



**Australian Government**



# **Job Plan and Scheduling Mutual Obligation Requirements Guidelines**

**V 1.9**

## **Disclaimer**

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

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## Job Plan and Setting Mutual Obligation Requirements Guidelines

### Document Change History

Version	Effective Date	End Date	Change & Location
1.9	2 December 2024		<b>Amendment:</b> Added reference to the <b>Guiding Principles</b> in the <i>Managing and Monitoring Mutual Obligation Requirements Guidelines</i> for setting Participant Job Search Requirement.
1.8	18 November 2024	1 December 2024	<b>Amendment:</b> Updated reference from DHS to Services Australia. <b>Amendment:</b> Amended frequency of Job Plan update requirements from quarterly and six-monthly to 'as required'.
1.7	1 October 2024	10 October 2024	<b>Amendment:</b> Updated to reflect changes to Job Referral Tasks and Personal Events
1.6	1 January 2023	30 September 2024	<b>Amendment:</b> Removal of all references to the PaTH Internships and the National Work Experience program as a result of the cessation of these programs, effective on 9 September 2022. <b>Amendment:</b> Updated the name of the Department of Education Skills and Employment to the Department of Employment and Workplace Relations.
1.5	1 Jul 2022	31 December 2022	<b>Amendment:</b> Updated the Job Plan descriptions to reflect change from NEIS to Self-Employment Assistance: <ul style="list-style-type: none"> <li>• EM52 - Small Business Coaching.</li> <li>• ET58 code - Small Business Training.</li> </ul> <b>Amendment:</b> Updated references to jobactive website to Workforce Australia website.
1.4	9 Mar 2020	30 Jun 2022	Changed name of Department of Employment, Skills, Small and Family Business to Department of Education, Skills and Employment

Version	Effective Date	End Date	Change & Location
1.3	1 Jul 2019	8 Mar 2020	Amended name of Guidelines to Job Plan and Scheduling Mutual Obligation Requirements. Additional information on Nominees. Additional information on Job Plan codes.
1.2	3 Dec 2018	30 Jun 2019	Updated to reflect Directions No.2 and to reflect changes by the Department of Education, Skills and Employment in their equivalent Guidelines including: -updated the Targeted Compliance Framework Guideline name. -additional text to explain what must happen if a self-reporting Participant does not enter their result by COB of the day of the requirement. - Updates to setting Job Search Requirement to indicate that providers have five business days to review and confirm the quality of job search efforts at the end of each Job Search Period. Removed JS02 code as this is no longer in use.
1.1	10 Sep 2018	2 Dec 2018	Additional clarification in various sections.
1.0	01 Jul 2018	9 Sep 2018	Original version of document

## Overview

Most DES Participants in receipt of an activity-tested income support payment will have Mutual Obligation Requirements or compulsory participation requirements: there are things they must do – like actively looking for work and participating in activities that will help them into employment – in return for Income Support Payments.

A DES Participant’s Mutual Obligation Requirements and any other items agreed to with their Disability Employment Services Provider (DES Provider) are outlined in their Job Plan. DES Providers must ensure that all Participants, including Participants without compulsory Mutual Obligation Requirements, have a Job Plan in place at all times and that the requirements in the Job Plan are tailored to the Participant’s individual circumstances and are appropriate to their capability.

Providers must ensure that Participants have all the information they need to understand the importance of meeting their Mutual Obligation Requirements, and how they can do this. Providers

must ensure that Participants are aware of what could happen to their Income Support Payments if they do not meet the requirements set for them in their Job Plan.

**Disability Employment Services Grant Agreement Clauses:**

Annexure A - Definitions

Clause 41 - Personal and Protected Information

Section 5 F - Program Services

Section 5G - Job Plans

Section 5H - Compliance and the Targeted Compliance Framework

**Reference documents relevant to these Guidelines:**

Capability Interview Guidelines

Capability Assessment Guidelines

Managing and Monitoring Mutual Obligation Requirements Guidelines

Targeted Compliance Framework: Mutual Obligation Failures Guidelines

Work Refusal and Unemployment Failures Guidelines

Disability Support Pension Recipients (Compulsory Requirements) under 35 years Guidelines

Disability Employment Services Quality Assessment Instructions Measure 3.1 Individualised Job Plans

Documentary Evidence for Claims for Payment Guidelines

**Explanatory Note:**

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

## Job Plan and Setting Mutual Obligation Requirements Guidelines

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### 1. What is a Job Plan?

For the purposes of Social Security Law, a 'Job Plan' is an 'Employment Pathway Plan' and a 'Participation Plan' for Disability Support Pension recipients who are less than 35 years of age, and have compulsory Participation Requirements.

The Job Plan underpins the provision of services and agreed assistance (the service offer) the Provider must deliver to a Participant. This document is an important way for Participants, and if appropriate for their families, to know what support and assistance they will receive. Providers must ensure that at all times each Participant has a current Job Plan. For Participants with Mutual Obligation/compulsory Participation Requirements, the Job Plan details all the requirements the Participant must undertake under Social Security Law. Providers must ensure that a relevant delegate within their organisation complies with the Social Security Law when entering into a Job Plan.

Job Plan contents are discussed and agreed, based on each Participant's individual circumstances and the support they need to move from welfare to work. Usually a Job Plan includes frequency of Provider Appointments, Job Search requirements, education and skills training and other Activities to improve the Participant's employability.

To support Participants to successfully meet their Mutual Obligation/compulsory Participation Requirements and receive the most from the services offered, Job Plans should be:

**Meaningful**—Every time the Job Plan is negotiated and updated, Providers need to take time to discuss the requirements with the Participant. It is important that Participants understand any changes that have been made, the benefits of participation, and know and understand why they are required to participate in these activities.

**Tailored and appropriate**—Consideration needs to be given to the individual circumstances of the Participant. This includes their program, level of requirements, physical capacity, the location of any activities or other personal circumstances like caring and family responsibilities.

