zone. The Department of Employment and Workplace Relations will then move the Participant from the Penalty Zone back to the Green Zone.

Because the Job Plan and compulsory requirements are suitable for the Participant, the Mutual Obligation Requirements do not need to be updated.

Providers must undertake the following actions:

- Advise the Participant that their Job Plan and compulsory requirements have been assessed as being suitable for them
- Explain to the Participant their Mutual Obligation Requirements in their Job Plan and the consequences of non-compliance, and
- Review the Capability Management Tool as Services Australia may have identified issues that the Provider will need to consider when renegotiating the Participant's Mutual Obligation Requirements in the future.

Not Capable due to errors in compulsory requirements

If the outcome of the Capability Assessment is that there are errors in the Participant's compulsory requirements, the Participant is returned to the Green Zone with their Demerits reset to zero.

Providers must undertake the following actions:

- Advise the Participant that their Demerits have been reset to zero and they have returned to the Green Zone
- Review the Capability Management Tool for service recommendations recorded by Services Australia and consider those recommendations before renegotiating the Participant's Mutual Obligation Requirements
- In consultation with the Participant, renegotiate and update the Participant's Job Plan and compulsory requirements so that they are suitable. This should be undertaken within 10 Business Days following the finalisation of the Capability Assessment, and
- Explain to the Participant their Mutual Obligation Requirements and the consequences of non-compliance.

Not Capable of meeting current requirements due to ongoing circumstances

If the outcome of the Capability Assessment is the Participant is not capable of meeting their current compulsory requirements due to ongoing circumstances, the Participant is returned to the Green Zone with their Demerits reset to zero.

Providers must undertake the following actions:

- Advise the Participant that their Demerits have been reset to zero and they have returned to the Green Zone
- Review the Capability Management Tool for service recommendations recorded by Services Australia and must consider those recommendations before -discussing the Participant's Mutual Obligation Requirements with them
- In consultation with the Participant, renegotiate and update the Participant's Job Plan and compulsory requirements so that they are suitable. This should be undertaken within 10 Business Days following the finalisation of the Capability Assessment, and
- Explain to the Participant their Mutual Obligation Requirements and the consequences of non-compliance.

Not Capable due to newly disclosed information

If the outcome of the Capability Assessment is that the Participant was not capable of meeting their compulsory requirements at the time non-compliance occurred, the Participant is returned to the Green Zone with their Demerits reset to zero.

Providers must undertake the following actions:

- Advise the Participant that their Demerits have been reset to zero and they will return to the Green Zone
- Review the Capability Management Tool for service recommendations and/or barriers recorded by Services Australia and consider if the Participant's Job Plan is still suitable for the Participant
- Consider if the Mutual Obligation Requirements specified in the Participant's Job Plan remain appropriate to the Participant's circumstances and the Participant can meet them
- If not, discuss the Participant's requirements with them, renegotiate and update the Participant's Job Plan and compulsory requirements so that they are suitable. This should be undertaken within 10 Business Days following the finalisation of the Capability Assessment, and
- Explain to the Participant their Mutual Obligation Requirements and the consequences of non-compliance.

Not Capable due to a change in service eligibility or stream

If the outcome of the Capability Assessment is the Participant is not capable due to a change in service eligibility or stream the Participant is returned to the Green Zone with their Demerits reset to zero.

Providers must undertake the following actions:

- Advise the Participant that their level of servicing or program eligibility has changed because of an updated JSCI score or new ESAt
- Advise the Participant that their Demerits have been reset to zero and they will return to the Green Zone
- Review the Capability Management Tool for service recommendations and/or barriers recorded by Services Australia that must be considered before renegotiating the Participant's Mutual Obligation Requirements
- In consultation with the Participant, renegotiate and update the Participant's Job Plan and compulsory requirements so that they are suitable. This should be

undertaken within 10 Business Days following the finalisation of the Capability Assessment, and

- Explain to the Participant their Mutual Obligation Requirements and the consequences of non-compliance.

12.5 Compliance actions - Work Refusal Failures

This Section applies to Participants (Mutual Obligation)

12.5.1 What is a Work Refusal Failure

Participants commit a Work Refusal Failure if they refuse or fail to accept an offer of suitable paid work, including by failing to commence suitable paid work offered to them. Except, a Principal Carer Parent or a Participant with a Partial Capacity to Work does not commit a Work Refusal Failure if they refuse or fail to accept an offer of paid work that is for more than 15 hours per week. Participants may have their Income Support Payment suspended for a Work Refusal Failure.

Participants can commit a Work Refusal Failure even if they have Meaningful Engagement Job Plan and looking for work is not part of the agreed approach for meeting the Meaningful Engagement Requirement.

Providers must only start the process to create a Work Refusal Failure in the Department's IT system if they are satisfied the Participant has refused or failed to accept an offer of suitable paid work. Providers must not create a Work Refusal Failure in the Department's IT system if they simply suspect, but are not positively satisfied, that a Participant has refused or failed to accept an offer of suitable paid work.

If the Provider is satisfied the Participant has committed a Work Refusal Failure (as referred to in Identifying a Work Refusal Failure), the Provider then creates a Work Refusal Failure report, which will be sent through the Department's IT Systems to Services Australia. The creation of a Work Refusal Failure report will trigger resolution time.

Note: While payment cancellations for a Work Refusal Failure are paused, Services Australia will reject the Work Refusal Failure report without investigation.

Work Refusal Failures reinforce the principle that Income Support Payments for Participants should only be available to those who are genuine in their efforts to move into paid work.

Providers must comply with their Deed obligations relating to apparent Work Refusal Failures regardless of which zone the relevant Participant is in.

12.5.2 Identifying a Work Refusal Failure

Providers have obligations under the Deed when they become aware that a Participant has apparently committed a Work Refusal Failure.

(Deed Reference(s): Clause 135.1, 140)

Before deciding to raise a Work Refusal Failure, Providers must be satisfied, based on sufficient evidence, that a Work Refusal Failure has occurred. This goes beyond simply becoming aware that a Work Refusal Failure may have occurred.

Providers must only start the process to create a Work Refusal Failure in the Department's IT system if they are satisfied the Participant has refused or failed to accept an offer of suitable paid work. Providers must not start the process to create a Work Refusal Failure based on a mere suspicion that a Work Refusal Failure has occurred.

Providers will usually be alerted that a Participant has refused or failed to accept suitable work by a potential employer. Providers must review any information received and contact the employer for further information if required.

