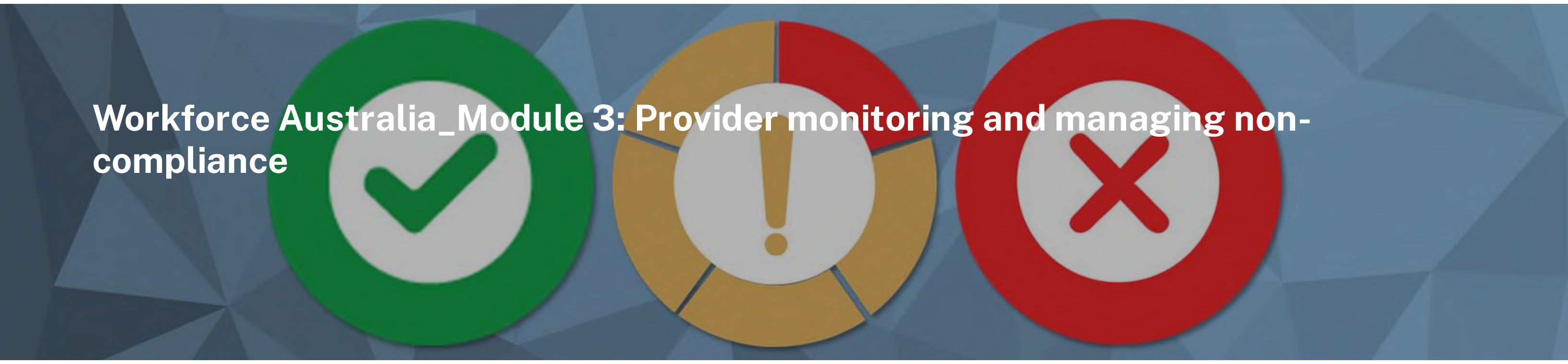
Workforce Australia_Module 3: Provider monitoring and managing non-compliance



Overview

About this module

As a provider, you are responsible for monitoring that your participants are meeting their requirements and increasing their employability through successfully tailoring requirements.

There are times when a participant does not meet a requirement. When this happens, you are responsible for making the decision about whether the participant has a good reason for this, or not.

Under the TCF, you must manage this by reporting non-compliance for a participant's failure to meet a requirement when you assess that their
reason is not appropriate.

Learning Outcomes

At the end of this module you will be able to discuss:

1. Acceptable and Valid Reasons
2. Managing non-compliance, Resolution Time and payment suspensions
3. Re-engagement Requirements
4. Managing demerits

CONTINUE

Acceptable and Valid Reason

Learning Outcomes

At the end of this chapter you will be able to:

1. Recognise the difference between an Acceptable Reason and a Valid Reason
2. Identify when a participant has an Acceptable Reason
3. Identify when a participant does not have a Valid Reason
4. Record Acceptable Reason and Valid Reason decisions in the IT system
5. Report participant non-compliance in the IT system

Good reason

From time to time, participants will be unable to meet their requirements. Unexpected events happen to all of us!

When a participant doesn't meet a mutual obligation requirement and doesn't have a good reason, this results in a mutual obligation failure. As the decision maker, you need to decide if they had a good reason based on all the factors involved.

If the participant does not meet their requirements and does provide a good reason, you as the decision maker will need to record your decision in the IT system.

This may result in the participant's payment being suspended. As you know, 'payment suspension' is a hold put on the participant's income support payment.

So, it's important that you consider all the relevant factors when making this decision.

Before, or after?

There are some different considerations depending on whether the requirement the participant will miss or has missed is in the future or in the past.

If the participant can't meet a requirement in the future, you are making a decision on whether they have an **Acceptable Reason**.

If the participant missed a requirement in the past, you are making a decision on whether they had a **Valid Reason**.

Acceptable Reason

Part of a participant taking personal responsibility is to let you know when they cannot meet a requirement, and they should do this before the requirement starts or is due.

Just as your employer would expect you to tell them before your shift if you couldn't make it to work that day, participants are also

When the participant gives prior notice of their inability to attend, the next step you must take is to assess their reason for not being able to meet the requirement. They must discuss with you what is preventing them from meeting the requirement. You make this decision based on what you know about them and what you have recorded in the IT system about their individual circumstances.

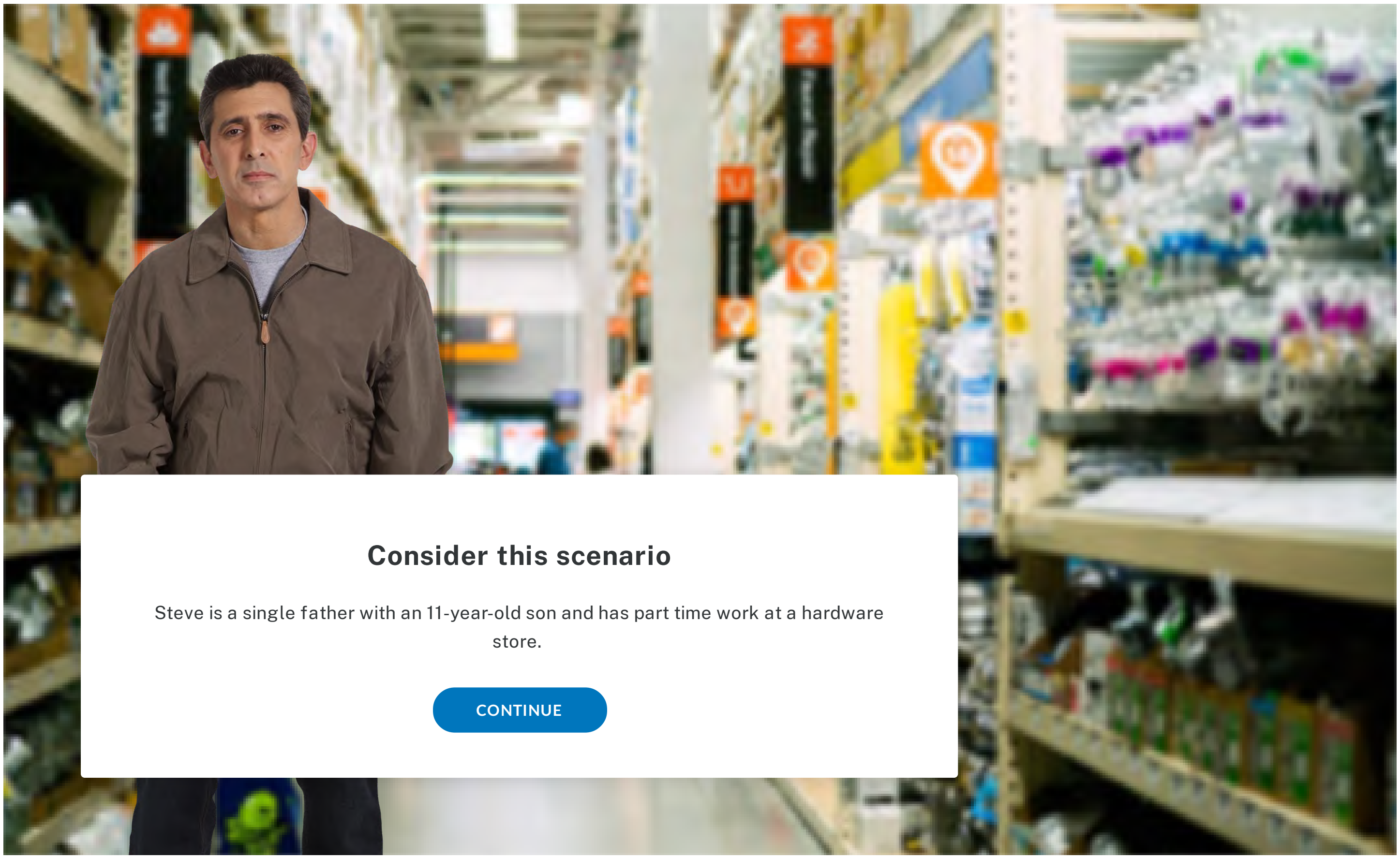
expected to tell you beforehand if they cannot meet a requirement. This is called **prior notice**.