**Clear and understood**— Participants should know exactly what is required of them on each day; there should be no doubt or confusion of what is expected. This includes the potential consequences of not meeting any of their requirements. Participants having a clear understanding of their requirements means that:

- they understand the benefits of participation
- they understand their requirements
- support successful participation
- they feel empowered to make the right decision to meet their requirements, and
- the compliance framework can be utilised effectively and appropriately

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### 2. Creating and Approving a Participant's Job Plan

Providers and Services Australia have been delegated certain powers under Social Security Law including the power to require a Participant to enter into a Job Plan and to enter into a Job Plan and to approve or update a Participant's Job Plan. Providers must ensure each Job Plan is in the form approved by the Secretary of the Department of Employment and Workplace Relations (DEWR).

## Creating a Job Plan at the Initial Appointment

A Job Plan is created at the Initial Appointment with a Participant. Once the Participant attends the Initial Appointment and the Job Plan is approved the Participant is automatically commenced in Services.

During the Initial Appointment, a Provider negotiates a Job Plan with a new Participant or a Participant transferred from another Provider. The Provider needs to ensure that each requirement is tailored to meet the circumstances of the individual Participant and supports them in achieving their employment goals.

The Provider's role is to support the Participant and:

- ensure that each Job Plan contains all of the compulsory Activities the Participant needs to undertake in order to meet their Mutual Obligation/compulsory Participation Requirements
- include the details of all Activities and Provider assistance tailored to address the Participant's individual needs, reduced work capacity and barriers to employment
- ensure that the Activities do not place unreasonable demands on the Participant.

At each contact Provider Appointment, Providers must review, and if appropriate, update the terms of each Participant's Job Plan as events occur which result in the need to change Mutual Obligation Requirements. This is to ensure the Participant is capable of meeting the compulsory requirements set out in the Job Plan.

When setting and approving the terms of a Participant's Job Plan (including those without Mutual Obligation Requirements), the DES Provider must consult with the Participant and take into account the following:

- the Participant's individual circumstances, in particular their assessed work capacity (where relevant), their capacity to comply with the requirements and their personal needs;
- the Participant's education, experience, skills and age;
- the impact of any disability, illness, mental condition or physical condition or other non-vocational issue on the person's ability to work, to look for work or to participate in activities;
- the state of the local labour market and the transport options available to the person in accessing that market;
- the participation opportunities available to the person;
- the family and caring responsibilities of the person (including availability of childcare);
- the length of travel time required to comply with the requirements (reasonable time is 90 minutes each way or 60 minutes if the Participant is a principal carer parent or has a partial capacity to work);
- the financial costs (such as travel costs) of complying with the requirements, and the person's capacity to pay for such costs; where the activity would result in unreasonable costs to the Participant it should not be included in the Job Plan;
- if the Participant has any vulnerabilities or vulnerability indicators (as identified by Services Australia) such as homelessness, psychiatric problems or mental illness, severe drug or alcohol dependency, traumatic relationship breakdown, etc;
- any history of the Participant not complying with their Mutual Obligation Requirements;
- cultural factors;

- where the Participant participated in Time to Work Employment Service, any comments and recommendations in the Time to Work Employment Service Transition Plan. Providers can find the approved Transition Plan in the Department's IT Systems under the Transition Plan tab. Further information on the Time to Work Employment Service program can be found on the Department of Employment and Workplace Relations' website at <https://www.dewr.gov.au>;
- if the person is an Early School Leaver; and
- any other matters the DES provider considers relevant in the circumstances (including if they disclose they are a victim of family violence).

Providers must ensure each Job Plan contains all of the compulsory requirements, including any Activities the Participant must comply, in order to meet their Mutual Obligation Requirements. Providers must enter the details of any specified vocational and non-vocational Activities tailored to address the Participant's individual needs or reduced work capacity (if relevant), and any vocational and non-vocational issues including Employment Services Assessment (ESAt)/Job Capacity Assessment (JCA) identified barriers into the Job Plan. Where the DES Provider determines that the ESAt recommended intervention(s) is not required, for example if the relevant barrier has already been addressed, or another intervention is suitable to address the barrier and is already included in the Job Plan, then the DES Provider must document these comments in the Department's IT Systems.

Refer to the Guide to Social Security 3.2.8.50 or the Managing and Monitoring Mutual Obligation Requirements Guidelines to determine what to include in a Job Plan.

Activities in the Job Plan must not place unreasonable demands on the Participant. The Participant must be capable of doing any Activity and meeting all requirements included in their Job Plan.

Providers are required to record the Activities and relevant details in the Participant's Job Plan, including: the names of education and training organisations and the type of training being undertaken; the names of employers and the type of work being undertaken; hours of participation the Participant needs to complete each fortnight and the hours of participation required for each Activity. If drug or alcohol dependency impacts on the Participant's participation, providers need to record refusal for treatment, or lack of treatment available in the local area in the Capability Management Tool, in the Department's IT System.

Providers are required to include approved Activities in the Participant's Job Plan that will enable the Participant to meet their Mutual Obligation Requirements. At all times during a Participant's period of servicing the number of Job Searches a Participant is required to undertake each month must be specified in the Participant's Job Plan. Approved courses include the Skills for Education and Employment (SEE) Program and the Adult Migrant English Program (AMEP). Providers must ensure that the Participant has some Job Search Requirement recorded in their Job Plan while participating in these programs.

### **Including sufficient fortnightly hours in the Job Plan**

Providers must ensure that each Job Plan contains sufficient hours of Activities per fortnight for the Participant to meet their Mutual Obligation Requirements. The Department's IT System will automatically calculate the fortnightly hours under each code that is included in the Job Plan. Depending on the hours scheduled for the Participant to meet their Mutual Obligation Requirements, the System will display messages to guide Providers to ensure the number of hours are appropriate.



The Provider is unable to set more than reasonable hours of activities per fortnight in the Job Plan in any event, and the Department's IT System will restrict the Provider from doing so by displaying an error message.

See the 'Setting Daily Requirements' in this document for information on scheduling Daily Requirements (including activities, study or training and paid work).

### **Explaining a Job Plan to the Participant**

Providers must ensure that Participants understand their Mutual Obligation Requirements - such as attending Appointments; undertaking compulsory and voluntary Activities, and undertaking and completing Job Searches.

