



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 fourth round of DES provider teleconferences was held on 11 September 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.
- Mutual obligations requirements resume fully from 28 September 2020, except for participants in the state of Victoria.
- 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 v1.17)

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 a range of supports for individuals, businesses and not for profit organisations. Refer to the information on the Treasury website about the [Economic Response](#) to the coronavirus.

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? (updated v1.17)

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.

People with disability can also contact the department's Disability Information Helpline on 1800 643 787 to talk about any concerns they have in relation to coronavirus (COVID-19) and access support. The Helpline is available Monday to Friday 8am to 8pm (AEST) and Saturday and Sunday 9am to 7pm (AEST), excluding public holidays.

Suspension of Mutual Obligations Requirements (updated v1.17)

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

Mutual Obligation requirements are being gradually reintroduced in stages:

- **Stage 1** - from 9 June 2020, participants needed to undertake at least one appointment with their DES provider, but were not subject to penalties if they did not attend scheduled meetings;
- **Stage 2** - from 4 August 2020 (except in Victoria, which remained at Stage 1):
 - participants were expected to attend provider appointments, agree a Job Plan, undertake job searches, and attend activities where it is safe to do so; but were not subject to penalties where they did not complete these requirements.
 - participants were required to accept a suitable job offer, and were subject to penalties if they refused a suitable job offer without having a reasonable excuse.
- **Stage 3** – from 28 September 2020 (except Victoria, which remains at Stage 1), mutual obligation requirements will resume and a participant will be subject to penalties if they do not complete required activities.

From 28 September 2020, mutual obligation requirements include:

- review and agree to an appropriately tailored Job Plan
- participate in provider and other types of appointments
- complete eight job searches monthly (down from the normal maximum of 20)
- participate in activities where it is safe to do so
- act on job referrals and attend appointments
- accept any offer of suitable paid work
- report attendance at activities.

When determining whether participants have a valid excuse for not accepting suitable employment, providers should consider both the suitability of the work and the participant's personal circumstances, including:

- advice from local Health Authorities, including the ability to accept employment in light of COVID-19 restrictions;
- health conditions of the participant or other people in the participant's household;
- caring responsibilities;
- travel requirements, particularly where the participant would need to travel by public transport; and
- other personal circumstances.

Special Circumstances Exemptions remain available through Services Australia for participants who need them.

The following SMS notification will be sent to DES participants before 28 September 2020:

Mutual Obligations are compulsory from 28 September. Contact your DES provider for support on how this affects you. See jobsearch.gov.au

Do DES participants with participation requirements need to attend appointments during the pandemic? (updated v1.17)

Following the resumption of mutual obligation requirements and penalties from 28 September 2020, participants with participation requirements must attend mandatory scheduled appointments. Participants in Victoria do not need to attend appointments as contingency arrangements continue to operate in that state.

Why did the Government implement mutual obligation contingency arrangements? (updated v1.17)

Mutual obligations requirement 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. Contingency arrangements have been progressively lifted where appropriate in response to changing conditions. They remain in place in Victoria in response to continued incidences of COVID-19 and related containment measures.

Why are contingency arrangements being lifted gradually? (updated v1.15)

Mutual obligation 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.

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 v1.17)

Activities in a Job Plan must be appropriate to the circumstances of each participant, including prevailing conditions in the participant's location. Job Plans must consider and be consistent with advice from health agencies for the location.

With the return of mutual obligation penalties from 28 September 2020, providers must review the Job Plan of each participant to ensure the activities included are appropriate and do not result in unnecessary penalties being incurred. This may be important both for:

- Participants who commenced in DES recently, whose Job Plan has never been tested under a compliance framework, and who may be unfamiliar with participation requirements and consequences; and
- Participants continuing an employment service from before mutual obligation requirements were suspended, who may still have activities in their Job Plan that are not appropriate under current conditions.

Job Plans may contain a requirement for no more than eight job searches per month (maximum of 20 job searches before contingency arrangements were introduced).

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

Will referral and assessment processes change due to the influx of job seekers? (updated v1.17)

The increase in income support recipients is putting significant pressure on assessment and referral services. The department continues to work 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 continue to implement system changes in order to streamline the referral of job seekers to DES.

In mid-May, the department manually referred about 2,800 Online Employment Services job seekers identified as being suitable for referral to DES. Batch referrals of additional eligible Online Employment Services job seekers have occurred periodically since July 2020.

With the resumption of mutual obligation penalties, it is expected that a number of people currently participating in Online Employment Services will be referred for an ESAt, once they

engage with the service. Following the ESAt, there is a likelihood that these people will be referred to a DES provider. Services Australia has increased its assessment workforce and is in a good position to manage the expected increase in ESAt referrals.

