



# DES Provider Q&A – Coronavirus (COVID-19)

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## Key Messages

- The Government is aware of providers' concerns about the impact of coronavirus on day-to-day operations, financial viability and performance. The department is closely monitoring this and providing advice to Government as the situation develops.
- A third round of DES provider teleconferences was held on 18 and 19 June 2020.
- All DES providers were offered an advance payment of six weeks average service fees. Providers had until 15 May 2020 to accept the offer.
- Commencing 9 June 2020, Mutual Obligations requirements will be gradually reinstated in line with progressive lifting of social distancing requirements.
- Contacts including Initial Interviews can continue to be delivered remotely.
- As social distancing restrictions are lifted, the Department is considering how and when to remove flexibilities that were introduced to help manage the impact of COVID-19 in DES.

## Coronavirus advice

### **What is the current advice regarding exposure to the coronavirus? (created v 1.0)**

The [Australian Government Department of Health](#) is the primary source of information about coronavirus (COVID-19), including how to protect yourself, staff and participants, when and how to isolate if required, as well as health updates and alerts. State or territory health authorities have information and instructions relevant to that state or territory.

### **Are DES Providers considered an essential service? (created v1.1)**

The department considers that DES providers are delivering an essential service and it is the department's expectation that providers continue to deliver services to participants. Services should be delivered in line with advice from Department of Health authorities.

### **What is DSS doing to help DES providers and their staff to limit their exposure to coronavirus? (created v1.1)**

The Department is allowing providers to deliver services more flexibly in response to coronavirus – see Service Delivery.

### **What should I do if staff or participants in the office are potentially exposed to COVID-19? (created v1.0)**

Providers should contact their state or territory health authority to seek advice about management of any possible exposure to COVID-19, and should act in accordance with advice provided. Pending any advice, Providers should exercise caution to limit further possible exposure, which may include temporary closure of the office and self-isolation of staff or participants present. Providers must advise their Relationship Manager of any such incidents and advice.

### **What are an Employment Services Provider's obligations to their employees in regard to COVID-19? (created v1.5)**

The model Work Health and Safety (WHS) laws require a person conducting a business or undertaking (in this instance the person responsible for managing the Disability Employment Service Provider) to ensure, so far as is reasonably practicable, the health and safety of their workers and others at the workplace. This includes providing and maintaining a work environment that is without risk to health and safety and adequate facilities for workers in carrying out their work, so far as is reasonably practicable.

Safe Work Australia has issued advice as to how this should be considered in relation to COVID-19: <https://www.safeworkaustralia.gov.au/covid-19-information-workplaces>

The Safe Work Australia advice includes the following:

- What an employer should do to protect workers and others at a workplace
- When an employer can direct a worker to stay away from their usual place of work under the model WHS laws
- What else an employer should take into account when deciding whether a worker, or other people, need to stay away from their usual place of work
- Must an employer consult with workers about measures they put in place to minimise the risk of COVID-19?
- Do workers, or other people, need to comply with a direction from an employer to stay away from their usual place of work?
- Can a worker refuse to come to work?
- Workers' Compensation and COVID-19

### **What financial assistance is available to help people and businesses, including DES providers? (updated v1.10)**

In accordance with clause 144 of the DES Grant Agreement, all DES providers were offered an advance payment of six weeks average service fees, to be offset from future funding in the first half of 2021. The offer was designed to help providers support an expected increase in the number of new job seekers requiring assistance. Letters of offer were emailed to provider contract contacts on Friday 17 April and providers had until Friday 15 May 2020 to accept the offer.

The Government has also announced support for business and not for profits through the economic response to the coronavirus, including boosting cash flow for employers and temporary relief for financially distressed businesses. Additional assistance to support parents with child care and early childhood education placements was announced by the Government on 2 April 2020. DES providers should refer to the information on the Treasury website about the [Economic Response](#) to the coronavirus.

People on Disability Support Pension, Carer Allowance and Carer Payment will continue to get their regular payments. They will also be eligible for the first and second Economic Support Payment of \$750 each time. The second payment of the Economic Support Payment is designed to support people who are not eligible for the Coronavirus Supplement.

### **What is the current advice about managing staff in relation to COVID-19? (updated v1.4)**

Safe Work Australia has information about work, health and safety considerations for managing staff in relation to the current pandemic.

The Disability Information Helpline 1800 643 787 which is a dedicated service the department is providing for people with disability to call if they have any question or concerns due to the coronavirus pandemic. DES providers are a good channel to be sharing this message with their participants.

## **What other information sources are available on Coronavirus? (created v1.4)**

The Department of Social Services maintains a Coronavirus information and support page containing information and links on how the department is supporting individuals and families affected by Coronavirus. The department has also established the Disability Information Helpline, a dedicated 1800 phone line people with disability can contact on 1800 643 787 to talk about any concerns they have in relation to coronavirus (COVID-19). The Helpline can refer people to advocacy, counselling, and other supports they may need. The Helpline is available Monday to Friday 8am to 8pm (AEST) and Saturday and Sunday 9am to 7pm (AEST). It is not available on public holidays. The Helpline can put people with disability experiencing distress in touch with a trauma counsellor for longer-term, ongoing support.

## **Suspension of Mutual Obligations Requirements (updated v1.12)**

Under contingency arrangements put in place from Monday 23 March 2020, mutual obligation requirements of all jobseekers and participants across all programs are voluntary and no jobseeker or participant will receive a payment suspension or a penalty.

Mutual obligation requirements are being gradually reintroduced in line with an announcement on 31 May 2020 by Senator the Hon Michaelia Cash and Senator the Hon Anne Ruston. From 9 June 2020, participants must undertake at least one appointment with their DES provider, which can be done online or by phone. Participants are not subject to suspensions and financial penalties if they do not attend scheduled meetings.

The following SMS notification was sent to DES participants:

*Update: Mutual Obligations will gradually return from 9 June. Contact your DES provider for support on how this affects you*

## **Do DES participants with participation requirements need to attend appointments during the pandemic? (updated v1.12)**

Under contingency arrangements to 9 June 2020, DES participants were able to continue to participate in appointments and activities on a voluntary basis.