At the Initial Interview Providers must explain to the Participant:

- the purpose of the Job Plan
- the Mutual Obligation Requirements the Participant needs to undertake in return for income support payments
- if applicable, the Disability Support Pension Recipient Compulsory Requirements the Participant needs to undertake including their participation in a Program of Support requirement
- if applicable, other Disability Support Pension Recipients identified in the Department's IT Systems their participation in a Program of Support requirement
- the Participant's rights and responsibilities under the Job Plan (including 'think time' to consider the Job Plan before agreeing to it)
- what the Participant needs to do if they have a change in circumstances that affects their ability to meet the requirements in their Job Plan
- how to contact the Provider to give prior notice if unable to meet requirements and the consequences of not giving prior notice if the Participant is able to do so
- the consequences of failing to meet the requirements without a Reasonable Excuse, and any impact this may have on the Participant's Income Support payment
- the consequences of failing to give prior notice (with a Valid Reason) if they cannot attend compulsory Appointments or participate in compulsory Activities
- their right to appeal decisions and where they can find assistance to do this
- how the Provider intends to support the Participant
- the Service Guarantee and the Employment Services Code of Practice
- the section entitled 'Information You Need to Know' in the Job Plan
- how information is protected under privacy legislation and Social Security law, and
- that all relevant contact details will need to be accurately recorded and updated in the Department's IT Systems including phone numbers, email address and postal address.

(DES Grant Agreement references: Clause 92, 106, Section 5H, Annexure A)

### **Interpreters, Support Persons and Nominees**

When a Participant requests, or if the Provider considers it appropriate, the Participant can bring a support person with them to their Job Plan Appointment. Similarly, when a Participant requests or if

the Provider considers it appropriate, Providers must use an interpreter to ensure the Participant understands their requirements before the Participant agrees to the Job Plan.

Participants in residential programs for drug and alcohol rehabilitation will not always inform their Provider of any change of circumstances. When in a residential program Participants should have an authorised correspondence nominee. The nominee will receive all of the correspondence and notifications sent from the Provider to the Participant. The nominee can advise the Provider that the Participant is in a residential program and may not have access to a phone or computer.

Staff of residential programs are able to act as nominees for Participants.

Please record details of any conversations with a nominee in the comments screen in the Department's IT System.

### Participants requiring 'think time' to consider the terms of their Job Plan

Before signing or agreeing to the terms of a Job Plan, all Participants can have up to two Business Days 'think time' to consider the requirements set in the Job Plan. The Participant can use this time to discuss the terms of the Job Plan with a third party if they wish. The 'think time' is available to a Participant each time a Job Plan is created or updated.

If a Participant is offered and accepts 'think time', Providers need to arrange and book a Provider Appointment for the Participant to occur in two Business Days so that the Participant can agree to and sign the Job Plan.

### Participants with a Compulsory Job Plan

Participants with Mutual Obligation Requirements or compulsory activity requirements must have at least one compulsory requirement included in the Job Plan and a record of the details in the Participant's Electronic Calendar.

Disability Support Pension recipients under 35 years of age with compulsory activity requirements are not subject to the Job Seeker Targeted Compliance Framework. Where these Participants do not comply with compulsory activities in their Job Plan, Providers can report their compliance to Services Australia. *(For further information refer to the Disability Support Pension Recipients (Compulsory Requirements) under 35 years Guidelines).*

Participants who are fully meeting their Mutual Obligation Requirements, but have chosen to access DES on a voluntary basis are Volunteers (Mutual Obligation). These Participants must have a compulsory Job Plan which includes the Activities they are undertaking to fully meet their requirements. Any additional items they agree to must only be included in their Job Plan as a voluntary requirement.

### Participants with a Suspension

Participants with Mutual Obligation Requirements who are Suspended from Services can choose to volunteer to participate in Activities. Providers must agree to the voluntary Activities the Participant will participate in and update the Participant's Job Plan to include the voluntary Activities. If the Provider becomes aware that a Participant is no longer suspended or not participating in voluntary Activities listed in the Job Plan, the Provider must update the Job Plan as appropriate.

A suspension from Services can occur when:

- a Participant is granted an Activity Test exemption by Services Australia
- a Participant with partial capacity for work (15-29 hours per week) is fully meeting their requirements through part-time work or other approved activities
- the Provider applies a 'Provisional Exit' from servicing on the expectation that the Participant's employment will lead to a full outcome; or

- the Participant has a partial or temporary reduced work capacity of less than 15 hours per week.

### Participants with a Voluntary Job Plan

Participants who are participating in DES without Mutual Obligation Requirements must have a Voluntary Job Plan. These Participants are Volunteers (Non-Mutual Obligation).

Voluntary Job Plans can only include voluntary Activities as these Participants do not have compulsory requirements and are not subject to the Job Seeker Targeted Compliance Framework if they do not participate in these activities. Participants will not be at risk of incurring a penalty if they do not participate in voluntary items.

Participants with Mutual Obligation Requirements who are suspended from their Provider's caseload can choose to volunteer to participate in Activities. Providers must agree on the voluntary Activities the Participant will participate in and update the Participants' Job Plan to include the voluntary Activities. If the Provider becomes aware that a Participant is no longer suspended or not participating in voluntary items listed in the Job Plan, the Provider must update the Job Plan as appropriate.

**Note:** Job Plan contents are discussed and agreed on - based on each Participant's individual circumstances and reasons for registering for DES. Usually this includes Provider Appointments, Job Search, education and skills development or other Activities to improve the Participant's employability.

(DES Grant Agreement references: Section 5G, Clause 133, Annexure A)

### **Participants participating in Time to Work Employment Service**

If a Participant has participated in the Time to Work Employment Service the Provider needs to take into account any current Transition Plans identified in the Department's IT System.

### **Approving a Job Plan**

DES Provider staff are delegates of the Secretary of Department of Employment and Workplace Relations, and have the power to:

- require a Participant with Mutual Obligation Requirements or compulsory activity requirements to enter into a Job Plan
- approve a Job Plan, and
- vary the terms of a Job Plan.