Even if the Provider cannot contact the Participant, Providers must consider whether they are satisfied they have sufficient evidence a Work Refusal Failure occurred based on:

- information provided by a prospective Employer; and/or
- information already known to the Provider (for example, about the Participant's circumstances).

Contact with the Participant

Providers must try to contact the Participant on the same Business Day that they become aware of the apparent Work Refusal Failure.

Contact is successful

When the Provider is in contact with the Participant, the Provider must:

- discuss the information they have received with the Participant to see if there is further information to help the Provider decide whether a Work Refusal Failure has occurred, and
- assess whether the Participant had a Valid Reason for the failure.

If, after discussing the information they received and the circumstances of the apparent Work Refusal Failure with the Participant, the Provider assesses that:

- the Participant has not received an offer of paid work (e.g. they attended an interview, but were not offered the position), the Provider must not determine that the Participant committed a Work Refusal Failure; or
- the Participant has refused or failed to accept an offer of paid work, the Provider must then assess whether the paid work offered was suitable for the Participant.

There are factors for determining if work was unsuitable listed in Social Security Law. For example, the offer of Employment would be unsuitable for an Inclusive Employment Australia Participant if any of the following apply:

- the Participant was already working and cannot take up both jobs (because hours of work overlap or when combined total hours would exceed number of hours considered suitable) or remuneration for the new job is lower than the existing job
- the Participant is undertaking approved Education or Training and the hours the Participant would be required to undertake the work conflict with their hours of study
- the Participant lacks the particular skills, experience or qualifications that are needed to perform the work, and no training will be provided by the Employer
- there is medical evidence that the Participant has an illness, disability or injury that would be aggravated by the conditions in which the work would be performed
- the Participant is a Principal Carer Parent of one or more children, and does not have access to appropriate care and supervision for the children at the times when the Participant would be required to undertake the work (which includes reasonable amounts of time that would be needed for the Participant to travel between home and the work)
- the work hours are above the Participant's assessed future work capacity with intervention

- the work hours are greater than 15 hours per week
- the acceptance of an offer of a permanent full-time job would jeopardise the current employment or the job prospects of the Participant's partner
- performing the work in the conditions in which the work would be performed would constitute a risk to health or safety and would contravene a law of the Commonwealth, a State or a Territory relating to occupational health and safety
- the terms and conditions for the work would be less generous than the applicable statutory conditions
- commuting between the Participant's home and the place of work would be unreasonably difficult, as it would require the Participant to spend more than 60 minutes travelling each way using their usual available mode of transport
- the work requires the Participant to change residence (in most cases)
- the Participant has a verifiable and legitimate objection to the work on moral, cultural or religious grounds — for example, there is evidence that the Participant adheres to a particular set of moral, ethical or religious values and aspects of the work would be inconsistent with those values
- the work would require the Participant to enlist in the Defence Force or the Reserves
- the work is unsuitable to be done by the Participant for any other reason
- the Participant would be financially worse off by undertaking the work, by comparison with not undertaking the work, considering:
    - the financial cost for personal care requirements incurred to get ready for work or while on the job
    - the financial cost for disability aids and equipment needed for participation which are not covered by the Employer
    - the financial cost of travel that would be incurred by the Participant in undertaking the work
    - the reduction in income support, additional tax paid or impact on public housing, or
    - the financial benefit for the Participant of undertaking the work would be marginal because of the financial cost to the Participant in providing appropriate care and supervision for one or more children, for whom the Participant is the Principal Carer Parent, at the times when the Participant would have to undertake the work.

More information on whether the work is suitable is available in the Suitable Work Provider Fact Sheet on the Provider Portal.

Contact is not successful

When the Provider is not in contact with the Participant following an apparent Work Refusal Failure, the Provider must consider whether they are satisfied they have sufficient evidence a Work Refusal Failure occurred based on:

- information provided by a prospective Employer; and/or
- information already known to the Provider (for example, about the Participant's circumstances).

12.5.3 Timeframe to Report a Work Refusal Failure

The Work Refusal Failure report must be created and finalised within 10 Business Days of the incident date. If this does not occur (e.g. where the Provider is not satisfied a Work Refusal Failure has occurred until after 10 Business Days have passed since the incident date), the Department's IT Systems will not allow the Work Refusal Failure report to be finalised, meaning the Work Refusal Failure will not be reported to Services Australia

The incident date is the date on which the Participant:

- refused an offer of suitable paid work. For example, if a Participant was offered a job at an interview and refused that offer:
  - on the day of the interview, the incident date is the date of the interview
  - 3 days after the interview, the incident date is the date that is 3 days after the interview, or
- failed to accept an offer of suitable paid work. For example:
  - if the Participant was given 14 days to accept the offer and did not do so, the incident date is the 14th day (unless the Participant actively refuses the job on an earlier day), or
  - if, when the offer was made, the Participant agreed a start date with the potential Employer, but did not commence work on that date, the incident date is the date the Participant was due to start.

Managing Work Refusal Failures Outside Reporting Timeframes

If the Provider is satisfied that the Participant has committed a Work Refusal Failure (see Identifying a Work Refusal Failure) but the Work Refusal Failure report cannot be created (for example, where 10 Business Days have passed since the incident date), the Provider should discuss the matter when next in contact with the Participant and provide guidance on accepting and commencing suitable paid work. During this discussion, Providers should also consider referring the Participant to activities to build or improve employability or similar appropriate activities.

12.5.4 Provider is Satisfied a Work Refusal Failure Occurred

Providers must document and retain any evidence to support their decision that a Work Refusal Failure has occurred. This includes:

- details of how the Provider became aware that a Work Refusal Failure appeared to have been committed
- any comments from the Employer
- any reasons given by the Participant.

Contact is successful

When contact is made with the Participant at the time the Provider is satisfied a Work Refusal Failure has occurred (see Identifying a Work Refusal Failure), the Provider must:

- discuss the evidence with the Participant. Based on that discussion, the Provider should assess whether the Provider remains satisfied a Work Refusal Failure has occurred
- identify if there is further information that may assist the Provider's decision making. If so, obtain and consider it, then

- assess whether the Participant has a Valid Reason for the Failure.

Participant does not have a Valid Reason

When contact is made with the Participant at the time the Provider is satisfied that a Work Refusal Failure has occurred, and the Participant does not have a Valid Reason, the Provider must create and finalise the Work Refusal Failure report.