From 9 June 2020, DES Participants with Mutual Obligation requirements must attend at least one contact with their DES provider to update their Job Plan, but are not subject to compliance action if they do not attend scheduled meetings. DES participants can also continue to participate in appointments and activities on a voluntary basis.

## **Why did the Government implement mutual obligation contingency arrangements? (updated v1.12)**

Mutual Obligations requirements were suspended for all participants and jobseekers across all employment services programs, including DES, due to unprecedented demand on Government services due to COVID-19. The issues affecting the MyGov website resulted in some participants and jobseekers having difficulty reporting their mutual obligations online. As a result, some jobseekers may not have been able to report on their attendance at an activity or appointment, as required by their mutual obligation arrangements.

### **Why are contingency arrangements being lifted gradually? (created v1.11)**

Mutual Obligations requirements are being reintroduced gradually to ensure participants and employment service providers are given time to prepare for the new arrangements. Due to the effects of the pandemic, some participants are accessing employment services for the first time and may be unfamiliar with mutual obligation requirements. The initial transition period will encourage participants to work with their provider to adjust mutual obligation requirements appropriately before compliance requirements resume. Future arrangements will be informed by the lifting of COVID-19 restrictions and advice from Treasury on labour market conditions.

### **What should I do if a participant advises they are required to self-isolate? (updated v1.3)**

If a participant contacts your organisation to indicate they are unable to meet their requirements due to a need to self-isolate in line with Department of Health advice, reschedule any appointments or activities, including in the IT system, until the job seeker has finished their self-isolation in line with advice from health authorities.

### **What should I do if a participant has reason to think they may have, or have been in contact with someone who has, COVID-19? (updated v1.3)**

If a participant contacts your organisation to advise they think they may have COVID-19 or may have been in contact with someone who has COVID-19 and may need to self-isolate, reschedule any appointments or activities, including in the IT system, until they have finished their self-isolation in line with advice from health authorities.

### **What should I do when an exemption ends? (created v1.0)**

Schedule a contact with the participant by telephone or email once their exemption period ends to discuss the person's current situation. If Centrelink does not extend the exemption period, DES services should resume, but the DES provider should take into account the person's circumstances when determining appropriate activities for the Job Plan. This should include minimal participation requirements and continued remote servicing if the participant has been ill.

### **What activities should be included in a Job Plan? (updated v1.12)**

As social distancing requirements are lifted and with the gradual resumption of Mutual Obligation requirements, providers should review job search requirements and other activities in the Job Plan and make appropriate changes based on local conditions and the participant's circumstances. Zero job searches and removal of all non-essential activities may be appropriate for periods while the pandemic is in place.

Providers must continue to schedule contacts for participants but can choose to deliver contacts by alternative delivery methods including telephone or video calls.

## Service Delivery

**There has been an increase in the number of income support recipients. Is there any data in respect to the percentage of possible referrals to DES due to increase of people on the jobseeker payment? (created v1.6)**

The number of people receiving support from DES providers is expected to increase over coming months as many people apply for income support payments. An early estimation based on those who have already registered for support is that 18,000 people may require an ESAt in order to access DES.

**Will referral and assessment processes change due to the influx of job seekers ? (updated v1.9)**

The increase in income support recipients is putting significant pressure on assessment and referral services.

The department is working with Services Australia and the Department of Education, Skills and Employment to identify priority groups for referral to more appropriate services. This includes developing pathways to identify people with disability, chronic illness or injury and get them to DES as soon as reasonable.

As well as policy and procedural changes, departments will need to implement a number of system changes in order to streamline the referral of job seekers to DES.

While these changes are being considered as a matter of urgency, given the extent of all the changes required across the income support and employment services system, there will be some delay before changes can take place.

While other system changes are being progressed, the department manually referred jobseekers with a valid ESAt and who have been identified as suitable for referral to DES to DES providers.

**How can Providers share data and personal information if required? (created v.1.4)**

Alternative arrangements may need to be developed for sharing data and personal information during this time. When developing these alternative arrangements please refer to Chapter three of the DES Grant Agreement "Information and information management".

The Office of the Australian Information Commissioner states that email is not a secure form of communication for the purposes of the transmission of personal information. If it is required to share personal information electronically, please ensure that you:

- Avoid sending certain types of personal information via unsecured email (for example sensitive information).
- Only send sensitive information or large amounts of non-sensitive personal information by email as an encrypted or password protected attachment.
- Use secure methods for communicating information, such as a secure website or to a secure online mailbox.
- Validate the email address with the recipient before sending the email to reduce the chance of unauthorised disclosure to a party who is not the intended recipient.



For more information, refer to the Guide to securing personal information on the OAIC website: <https://www.oaic.gov.au/privacy/guidance-and-advice/guide-to-securing-personal-information/>.

If a DES Provider is using an IT service provider that stores data offshore for the purposes of storing or sharing personal or sensitive information, there are a number of potential breaches of the DES Grant Agreement (Clauses 41.3 (c); 41.3 (h); 44.4; 44.7; and 75.1). Please ensure that the email service provider you are using does not store data offshore.

DES providers and NPA assessors will need to be in close contact with each other to develop procedures to manage the transmission of personal information during this time. Options could include telephone calls, video conferencing conversations or alternatively the provider could print and send the documentation via the post.

### **Where can I find information about employers that are hiring? (created v1.3)**

The Department of Education, Skills and Employment (DESE) has developed a new Jobs Hub which will provide an up to date list of a selection of businesses and organisations that are currently hiring, and how to contact them, as well as a tool for people to find jobs in their region and links to government jobs. The Jobs Hub is available here.

DESE has also established an Employer Response Unit. Businesses can contact DESE directly at [workforce@dese.gov.au](mailto:workforce@dese.gov.au). DESE is also establishing a call centre to support employers.

### **How can contacts be delivered? (updated v1.13)**

The DES Grant Agreement allows providers to utilise a variety of delivery modes for most contacts, with the agreement of the Participant.