**Documentary evidence:** Once the terms of the Job Plan have been agreed to and the Job Plan is created in the Department's IT Systems, the Job Plan must be provided to the Participant for their agreement. Job Plans can be agreed to online or by signing a hard copy.

(DES Grant Agreement references: Section 5G, Annexure A)

### Participant agreeing to the Job Plan – online



**Documentary evidence:** Providers may send a Job Plan to the Job Seeker Dashboard through the Workforce Australia website or Workforce Australia App for the Participant to review and agree to online. Before using this option check that the Participant has access to the Job Plan on their Dashboard and knows how to agree to it.



**Documentary evidence:** Providers must formally notify the Participant (including those with voluntary requirements) that the Job Plan has been sent to their Job Seeker Dashboard for their agreement. This must be done either face to face or over the phone and needs to be

done within two Business Days of sending the Job Plan. A verbal formal Notification script is available on the Department's IT Systems for the Provider to read to the Participant. The script includes a compliance warning that is required to be given to Participants (with Mutual Obligation Requirements) if they do not agree to the Job Plan within two Business Days.

When the Participant agrees to the Job Plan, the Job Plan's status will automatically be set to 'approved' in the Department's IT Systems.

See the Targeted Compliance Framework: Mutual Obligation Failures Guideline and the Managing and Monitoring Mutual Obligation Requirements Guideline for further information on how to issue formal Notification.

### Participant agreeing to the Job Plan – hard copy

The Participant and the Provider may sign a hard copy of the Job Plan. The Provider must provide the Participant with a signed copy and then approve the Job Plan in the Department's IT Systems.

When the Job Plan has been approved and entered in to the Department's IT Systems, the Participant will be able to access it from their Job Seeker Dashboard.

### Participant not agreeing to the Job Plan

Participants who do not enter into a Job Plan without good reason after the two days 'think time' will have their payment suspended until a Job Plan is agreed to and signed by the Participant.

If the Participant refuses to enter into and sign a Job Plan (and does not wish to use their 'think time') the Provider must contact the Participant and assess if the Participant has a Valid Reason for refusing.

For further information, see the Targeted Compliance Framework: Mutual Obligation Failures Guidelines. (DES Grant Agreement references: Section 5G, 5H Annexure A)

## **Recording a Job Plan**



**Documentary evidence:** The Job Plan must be recorded in the Department's IT Systems as soon as possible, after it has been created. The contents of the Job Plan recorded in the Department's IT Systems must be exactly the same as the hard copy.

If the Department's IT Systems is temporarily unavailable or there is no computer access, Providers must use the manual compulsory or voluntary Job Plan template available on the Provider Portal.

### Using Job Plan codes

Providers are required to use the comprehensive list of Job Plan codes at Attachment A so that Job Plan data can be pre-populated and linked through the Department's IT Systems to the Dashboard on the Job Seeker App, the Workforce Australia website and the Services Australia IT system.

The following codes are pre-populated in Job Plans.

AI09 – Attend DES Appointments

AI13 – Attend DES Ongoing Support Appointments

AI15 – Attend Third Party Appointments

JS09 – Job Search Contacts – Monthly

JS10 – Job Interviews

PA03 – Personal Responsibility

PA04 – Actioning Job Referrals and Job Opportunities

AS02 – Health and Allied Services Assistance

AS20 – Ongoing Support Assistance

NV14 – Health Maintenance Program

AI15 – Attend Third Party Appointments and PA04 – Actioning Job Referrals and Job Opportunities cannot be removed. If either of these codes are not appropriate for a Participant, don't schedule any Activities against them.

### Job Search Requirement

Job search requirements are determined by Providers based on a Participant's individual circumstances, their Work Capacity and the local labour market conditions. Participants will generally be required to undertake Job Searches relative to their Work Capacity. When setting compulsory Job Search Requirements, Providers must use the Job Search Requirements (JS09) code and refer to the **Guiding Principles** outlined in **Table 1** of the *Managing and Monitoring Mutual Obligation Requirements Guidelines*. Participants can report their Job Search efforts on the Workforce Australia App or Workforce Australia website. If applicable, Providers can use the JS05 or JS06 (Job Search with Disability) codes. These codes will trigger a higher rate of Mobility Allowance for eligible Participants.

The number and quality of job searches undertaken need to be monitored. Participants can report their job search activities on the Workforce Australia App or Workforce Australia website.

Participants should be given instructions on how to upload and record their Job Search efforts and related details, even if they indicate they will report their Job Search efforts directly to their Provider

If the Participant reports efforts directly to their Provider by email or filling out a Job Search record and giving it directly, the Provider will need to record the number of efforts submitted to them by no later than close of business on that day.

Providers must:

- review and confirm the quality of job search efforts submitted online or directly by no later than five Business Days after the end of each Job Search Period.
- ensure that the Participant is aware at all times of:
  - their Job Search Requirement
  - when their Job Searches must be reported by
  - how to report their Job Search efforts using the Workforce Australia website, or directly to the Provider.
- ensure that the number of the number of Job Search efforts undertaken, and the number yet to be undertaken by the Participant in each JSP, are visible on the Workforce Australia App or Workforce Australia website.

Please refer to Job Aids at the Learning Centre for information on recording results for Job Search.

Note: The Job Plan can be used as formal Notification if it specifies the full details of the requirement, with information, including the time, date and location that the requirement is to be undertaken in the Electronic Calendar. The Job Search Requirement in the Job Plan is considered to be sufficient notice of their Job Search Requirement. If the Provider is unable to include full details of the requirement at the time the Job Plan is created, the Provider must issue the Participant with a separate formal Notification to support the requirements in the Job Plan.

See the Targeted Compliance Framework: Mutual Obligation Failures Guidelines and Managing and Monitoring Mutual Obligation Requirements Guidelines for further information on how to issue formal Notification.