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. DESE is also establishing a call centre to support employers.

How can contacts be delivered? (updated v1.17)

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 in Victoria must use alternative delivery modes unless face-to-face delivery is essential and the provider takes all necessary precautions. In other locations, participants can opt-in to face-to-face delivery of contacts and appointments, where it is safe to do so.

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.1.17)

Yes. Providers in Victoria can deliver services face-to-face in exceptional circumstances, and where it is safe to do so. In other cases participants can opt-in to face-to-face servicing.

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? (created 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? (created 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 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 v1.17)

Providers in Victoria must use alternative delivery modes unless face-to-face delivery is essential and the provider takes all necessary precautions. In other locations, participants can opt-in to face-to-face delivery of contacts and appointments, where it is safe to do so.

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 v1.17)

In Victoria, providers can choose to reduce hours or close some or all sites. Providers must keep their Relationship Manager informed of business closure or adjustment decisions.

In other parts of Australia, sites should be open from 28 September 2020 to ensure participants and other services such as Ongoing Support Assessors can access services as required. Providers should raise any concerns with this requirement or request continued closures through their Relationship Manager.

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.

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?

(updated v1.17)

Work for the Dole activities will recommence in line with the resumption of full mutual obligation requirements from 28 September 2020. Job Plans must be updated as appropriate to reflect participants' voluntary participation in Work for the Dole.

Payments and Funding

What assistance is available to help maintain DES provider financial viability?

(updated v1.17)

In accordance with clause 144 of the DES Grant Agreement, all providers were offered an advance payment on Friday 17 April 2020. 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.

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](#).

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 v1.17)

Following the resumption of mutual obligation penalties on 28 September 2020, providers must take appropriate action under the Targeted Compliance Framework to ensure participants participate in required activities. Voluntary participants who do not participate in required activities should be exited from their DES program.

Where mutual obligation requirements have not been fully reinstated, including in Victoria, 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.

Permissible Breaks due to COVID-19 disruptions (updated v1.14)

Due to extended disruptions related to COVID-19, Providers can choose to extend an outcome period using additional Permissible Breaks. Providers can access:

- Permissible Breaks of up to four weeks within each 13 weeks of the outcome period, as set out in the DES Grant Agreement; and then
- extended Permissible Breaks of up to 84 days commencing on or after 1 March 2020, for participants whose employment is disrupted due to impacts of COVID-19; and then
- additional employment-specific Permissible Breaks until 30 September 2020, for participants whose employment remains disrupted due to the impacts of COVID-19 but who are expected to return to the same or similar position with the same employer.

Providers are responsible for determining whether to continue a Permissible Break for which a participant may be eligible, or whether the participant should be returned to Employment Assistance to receive assistance to find alternative employment.

Extended permissible breaks and subsequent position-specific Permissible Breaks are currently available until 30 September 2020. The Department will provide an update on Permissible Breaks and the transition to the ending of the extended arrangements in the next update, before the end of September 2020.

Extended Permissible Breaks due to COVID-19 disruptions (created v1.14)

Providers can choose to use an extended 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 30 September 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 must 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 employment-specific Permissible Breaks (created v1.14)

If a participant's employment continues to be impacted by COVID-19 after the 84 days of the extended Permissible Break have been used, but the provider considers that the participant is likely to resume employment in the same or similar position they occupied previously, the provider can choose to access an additional employment-specific Permissible Break until 30 September 2020.

While the extended Permissible Break is available regardless of whether the person is expected to return to the same position, the additional employment-specific Permissible Break will not be accepted unless the employment position following the Permissible Break is with the same employer and includes the same or similar duties as the employment position that the participant held before the Permissible Break period.

As with the extended Permissible Break, DES Providers do not need to seek prior approval from the Department for an additional employment-specific Permissible Break. These Permissible Breaks will be approved when a special claim is submitted for the outcome.

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 participant's 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 v1.17)

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. On 21 July 2020 the Government announced the JobKeeper Payment would continue until 28 March 2021, with some changes to payment amounts.

The initial phase of the JobKeeper Payment was available for businesses with a downturn in turnover in respect of employees at 1 March 2020. To access subsequent phases of the JobKeeper Payment, businesses must demonstrate:

- a decline in turnover during the September quarter, to access the second phase
- a decline in turnover during the December quarter to access the third phase.