To support social distancing requirements, the Department of Social Services advised providers that, under clause 93.5(g) of the DES Grant Agreement, it considers COVID-19 an exceptional circumstance and DES providers can therefore deliver specified contacts (Initial Appointments and contacts following Re-engagement, Change of Circumstances Reassessments and Program Reviews) through alternative modes such as telephone or video chat. These contacts are normally required to be delivered face to face.

Providers can continue to refuse entry to any person the provider has reasons for believing may have been exposed to COVID-19. Providers should recommend that the participant self-isolate and test whether they have the virus.

### **Change of hours poster for businesses (created v1.4)**

The Department of Health has produced a [poster](#) that may be of use to DES providers that have closed their offices or reduced their hours of operation.

### **I provide services to an essential worker that requires face-to-face ongoing support – can I continue to provide that support? (updated v.1.13)**

Yes - however providers must only deliver services face-to-face in exceptional circumstances, and where it is safe to do so.

### **Can I use a video conferencing platform? (created v1.5)**

The Australian Cyber Security Centre has released a publication on Web Conferencing Security it is available at <https://www.cyber.gov.au/publications/web-conferencing-security>. There is also information available on the learning centre to assist providers with the different working scenarios we are currently facing at <https://learningcentre.employment.gov.au/course/view.php?id=2386>.

### **How can I directly register a new participant using remote servicing? (new v1.10)**

Direct Registration can be conducted over the phone, video conference or online.

The DES provider can complete the Direct Registration form remotely, with the participant signing at a later date or providing a signed copy by email or text. The provider must retain this signed copy.

The DES provider must seek the participant's consent under Part B of the Privacy Notification and Consent form:

- If the participant has access to emails, send the Privacy Notification and Consent form to the participant and seek their consent to the collection of their sensitive information. Obtain consent from the participant via email, where possible.
- If the participant does not have access to emails, read out Part B of the Privacy Notification and Consent Form and seek the participant's consent to the collection of their sensitive information verbally. If consent is received verbally, immediately make a file note of the consent provided by the job seeker, including the circumstances surrounding why the manual signature could not be obtained (e.g. COVID-19 health crisis).
- In either case, the provider should ensure that the participant signs Part B of the Privacy Notification and Consent form when the participant is able to attend the provider's premises

The participant can demonstrate their identify by:

- providing ID numbers verbally, then providing documentation required Direct Registration Guideline and Form to the provider as soon as practicable; or
- asking participants to send a photo of their ID document by phone/email.

Retrenched worker documentary evidence can be provided electronically and must be retained by the provider.

### **How can I prove my identity to a new participant contacted remotely? (new v1.10)**

Where participants require evidence that provider-initiated contact by phone or email is legitimate, providers can supply the participant with a reference number and direct them to the provider's website or [jobsearch.gov.au](http://jobsearch.gov.au) to obtain a phone number that can be used to contact the provider. When the participant contacts the provider, the provider can confirm the reference number to verify that the contact is legitimate. It may also be useful to include a reference number when leaving a voice message to participants if a provider's phone call is unanswered.

## **How can I deliver Initial Appointments remotely? (updated v1.10)**

Initial interviews can be conducted by phone or video conference. Providers must add a comment in the system that the Initial Interview was done via phone or video conference.

The participant can demonstrate their identify based on:

- the information recorded in the registration screen by Services Australia; or
- using information collected during Direct Registration, where relevant.

The DES provider must seek the participant's consent under Part B of the Privacy Notification and Consent form, unless already collected during (Direct Registration):

- If the participant has access to emails, send the Privacy Notification and Consent form to the participant and seek their consent to the collection of their sensitive information. Obtain consent from the participant via email, where possible.
- If the participant does not have access to emails, read out Part B of the Privacy Notification and Consent Form and seek the participant's consent to the collection of their sensitive information verbally. If consent is received verbally, immediately make a file note of the consent provided by the job seeker, including the circumstances surrounding why the manual signature could not be obtained (e.g. COVID-19 health crisis).
- In either case, the provider should ensure that the participant signs Part B of the Privacy Notification and Consent form when the participant is able to attend the provider's premises

The provider must also complete the Job Plan.

## **How can the participants' Job Plan and other documents be updated and agreed remotely? (updated v1.10)**

Job Plans can be created or updated by phone, online or mail:

- If using the phone, the provider should read out the terms of the proposed Job Plan for the participant to agree to. The participant should respond within 2 business days that they agree to the terms. A verbal formal Notification script is available on the Department's IT System for the Provider to read to the participant.
- Job Plans can be sent online job seekers with an Australian Job Search (AJS) online account. The participant can view and agree to the Job Plan online. Consideration must be given to vulnerable cohorts who may have difficulty using AJS such as those with language, literacy or accessibility issues.
- Where a job seeker does not have an AJS account or access to the internet and technology, the Job Plan could be posted to the participant.

## **What must I do if a participant wants face to face contacts? (updated v1.13)**

While DES providers should try to deliver DES in a way that suits the needs of each participant, during the COVID-19 pandemic providers should not offer unnecessary face to face contacts. Only in exceptional circumstances where it is necessary for the participant to receive face-to-face servicing should this occur.

### **How can we assist Participants that require interpreters? Most appointments are over telephone and funds are limited (created v1.1)**

Teleconferencing, video conferencing or relay services are practical solutions to the example provided. The department understands that some of the measures put in place to slow the spread of COVID-19 present challenges to the day-to-day delivery of the DES program.

### **Do some or all sites need to remain open? (updated v1.13)**

Providers are responsible for determining their operational needs, and can choose to reduce hours or close some or all sites. Providers must keep their Relationship Manager informed of business closure or adjustment decisions.

### **If a site closes, do I need to continue to provide services to participants? (created v1.1)**

Yes, providers must continue to provide services to participants – see Service Delivery.

### **Can staff work from home? (created v1.0)**

DES providers are responsible for determining operational requirements, within program constraints. If a provider allows staff to work from home it must ensure all staff comply with the Department's Security Policies and the Commonwealth's Cybersafety Policy, as set out at clause 37.12 of the DES Grant Agreement. The Australian Government has a number of guidelines on the Australian Cyber Security website at [www.cyber.gov.au/ism](http://www.cyber.gov.au/ism).

