

Workforce Australia Services - Licence Review

Frequently Asked Questions

Q. Why is the department conducting a Licence Review?

All 176 Workforce Australia Services Provider licences are due to expire on 30 June 2025. The current Workforce Australia Services Deed of Standing Offer 2022–2028 allows for licences to be extended. The Licence Review will allow the department to consider performance and other factors related to each licence held by a Provider to determine whether a licence should be extended and to ultimately ensure the best possible service to participants.

Q. Are all 176 Workforce Australia Services licences in scope?

Yes. All licences will be reviewed as part of the Licence Review. Currently, all licences cease on 30 June 2025, so the Review will consider each individual licence, and determine if the licence should be extended.

Q. Why has a Licence Review not been conducted sooner?

The Licence Review process was postponed to provide time for consideration of the Australian Government's response to the report of the House Select Committee on Workforce Australia Employment Services. The Australian Government released its response to the findings of the House Select Committee on 4 July 2024.

Q. How were Providers advised the department was going to conduct a 2024–2025 Licence Review?

Notification of the Licence Review was provided via correspondence sent to Provider CEOs on 1 October 2024. A second letter was sent to Provider CEOs and separately Workforce Australia Services Panel Member CEOs, on 11 October 2024 providing further details and seeking information to support the Review.

Q. What factors are in scope for the Licence Review?

The Licence Review will consider a range of factors, including (but not limited to):

- Provider Performance Framework outcomes to June 2024;
- the requirements of the Workforce Australia Services Deed of Standing Offer 2022–2028;
- the Workforce Australia Services Guidelines;
- the Service Guarantee;
- the Joint Charter;
- relevant Commonwealth and State or Territory Laws;
- financial viability;
- any other value for money considerations;
- representations your organisation made in its original response to the Request for Proposal (2021); and
- any other factors with a reasonable connection to performance of the Workforce Australia Services Deed of Standing Offer 2022–2028.



Q. Who is involved in the Licence Review and who is the ultimate Decision-Maker?

A Review Committee of Senior Executive staff will present recommendations to the Delegate (Deputy Secretary, Employment and Workforce Group) for decision.

An independent Probity Adviser will help ensure the Review is conducted in a fair, transparent, accountable and defensible manner and will support the Review Committee to make evidence-based recommendations to the Delegate.

Q. What possible recommendations are available to the Review Committee to make?

The recommendations available for the Review Committee to make will include the following, with the possibility for conditions to be attached to any licence extension:

- a licence being extended to 30 June 2027;
- a licence being extended to 30 June 2026; or
- non-extension of a current licence (ceasing at 30 June 2025).

Q. When will the outcomes of the Licence Review be known?

The department expects to finalise the Review by early 2025. This will allow for any licence extensions and business reallocation arrangements to be communicated well in advance of the conclusion of the current licences in June 2025.

Q. Will the outcomes of the Review process be appealable?

No. All decisions arising from the Review will be final.

Q. How is a Low Provider Performance Framework rating being treated?

Licences with Low Provider Performance Framework ratings in June 2024 will be treated as in scope for non-extension. Providers in this category have been offered the opportunity to submit any extenuating circumstances information to the department via a 500-word statement and independent supporting documentation.

Extenuating circumstances are those beyond a Provider's control, which negatively impacted its performance and for which strategies or actions have been or will be put in place to improve performance.

Q. If I have a High or Moderate Provider Performance Framework rating in June 2024, can I assume my licence will be extended?

All 176 licences will be examined in the Review and the Provider Performance Framework outcomes are only one contributing factor. No decisions about licence extensions will be made based only on the Provider Performance Framework ratings.

Q. Can I liaise with my Peak organisation on the Review?

Providers can communicate with their Peak organisations as they wish, including on their own commercial information, noting that the Review process will be undertaken by the department in a confidential manner and with strict probity requirements.

Q. What is the role of the Peak organisations or other third parties in the Review process?

There is no role for Peak organisations or any other external stakeholder in the Review. It is an internal departmental process and there will not be any public submissions or advocacy pathways for particular outcomes.

Q. I am a Panel member without a licence, will the Review mean my organisation is offered a Head Licence?

The outcomes of the Licence Review will determine if any existing Provider licences are to cease. The department will consider what is in the best interests of participants, risk factors and value for money when determining options to address any service gaps, including the offer of new Head Licences to Panel members without a current licence.

Q. The department has written to Providers regarding June 2024 results. How will the September/December results relate to the Review Process?

The factors in scope of the Review include quarterly Provider Performance Framework ratings up to and including June 2024. Quarterly ratings beyond June 2024 will not be relied upon as part of the Review process.

However, the department may give consideration to all available performance-related data (including post-June 2024 data) when determining whether or not to extend a Provider's licence or impose conditions on a Provider's licence. This includes, for example, consideration of performance data in the assessment of an extenuating circumstances submission provided by a Provider with a Low rating.