To create and finalise the Work Refusal Failure report in the Department's IT Systems:

- select 'Create compliance'
- select the appropriate Event Type from the drop-down menu:
  - select 'Job seeker failed to accept suitable job' where the Provider considers that the Participant refused or failed to accept an offer of suitable paid work, other than by failing to commence work on the start date agreed with the potential Employer, or
  - select 'Job seeker failed to commence suitable job' where the Provider considers that the Participant refused or failed to accept an offer of suitable paid work by failing to commence work on the start date agreed with the potential Employer
- record the incident date (discussed above)
- answer 'Yes' to the question of whether the Provider is in contact with the Participant
- select a reason from the 'Reasons Not Accepted' column of the drop-down menu that will appear. The Provider must select the reason that most closely aligns with the reason the Participant gave as to why they refused or failed to accept the offer of suitable paid work. A full list of these drop-down menu options can be found in the Work Refusal Failure reason options supporting document
- accurately answer the questions that will be automatically generated
- confirm the Provider is satisfied a Work Refusal Failure has occurred, by:
  - marking the checkbox that states: *I am satisfied that the participant has committed a work refusal failure as defined in section 42AD of the Social Security (Administration) Act 1999, and that the paid work offered was not unsuitable, as defined by section 40X of the Social Security (Administration) Act 1999 and section 7 of the Social Security (Streamlined Participation Requirements) Instrument 2022*.
  - using the free text functionality to record what evidence was considered to satisfy that a Work Refusal Failure occurred. The evidence may include a description of an invalid reason which is not contained in the drop-down menu.
- select 'Create', which will finalise the Work Refusal Failure report and send it to Services Australia.

Note: While payment cancellations for a Work Refusal Failure are paused, Services Australia will reject the Work Refusal Failure report without investigation.

By creating and finalising the Work Refusal Failure report as described above, the Provider is confirming they are satisfied the Participant has committed a Work Refusal Failure.

The Provider must advise the Participant that the failure has been recorded in the IT system however their payment will not be cancelled while cancellations for Work Refusal Failures are paused. The Participant should also be informed that further discussion on

their legal requirement to accept and maintain suitable paid work, including any support needs, will occur at the next scheduled appointment.

Participant has a Valid Reason

If the Participant does have a Valid Reason, the Provider must record their decision in the Department's IT System comments section.

No further action is required in relation to the Work Refusal Failure and Participants should continue to be serviced at their next scheduled Provider Appointment.

Contact is not successful

When the contact attempt is not successful at the time the Provider is satisfied a Work Refusal Failure has occurred (see Identifying a Work Refusal Failure), the Provider must:

- assess information available to them in relation to the offer of employment, suitability of the work placement, and the Participant's circumstances at the time of the failure, then
- create a Work Refusal Failure report.



To create and finalise the Work Refusal Failure report in the Department's IT Systems:

- select 'Create compliance'
- select the Event Type from the drop-down menu that will appear as follows:
  - select 'Job seeker failed to accept a suitable job' where the Provider considers that the Participant has apparently refused or failed to accept an offer of suitable paid work, other than by failing to commence work on the start date agreed with the potential Employer, or
  - select 'Job seeker failed to commence suitable job' where the Provider considers that the Participant has apparently refused of failed to accept an offer of suitable paid work by failing to commence work on the start date agreed with the potential Employer
- record the incident date (discussed above)
- answer 'No' to the question of whether the Provider is in contact with the Participant
- accurately answer the questions that will be automatically generated
- confirm the Provider is satisfied a Work Refusal Failure has occurred, by:
  - marking the checkbox that states: *I am satisfied that the participant has committed a work refusal failure as defined in section 42AD of the Social Security (Administration) Act 1999, and that the paid work offered was not unsuitable, as defined by section 40X of the Social Security (Administration) Act 1999 and section 7 of the Social Security (Streamlined Participation Requirements) Instrument 2022.*
  - using the free text functionality to record what evidence was considered to satisfy that a Work Refusal Failure occurred. The evidence may include a description of an invalid reason which is not contained in the drop-down menu.
- select 'Create'. This will create a Work Refusal Failure report.

Work Refusal Failure Resolution Time and Payment Suspension Process

Following the creation of the Work Refusal Failure report while not in contact with the Participant, the Provider will receive notification advising:

- they have committed a Work Refusal Failure
- they must contact their Provider as soon as possible, and
- their payment may be suspended after 5 Business Days if they take no further action.

If the Participant does not contact their Provider within 5 Business Days, the Department's IT Systems will automatically suspend the Participant's Income Support Payment and the Participant will receive notification that their Income Support Payment has been suspended and to contact their Provider.

The Participant's Reconnection Requirement is to contact their Provider to discuss the Work Refusal Failure. If the Participant's Income Support Payment has been suspended, the suspension will be lifted once they contact their Provider and their Provider finalises the Work Refusal Failure report.

Participant contacts Provider – no Valid Reason

If the Participant contacts the Provider following the creation of a Work Refusal Failure notification, and the Provider is still satisfied a Work Refusal Failure has occurred and does not accept that there is a Valid Reason for the Non-Compliance, the Provider must update and finalise the Work Refusal Failure report as follows.

To finalise the Work Refusal Failure report in the Department's IT Systems:

- select the edit option in the Work Refusal Failure report (by doing so, the Provider is confirming that they are in contact with the Participant)
- select 'No' in response to the question of whether they accepted the reason given by the Participant. By doing so, the Provider is confirming that they have determined that the Participant has committed a Work Refusal Failure
- select a reason from the 'Reasons Not Accepted' column of the drop-down menu that will appear. The Provider must select the reason that most closely aligns with the reason that the Participant gave as to why they refused or failed to accept the offer of suitable Employment. A full list of these drop-down menu options can be found in the Work Refusal Failure reasons supporting document, and
- select 'Submit', which will finalise and send the Work Refusal Failure report to Services Australia.

Note: While payment cancellations for a Work Refusal Failure are paused, Services Australia will reject the Work Refusal Failure report without investigation.

Participant contacts Provider – Valid Reason

If the Participant contacts the Provider following the creation of a Work Refusal Failure notification and the Provider accepts the Valid Reason the Participant has given, the Provider must update the Non-Compliance Event as follows.