### **Will the 'Right fit for Risk' process be paused? (created v1.1)**

There have already been warnings released by Stay Safe Online about a COVID-19 themed scam being distributed via text message. In these times, providers are particularly vulnerable if they have weaknesses in their ICT environment. Providers can benefit from the resources provided by the department on the Learning Centre, Resources, Provider Accreditation section.

At this point-in-time, the Right Fit for Risk audit processes and timelines remain unchanged.

### **How should I deliver services in more remote locations? (created v1.0)**

People in remote areas have generally poorer health outcomes due to limited access to health services and disadvantages relating to education and employment. While DES does not operate in locations designated as Remote, DES providers should avoid travel to more remote locations and should deliver contacts through other arrangements where possible. Where travel to more remote locations is required, ensure that travellers do not have any known risk of coronavirus exposure and observe advice about physical distancing and personal hygiene.

### **What is happening with unpaid placements and other project-based placement initiatives? (created v.1.5)**

Unpaid placements (such as NWEF and PaTH Internships) and project initiatives (such as PaTH Industry Pilots, the Regional Employment Trials and Launch into Work) involving projects in specific settings, such as aged care and disability services, will only be continued on a case by case basis, where appropriate and in line with advice from Health Authorities.

### **What if I have a DES client that has volunteered for Work for the Dole? (created v1.1)**

Work for the Dole activities have been suspended effective immediately. Work for the Dole activities – by their very nature of being a ‘work-like’ experience, involve working with others – should no longer operate.

DES Providers with DES participants in a Work for the Dole Activity must ensure that the participant is exited from the Work for the Dole Activity, speak to the participant to ensure they are aware that they are no-longer required to attend their Work for the Dole activity, and update the participant’s Job Plan accordingly. Job Plans may be updated via the jobactive website or Job Seeker App (in the first instance) or alternatively via email or SMS. Providers are not required to update the Job Plan face-to-face unless there are exceptional circumstances for doing so.

## **Payments and Funding**

### **What assistance is available to help maintain DES provider financial viability? (updated v1.5)**

The Government is aware that providers have concerns about the impact of coronavirus on their day-to-day operations, financial viability and performance. The department is closely monitoring this and providing advice to Government as the situation develops.

In accordance with clause 144 of the DES Grant Agreement, all providers have been offered an advance payment of six weeks average service fees, to be offset from future funding in the first half of 2021. This is a similar arrangement to that implemented for jobactive and is designed to help providers support an expected increase in the number of new job seekers requiring assistance. Different to the jobactive advance payment, the DES repayments can be staged across six months.

DES providers may also be eligible for the JobKeeper Payment and other assistance under the Cash Flow Boost or Delivering Support for Business Investment elements of the Government’s [Economic Response](#).

### **What was the advance payment? (created v1.12)**

All DES Providers were emailed offers of an advance payment on Friday 17 April. The offer was equivalent to six weeks of service fees, based on average service fees paid to the organisation between July and December 2019. Advance payments will be offset in full against funding in the first half of 2021. Providers had until 15 May 2020 to accept the offer.

**Will Service Fees continue to be paid for participants who are on an exemption?  
(created v1.0)**

No. When a participant receives an exemption their DES period of service is suspended and they do not progress towards the next due Service Fee until the exemption period ends.

**Will Service Fees continue to be paid for participants who do not participate?  
(updated v1.12)**

Until Mutual Obligation requirements are reinstated, providers will continue to be paid Service Fees for participants who do not comply with contact or other requirements in their Job Plan. Providers must continue scheduling contacts and appropriate activities. Where a participant fails to comply with their regular Contact, Providers must have documented their attempts to conduct the appointment. Volunteer participants must be exited from the program where they have stated that they no longer require the DES services.

As Mutual Obligations are gradually reinstated, providers must ensure any necessary action is taken under the Targeted Compliance Framework to ensure participants comply with their participation requirements.

**Will Service and Outcome Fees continue to be paid for participants whose participation requirements have been suspended? (created v1.3)**

Yes. While participation requirements have been suspended the participant's service has not been suspended and providers can continue to receive Service Fees and Outcome Fees that fall due during this time.

**What flexibility is available for participants who are in an employment placement?  
(updated v1.13)**

Under normal conditions DES providers can use up to four weeks of Permissible Breaks in each 13-week period of an employment outcome period, to discount periods beyond the participant's control when they were unable to work at their normal level.

From 1 March 2020, DES providers can access extended Permissible Breaks of up to 84 days where a participant remains employed but is unable to work the required number of hours due to disruption caused by the coronavirus. The extended Permissible Break must commence on or after 1 March 2020 and before 1 August 2020.

If the extended Permissible Break has been exhausted, providers may continue to apply a Permissible Break where the participant has been unable to return to work because the industry remains substantially affected by COVID-19 in the location where the participant works. The additional industry-specific Permissible Break may be used until 7 days after the relevant restrictions have been effectively lifted.

**Permissible Breaks due to COVID-19 disruptions (updated v1.13)**

Due to extended disruptions related to COVID-19, Providers can use longer Permissible Breaks of up to 84 days where a participant's employment is disrupted due to the effects of COVID-19. This can include direct effects such as business closure, or indirect effects such as very significant downturn in business. The breaks will be available both for participants

whose employment hours have declined, and for participants who lost their employment due to the coronavirus (to allow time to look for alternative employment, or for the person to be re-hired).

DES Providers do not need to seek prior approval from the Department for an extended Permissible Break of up to 84 days commencing between 1 March 2020 and 31 July 2020. Extended Permissible Breaks will be approved at the time a special claim is submitted for the outcome, as long as the break relates to the effects of the coronavirus. Documentary evidence requirements to support an extended permissible break are unchanged and should be attached to the special claim.

Extended Permissible Breaks are not available for voluntary changes of employment, but the one-week non-exceptional permissible break would continue to be available for these changes. Participants can, however, change employment during an extended Permissible Break where the participant's decision to change jobs is not the reason the break is required.