You must consider 2 things:

1. whether the reason they gave you would generally be accepted by an employer if an employee were unable to attend work

AND

2. the reason they gave is consistent with what you already know about their circumstances.



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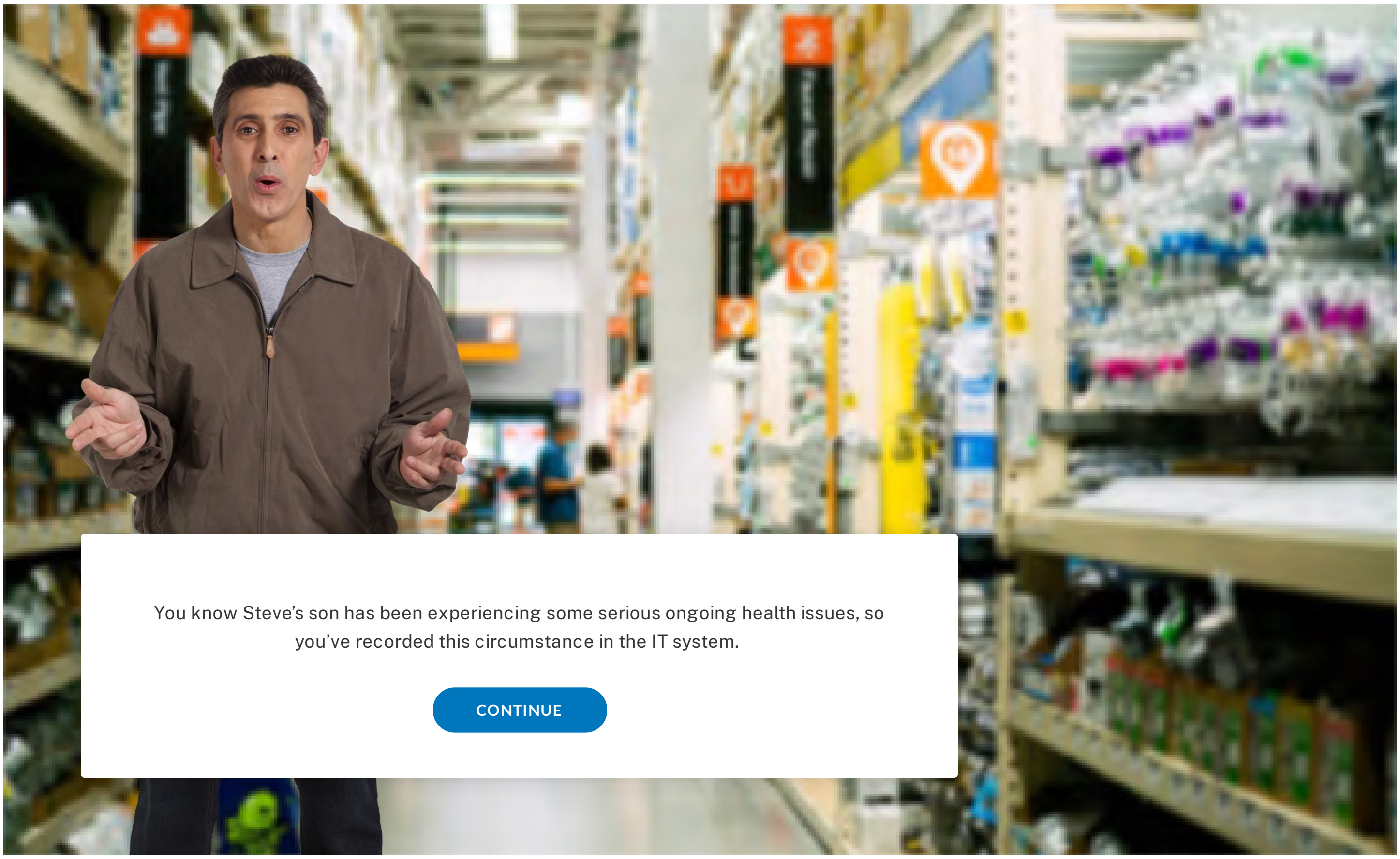