To close a Non-Compliance Event in the Department's IT Systems:

- select the edit option in the Work Refusal Failure report (by doing so, the Provider is confirming that they are in contact with the Participant)
- select 'Yes' in response to the question of whether they accepted the reason given by the Participant. By doing so, the Provider is confirming that they have determined that the Participant has not committed a Work Refusal Failure
- select a reason from the 'Reasons Accepted' column of the drop-down menu that will appear. The Provider must select the reason that most closely aligns with the Valid Reason provided by the Participant. If the Participant provides any other reason why the work was unsuitable which does not match any of the Valid Reasons options in the drop-down menu, the Provider may use the 'Other comments' box to detail any other reason that was accepted, and
- select 'Submit', which will close the Non-Compliance Event.

Participant contacts Provider – not satisfied a Work Refusal Failure occurred

If the Participant contacts the Provider following the creation of a Work Refusal Failure notification and the Provider is no longer satisfied that a Work Refusal Failure has occurred, they must update the non-compliance event as follows.

To update a Non-Compliance Event in the Department's IT Systems:

- select the edit option in the Work Refusal Failure report (by doing so, the Provider is confirming that they are in contact with the Participant)
- select 'Yes' in response to the question of whether they accepted the reason given by the Participant. By doing so, the Provider is confirming that they have determined that the Participant has not committed a Work Refusal Failure
- select the reason "Legal requirement" from the 'Reasons Accepted' column, and
- select 'Submit', which will close the Non-Compliance Event.

12.5.5 Provider is not Satisfied a Work Refusal Failure Occurred

Contact is successful

If the Provider is not satisfied that a Work Refusal Failure has occurred after discussing the information with the Participant, the Provider must record their decision in the Department's IT System comments section.

Contact is not successful

If the Provider is not satisfied that a Work Refusal Failure has occurred, the Provider must record their decision in the Department's IT System comments section.

No further action is required in relation to the Work Refusal Failure and the Participant should continue to be serviced at their next scheduled Provider Appointment, where the Provider must discuss the legal requirement to accept and retain suitable paid work in return for Income Support Payments and assess if the Participant needs further support or assistance to meet this legal requirement.

12.6 Compliance actions - Unemployment Failures

This Section applies to Participants (Mutual Obligation) and Volunteers (Mutual Obligation)

Note: Unemployment Failures are currently paused until otherwise advised. While reporting is paused, Providers should still discuss with the Participant (Mutual Obligation) their reason for leaving Suitable Work or reasons given by their Employer for being dismissed from Suitable Work. If the Participant (Mutual Obligation) did not have a Valid Reason, Providers can use their discretion as to whether this is a failure to meet the Meaningful Engagement Requirement that contributes to a Pattern of Disengagement.

12.6.1 What is an Unemployment Failure

Participants commit an Unemployment Failure when they become unemployed either:

- as a direct or indirect result of a voluntary act (unless Services Australia is satisfied that the voluntary act was reasonable), or
- as a result of their misconduct as an employee.

Where a Participant becomes unemployed as described above, this is referred to as a 'potential Unemployment Failure' in these Guidelines (i.e. a Participant has potentially committed an Unemployment Failure').

Participants can commit an Unemployment Failure even if they have Meaningful Engagement Job Plan and maintaining the job is not part of the agreed approach for meeting the Meaningful Engagement Requirement.

12.6.2 Identifying a potential Unemployment Failure

Where Providers identify that a Participant may have committed an Unemployment Failure (that is, become aware that a Participant voluntarily left a suitable job or was dismissed for misconduct), the Provider should discuss with the Participant their reasons for leaving the job, or whether there was misconduct, at the next Contact.

Determining if the unemployment is due to a voluntary act of the Participant

When the Provider discusses the reasons that the Participant became unemployed, the Provider must consider if the Participant became unemployed as a direct or indirect result of a voluntary act. Examples include:

- the Participant resigns from a job or end their contract early, with or without giving notice (direct voluntary act), and
- the Participant leaves a job without informing the Employer (indirect voluntary act).

The Participant does not commit an Unemployment Failure when they become unemployed involuntarily, for a reason that was outside their control. For example:

- the Employer is downsizing and dismissed the Participant
- the Employer is restructuring or relocating and either dismissed the Participant or the Participant left as the location is no longer suitable
- the Participant was dismissed as the Employer considered them to be unsuitable, unable to do the job or for incompetence
- the Participant was unfairly dismissed, for a prohibited reason under the Fair Work Act, or

- the Participant left or was dismissed due to illness, disability or injury, and medical evidence has been provided.

If the Participant became unemployed because of a voluntary act, the Provider must also look to understand why the Participant did the voluntary act. A voluntary act may still be reasonable, and therefore not an Unemployment Failure, according to factors listed in Social Security Law.

For example, the Employment would have been unsuitable for an Inclusive Employment Australia Participant if any of the following apply:

- the job involved skills, experience or qualifications that the Participant did not have, and the Employer did not provide appropriate training
- the number of training hours was excessive compared with their assessed work capacity
- the work aggravated pre-existing disability, illness or injury
- the Employer did not provide appropriate support or facilities to take account of the Participant's disability, illness or injury
- the Participant is a Principal Carer Parent, and did not have access to appropriate care and supervision for the children at the times when the Participant had to undertake the work (which includes reasonable amounts of time needed for the Participant to travel between home and the work)
- the work hours were greater than 15 hours per week
- the work involved health or safety risks, and would contravene a WHS Law
- the work was under terms and conditions that were less generous than the applicable statutory conditions
- commuting between the Participant's home and the place of work was unreasonably difficult, or
- the Participant has a verifiable and legitimate objection to the work on moral, cultural or religious grounds.

Determining if the unemployment is due to the Participant's misconduct as an employee

The Provider must have regard to the following factors (as relevant) when assessing if the Participant became unemployed because of the Participant's misconduct as an employee:

- deliberate failure by the Participant to produce/deliver a reasonable amount of work
- the Participant's unauthorised absence(s) from work without good reason
- the Participant's improper behaviour or practices, such as theft, assault or harassment of other employees
- deliberate actions by the Participant that cause serious risk to the health or safety of other employees, or
- deliberate actions that threaten the reputation, viability or profitability of the Employer.

12.6.3 Reporting a potential Unemployment Failure

Although the functionality is available for Providers to report Unemployment Failures, Providers must not submit Unemployment Failure reports to Services Australia while Unemployment Failures are paused.

12.6.4 Actions after an Unemployment Failure is applied

Note: While Unemployment Failures are paused, this section does not apply

When an Unemployment Failure is applied, by Services Australia, this will result in the Participant being required to enter into a Detailed Job Plan at the first Contact Appointment following the Unemployment Failure (see Chapter 4: Job Plans for information on entering into a Detailed Job Plan).