### **Additional industry-specific Permissible Breaks due to COVID-19 disruptions (created v1.13)**

A permissible break can continue beyond the 84 days of the extended Permissible Break where it is not reasonable to expect the participant's employment to resume because the industry remains significantly locked down by the relevant government agencies. These provisions can be used only after the 84 days of the extended Permissible Break have been used.

Industry-specific Permissible Breaks may be used where the participant's employment is in an industry where applicable Australian, State/Territory or local government restrictions put in place to manage COVID-19 prevent employment from continuing at relatively normal levels. The Permissible Break can be used for up to seven days after the lifting of restrictions that allow "normal" operation.

For example, it may be reasonable to use an industry Permissible Break if a participant is employed in a café or restaurant in a location where cafés / restaurants may only serve takeaway meals or where dine-in custom is significantly limited. However, the industry would be considered to be operating at near-"normal" levels if the only restrictions were to the number of customers allowed per square metre within the business and hygiene instructions; under these conditions the industry specific break would not be allowed beyond the 7 day grace period.

DES Providers do not need to seek prior approval from the Department for an industry Permissible Break. As with extended Permissible Breaks, the break will be approved at the time a special claim is submitted for the outcome. Providers must cite the industry shutdown restrictions that justify the industry Permissible Break, and the Department will check to ensure restrictions have not been sufficiently lifted when assessing the claim.

In choosing to use industry Permissible Breaks, DES providers should be aware that the Department may not approve an industry Permissible Break where it considers that restrictions have lifted sufficiently that the industry has returned to normal. Providers should monitor applicable decisions about lifting restrictions and make their own decision whether to continue a break.



**The Grant Agreement and Guidelines do not allow participants tracking towards a four week outcomes to have a permissible break. Do extended or industry Permissible Breaks now apply for four week outcomes? (updated v1.13)**

No. Permissible Breaks remain unavailable for four week outcomes.

**I have a participant in Ongoing Support and also tracking towards an outcome but I need to put in a permissible break as the job is on hold at the moment. How do I do this in ESS but also continue to claim the ongoing support fees? (created v1.3)**

The department is exploring a permanent system fix to allow providers to use the normal claims functionality when a participants work hours drop below eight hours per-week. In the interim, where a participant does not meet the minimum eight hours per-week work requirement, the DES Provider can submit a special claim override request in the Department's IT systems for the relevant Ongoing Support claim. The Overrides and Special Claims functionality can be accessed from ESSweb > Payments > Overrides & Special Claims.

**What is happening with unpaid placements and other project-based placement initiatives? (created v1.5)**

Unpaid placements (such as NWEF and PaTH Internships) and project initiatives (such as PaTH Industry Pilots, the Regional Employment Trials and Launch into Work) involving projects in specific settings, such as aged care and disability services, will only be continued on a case by case basis, where appropriate and in line with advice from Health Authorities.

**What is the JobKeeper Payment? (updated v1.12)**

The JobKeeper Payment legislation was passed by the federal Parliament on Wednesday 8 April 2020. The payment encourages eligible employers to remain connected to their workforce and will help businesses restart quickly when the crisis is over.

Eligible employers can receive a payment of \$1,500 per fortnight for each eligible participant they are paying at least \$1,500 per fortnight. This assistance is economy-wide, rather than sector or cohort specific, and is expected to help employers with the wages of up to 6 million Australian workers. DES Providers that meet the eligibility requirements can receive the JobKeeper Payment to retain staff – or to re-engage any staff stood down since 1 March 2020. Further advice on the JobKeeper Payment is available on the [Treasury](#) website.

Enrolments for the JobKeeper payment were open until 31 May 2020. Information about how employers can enrol for the JobKeeper payment is available on the [Australian Tax Office](#) website.

**Can I claim an outcome for a participant in receipt of the JobKeeper payment? (created v1.6)**

A participant who is in receipt of a wage or subsidy supported by JobKeeper Payment is considered to be employed, regardless of whether they are working any hours.

Providers may be eligible to claim an employment outcome for participants who were in DES and working in an employment placement on 1 March 2020, where that employment is subsequently supported by the JobKeeper Payment. The outcome can be claimed when the



participant reaches the end of the relevant outcome period, which can include both employment prior to the commencement of the JobKeeper Payment that meets relevant outcome conditions, and the period covered by the JobKeeper Payment. If required, providers can use a Permissible Break to discount any period that did not meet outcome requirements prior to the commencement of the JobKeeper Payment

Providers cannot normally claim an employment outcome for participants who commenced in DES after 1 March 2020 and are now in employment supported by the JobKeeper Payment. This is because the JobKeeper Payment is supporting an employment placement that the participant held before commencing the DES program, which is considered Pre-Existing Employment under paragraph (x) of the definition of Non-Payable Outcome in the DES Grant Agreement.

A provider can claim an employment outcome for a participant with such a Pre-Existing Employment placement if, after commencing in DES, the number of hours worked by the person in the Pre-Existing Employment position increases to at least the participant's Employment Benchmark level, on average.

**If employment supported by JobKeeper Payment is used to continue an outcome period that has already commenced, what outcome can be claimed? (created v1.6)**

Where the relevant outcome period includes time that the participant was working in an employment placement prior to the commencement of the JobKeeper Payment, the JobKeeper Payment is considered to maintain employment at the level achieved to that point.

- If the average hours worked by the participant to that point was at least the participant's Employment Benchmark, the outcome period incorporating the JobKeeper Payment will be paid as a Full Outcome
- If the average hours worked by the participant to that point was tracking towards a Pathway Outcome, the outcome period incorporating the JobKeeper Payment will be paid as a Pathway Outcome.

Note that some participants may be working additional hours during the period covered by the JobKeeper Payment. If a participant was tracking towards a Pathway Outcome but their actual hours of work over the outcome period are at least their Employment Benchmark, on average, the provider can claim a Full Outcome.

Any subsequent outcome using the JobKeeper Payment will be paid at the same level as the previous outcome. For example, if the provider was able to claim a 13-week Pathway Outcome, a subsequent 26-week outcome period that includes a period during which the participant was covered by the JobKeeper Payment would by default be a Pathway Outcome; a Full Outcome would instead be payable if the participant met normal DES outcome requirements for this period.