Q. Who can I speak to for updates on the Review Process while it is underway?

All questions in relation to the Licence Review must be emailed to ESLicenceReview@dewr.gov.au. Your Provider Lead will not be able to share any additional details with you while the Review is underway.

Q. Where can I send further questions?

All questions in relation to the Licence Review must be emailed to ESLicenceReview@dewr.gov.au.

Q. What happens if a licence is not extended?

Where a licence is not extended, the Provider will be notified by the department and a transition plan put in place. This will include participants on the Provider's caseload being reallocated to an appropriate alternate Provider.

Q. How will the department support Providers that have a 'conditional' licence extension?

Where the department determines that a 'conditional' licence extension should be offered, the specific conditions will be documented and notified to the Provider and the department will work closely with the Provider to implement those conditions.

Q. If a licence is not extended after the Licence Review, will that organisation be allowed to rejoin Workforce Australia Services, or other Australian Government employment schemes, in the future?

Each organisation will remain on the Workforce Australia Services Panel until it seeks to hand back the Deed of Standing Offer or the term of the Panel expires. Non extension of a licence does not preclude any organisation from responding to any other Australian Government approach to market.

Q. What happens to participants if the Provider they are registered with does not receive a licence extension?

Where a Provider's licence is not extended, the department will put in place a transition plan and participants will be reallocated to an alternate appropriate Provider. The department will communicate directly with impacted participants throughout this process.

Q. How does the employment services reform fit with the Licence Review?

The Licence Review is an arrangement under the current Workforce Australia Services Deed of Standing Offer 2022–2028 and is unrelated to the employment services reform.

The department will work closely with Providers to ensure it continues to provide, and improve, services and support to participants to help them meet their goals and move towards employment. This includes ensuring that services, supports and requirements are personalised to reflect each participant's needs and circumstances.

To keep informed of the Australian Government's program of reform for employment services, visit [Employment services reform](#) (DEWR website).

Q. What type of independent verification of/independent documentation is acceptable?

This will depend on the nature of the extenuating circumstances submitted by the Provider. Witness statements, photographic evidence, computer records and statutory declarations are all permissible for example, provided that the documents support the claims made by the Provider in relation to the extenuating circumstances.

Q. What is meant by ‘strategies’ that have been put in place to improve performance.

This will depend on the extenuating circumstance you may be facing. In general, you should outline how you have critically examined the issue that has arisen, and the processes and systems that have been put in place within your organisation to improve performance under and in accordance with the Workforce Australia Services Deed of Standing Offer 2022 – 2028. Documentary evidence can be used to substantiate your claims.

Q. Will any changes that are made to the Provider Performance Framework while the Review is underway impact the Review's assessment of Providers who were rated Low in June 2024?

No. Any work to refine the Provider Performance Framework is forward-looking and independent to the Licence Review. Additionally, how performance data beyond June 2024 may be used by the department is outlined in this document (above).

All feedback and questions regarding the Provider Performance Framework are welcome and should be directed to: providerperformanceframework@dewr.gov.au.

Q. Will the Review take into account the Department's IT system performance?

Administrative, systems and governance arrangements for Workforce Australia Services have been in place for all Providers since Workforce Australia Services commencement in July 2022.

Provider performance has been consistently measured in the context of these arrangements, under which some Providers have attained High or Moderate Provider Performance Framework ratings. Providers also have access to monthly performance data allowing them to proactively monitor and, if required, adjust their approach to providing services for Workforce Australia Services.

The department has established working groups with Providers to examine how the IT systems relevant to Workforce Australia Services operate, and to identify any potential changes to those systems. This work is independent to the Licence Review.

Q. Will weightings be applied to factors being reviewed and considered under the Licence Review?

Weightings will not be applied to factors considered under the Review.

Q. Will Artificial Intelligence be used for any part of the Review process?

No.

Q. Will the department be accepting feedback on the Provider Performance Framework as part of the Licence Review?

The work to refine the Provider Performance Framework is forward-looking and independent to the Licence Review.

All feedback and questions regarding the Provider Performance Framework are welcome and should be directed to: providerperformanceframework@dewr.gov.au. However, this will not be taken into account for the purposes of the Licence Review.

Q. Is there a chance that Medium or High rated licences under the Provider Performance Framework (in June 2024) will not gain a licence extension post-June 2025? If so, will those organisations have a chance to provide information on any extenuating circumstances?

This is possible, as decisions about licence extensions will be made based on a range of factors (as outlined above) and the Provider Performance Framework rating is only one of these factors.

Recommendations available for the Review Committee to make will include the following, with the possibility for conditions to be attached to any licence extension:

- a licence being extended to 30 June 2027;
- a licence being extended to 30 June 2026; or
- non-extension of a current licence (ceasing at 30 June 2025).