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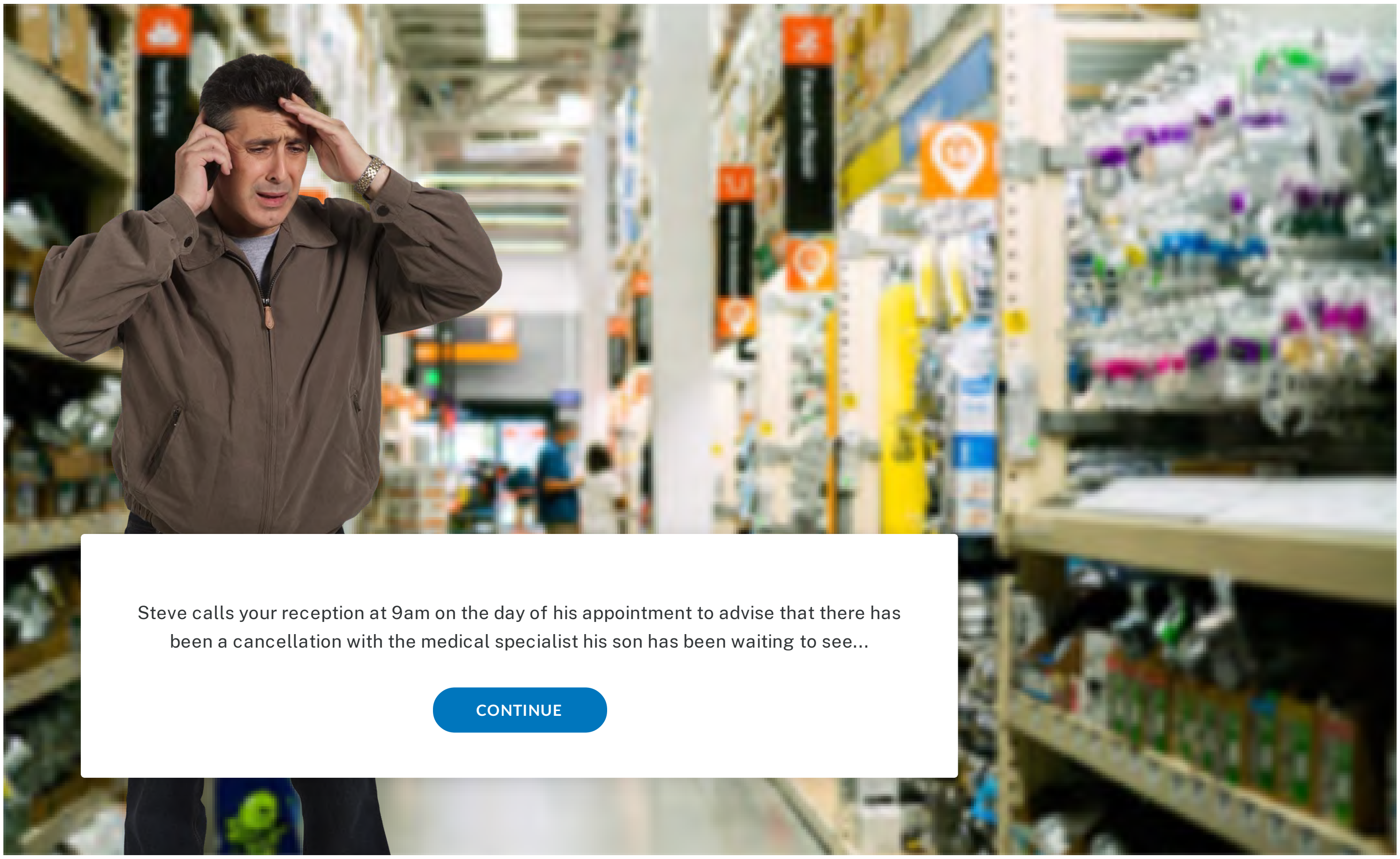

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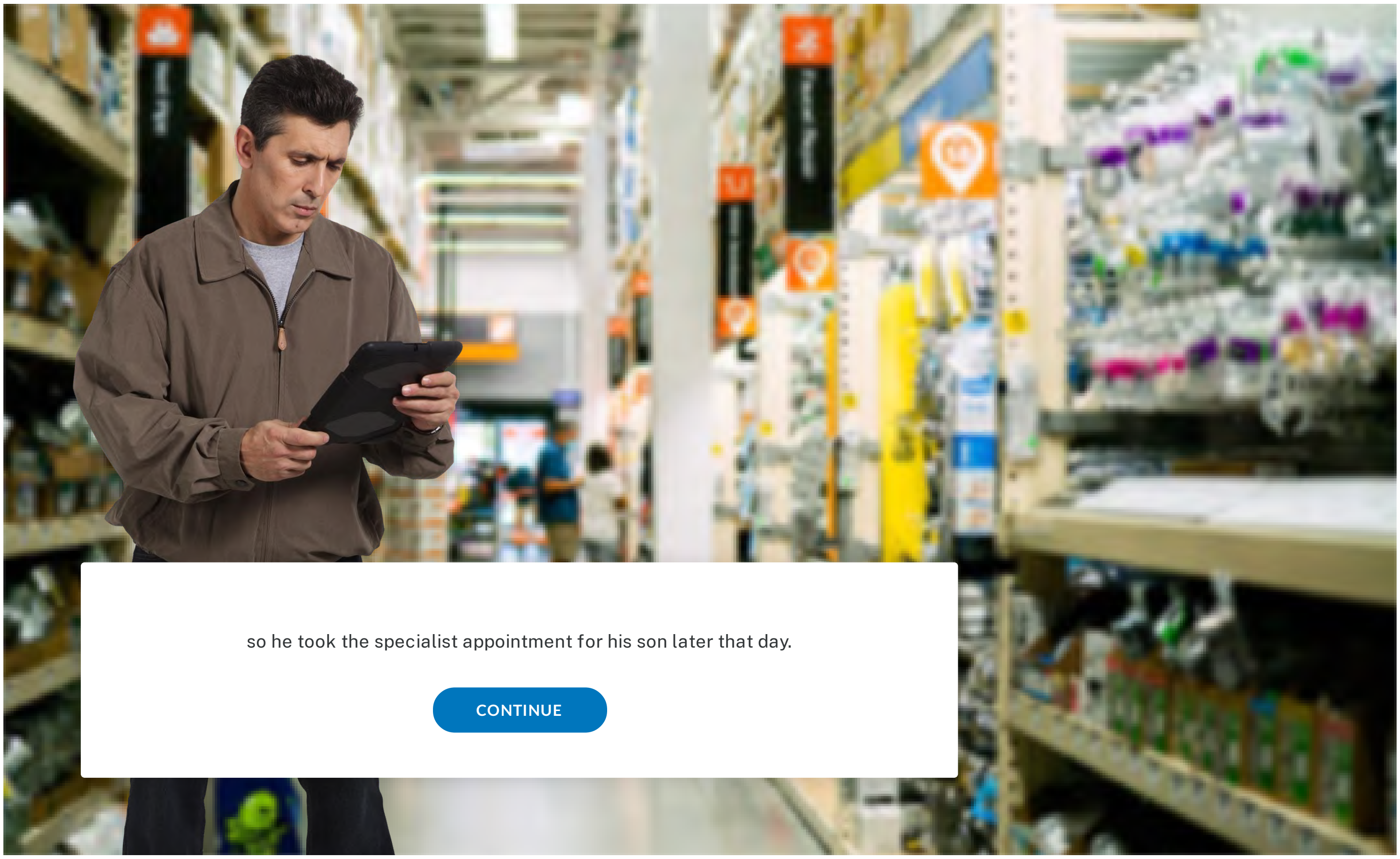