**If a participant's employment was supported by JobKeeper Payment for the entire outcome period, what outcome can be claimed? (created v1.6)**

Some participants may qualify for an outcome where they were not already tracking towards an outcome before the employment was supported by the JobKeeper Payment. This may include, for example, where the participant was employed but had not been moved to Post Placement Support, or where a Pre-Existing Employment placement qualified for an

outcome because the participant's weekly hours of employment increased to their Employment Benchmark level, on average.

In these cases, the provider can claim a Full Outcome if the participant meets normal DES outcome requirements for that outcome period. That is, where the actual hours worked by the participant were at least their Employment Benchmark level or higher, on average, or where the income earned was sufficient to produce a qualifying result using the Jobseeker Rate Reduction Result (JRRR).

Where this is not the case, the provider can claim a Pathway Outcome for the outcome period.

Any subsequent outcome using the JobKeeper Payment will be paid at the same level as the previous outcome. For example, if the provider was able to claim a 13-week Pathway Outcome, a subsequent 26-week outcome period that includes a period during which the participant was covered by the JobKeeper Payment would by default be a Pathway Outcome; a Full Outcome would instead be payable if the participant met normal DES outcome requirements for this period.

### **How do I claim an outcome for a participant whose employment is supported using JobKeeper Payment? (created v 1.6)**

Providers do not need to claim outcomes for participants whose employment is supported by JobKeeper payment if the participant qualifies for an outcome under normal DES program rules. That is, a provider can claim outcomes normally where the participant is continuing to work sufficient hours or to earn sufficient funding to produce a JRRR outcome.

Where a participant is not working an appropriate number of hours, they should submit a special claim when the outcome falls due (including any applicable Permissible Break). The provider must provide documentary evidence as normal for any part of the outcome period that was not supported by the JobKeeper Payment. The provider must also include evidence of the participant's income during the period covered by the JobKeeper Payment, together with evidence that the employer was receiving JobKeeper Payment for the participant during this time.

### **How does the Moderate Intellectual Disability Payment work with JobKeeper? (created v1.7)**

If a person who commenced an outcome period completes that outcome period using a JobKeeper Payment supported period, they are considered to be continuing to work at the number of hours they had averaged in the partial outcome period. A MID Payment would be payable to eligible participants who averaged at least 15 hours in this way and met all other normal outcome criteria.

For MID participants who had not previously commenced an outcome period (eg, commenced DES after 1 March 2020 or had not had placement anchored at that time), no MID Payment is available.

**What does the new JobKeeper payment mean for participants receiving the Disability Support Pension (DSP) and Carer Payments (CP)? Will payments to these participants be impacted if they receive the JobKeeper payment? (created v1.7)**

A Disability Support Pension JobKeeper [fact sheet](#) is available online on the department's COVID-19 webpage.

**What are the eligibility requirements for the JobKeeper payment? (created v1.6)**

Broadly, employers (including not-for-profits) may be eligible for the subsidy if, at the time of applying:

- their business has an annual turnover of less than \$1 billion and they estimate their turnover has fallen, or will likely fall, by 30 per cent or more
- their business has an annual turnover of \$1 billion or more and they estimate their turnover has fallen, or will likely fall, by 50 per cent or more, or
- for charities registered with the Australian Charities and Not-for-Profit Commission (ACNC), their turnover has or will likely fall by 15 per cent or more relative to a comparable period.

The department is not in a position to advise DES Providers on how the JobKeeper Payment may apply to your business, so it is important to check the [Treasury](#) website for the full list of eligibility criteria to see if your organisation is eligible for this payment.

**What outcome conditions apply for participants who have been fired? (created v1.9)**

DES outcomes are available where a participant is employed for the full outcome period and meets the relevant hours or earnings requirement. A participant who is fired before the end of an outcome period is not normally eligible for an outcome.

A participant who is reinstated after being fired due to the JobKeeper Payment is considered to be continuing their employment placement and outcome period from the start date of the JobKeeper Payment and can access JobKeeper Payment outcome provisions in order to claim an outcome.

**What outcome conditions apply for participants who have been stood down?  
(updated 1.13)**

DES outcomes are available where a participant is employed for the full outcome period and meets the relevant hours or earnings requirement. A participant who is stood down before the end of an outcome period is considered to be employed, so the outcome period can continue. If the participant has worked sufficient hours before being stood down, the provider may be eligible to claim an outcome fee.

Where a participant has not worked sufficient hours before being stood down, the provider may prefer to use a permissible break to cover some or all of the non-working period, and can then recommence the outcome period when the participant's hours of work increase. Providers can access the extended permissible breaks for up to 84 days for a period commencing on or after 1 March, where the participant has been stood down due to the impact of the coronavirus. Providers can continue to use permissible breaks after these 84 days have been used if the participant's position is in an industry shut down or significantly restricted by an applicable government direction to manage COVID-19.

A participant who is reinstated after being stood down due to the JobKeeper Payment is considered to be continuing their employment placement and outcome period and can access JobKeeper Payment outcome provisions in order to claim an outcome.

**I require a statutory declaration in order to claim an outcome for a self-employed job seeker – however, a Justice of the Peace (JP) is not available due to COVID-19. How do I claim the outcome? (created v1.3)**

Where sales records are used as documentary evidence for self-employment, this must be accompanied with proof of payment (such as a bank statement), or a Statutory Declaration from the participant witnessed by a JP that details all of the business payments received by the Participant during the outcome period.

In cases such as these, where the provider is unable to obtain proof of payment or have a Statutory Declaration witnessed by a JP, providers may still claim the outcome when they have the Statutory Declaration witnessed by a JP as soon as one is available.

**Will Ongoing Support Fees continue to be paid for participants not currently working? (updated v1.12)**

Yes. For five months from 1 March 2020, the requirement that a participant must work an average of at least 8 hours per week will be relaxed. Providers can deliver Ongoing Support to a participant who remains employed, even if they are not currently working any hours, and can claim the appropriate fees. The Ongoing Support can be delivered remotely, and should focus on ensuring that the participant receives the support they require to be ready to resume work, once available.