In addition to Job Search requirements Providers can include job referrals in a Participant's Job Plan. These include:

- Apply for a specific job
- Accept a Job Interview
- Contact an employer to arrange and accept a Job Interview
- Provide personal details to support a job opportunity

### **Participants who do not have Job Search Requirements**

The following Participants are not required to undertake Job Search while they are fully meeting their Mutual Obligation Requirement

- Principal Carer Parents undertaking 30 hours per fortnight of paid work, approved study or voluntary work or a combination of these
- Participants with a Partial Capacity to Work of 15 to 29 hours per week undertaking 30 hours of paid work, approved study or voluntary work or a combination of these
- Participants 55 years of age and over undertaking 30 hours of paid work, approved study or voluntary work or a combination of these
- Participants undertaking drug and alcohol rehabilitation in a residential program
- Pregnant Participants in their final tri-mester.
- Self-Employment Assistance Participants and Prospective Participants while participating in Small Business Training.
- Self-Employment Assistance Participants in receipt of Parenting Payment (Single) or the Disability Support Pension who remain on their current payment while participating in Small Business Coaching and actively working on their small business,
- Early School Leavers who are meeting their Mutual Obligation Requirements through full-time education or a combination of part-time study and part-time work of 25 hours per week (15 hours for those with part-time Mutual Obligation Requirements)

### **DES Provider assistance**

DES Providers must include the details of the assistance (not only the assistance code) they will be providing to the Participant in the Job Plan. This may include financial or other assistance. DES Providers must ensure Job Plans are kept up-to-date and include, the assistance to be delivered, purchased or organised for the Participant during their Period of Service.

### **Linking Job Plan Codes to Activity Placements and the Calendar**

Activity placements can be linked to Job Plan codes in Activity Management in the Department's IT Systems. It is best practice that Providers link Activity placements to the appropriate code in the Job Plan. Job Plan codes need to be linked to the daily requirements scheduled in the Calendar, this will enable the details to be auto-populated into any formal Notification created from the Calendar. Providers will also be able to record attendance results in the Calendar.

### **Personal Responsibility to record attendance code PA03**

If a Provider determines that a Participant is capable of taking personal responsibility for recording their own attendance at Activities, the Participant will be required to record their attendance at:

- Activities

- Third Party Appointments and
- Job Interviews.

The Personal Responsibility Code PA03 is included in every Participant’s Job Plan for Participants with Mutual Obligation Requirements by default. If the Provider assesses the Participant as not capable of recording their own attendance, the Provider will need to remove the PA03 code from the Participant’s Job Plan.

Providers must inform Participants if they are assessed as being capable of and that they are required to record their own attendance at Activities. Providers must ensure that capable Participants understand the requirement to record their own attendance at Activities by close of business on the day of the requirement and that their payment will be suspended if they do not do so. The Participant will be notified to contact their Provider if their payment is suspended. Provider must assess whether the Participant had a valid reason for not reporting and enter the result on behalf of the Participant and consider whether the Participant is still capable of recording and reporting their own attendance.

The PA03 code is not added to the Job Plan of Participants with only voluntary activities.

### Providing evidence of attendance for an Activity

For some Activities, the Participant will need to provide evidence when they are recording their own attendance.

Evidence for attendance will be a QR code or passcode (code) generated by the Department’s IT Systems. The Participant will scan the code through their device while at the Activity to record their attendance via the Workforce Australia App or by recording a passcode via the Workforce Australia website.

If the duration of the Activity is four hours or more—such as where a full day of Activity is scheduled—two codes will be generated: one for the Participant’s arrival at the Activity and one for the end of Activity. The code for the end of Activity should not be made available to the Participant until the close to the finish time.

When creating an Activity that requires evidence of attendance, the Provider must ensure they record the contact details of the relevant person/s who will physically provide the code to Participants, such as an Activity Supervisor. The person providing the code to Participants must be given the code before the Activity session commences. Providers should also ensure that the person providing the code for an afternoon session knows not to make the code available to the Participant until the afternoon session commences.

However, there will be instances where there isn’t a supervisor or contact for activities, such as education and training. This is because it would be unreasonable, or not expected due to the relationship and past experience, for evidenced-based recording or to report non-attendance directly to the Provider. In these situations, Participants will record attendance directly on the day. By recording their own attendance, Participants will be acknowledging via a statement on the App or website that they have attended and the information they are providing is true and correct. No further evidence is required, therefore satisfying documentary evidence requirements. Providers will still be able to record non-attendance if they become aware that Participants have failed to attend or left early at education/training activities.

### Assessing a Participant’s capability to record attendance

To assess the Participant’s capability to record their own attendance, Providers need to consider if the Participant has:

- daily, reliable access to technology that would allow them to record their attendance, such as a computer or smartphone, or the means to contact their Provider to report their attendance; and
- the ability to record or report their own attendance, understanding:
  - what requirements they need to record attendance for
  - how to record their own attendance
  - that they must record or report attendance by close of business on the day of the requirement
  - what to do and who to contact if they cannot record their own attendance on a given day
  - the consequences of not recording or reporting their own attendance if they are required to do so.

#### Participant is capable of recording their own attendance

If the Participant has both the means and the ability to record and report their own attendance keep the personal responsibility code (PA03) in the Job Plan.

The Provider must continually monitor the Participant’s capability to record their own attendance to ensure that the Participant is reporting their attendance accurately. If a Provider knows that a Participant has not accurately recorded their attendance, Providers can override the result entered by the Participant.

If the Participant contacts the Provider and asks them to record attendance on their behalf, the Provider will assess whether the Participant did attend and, if so, record the Participant’s attendance.

#### Participant is not capable of recording their attendance

If the Participant is not capable of recording their own attendance, the Provider will need to remove the PA03 code when finalising the Participant’s Job Plan and record the reason for removal of the PA03 code in the comments field in the Department’s IT Systems.

Providers are encouraged to keep working with Participants to build capacity for reporting their attendance at requirements.

If a Participant can’t record their attendance (e.g. because they live in an area with unreliable connectivity or other similar reasons), the Provider needs to tell the Participant to report their attendance by contacting their Provider and they will record attendance on the Participant’s behalf.

### **3. Reviewing, Updating and Monitoring a Job Plan**

Providers must review, update and monitor a Participant’s Mutual Obligation Requirements in accordance with the Grant Agreement, this Guideline and Social Security law.