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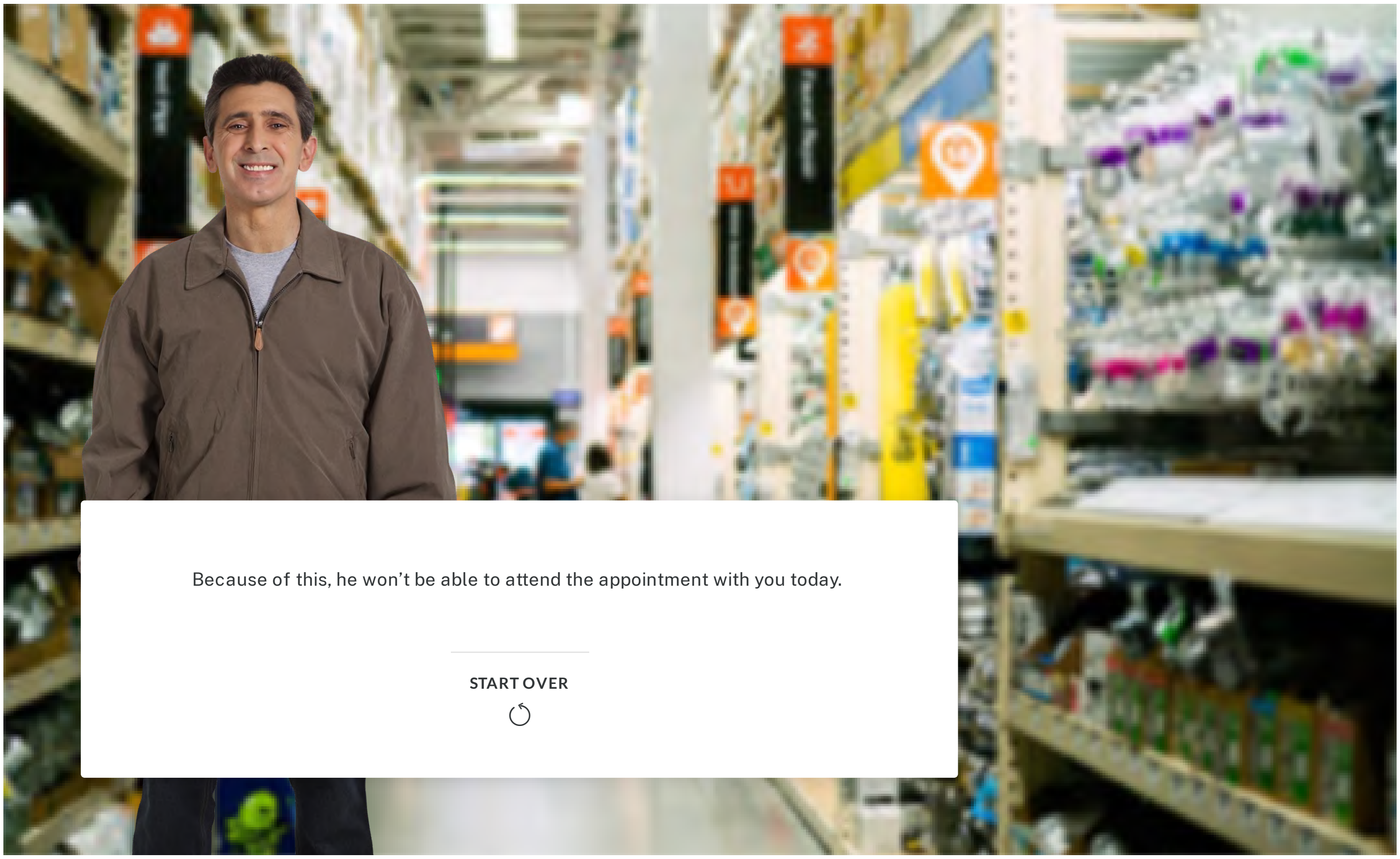

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Is this an
Acceptable Reason?

Yes, it sounds like Steve has an Acceptable Reason.

Taking his son to a specialist appointment that became available at short notice is:

1. a reason that would generally be accepted by an employer, and
2. consistent with what you know about Steve's personal circumstances.

Important note: If a participant phones you but you are not available to speak with them, they must not be asked to call you back later, nor should you advise you will contact them later.

An assessment of Acceptable Reason must be made immediately by whoever answers the call to your office. This is why it is important to know your participant's personal circumstances and keep them up to date in the IT system.

CONTINUE

When the participant has an Acceptable Reason....

...you must **immediately reschedule the requirement** in the IT system, or remove the requirement by recording that they are **no longer required** to meet it.

Rescheduling requirements

1. Reschedule the requirement for another day and/or time in the IT system.
2. Issue formal Notification to the participant advising them of the new compulsory requirement and the consequences of not meeting it.

Removing requirements

1. Record in the IT system that the participant is no longer required to meet the requirement.
2. Clearly inform them that they are no longer required to meet it.