This flexibility is being reviewed by the Department and is expected to be removed from 1 August 2020.

**Can I continue to claim Ongoing Support for participants that worked fewer than 8 hours per week prior to 1 March? (created v1.5)**

No. Prior to 1 March 2020, normal program rules apply in respect to participants that are unable to work an average of at least eight hours per-week.

**Further clarifying advice regarding Ongoing Support (updated v1.12)**

The department is adapting the arrangements of the DES Grant Agreement and Guidelines to allow providers deliver services to participants under the challenges presented by COVID-19, where possible. The Ongoing Support Guidelines, as published, allow for some flexibility in regards to the delivery of Ongoing Support where a participant is not working at least 8 hours per week, similarly there is flexibility regarding permissible breaks for participants tracking towards an outcome.

The DES Grant Agreement and Guidelines specify that Ongoing Support is available for participants working a minimum of 8 hours per week, and that participants working less than this amount for an extended period of time must be suspended or exited. The department recognises that there is a need to continue to provide support to participants impacted personally or economically by COVID-19. From 1 March 2020 until 31 July 2020, DES providers can continue to deliver Ongoing Support for a participant who remains employed

but is unable to work 8 hours per week. This approach recognises that participants will require support while not working to have every opportunity to succeed in the workplace when work resumes.

Where a participant has lost their job and will not return, they should be exited from the program. The DES provider will need to keep appropriate documentary evidence to demonstrate the continued support being provided. There is an expectation that the required number of contacts is maintained.

**How do I keep claiming ongoing support if the average hours drop below 8 hours per week for an extended period? I have to put 0-7 hours in ESS – which then says I am not eligible to claim ongoing support? (updated v1.12)**

Where a participant does not meet the minimum eight hours per-week work requirement, the DES Provider can submit a special claim override request in the Department's IT systems for the relevant Ongoing Support claim. The Overrides and Special Claims functionality can be accessed from ESSweb > Payments > Overrides & Special Claims.

**Can Ongoing Support Assessments be conducted by telephone? (updated v1.13)**

From 1 March 2020 until 31 July 2020, automatic approval is granted for all Ongoing Support Assessments to be conducted by telephone, where appropriate.

**For Ongoing Support Assessments – how can file notes and other relevant assessment details, that are essential in order to conduct an OS Assessment, be provided to NPA assessors in situations where either the DES provider or NPA assessor has self-isolated? (updated v1.9)**

Alternative arrangements may need to be developed for sharing data and personal information during this time. When developing these alternative arrangements please refer to Chapter three of the DES Grant Agreement "Information and information management".

The Office of the Australian Information Commissioner states that email is not a secure form of communication for the purposes of the transmission of personal information. If it is required to share personal information electronically, please ensure that you:

- Avoid sending certain types of personal information via unsecured email (for example sensitive information).
- Only send sensitive information or large amounts of non-sensitive personal information by email as an encrypted or password protected attachment.
- Use secure methods for communicating information, such as a secure website or to a secure online mailbox.
- Validate the email address with the recipient before sending the email to reduce the chance of unauthorised disclosure to a party who is not the intended recipient.

For more information, refer to the Guide to securing personal information on the OAIC website: <https://www.oaic.gov.au/privacy/guidance-and-advice/guide-to-securing-personal-information/>.

If a DES Provider is using an IT service provider that stores data offshore for the purposes of storing or sharing personal or sensitive information, there are a number of potential breaches of the DES Grant Agreement (Clauses 41.3 (c); 41.3 (h); 44.4; 44.7; and 75.1). Please ensure that the email service provider you are using does not store data offshore.

DES providers and NPA assessors will need to be in close contact with each other to develop procedures to manage the transmission of personal information during this time. Options could include telephone calls, video conferencing conversations or alternatively the provider could print and send the documentation via the post.

**Is it possible for DSS to auto approve Ongoing Support Assessments to be undertaken over the phone for the time being rather than time running out for the assessment to be done? (updated v1.12)**

The department's Assessment Team can continue to extend the Ongoing Support Assessment Due Date where required. From 1 March 2020 to 31 July 2020, automatic approval is granted for all OSAs to be conducted by telephone.

**Should a DES provider supply Participant file notes to an Ongoing Support Assessor electronically before the OSA? (created v1.7)**

DES providers must provide documents requested by an Ongoing Support Assessor in accordance with the Privacy Act and Principles and the Disability Employment Services Grant Agreement. This can be by fax or email prior to interviews, as long as reasonable steps are taken to ensure the information is transmitted securely.

Any documentation gathered by assessors must be retained, transmitted and destroyed in a secure manner in accordance with the Privacy act and the Disability Employment National Panel of Assessors Program Grant Agreement provisions.

Please refer to the Preparing for an Ongoing Support Assessment (OSA) section in the OSA Supporting document on the portal for more information.

**What level of Ongoing Support is expected from DES providers during the COVID-19 outbreak and should NPA Providers down grade the recommended level of Ongoing Support? (updated v1.13)**

From 1 March 2020, Ongoing Support can be delivered remotely (e.g. by phone, video conference). Face-to-face contacts should only occur in exceptional circumstances and only if it is safe to do so.

During this months period, DES providers can continue to deliver Ongoing Support for a participant who remains employed but is unable to meet the requirement to work on average at least 8 hours per week. This approach recognises that, to have every opportunity to succeed in the workplace when work resumes, participants will require support while not working. There is an expectation the required number of contacts is maintained.

The Ongoing Support Guidelines provide a guide in terms of the number of contacts or hours of support required for Flexible, Moderate and High Ongoing Support. Due to COVID-19, in some cases the hours of support in the past 6 months may be less than the guide for High Ongoing Support. However, on balance, the number of contacts, the frequency of contacts, the barriers faced by participants, and the expectation the employer will be re-engaging the participant as soon as the COVID-19- restrictions are lifted, should all be taken into account when assessing and recommending the level of Ongoing Support required. Assessors should not be down grading the recommended level of Ongoing

Support required (for example High Ongoing Support to Moderate Ongoing Support) if the participant is not working temporarily due to the COVID-19 outbreak.