Providers must regularly review the Job Plan and update it when required to ensure that all requirements are up to date and remain relevant. Job Plans must be reviewed (if appropriate) and updated when the Participant:

- has a change in their circumstances
- commences a new Activity
- completes an Activity that was in their Job Plan
- undertakes an ESAt or JCA and/or



- has a Capability Interview or Capability Assessment.

For Services Australia managed Participants, Services Australia will update the Job Plan when required. If the Participant is managed by a Provider, Services Australia will consult with the relevant Provider before updating the Job Plan or may request that the Provider update the Job Plan at the Participant's next Appointment. Providers should not remove any updates made to a Job Plan by Services Australia without consultation.

(DES Grant Agreement references: Section 5G, Annexure A)

### **Updating the Job Plan**

The Provider must ensure that the Participant has a current and up-to-date Job Plan at all times. It is best practice to review the Job Plan at each Provider Appointment to ensure that the Participant is still capable of meeting their Mutual Obligation Requirements. If the outcome of a Capability Interview or Capability Assessment is that the Job Plan requires updating, Providers must review and update the contents of the Job Plan within 10 business days. Providers must ensure the contents of the Job Plan is updated including details of any additional voluntary activities or if the Participant is subject to an Exemption.

DES Providers must update Job Plans to include the details of the assistance to be delivered, purchased or organised for the Participant throughout their Period of Service.

In consultation with the Participant, the Job Plan can be updated and tailored to individual needs at any time—unless there is compliance outstanding. If compliance action is outstanding, the Department's IT Systems will not permit the Job Plan to be updated and the Provider will be redirected to the 'Compliance Screen' in the Department's IT Systems.

See the Targeted Compliance Framework: Mutual Obligation Failures Guidelines for information on using the Targeted Compliance Framework.

### **Updating Job Plan to include Voluntary activities**

If a Participant is granted an Exemption or is fully meeting their Mutual Obligation Requirements, they may wish to participate voluntarily, and they can discuss this with the Provider. Voluntary activities should be included in the Job Plan and scheduled in the Calendar, and the Participant should be notified of where and when to attend each Activity.

### **Updating Job Plan after Participant advises change in circumstances**

The Job Plan must be reviewed as soon as practicable after the Provider becomes aware or is informed of a change in the Participant's circumstances.

Newly disclosed or discovered information may be found on, and should be immediately recorded in, the Capability Management Tool (CMT) in the Department's IT Systems.

If the Job Plan is to be renegotiated in light of the new information, the Provider will refer to the CMT to ensure that the Job Plan requirements are appropriate for the Participant's capability, and that the Participant will receive enough assistance and support to address the circumstances recorded in the CMT.

See the Capability Interview Guidelines and Capability Assessment Guidelines for information on using the Capability Management Tool.

### **Updating the Job Plan to include (previously removed) requirement to record own attendance**

If the Provider is renegotiating a Job Plan and assesses that the Participant is now capable of recording their own attendance (where the requirement was previously removed from the Job Plan), the Provider needs to re-enter Job Plan code PA03 into the Participant's Job Plan. The Provider must

ensure the Participant understands that they are now responsible for recording their own attendance at requirements as well as the importance of entering results via the App or Workforce Australia website by close of business on the day of the requirement as their payment will be automatically suspended the next day if no result has been entered.

#### Updating the Job Plan following a Capability Interview or Capability Assessment

See the Capability Interview Guidelines for information on updating the Job Plan following a Capability Interview.

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## **4. Scheduling Mutual Obligation Requirements in the Calendar**

The Provider must record details of, and schedule each requirement in the Calendar, including:

- Provider Appointments
- Activities
- Job Interviews
- Education and Training
- Drug and alcohol rehabilitation
- Third Party Appointments
- Workshops, training and other activities delivered by the Provider and
- Employment, if the hours are regular and can reasonably be scheduled by the Provider or Participant.

To schedule a requirement in the Calendar, the Job Plan code that corresponds to that requirement must have been included in the Participant's current, signed Job Plan.

### **Scheduling Requirements**

The Provider must ensure that each day of each Participant requirement is scheduled in the Calendar. Each day of each requirement scheduled in the Calendar must be populated with:

- the name or description of the requirement
- the start time
- break times, where relevant
- the end time
- the location of the requirement, including any special instructions to locate a venue (e.g. located on battle-axe block) and
- the name of any third-party provider or training organisation.

When the Provider schedules the requirement in the Electronic Calendar and formally notifies the Participant, the requirement will then appear in the Participant's Calendar.

### **Scheduling a Provider Appointment**

Providers must ensure that the Provider's Electronic Calendar has the capacity to receive an Appointment within the next two business days. When booking a Provider Appointment for a Participant, Providers need to select the correct appointment type, schedule the appointment in the Calendar and formally notify the Participant.

If a Participant has an Appointment with their Provider, the Provider must deliver a Contact on the date and time of the Appointment as recorded in the Participant's Calendar.

There are four types of appointments: Initial; Contact; Re-engagement and Capability Interview appointment.

Please refer to Job Aids at the Learning Centre for information on recording results at Provider Appointments.

### **Scheduling an Activity requirement**

Providers source and select Activities appropriate to the Participant's individual circumstances, with a focus on Activities that will assist the Participant to build skills, improve their employability and give back to the community. Providers should ensure that Participants are placed in meaningful Activities, particularly those that will help them to overcome any Vocational or Non-vocational Barriers to finding and keeping work.

All Activities must be scheduled in the Calendar and the Participant must be formally notified of the requirement to attend. See below for the types of Activities a Provider may schedule for a Participant.

Please refer to Job Aids at the Learning Centre for information on recording results at Activities.

#### Formal Activities

A formal activity is an activity that a Provider must use the Activity Management area of ESSWeb to create the activity and place the Participant into the activity. Providers must ensure that attendance requirements at formal activities is scheduled in the Participant's Calendar.

#### Informal Activities

An informal activity may include things like non-accredited training, Job Search clubs or employer supported sessions run internally by the Provider. Providers are not required to create an informal Activity in the Activity Management area of ESSWeb. Providers must ensure that attendance requirements at informal activities is scheduled in the Participant's Calendar.