When recording these results, you must select a reason from a drop-down menu.

If the exact reason is not in the drop-down menu, select the reason that is most similar.

When the participant does not have an Acceptable Reason...

...you **must** advise them that you do not accept their reason and that they are still expected to meet their requirement.

You **must** explain the details of the requirement, including that their payment may be suspended if they don't meet it.

When the participant did not meet their requirement....

...you **must** attempt to contact them on the day of the requirement to discuss why they did not meet it to decide if they had a **Valid Reason**.

You **must** do this even where they gave you prior notice of a reason you did not accept. The reason they now have for missing the requirement may be different from the reason previously provided by the participant.

When a participant misses a requirement without prior notice, you must attempt to contact them by close of business on the same day as the requirement.

GOT IT! (Click to continue)

Valid Reason

When a participant misses a requirement and did not give prior notice, you must assess their reason for missing it, and for not telling you beforehand.

This is an assessment of **Valid Reason**.

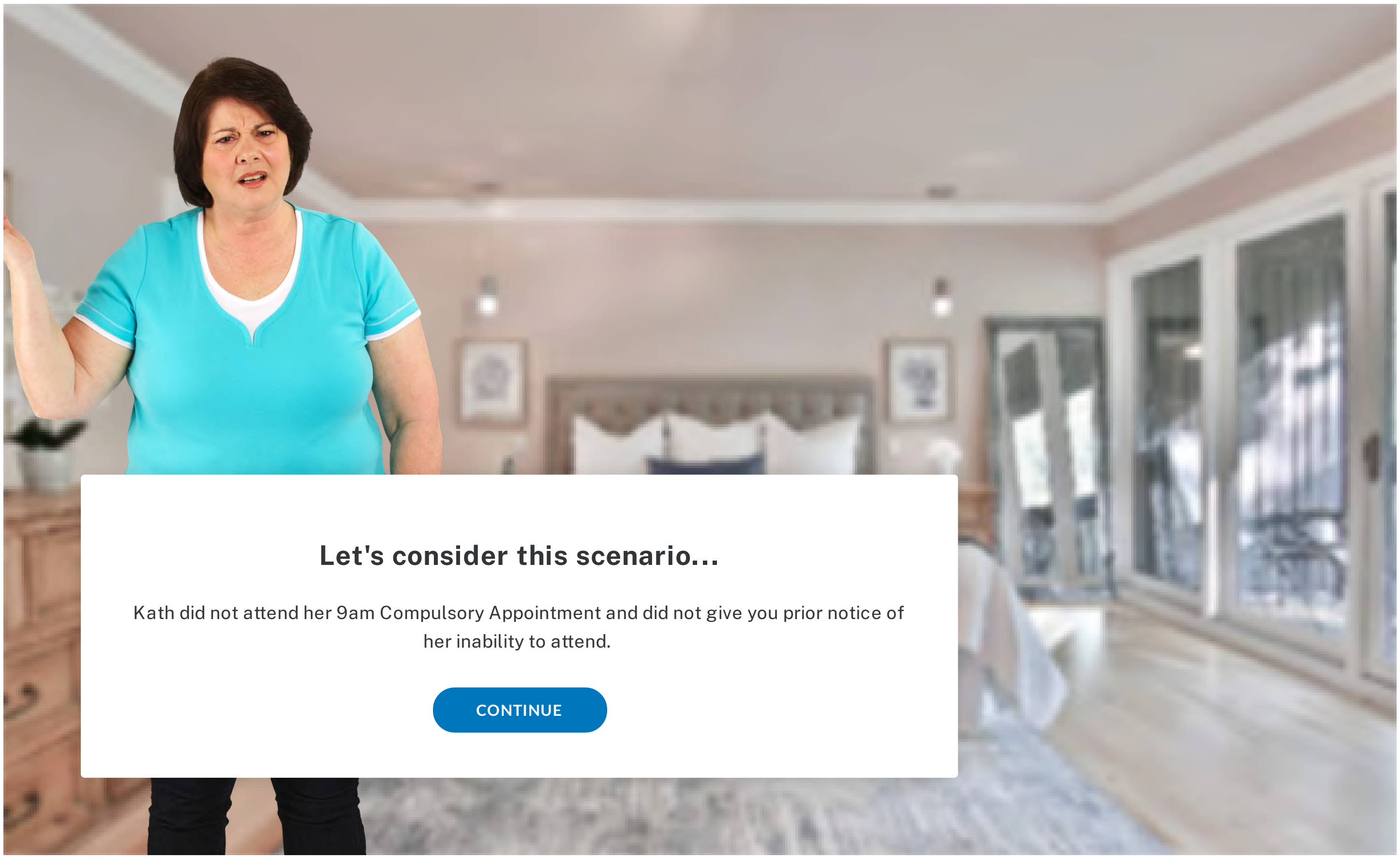
Assessing if the participant has a **Valid Reason** is a 2-part process. You must consider both:

1. The reason the participant gave for not meeting their requirement

AND

2. Whether the nature of that reason stopped from being able to give you prior notice.

Participants having a Valid Reason occurs in limited circumstances. For example, it would be similar to not attending work and not telling your employer that you were not going to show up.