In certain circumstances, Providers may be asked for information and/or offered an opportunity to respond to certain issues relevant to the review of their licence.

Q. If a licence is rated Low under the Provider Performance Framework, and there are no extenuating circumstances that have impacted the Provider's performance, does that mean there will be no licence extension post-June 2025 for that Provider?

All licences will be examined in the Review and the Provider Performance Framework outcomes are only one contributing factor. No decisions about licence extensions will be made based only on the Provider Performance Framework ratings.

Q: Will I be provided the reasons for a decision?

All decisions under the Licence Review will be made with reference to the factors that we have previously made available to Providers as part of the Licence Review FAQ document. Such factors will be related to performance of Workforce Australia Services since its introduction. A letter will be sent to Providers stating the high-level outcomes and reasons for the decision in early 2025.

Q: Will Providers be offered a debrief after the outcomes are known?

No. A debrief process is used by the department to provide feedback to a Tenderer about how their submission could have been more competitive or compelling in a given procurement process. This process does not apply in the context of the Licence Review. The Licence Review is not comparing Licences against one another but is a departmental (case by case) assessment of performance by the relevant Provider and other relevant factors. However, the department will provide Providers with an explanation of the high-level outcomes and reasons for those outcomes in early 2025.

Questions responded to via the ESLicenceReview@dewr.gov.au inbox:

Q. Can I have an extension beyond 1 November to provide the information requested by the department for the Review?

No. All documentation must be received by 1 November 2024 to allow for the Licence Review to be finalised by early 2025.

Q. Is the 500-word limit for Low Provider Performance Framework rated licence holder submissions per region/licence or 500 words overall?

The 500-word limit applies per Low rated licence.

Q. What type of documentary evidence should be submitted with an extenuating circumstances statement?

This will depend on the type of extenuating circumstance outlined in the 500-word summary. Independent documentary evidence to support the claims regarding the circumstance, why it was out of the control of the organisation and what has been done to mitigate it occurring again are permitted.

Q. I am a Panel member and I would like to add/remove a subcontractor I used in my Tender response to the original Workforce Australia Services Request for Proposal in 2021. What attachments should I include when completing my Panel Member Declaration Form?

If you would like to remove a subcontractor who was identified in your original Tender for the *Workforce Australia Services Deed of Standing Offer 2022 – 2028*, please provide this advice in writing to the department via your Provider Lead (refer clause 59.1 of the *Workforce Australia Services Deed of Standing Offer 2022 – 2028*: "The Provider must not, without the Department's prior written approval, enter into, or terminate, a Subcontract.").

In this instance, you would not be required to provide Attachment B to the Panel Member Declaration Form for that organisation.

Should you wish to nominate a new subcontractor, you can do this by notifying your Provider Lead and completing Attachment B for that organisation.

Q. Will in scope providers have the opportunity to present their performance improvement strategies and relevant data reflecting outcomes after the June 2024 Performance Framework data release?

Strategies which Providers with a low-rating in June 2024 may outline must be related to extenuating circumstances. In general, you should outline how you have critically examined the issue that has arisen, and the processes and systems that have been put in place within your organisation to improve performance under and in accordance with the Workforce Australia Services Deed of Standing Offer 2022 – 2028. Documentary evidence can be used to substantiate your claim.

In relation to data post-June 2024, the department may give consideration to all available performance-related data (including post-June 2024 data) when determining whether or not to extend a Provider's licence or impose conditions on a Provider's licence. This includes, for example, consideration of performance data in the assessment of an extenuating circumstances submission provided by a Provider with a Low rating.

Q. Can the 500-word summary be used to demonstrate performance improvement, or should it be limited to addressing extenuating circumstances?

The 500-word claim and supporting documentation process is limited to advising the department of any extenuating circumstances. Extenuating circumstances are those beyond a Provider's control, which negatively impacted its performance and for which strategies or actions have been or will be put in place to improve performance. Independent documentary evidence to support the claims regarding the circumstance, why it was out of the control of the organisation and what has been done to mitigate it occurring again are permitted.

Q. Will providers have an opportunity to meet with the Review Committee to discuss their performance and present a case for a license extension or an extension with conditions?

The Review Committee will not be meeting with Panel members. If the Committee needs to engage with a Provider as the Review progresses, or request information for example, this will be done via correspondence.

Q: At what level is the Licence Review occurring?

Under the Workforce Australia Services Deed of Standing Offer 2022–2028 Licences are issued for the delivery of Workforce Australia Services in a specific Employment Region. All 176 Workforce Australia Services Provider licences are due to expire on 30 June 2025 and each licence is being reviewed.

Q: Will I be provided 'Licence Review' or 'Committee' documentation with the outcomes of the process?

No. Documentation available to or produced throughout the Review will not be made public. A letter will be sent to Providers stating the high level outcomes and reasons for the decision in early 2025.