#### One-off Activities

Participants may have a requirement to attend a one-off Activity, such as a day-long workshop or seminar, to gain skills or knowledge to help the Participant find work or overcome barriers. Alternatively, if only one Participant is participating in a specific activity, a One-Off Activity may be the most appropriate way for Providers to record their daily requirements in the Electronic Calendar.

### **Scheduling Third Party Appointments**

Third Party Appointments are any appointments the Participant must attend that are not appointments with their Provider or Services Australia. Before scheduling a Third-Party Appointment, the Provider must ensure that the requirement is not:

- a Provider Appointment
- an appointment with Services Australia
- a Job Interview
- an Activity of any kind
- study or training of any kind.

All Third-Party Appointments must be scheduled in the Calendar and the Participant must be formally notified of the requirement to attend. Participants taking personal responsibility to record their own attendance must do so for Third Party Appointments.

Please refer to Job Aids at the Learning Centre for information on recording results at Third Party Appointments.

### **Scheduling Job Interviews**

All Job Interviews need to be scheduled in the Calendar and the Participant must be formally notified of the requirement to attend. Participants taking personal responsibility to record their own attendance must do so for Job Interviews.

### **Scheduling drug or alcohol treatment rehabilitation**

If the Provider identifies or becomes aware that the Participant's ongoing capability to meet their requirements or search for work is compromised by drug or alcohol dependency, the Provider needs to discuss this with the Participant to identify rehabilitation options that would assist the Participant to overcome their dependence.

If the Participant chooses to undertake drug and alcohol rehabilitation—or is already undertaking drug and alcohol rehabilitation when they enter employment services or transfer Providers—the Provider must schedule it in the Calendar and formally notify the Participant.

Please refer to Job Aids at the Learning Centre for information on recording results for Job Search.

### **Scheduling Study or Training**

Providers are responsible for identifying any appropriate study and/or training opportunities that will assist the Participant to gain skills or qualifications that will assist them to find work. Where practical, the Provider must ensure all study and training is scheduled in the Calendar.

### **Scheduling Personal Events**

Personal Events are a way of communicating a period when a Participant has a personal commitment which could prevent them from attending a requirement. Personal Events can be created by the Provider or the Participant for anytime between 6am and 9pm and can be booked recurringly, up to 8 weeks in advance. Participants may only create Personal Events where a Mutual Obligation Requirement is not already scheduled.

Providers must as part of ongoing servicing discuss Personal Events with their Participants. This includes encouraging and assisting the Participant to create Personal Events in their Calendar. Providers must create Personal Events on behalf of the Participant to schedule regular hours of paid work if the Participant does not do so. Providers must advise the Participant that even though they have created a Personal Event, Mutual Obligation Requirements may still be scheduled.

### **Confirmed Personal Events**

Participants are required to include information about their personal commitment when creating a Personal Event in their Calendar. The Provider must regularly review Personal Events and either confirm the Participant's Personal Events or leave them unconfirmed. When deciding to confirm a Personal Event, the Provider should also consider the nature of the Personal Event and the Participant's personal situation. The Provider must advise the Participant that even though they have confirmed the Personal Event, Mutual Obligation Requirements can still be scheduled for that time.

If the Provider confirms a Personal Event, they cannot 'unconfirm' the event, and must then discuss any future clashes with the Participant before booking requirements over the confirmed event. Where a Participant has recorded a potential Personal Event, Providers should discuss the Participant's availability and the details of that commitment at the next available opportunity.

**Example:**

Jo has just secured work starting next week. They are working a five hour shift each Monday, Wednesday and Friday. This is a recurring Personal Event.

At their next appointment, Jo discusses this new work with their Provider, explaining that they will not be available during those days or times.

Together, they create Personal Events for those days and times in the Calendar. Their Provider confirms the Personal Events and shows Jo how to create new ones in case their work hours change.

Jo has given prior notice of their inability to attend requirements at that time. Creating Personal Events ensures that their Provider knows not to book future requirements during these days and times.

### Unconfirmed Personal Events

A Provider may consider a Personal Event entered by a Participant is not appropriate. For example:

- the Personal Event is not aligned with what the Provider knows about the Participant's circumstances, or
- more information is required, or
- the Personal Event is not an appropriate or suitable entry that would inhibit the Participant's ability to attend a Mutual Obligation Requirement at that time.

In this case, the Provider must attempt to contact the Participant to discuss. If contact is not established the Provider should leave it unconfirmed. When contact is established, or at the next Provider Appointment the Provider must discuss the unconfirmed Personal Event. Based upon that discussion if appropriate the provider can then confirm the Personal Event. The Provider must advise the Participant that even though they have confirmed the Personal Event, Mutual Obligation Requirements can still be scheduled at that time.

### Conflicting Requirements – booking requirements over Personal Events

Generally, Providers should not book a conflicting requirement over a confirmed or unconfirmed Personal Event, but where it is essential that a conflicting requirement be booked, the Participant must be contacted first and justification for the refusal to acknowledge a Participant's pre-existing commitment must be entered into the Department's IT Systems under the comment section. Providers must formally notify the Participant of the requirement, ensuring they can make other arrangements for the Personal Event created. The exception to this is when the provider is aware that the Personal Event is for paid work. Participants must not be required or asked to give up or reschedule paid work to meet requirements.

If a Personal Event has been created incorrectly or in error by the Participant, Providers should discuss this with the Participant and advise them that they will not confirm the Personal Event and that other requirements can be scheduled during this time.



Providers need to manage the conflicting requirement in the Participant's Electronic Calendar and must record the reason for scheduling the requirement at this day/time in the Department's IT Systems in the comments section.

### **Issuing Formal Notification to the Participant**

Except for any paid work the Participant is undertaking, the Provider is required to formally notify the Participant of every compulsory requirement they must undertake in their Job Plan. The Provider must explain how to meet each requirement, as well as the consequences of not doing so, including possible financial penalties.

When the Provider schedules requirements in the Calendar, the Department's IT Systems will automatically create and record the selected Notification type to be issued. If a Participant's requirements are re-scheduled Providers must formally notify the Participant of the new requirement.