When a Participant has a Work Refusal Failure applied by Services Australia, the Provider should make a note of this on the Participant's record in the Department's IT Systems — noting that access to the Participant's record is restricted to 28 Calendar Days after the Exit.

Providers must enter a file note using the comment functionality in the Program Summary on the Department's IT Systems.

12.7 Pause of Mutual Obligation Requirements

The Department pauses Mutual Obligation Requirements when exceptional circumstances are identified that would impact Participants' ability to meet (or report) their Mutual Obligation Requirements, or Providers' ability to deliver employment services. Exceptional circumstances may include:

- natural disasters
- major IT system outages
- other significant events such as a pandemic.

When a pause of Mutual Obligation Requirements is in place, the TCF does not apply. Participants can still engage if it is safe and they wish to do so, but there are no compliance consequences if they do not. Providers must not apply compliance actions during a pause, as all Mutual Obligation Requirements become voluntary during this time.

Where the circumstance is at a localised level such as power outages or public transport disruptions, a pause of Mutual Obligations may not be required. In these cases, Providers should manage any potential impacts on Participants.

Where appropriate, this may include:

- adjusting requirements for affected Participants
- rescheduling Provider Appointments or recording that a Participant is no longer required to attend
- setting Job Search Reporting Periods to No Longer Required (NLR)
- recording that a Participant is no longer required to attend a job interview or complete a Job Referral task
- ensuring Participants are given sufficient time before recording a non-attendance result
- considering if further support referrals are required.

Note: For more information on the Pause of Mutual Obligation Requirements, refer to the Targeted Compliance Framework Reference Guide.

12.8 DSP non-compliance and associated compliance actions

This Section applies to DSP Recipients (Compulsory Requirements)

For DSP Recipients (Compulsory Requirements), instances of non-compliance must be reported to Services Australia by the Provider.

Services Australia is responsible for determining if a DSP Recipient (Compulsory Requirements) has failed to meet their requirements in their Participation Plan.

Note: As described in Section 5.2.3 Requirements for Participants undertaking a Program of Support a person may be required to complete a Program of Support before they claim the DSP. A Participant undertaking a Program of Support is not a DSP Recipient (Compulsory Requirements) but may be a Participant (Mutual Obligation) or Participant (Voluntary) depending on whether they are receiving an Income Support Payment and have Mutual Obligation Requirements related to that payment.

Interaction with Job Plan types

A DSP Recipient (Compulsory Requirements) may have a Meaningful Engagement Job Plan or Detailed Job Plan — see Chapter 4: Job Plans. The Participant's Job Plan type will impact when a Provider needs to undertake associated compliance actions.

A DSP Recipient (Compulsory Requirements) with a Meaningful Engagement Job Plan must have non-compliance reported to Services Australia if they do not:

- attend, and be punctual for, their Initial Interview
- attend, and be punctual for, a compulsory Contact Appointment, once notified that they are being compelled to attend under Social Security Law, or
- agree to their Job Plan.

A DSP Recipient (Compulsory Requirements) with a Detailed Job Plan must have non-compliance reported to Services Australia if they do not:

- attend, and be punctual for, an Initial Interview — noting that a Participant may transfer and thus have an Initial Interview scheduled because of the Referral process
- agree to their Job Plan
- attend any compulsory Contact Appointments, as detailed within their Job Plan, and
- attend any compulsory Activities and Job Interviews, as detailed within their Job Plan.

12.7.1 Provider Obligations

Provider staff are delegated certain powers under Social Security Law to notify DSP Recipients (Compulsory Requirements) of their requirements.

The Provider's main obligations relating to compliance for DSP Recipients (Compulsory Requirements) include:

- making sure the Participant's requirements set out in their Job Plan (including any Job Search Requirement, where applicable) are suitable and tailored to their personal circumstances and commitments — refer to Chapter 4: Job Plans and Chapter 5: Participation requirements

- actively checking and recording each Participant's attendance and level of engagement, and
- timely and accurate recording in the Department's IT Systems when a Participant has not complied, where the Provider has determined that it will report non-compliance to Services Australia.

(Deed Reference(s): Clause 136.1(c), 138.3, 142)

Participants can lodge a Complaint about the requirements in their Job Plan, and the decision to move to a Detailed Job Plan, using the following process.

- Participants should discuss their concerns about these decisions with their Provider
- If they still wish to dispute the decision after this discussion, they can contact the NCSL (details for which can be found on the Workforce Australia website). By contacting the NCSL, the Participant is in effect making an Inclusive Employment Australia-related Complaint
- If required, the Provider must action Complaints that are referred to them by the NCSL. This may include reviewing the decision-making process, including any Documentary Evidence recorded on the Department's IT Systems, and
- If they are not satisfied with the response they receive, the Participant may take the matter further by contacting the Ombudsman's Office on 1300 362 072.

12.7.2 Identifying DSP non-compliance

Attempting contact with a Participant

Where the Participant does not attend an Appointment with their Provider, the Provider must try to contact the Participant on the day of non-attendance.

Where a Participant does not attend a Mandatory Activity on a particular day or days, the Provider must try to contact the Participant on the same Business Day that they become aware of the instance or instances of non-attendance.

Where contact can be made with the Participant, the Provider must discuss the non-attendance with the Participant and consider if the Participant has a reasonable excuse.

Where contact cannot be made with the Participant, Providers can decide if it is appropriate to report the non-attendance to Services Australia.

Assessing if a Participant has a reasonable excuse

A reasonable excuse would include circumstances beyond the Participant's control.

Providers must consider certain factors to find whether the DSP Recipient (Compulsory Requirements) had a reasonable excuse, including the Participant's:

- personal circumstances
- system-recorded vulnerability indicators (if any)
- recent compliance history, and
- any other information the Provider believes is relevant.

12.7.3 Reporting DSP non-compliance

If a Provider considers that a DSP Recipient (Compulsory Requirements) has failed to meet a reasonable requirement, the Provider:

- must consider if the Participant had a reasonable excuse for the failure

- can choose to submit a participation report to Services Australia if they consider the Participant could reasonably have completed the requirement.

Where the Provider chooses to report the non-compliance, one of the following compliance reports must be submitted to Services Australia within 10 Business Days of the incident date:

- DSP Appointment Report Diary (DARD) for failure to attend a compulsory Provider Appointment
- DSP Activity Report (DACR) for:
  - failure to undertake a Mandatory Activity, or
  - failure to attend a compulsory Job Interview, or
- DSP Appointment Report Job Plan (DARJ) for failure to agree to a Job Plan.