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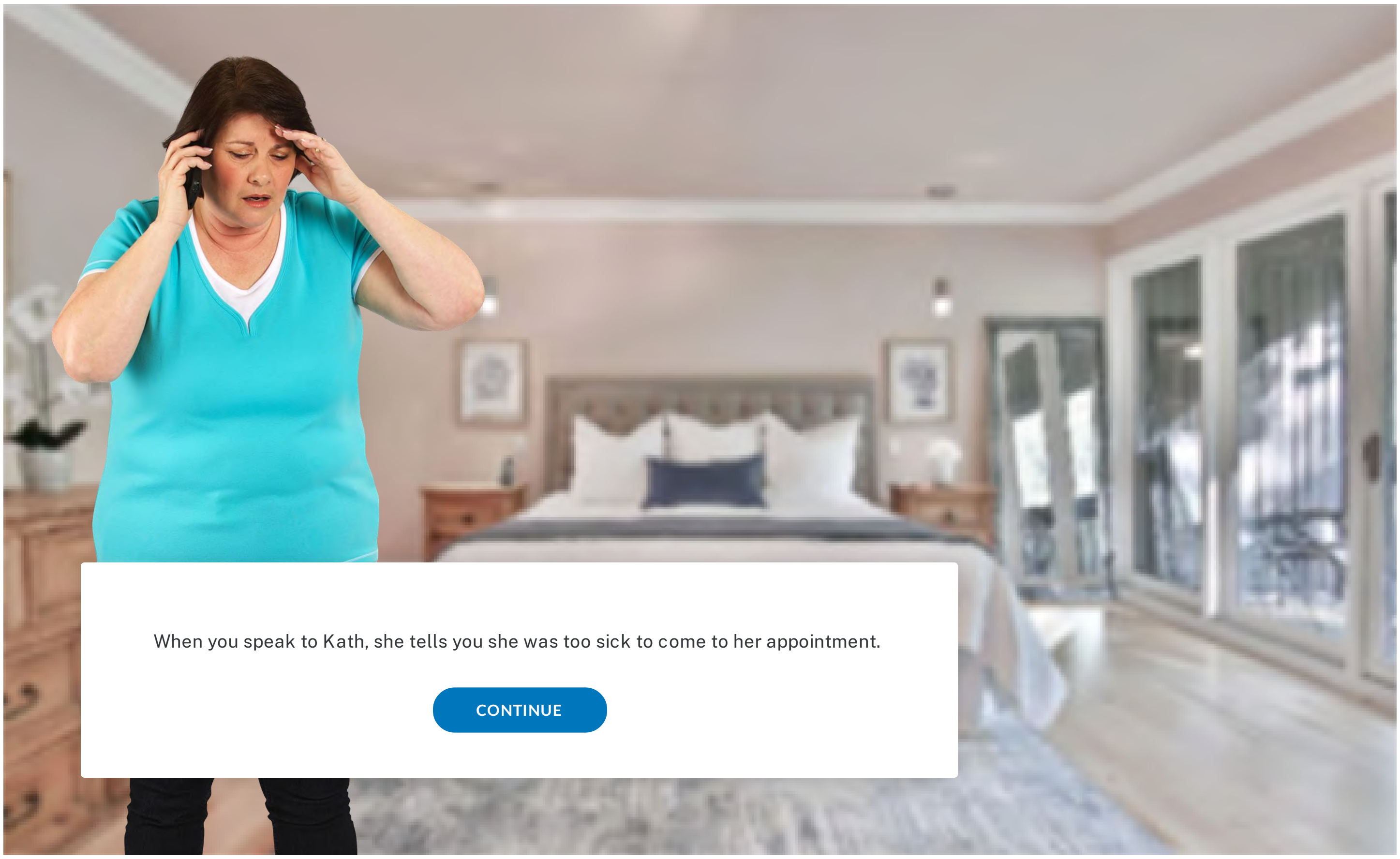

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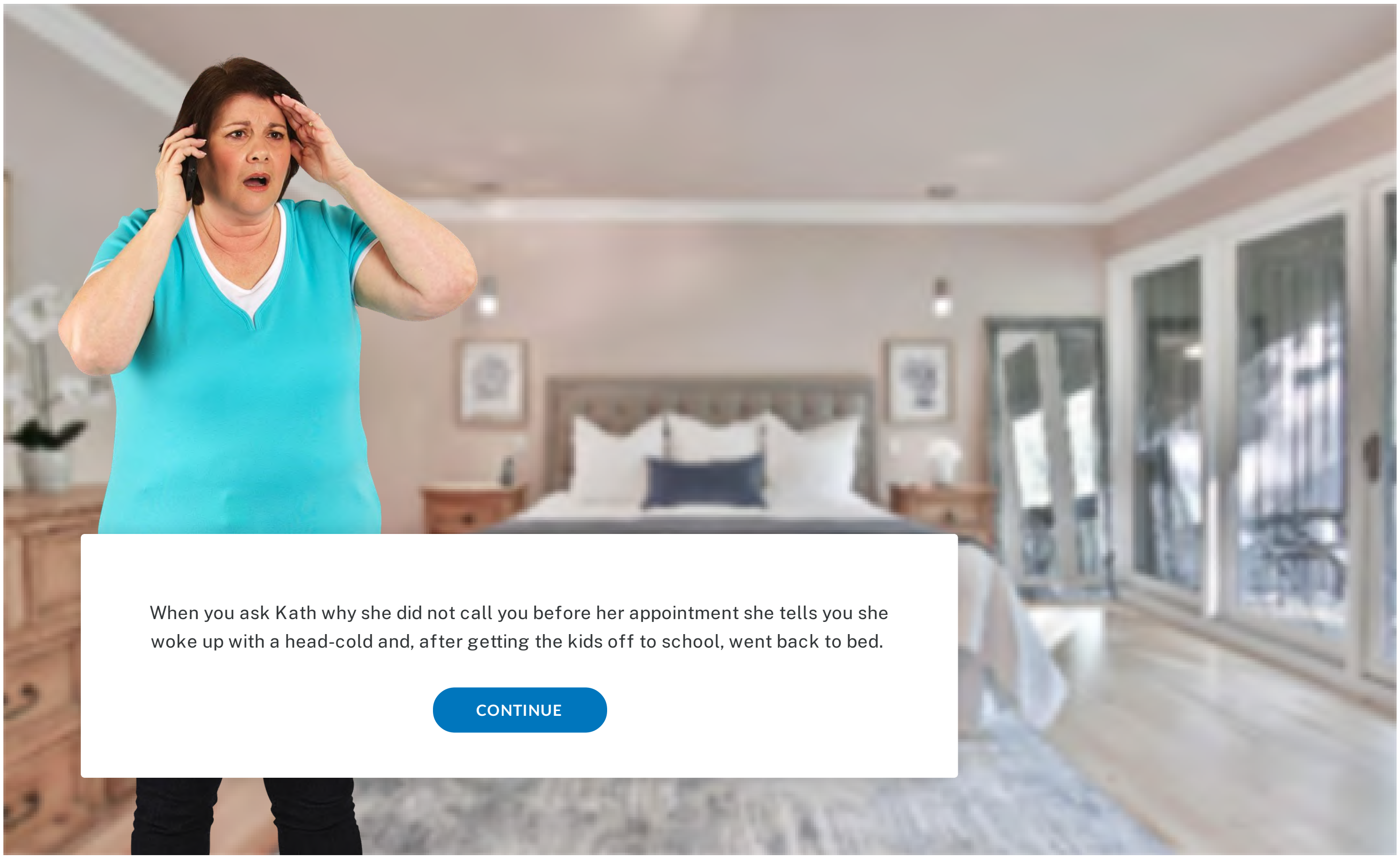