Formal Notification always includes:

- the reason for the appointment, if the requirement is an appointment
- whether the requirement is for the purpose of Re-engagement
- the date and start time of the requirement
- the location or address of the requirement
- if the Participant is required to record their own attendance, and if so, the consequences of not doing so
- whether the Participant will require evidence to record their own attendance
- whether the requirement is compulsory or voluntary
- that the Participant must contact their Provider beforehand if they become aware of an Acceptable Reason preventing them from being able to attend or complete the requirement
- the possible consequences for the Participant if they do not meet their requirement
- a statement that the Notification is a notice under Social Security law
- that the Participant must complete their requirement in return for their Income Support Payment.

### **Legal authority to formally notify a Participant of their Mutual Obligation Requirements**

Employment services provider employees are delegated powers by the Secretary of the Department of Employment and Workplace Relations under Social Security law to notify Participants of their Mutual Obligation Requirements.

*(Social Security (Administration) Act 1999 (ss: 63); Social Security Act 1991 (ss 501,544,605,731L)).*

### **Notifying Participants within the appropriate timeframe**

Providers must issue Participants Formal Notification within the appropriate timeframe before the requirement is scheduled to occur.

If reasonable notice timeframes are not met, the Calendar will not allow a requirement to be booked unless the Provider is in direct contact with the Participant and they have agreed to attend this requirement and the Provider records this.

Refer to the Targeted Compliance Framework Reference Guide and the Learning Centre for more supporting materials relating to reasonable notice timeframes and Notification methods.

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## 5. Privacy and information sharing

Providers must comply with Social Security Law and Australian privacy legislation. A Participant's Personal Information must only be used or disclosed for the purpose it was collected, except in limited circumstances such as where the Participant gives permission, where Commonwealth laws allow or other special circumstances.

Providers should seek independent legal advice if they have any concerns regarding their obligations under any privacy or other legislation.

(DES Grant Agreement references: Clauses 41, 106)

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## 6. Summary of required Documentary Evidence

- Once the terms of the Job Plan have been agreed to and the Job Plan created in the Department's IT Systems, the Job Plan must be provided to the Participant for their agreement. Job Plans can be agreed to online or by signing a hard copy.
- Providers may send a Job Plan to the Job Seeker Dashboard through the Workforce Australia website or Workforce Australia App for the Participant to review and agree to online.
- Providers must formally notify the Participant (including those with voluntary requirements) that the Job Plan has been sent to their Job Seeker Dashboard for their agreement. This must be done either face to face or over the phone and within two Business Days of sending the Job Plan.
- The Job Plan must be recorded in the Department's IT Systems as soon as possible, after the Job Plan has been created. The contents of the Job Plan recorded in the Department's IT Systems must be exactly the same as the hard copy.
- If the Department's IT Systems is temporarily unavailable or there is no computer access, Providers must use the manual compulsory or voluntary Job Plan template available on the Provider Portal.

## Attachment A List of Job Plan codes

Also see ESSWeb Job Plan Activity Codes list for a full list of Job Plan codes:

### Job Plan Codes

#### Appointment Codes

AI09 - Attend DES Appointments	C,V
AI13—Attend DES Ongoing Support Appointments	C,V
AI15—Third Party Appointment	C,V

#### Services Australia Only Codes

A102—Attend Quarterly Appointment	C,V
A108—Reduced Capacity Requirements	C,V
ET63—Youth Activities	C
WE16—Community Services Order	C,V
EM51—Disability Supported Employment	C,V

#### Personal Responsibility Codes

PA03 – Personal Responsibility to Report and record attendance.	C
PA04 – Actioning Job Referrals and Opportunities	C,V

#### Non-Vocational Codes

NV02—Counselling	V
NV04—Non-Vocational Training	C,V
NV05—Parenting Skills Program	V
NV07—Drug and Alcohol Rehabilitation	V
NV09—Self-help Group or Support Group	C,V
NV10—Undertake an Assessment	C,V
NV12—Child Care	C,V
NV13—Intervention – Non Specific	C,V
NV14—Health Maintenance Program	V

#### Job Search Codes

JS04—Job Search Contacts Voluntary	V
JS05—Job Search with Disability - Activity Tested	C
JS06—Job Search with Disability - Non Activity tested	V
JS07—Research and Prepare Applications	C,V
JS09—Job Search monthly	C,V
JS10—Job Interviews	C,V

#### Employment Codes

EM52—Small Business Coaching	C,V
EM54—Self Employment	C,V
EM56—Paid Work	C,V

#### Participation Activity Codes

ET52—Adult Migrant English	C,V
ET53—Apprenticeship/Traineeship	C,V
ET56—SEE or ESL course	C,V
ET57—SEE and/or ESL assessment	C,V



ET58—Small Business Training	C,V
ET59—Study - Part-Time or Full-Time	C,V
ET60—Updating work related licences/quals/m-ships	C,V
ET64—Work preparation	C,V
WE10 – Unpaid Work Experience (for Work Experience (Other))	V
WE11—Voluntary Work	C,V
WE09—Temporary Relocation to Undertake an Activity	V
WE15 – Defence Force Reserves	C,V

### Provider assistance codes

DES Providers must include the details of the assistance (not only the assistance code) they will be providing to the Participant in the Job Plan.

<b>DES Provider assistance descriptor</b>	<b>Code</b>
Directly contacting employers for suitable jobs on the Participant's behalf	AS21
Health and Allied Services Assistance	AS02
Psychological Assistance	AS19
On the job assistance	AS18
Ongoing Support Assistance	AS20
Interpreter Services Assistance	AS03
Non-Vocational Assistance	AS04
Provider Services Assistance	AS05
Relocation Assistance	AS06
Self-Employment Assistance	AS07
Short Term Child Care Assistance	AS08
Provided JET CCFA information and Assistance	AS09
Training – Books and Equipment Assistance	AS10
Training – Courses Assistance	AS11
Transport and Licensing Assistance	AS12
Wage Subsidy Assistance	AS13
Work Experience Activities Assistance	AS14
Work Related Clothing and Presentation Assistance	AS15
Work Related Tools and Equipment	AS16
Other Assistance	AS17