The JobKeeper Payment provides funding at the following rates:

- From 1 March 2020 to 27 September 2020:
 - \$1,500 per fortnight for each eligible employee being paid at least \$1,500 per fortnight;
- From 28 September 2020 to 3 January 2021:
 - \$1,200 per fortnight for each eligible employee working or engaged in the business for at least 20 hours per week during the reference period
 - \$750 per fortnight for each eligible employee working or engaged in the business for less than 20 hours per week during the reference period
- From 4 January 2021 to 28 March 2021:
 - \$1,000 per fortnight for each eligible employee working or engaged in the business for at least 20 hours per week during the reference period
 - \$650 per fortnight for each eligible employee working or engaged in the business for less than 20 hours per week during the reference period

Further advice on the JobKeeper Payment is available on the [Treasury](#) website. 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? (updated v1.17)

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.

Where a participant was already in DES in an employment position, JobKeeper Payment is considered to be continuing employment and continuing any outcome period. The Provider may be eligible to claim an employment outcome when the participant reaches the end of the relevant outcome period. 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

Where a person commenced in DES after the JobKeeper Payment commenced, the position for which the JobKeeper Payment was paid 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 only 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 the JobKeeper Payment ceases part-way through an outcome period, the person is considered to be working at the pre-existing average number of hours until the end of the JobKeeper Payment. An outcome may be payable where the participant continues to be employed following the end of the JobKeeper Payment and works sufficient hours.

If a participant's employment was supported by JobKeeper Payment for the entire outcome period, what outcome can be claimed? (created v1.17)

Some participants may qualify for an outcome where the entire outcome period comprises employment supported by the JobKeeper Payment.

Where the participant commenced in DES after JobKeeper Payment commenced, the position supported by the JobKeeper Payment is considered Pre-Existing Employment. As set out at paragraph (x) of the definition of Non-Payable Outcome, the provider can claim a Full Outcome if the participant's actual hours of employment in the JobKeeper Payment supported position increase to an average of at least the participant's Employment Benchmark. No Pathway Outcomes are available for these participants.

If the employment position supported by the JobKeeper Payment was not Pre-Existing Employment (that is, the participant was already in DES but the outcome period had not commenced), 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

- the income earned was sufficient to produce a qualifying result using the Jobseeker Rate Reduction Result (JRRR); or
- A Pathway Outcome where the participant continues to receive the JobKeeper Payment for the full 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.

If the JobKeeper Payment ceases part-way through an outcome period, the participant is considered to be employed until the JobKeeper Payment ceases and to be working at the minimum number of hours a person with the participant's Employment Benchmark must work to achieve a Pathway Outcome. An outcome may be payable where the participant continues to be employed following the end of the JobKeeper Payment and works sufficient hours.

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

Providers can use normal automated claim processes where a participant whose employment is supported by JobKeeper Payment 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.

Will payments to participants receiving the Disability Support Pension (DSP) and Carer Payment (CP) be impacted if they receive JobKeeper Payment? (created v1.7)

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

Do recipients of JobKeeper Payment have mutual obligation requirements? (created v1.17)

Participants do not need to meet mutual obligation requirements to qualify for the JobKeeper Payment.

JobKeeper Payment recipients may, however, also be recipients of the JobSeeker Payment. With the progressive rate reductions in JobKeeper Payment phases two and three, more JobKeeper Payment recipients may also receive JobSeeker Payment. Participants will have normal mutual obligation requirements in relation to their JobSeeker Payment.

What are the eligibility requirements for the JobKeeper payment? (updated v1.17)

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 1.17)

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 provider considers that the participant is likely to return to employment in the same or similar position with the same employer.

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 v1.14)

Yes. From 1 March 2020 until 30 September 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.

The Department will provide an update on Ongoing Support arrangements and the transition to them ending in the next update, before the end of September.

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 30 September 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 must 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 v1.14)

From 1 March 2020 until 30 September 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 30 September 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 v1.14)

From 1 March 2020 until 30 September 2020, Ongoing Support can be delivered remotely (e.g. by phone, video conference). Face-to-face contacts can recommence where it is safe to do so.

During this 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

How are Star Ratings affected by COVID-19? (updated v1.15)

DSS will continue to release DES Star Ratings. 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.

Assurance Program

Is the Assurance Program for Quarter 1 going ahead? (updated v1.15)

In light of the impacts of COVID-19, the department trialled a new way of undertaking the DES Assurance Program for Quarter 4 2019-20. Some providers were invited to undertake self-audit of claims selected for Quarter 4 with the view of reducing the administration involved for providers and increasing provider understanding of compliant behaviour by using the assurance questionnaires.

Thank you to the providers who were involved in the trial. The department sought and received feedback, directly from providers and through employment services peaks. After

taking on board the feedback, the department will consider ways to streamline the process before proceeding with any self-audits in the future.

This means the Assurance Program for Quarter 1 will proceed as per the standard practice.