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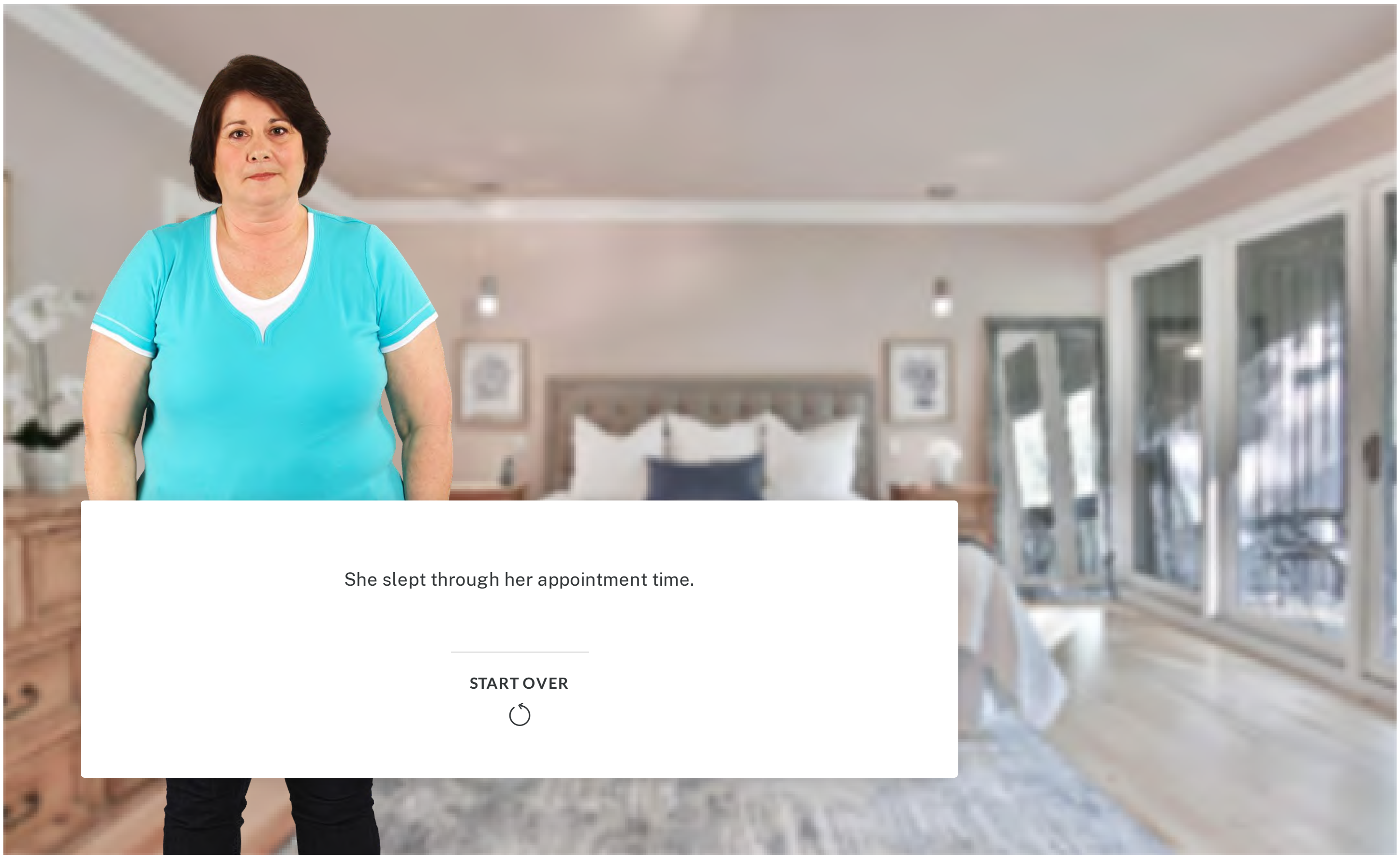

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Is this a Valid Reason?

Yes

Incorrect

It would have been reasonable for Kath to give you prior notice that she could not attend due to illness, but she did not.