The Provider must complete and submit the relevant compliance report to Services Australia through the Department's IT Systems.

Services Australia will review any submitted compliance reports as part of its next Participation Interview with the Participant. These interviews usually occur every 3 months.

Services Australia considers a range of factors when determining whether to act about a participation failure, including:

- if the failed requirement was reasonable for the Participant's circumstances
- if the Participant had an acceptable reason for not meeting the requirement
- the Participant's earlier compliance history, and
- if financial penalties are appropriate for the Participant.

If Services Australia considers the Participant has not participated appropriately it can take a range of actions including financial penalties.

Providers should continue to set appropriate requirements for DSP Recipients (Compulsory Requirements) on their Caseload, regardless of any actions taken by Services Australia.

Where the Provider chooses not to report the non-compliance, they must use another engagement strategy to ensure the Participant meets their requirements.

12.9 Record Keeping

Providers must keep Documentary Evidence which is not kept on the Department's IT Systems.

Below is a summary of the Documentary Evidence requirements for this Chapter.

For failure to meet the Meaningful Engagement Requirement

File note recording a summary of how the Provider determined that the Participant was not meaningfully engaging and hence failed to meet the Meaningful Engagement Requirement.

File note recording a warning was issued in relation to levels of engagement.

File note recording details of engagement or servicing strategies delivered by the Provider and the results of these strategies on level of engagement.

Any determination as to whether a Pattern of Disengagement has been shown as determined by the Provider.

For Work Refusal Failures

In addition to the evidence recorded in the Department's IT Systems, Documentary Evidence could include:

- details of the relevant incident, including the parties involved and what occurred
- Valid Reason assessments
- notification of an Employment offer
- details related to the Employer.

For DSP compliance reporting

In addition to the evidence recorded in the Department's IT Systems, Documentary Evidence could include:

- the format of the prior notification
- a hard copy of a manually prepared notification of the requirement
- details of the relevant incident, including the parties involved and what occurred, or
- reasonable excuse assessments.

Chapter 13: Servicing Participants with challenging behaviours

Supporting Documents for this Chapter

- Temporary Site Closures – Advice for Providers
- Provider Actions – Completing an Incident Report
- Managed Serviced Plan Arrangements letter template
- Serious Incident Report form
- Public Interest Certificate (PIC) Guidelines

13.1 Chapter Overview

This Chapter provides information for Providers on how to recognise and manage challenging behaviours. It includes information on how to provide safe and ongoing Services to Participants with challenging behaviours so that they can remain connected with Services and (where applicable) meet their Mutual Obligation Requirements, while limiting risks to the safety of Provider staff, other Participants and property.

All Providers are responsible for ensuring people's safety on their premises and that the Services they deliver are safe. Providers can adapt the strategies in this Chapter to meet their own circumstances. This Chapter supplements, but does not replace, Provider internal operational policies and procedures. Providers are responsible for informing themselves of their relevant legal and Deed obligations, including relevant Work Health and Safety (WHS) and Privacy Laws, and compliance with these obligations. This Chapter does not cover WHS Incidents. For WHS Incidents refer to Chapter 7: Activities.

13.2 Recognising challenging behaviour

Challenging behaviour is any behaviour that is unacceptable or hostile and that creates an intimidating, frightening, threatening, offensive or physically dangerous situation in the workplace or other location.

Challenging behaviour:

- can be verbal or physical aggression, self-harm, property damage, non-compliance or disruptive depending on the context and the person
- can pose a risk of harm to the Participant, others or property
- can be impacted by the physical setting, or topic or tone of discussion, and/or
- can stem from underlying causes like, low literacy or communication, sensory issues, loss of or low hearing, emotional distress, health and wellbeing including mental health

A Participant may exhibit the following challenging behaviours:

- physical violence against any person such as hitting, kicking, punching, spitting or throwing objects
- physical abuse, sexual abuse or harassment, inappropriate touching or stalking of staff members or other Participants including intimidation that leads another to feel an immediate or immanent threat of personal safety
- verbal or written threats to self or others over a phone call or videoconference, in person, or via letter, email or social media and may include swearing, offensive noises or gestures, inappropriate or suggestive comments

- taking a physical stance or creating something that poses a serious or immediate threat of violence
- intentionally damaging, defacing, or destroying property theft of property, undertaking illegal actions on the Provider's premises, use of the Provider's equipment and/or property for illegal purposes, and/or
- causing injury to oneself — for example, cutting or indications of suicide or self-harm.

13.3 Managing a challenging behaviour Incident

The Department views the safety of Provider staff and Participants as a priority and acknowledges that Providers have a wide variety of expertise and arrangements in place to address safety concerns and challenging behaviours.

Providers are responsible for people's safety on their premises and that the Services they deliver are carried out safely. Where challenging behaviour is observed, Providers should consider if police involvement is required and are encouraged to contact police if they believe assistance from emergency services is necessary.

13.3.1 Maintaining an Incident Management Plan

It is the Provider's responsibility to have an Incident Management Plan in place that outlines its approach to managing situations where Participants, staff or visitors display challenging behaviours, or where Provider staff identify that a situation has the potential to escalate to become an Incident. Providers must provide a copy of this plan upon the Department's request.

13.3.2 General considerations

Strategies may differ between Providers and their Sites. Participants have different situations. Many factors can cause challenging behaviour. This also affects which strategy works best to manage that behaviour.

When Providers face challenging behaviours, they might want to talk to the Participant about it. Participants have the right to ask questions. They can also share their thoughts on their rights and support required. In these situations, Participants should not be seen as showing challenging behaviours if they are not being abusive or using offensive language.

If a Participant shows challenging behaviour during an Activity, the Provider should act appropriately. This action should follow the situation, these Guidelines, the Deed, and WHS Laws.

13.3.3 Immediate notification requirement

Where there is a real and imminent threat to the safety of a Participant, person or property call 000 immediately and answer / follow instructions of the operator, then when it is safe to do so, as soon as practical after the Incident follow the Public Interest Certificate (PIC) requirements (more details are available in Part A Guidelines: Chapter 6: Privacy and Public Interest Certificate (PIC) Guidelines).

13.3.4 Notifying Services Australia

If a Participant threatens Services Australia staff or property, the Provider must share that information. This helps keep staff and other Customers safe.