## Wage Subsidies

### **Approved leave for the Restart Wage Subsidy and Wage Start (created v1.6)**

The department will consider all wage-subsidised employment that was paused due to the COVID-19 outbreak, including precautionary self-isolation, as Approved Leave under the Restart Agreement and Wage Start Guidelines. This will ensure employers whose staff could not attend work, or who could not operate for short periods, are not disadvantaged.

The employer and Providers must record the leave in accordance with documentary evidence requirements, and treat the affected weeks as meeting the minimum hours of work per week requirement (at least 15 for Wage Start and at least 20 for Restart wage subsidy), as per current processes.

Note that payments made to employers can only be reimbursed if they do not exceed 100 per cent of the Participant's wage.

### **Approved leave for DES Wage Subsidies (created v1.6)**

The department will also consider DES Wage Subsidy affected employment placements that were paused due to the COVID-19 outbreak as Approved Leave. This means the DES Wage Subsidy period does not need to be suspended if the employee could not attend work, or the employer could not operate for short periods. Appropriate documentary evidence will also need to be recorded for DES Wage Subsidy employment placements affected to treat the affected weeks as meeting the 8 hours minimum work per week requirement.

### **Approved Leave that exceeds the Wage Subsidy period (created v1.6)**

If Approved Leave is used for short periods as described above in the context of COVID-19 outbreak, then Providers should ensure the Employment Outcome period matches the Wage Subsidy period where possible.

If the period of leave required extends beyond the wage subsidy agreement term, or if the employer is unable to offer the minimum hours of work per week due to a downturn in business, the department will lift the pre-existing employment rule to allow the employer to access a new/second wage subsidy for the same Participant where the first wage subsidy was subject to Approved Leave due to COVID-19, once the Participant is able to recommence employment at the minimum required hours of work per week.

### **If we can track Outcomes for a newly referred customer who switched from Job Seeker Payment to JobKeeper payment can we offer the employer a Wage Subsidy? (created v1.6)**

No. Providers who offer a wage subsidy must continue to check that a business meets all criteria for the wage subsidy as set out in the Guidelines. Generally, where an employer has a pre-existing employment relationship with the job seeker, providers should not offer a wage subsidy, particularly if the JobKeeper Payment can be used to secure the role.

**For placements which already have a Wage Subsidy attached and the customer switches from Job Seeker Payment to JobKeeper payment is the Wage Subsidy still eligible? (created v1.6)**

Yes. The JobKeeper Payment has a different and complementary purpose to existing wage subsidies administered by employment services providers. The JobKeeper Payment encourages employers to retain or rehire their employees, while existing wage subsidies incentivise employers to hire a new employee from a range of specific job seeker cohorts who would otherwise find it difficult to gain sustainable employment. Wage subsidies delivered by employment services providers will continue to be administered according to the current Guidelines.

**In terms of a wage subsidy, how does the JobKeeper Payment impact on salary and wages? (created v1.6)**

Salary or wages paid to a Participant under JobKeeper Payment arrangements are considered employment income for wage subsidy purposes. Wage subsidies delivered by employment services providers will continue to be administered according to the current Guidelines. Noting payments to an employer cannot exceed 100 per cent of the wages paid, providers should reimburse employers for wages where all eligibility requirements are met.

## Star Ratings

**Why is DSS going ahead with the DSS March Stars verification process? (created v1.1)**

The March 2020 DES Star Ratings are proceeding as scheduled. There is no alternative cut-off date that would improve the ability of DES providers to lodge claims, given the current situation regarding COVID-19. The department will consider, with inputs from providers and peak bodies, how the March 2020 ratings will be released.

**When will the December 2019 Star Ratings be released so that we can at least see how we were performing? (created v1.6)**

The December 2019 DES Star Ratings were released to DES providers on Tuesday 5 May 2020 and publicly on Thursday 7 May 2020.

**Given many anchors have dropped off or reduced hours due to COVID-19 and employers/employees are not eligible for the Jobkeeper allowance, how are Star Ratings affected? Will they be released and any special adjustment be taken into account? (created v1.6)**

The bushfires and COVID-19 will have a significant impact on the Australian economy but the methodology for calculating DES Star Ratings, which uses a two-year rolling period and utilises quarterly labour market variables (from ABS and other sources), will adjust for contemporary changes in the national and local labour market conditions.

The relative nature of the DES Star Ratings calculations also means when the national average performance of DES providers declines (e.g. due significant national impact such



as COVID-19), there would be a downward influence on the expected performance level calculated by the regression model.

The March 2020 DES Star Ratings are being calculated so there is no data to analyse for potential impact. The results will be monitored to ensure that the Star Rating calculations are working as intended. No special adjustments to the calculations are expected to be needed at this stage. The department will consider results from the calculation to determine the release process, including whether these are released to DES provider CEOs only or to both DES provider CEOs and publication.

## Assurance Program

### **Is the Assurance Program for Quarter 4 going ahead? (created v1.6)**

In light of the impacts of COVID-19, and using compliance data from the past six quarters, the department is trialling a new way of undertaking the DES Assurance Program for Quarter 4 2019-20.

Some providers will receive documentary evidence requests as per the standard practice. For these providers, there will be no notable difference to previous quarters.

Other providers will be asked to conduct a self-audit of the claims selected for Quarter 4. These providers will receive the list of claims, along with templates to guide them through the assessment process. The department will conduct its own review of a sample of these results to assure program integrity.

In determining the assurance approach for each provider, risks across program and provider were considered and proportionality applied.

The department does not share internal risk management plans. However, the department looks at areas of high risk for the program and to Government and prioritises our assurance activities accordingly.

With regard to provider risk, proportionality was applied when selecting Providers against either the usual assurance program process for Quarter 4, or for self-audit. The primary factor was demonstrated strength in governance and compliance controls and processes. This was predominantly established through previous payment accuracy performance.

Your Relationship Managers will provide more information to CEOs.