- First, the Provider should attempt to call the local Services Australia service centre (the office closest to the Provider's location or the location of a threat) to advise of the risk, and
- If the Provider cannot reach the local Services Australia service centre or is unsure who to call, they should call the Services Australia Security Hotline on 1800 046 021.
    - This hotline is managed by Services Australia Regional Security Advisers and is operational nationally between 7:00 am and 7:00 pm Monday to Friday.

In the event of an emergency - call 000.

Incidents should be recorded on the day of the Incident occurred or as soon as possible and within 24 hours of the Incident.

13.3.5 Temporary Site closures

A Provider may temporarily close their Site if a Participant shows a challenging behaviour that creates a real or perceived threat to the safety of staff, others and property. The Site remains closed until the issue is resolved or they feel the threat has passed. Please refer to the Temporary site closure advice for Providers on the Provider Portal.

13.3.6 Disclosure of Personal and Sensitive Information

Providers must know and follow their legal duties when handling, using, and sharing Personal and Sensitive Information.

For information on disclosing Personal Information and Sensitive Information refer to Part A Guidelines: Chapter 6: Privacy.

13.4 Reporting Incidents of challenging behaviours

Providers are required to submit an Incident Report after each challenging behaviour Incident. The Incident Report creates a written record of challenging behaviour Incidents to help the Provider and Services Australia manage safety for staff and to establish proactive mitigations that reduce the risk of future occurrences.

The arrangements are designed to make Participants' experiences more consistent across Departments with Employment Services by aligning processes and terminology. The common approach to Incident Reports for Providers and Services Australia involves:

- an Incident Severity Matrix — an automated process that assigns a severity level to an Incident, and
- a Managed Service Plan — arrangements that Providers can put in place to tailor the way Services are delivered to Participants who display challenging behaviours.

Note: If a challenging behaviour Incident is also considered a WHS Incident, the Provider must also notify the Department of the WHS Incident.

Incident Reports must include the severity and details of any threats. Providers must ensure an Incident Report is factual, comprehensive and does not include unnecessary or inappropriate commentary.

Accurate recording in Incident Reports ensures all staff are informed about the history of a Participant's challenging behaviour so they can make an assessment on the likelihood of further Incidents and determine appropriate future servicing arrangements to minimise risks to people and property.

Accurate recording of Incidents also ensures that, if the Participant is transferred to another Site or Provider, the receiving Site or Provider is aware of the challenging behaviour/s and can arrange to service the Participant accordingly.

Note: Providers should be aware that Participants can access documents held by the Department or Providers containing Personal Information about them under the FOI Act and may be released as part of court proceedings.

Incidents should be recorded on the day the Incident occurred or as soon as possible and within 24 hours of the Incident.

Providers complete an Incident Report through the Incident report and Managed service plan panel in the Department's IT Systems. Detailed instructions are available in the Incident Report task card.

The Completing an Incident Report supporting document on the Provider Portal provides further information about report terminology.

Note: In the event of a serious incident, it is expected that the Provide also notifies the Department by completing the Serious Incident Report form available on the Provider Portal. The Serious Incident Report should be completed and submitted to the Provider's Account Manager within 24 hours of the serious incident occurring.

13.5 Post-Incident contact

The Department recommends that Providers initiate a post-Incident Contact with the Participant to discuss their behaviours and the impacts those behaviours had on other Participants and staff. It is suggested that this contact is made after a minimum of 7 days to allow time to pass from the Incident and via a phone call following serious challenging behaviours. The purpose of a post-Incident Contact is to provide the Participant with an opportunity to debrief. It is also for both the Participant and Provider staff member to gain a clearer understanding of the issues triggering the behaviours and other factors contributing to the Incident (personal circumstances, barriers, and vulnerabilities, etc).

A post-Incident Contact should support Providers to understand if an Incident was a one-off event, or if there are ongoing factors that warrant the implementation of a Managed Service Plan with servicing strategies and service channel restrictions to address the underlying issues impacting their behaviour.

Where either ongoing factors or a change of circumstances are identified through the post-Incident Contact, best practice is to conduct an update of the Job Seeker Snapshot to capture any change of circumstances for the Participant (see Section 2.3 Job Seeker Snapshot and Job Seeker Classification Instrument).

13.6 Key steps before applying a Managed Service Plan

Following an Incident or change in behaviour, the Provider should discuss the type of behaviour expected from Participants and advise, where appropriate, the implications of behaving in a way that does not meet those expectations. This will ensure the Participant is given the opportunity to:

- improve their behaviour, and
- disclose any contributing barriers or personal circumstances.

This information can be given verbally or in writing. Where a warning is given, it must be recorded on the Department's IT Systems, through the comment functionality in the Participant's Summary or in the Incident Report where the warning was a result of an Incident.

Before the Provider decides to apply a Managed Service Plan, they should consider:

- the severity of the behaviour and/or Incident(s) including any safety concerns the behaviour may raise
- any contributing factors including barriers or personal circumstances
- the time needed to address issues (e.g. a Participant may only require a short 'cooling off' period), and
- the importance of ensuring Participants remain connected to employment services (see Section 13.3.2 General considerations).

13.6.1 Determining if there were contributing factors

Consideration of the contributing factors should be explored before Providers consider servicing through a Managed Service Plan. Examples of factors that Providers could consider include:

- any known Non-Vocational Barriers, such as a death in the family, caring responsibilities, mental health or other health or disability (past or present), drug or alcohol dependencies (past or present), and
- if the Participant has disclosed information or displays / has previously displayed behaviour that may warrant conducting a new Job Seeker Snapshot due to a change of circumstances for a Participant.

All Managed Service Plan arrangements must ensure that a Participant (Mutual Obligation) or DSP Recipient (Compulsory Requirements) remains connected to employment services to meet their participation requirements.

The Provider should ensure that the Participant understands the requirements of the Managed Service Plan arrangements.

13.7 Creating a Managed Service Plan

Managed Service Plans enable a Provider to consider alternate ways to deliver services to Participants with challenging behaviours.

Managed Service Plans focus on keeping staff and Participants safe. They also help Participants to stay connected to employment services. When needed, these Plans help Participants (Mutual Obligation) and DSP Recipients (Compulsory Requirements) to meet their participation requirements. A Managed Service Plan can be applied at any time, either short–term or long-term, where it is considered by the Provider to be appropriate.

All Managed Service Plans must be approved at Site Manager level or higher and must be recorded in the Department's IT Systems.

Providers must record all Managed Service Plan arrangements and restrictions that are put in place in the Managed Service Plan screen on the Participant's record in the Department's IT Systems.

13.7.1 Report types

Managed Service Plans may be:

- Reactive — if linked to an Incident Report in the Departments IT Systems, or
- Proactive — if the Managed Service Plan is created to prevent an anticipated Incident.

13.7.2 Timeframes

Providers must apply a timeframe that is appropriate to the circumstances and severity of the Participant's behaviour and/or Incident(s).

A Managed Service Plan may be applied:

- **short-term** (up to 1 month) — to provide a 'cooling off' period, consider personal factors, and/or test whether a longer Managed Service Plan is needed, and
- **long-term** (1 to 12 months) — to allows time for the Provider to assist the Participant to address any barriers or personal circumstances, provide support and manage interactions between the Provider and the Participant to ensure the safety of all involved.

A long-term Managed Service Plan can be extended beyond 12 months. This happens if a review shows it's still needed. The goal is to help the Participant tackle the causes of their challenging behaviours and manage risks to people and property from these behaviours.

13.7.3 Servicing strategies

Managed Service Plans can include servicing strategies that the Provider will implement to help address the Participant's barriers or personal circumstances contributing to behaviour. This can include referrals internal or external for:

- behaviour management counselling
- financial planning
- housing or accommodation assistance
- legal aid
- drug and alcohol counselling, grief counselling, social or community program/course, or family relationship counselling, and/or
- health practitioner.

13.7.4 Service channel restrictions

Providers may apply service channel restrictions in the Managed Service Plan. Providers can impose partial or full restrictions of one or more service channels.

Providers can specify:

- contact channels that the Participant can use (face-to-face, phone, writing)
- who the Participant can contact — Providers may decide to nominate a staff member as the One Main contact for the Participant, and
- when the Participant can make contact.

Note: If a One Main contact is nominated, the Provider should also name a back-up contact.

13.7.5 Approval to apply a Managed Service Plan

All Managed Service Plans require approval from a Site Manager of the Provider or equivalent and must be recorded in the Department's IT Systems.

13.7.6 Advising the Participant of arrangements

Participants must be notified of the servicing strategies and service channel restrictions in writing as soon as possible after the Managed Service Plan arrangements have been approved. This notification should also advise the Participant that they can request the restrictions be reviewed at any time.

Participants can be provided a letter:

- in person, if the Participant is on Site
- by postal delivery — Providers should consider registered post to ensure that they can confirm that the Participant has received the letter, or
- by email.

A Managed Serviced Plan Arrangement Letter template that Providers can use to is available on the Provider Portal.

13.7.7 Participant's request for review or appeal

Participants can have their Managed Serviced Plan reviewed at any time or appeal the Managed Service Plan when it is applied or reviewed. Participants can request a review by their Provider or contact the National Customer Service Line (NCSL) on 1800 805 260 to discuss the arrangements in the Managed Service Plan.

The Participant should be given the opportunity to participate in the review of the Managed Service Plan.

As part of the review, the Provider should work through the Managed Service Plan with the Participant where possible and safe to do so. If an agreement cannot be reached, the Provider can contact their Account Manager.

Note: If a Managed Service Plan expires, it will not be automatically renewed, and the Participant will no longer have any restrictions in place.

Where necessary, Providers should discuss options with their Account Manager to either extend the Managed Service Plan (if there is a continued threat to safety) or transition the Participant off the Managed Service Plan.

The outcomes of a review may be to:

- end a Managed Service Plan and return a Participant to standard service channels
- extend a Managed Service Plan unchanged, or
- vary the Managed Service Plan arrangements and set a new review date.

Additional reviews of a Managed Service Plan can be initiated where there is a request from the Participant.

13.8 Servicing Participants with a Managed Service Plan

Providers should consider how the Participant will be serviced when the Managed Service Plan and service channel restrictions have been lifted, and they return to standard servicing.

Providers must record in the Participant's Managed Service Plan the ongoing measures that will be implemented to encourage improved behaviour by the Participant.

13.8.1 Breach of Managed Service Plan

It is considered a breach when a Participant does not follow the servicing arrangements and service channel restrictions as set out in their Managed Service Plan.

Where a Participant is in breach of the Managed Service Plan, the Provider must lodge an Incident Report in the Department's IT Systems.

If the Provider identifies that the Participant was not aware of the Managed Service Plan (i.e. did not receive their letter), this should also be recorded in the Department's IT Systems.

Where a Participant has a Managed Service Plan in place, a 'Managed Serviced Plan Alert' will be in the Participant's record in the Department's IT Systems.

Where a Managed Service Plan has negligible effect, and serious, challenging or aggressive behaviour continues, Providers should escalate the matter to their Account Manager.

13.9 Additional considerations for transfers

Participants with a current Provider-lodged and/or Services Australia-lodged Serious Incident Report and/or Reactive Managed Service Plan seeking a transfer to a different Provider may only be transferred with the involvement of the Department. For more information, Providers should refer to the relevant transfer processes in Section 3.4 Transfers3.4 Transfers.

13.9.1 Notification of Referral

Providers will receive an alert for all Participants with Incident Reports and/or Managed Service Plans in the Department's IT Systems. Provider staff should review the details of historical Participant Incident Reports and Managed Service Plans in the Department's IT Systems prior to scheduling an Initial Interview so they can implement appropriate safety measures to protect Participants and staff and improve engagement. This may include implementing a proactive Managed Service Plan limiting face-to-face servicing where appropriate, ensuring there are clear expectations around behaviours and a plan to move towards opening the full suite of communication channels and strategies to support the Participant to manage their behaviour.

13.9.2 Transfers due to relationship failure

If a Provider thinks it cannot maintain a reasonable and constructive servicing relationship with a Participant, it can request that the Participant be transferred to another Inclusive Employment Australia Provider for servicing. This type of request will require the Provider to demonstrate a genuine attempt to implement post-Incident servicing arrangements as outlined in this Chapter. Information on the transfer due to relationship failure process,

including use of the Transfer Due to Relationship Failure Form, is available in Section 3.4.2 Transfer types.

13.10 Record Keeping

Providers must keep Documentary Evidence which is not kept on the Department's IT Systems.

Below is a summary of the Documentary Evidence requirements for this Chapter.

- Providers must document Managed Service Plans and Incident Reports in the Department's IT Systems.
- Providers must also document WHS Incidences, where the challenging behaviour is associated with an WHS Incident.
- Any warnings given to a Participant must be recorded, using comment functionality in the Participant's Summary on the Department's IT Systems.