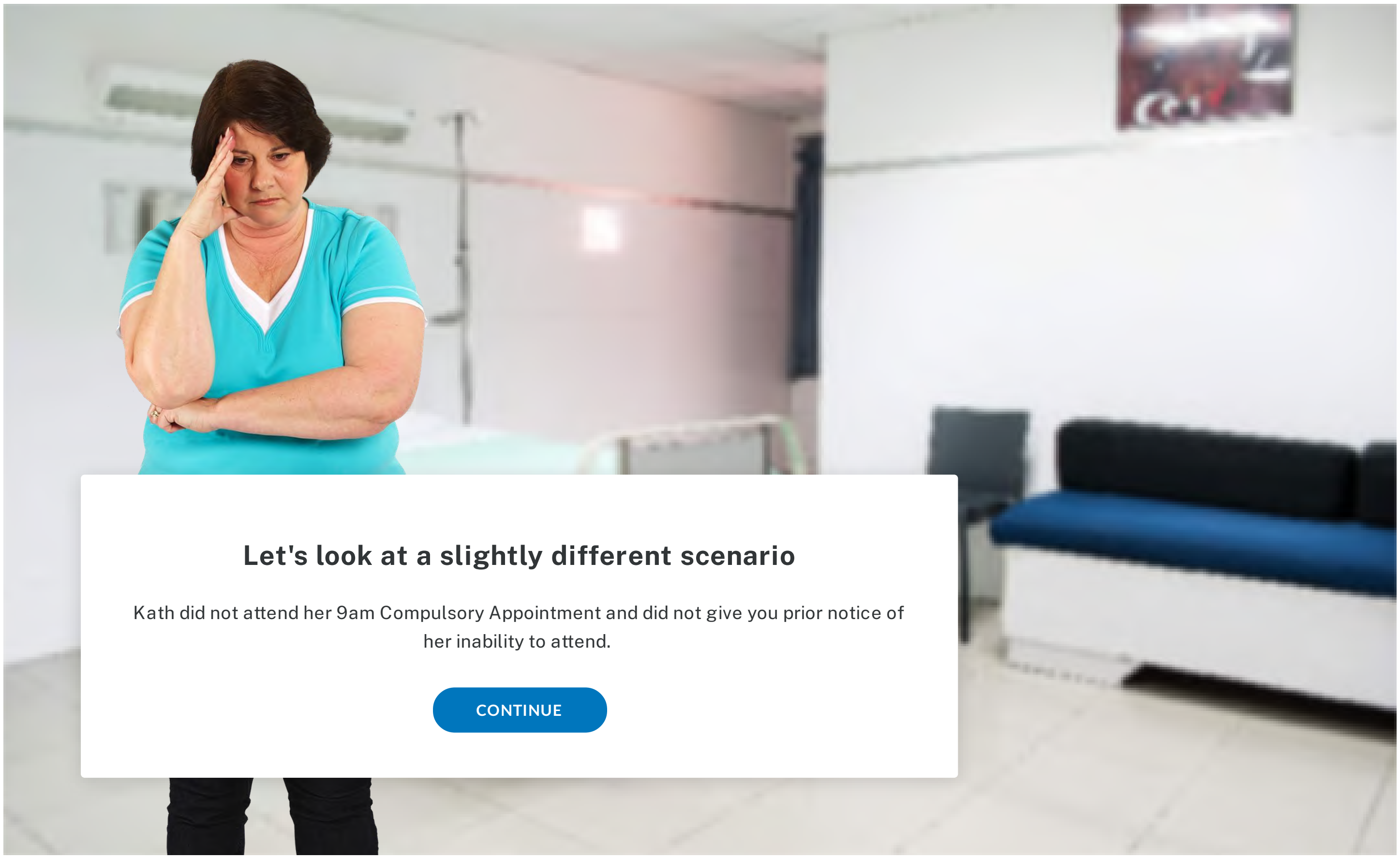
She does not have a **Valid Reason**.

No

Correct

It would have been reasonable for Kath to give you prior notice that she could not attend due to illness, but she did not.

She does not have a **Valid Reason.**



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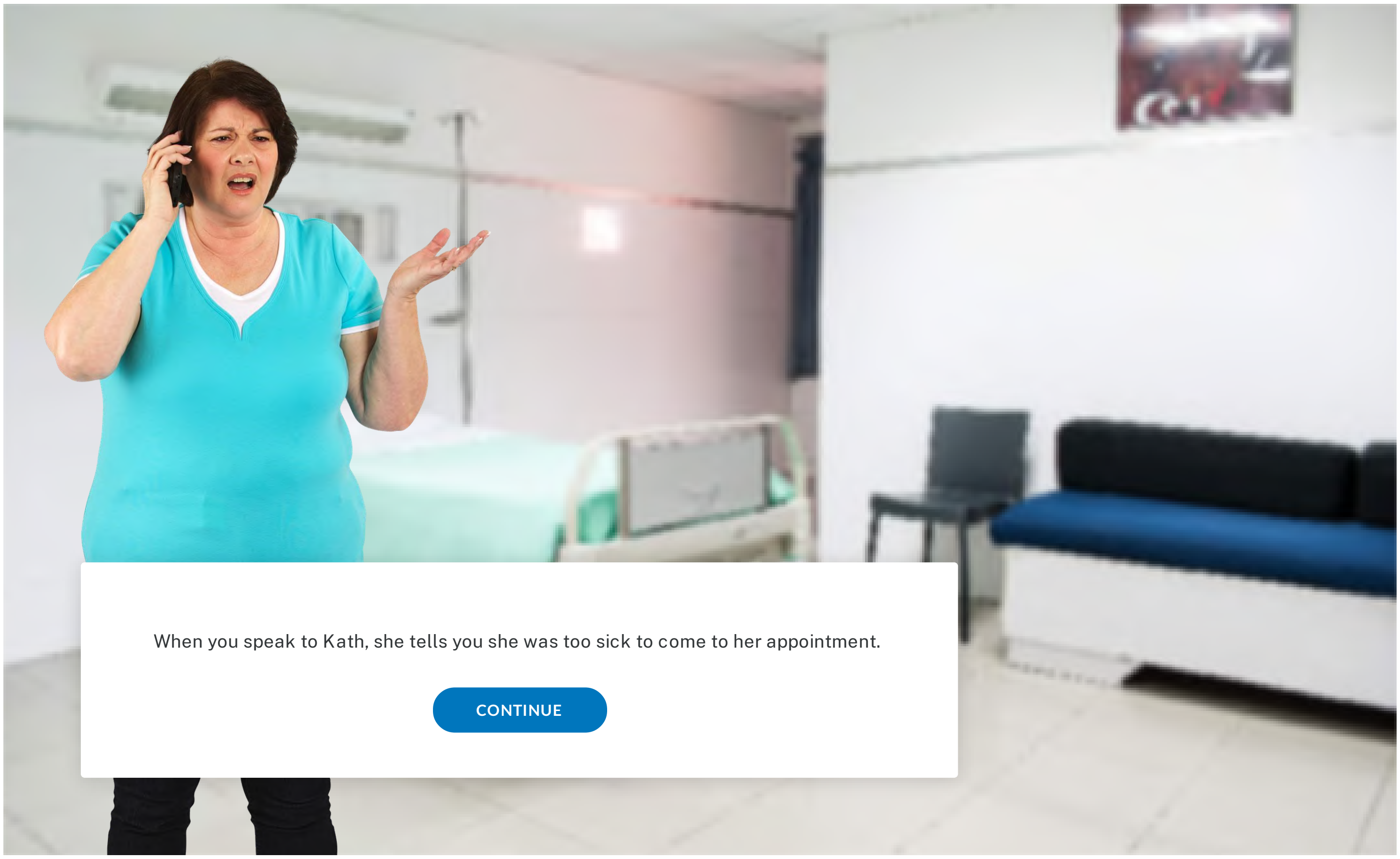

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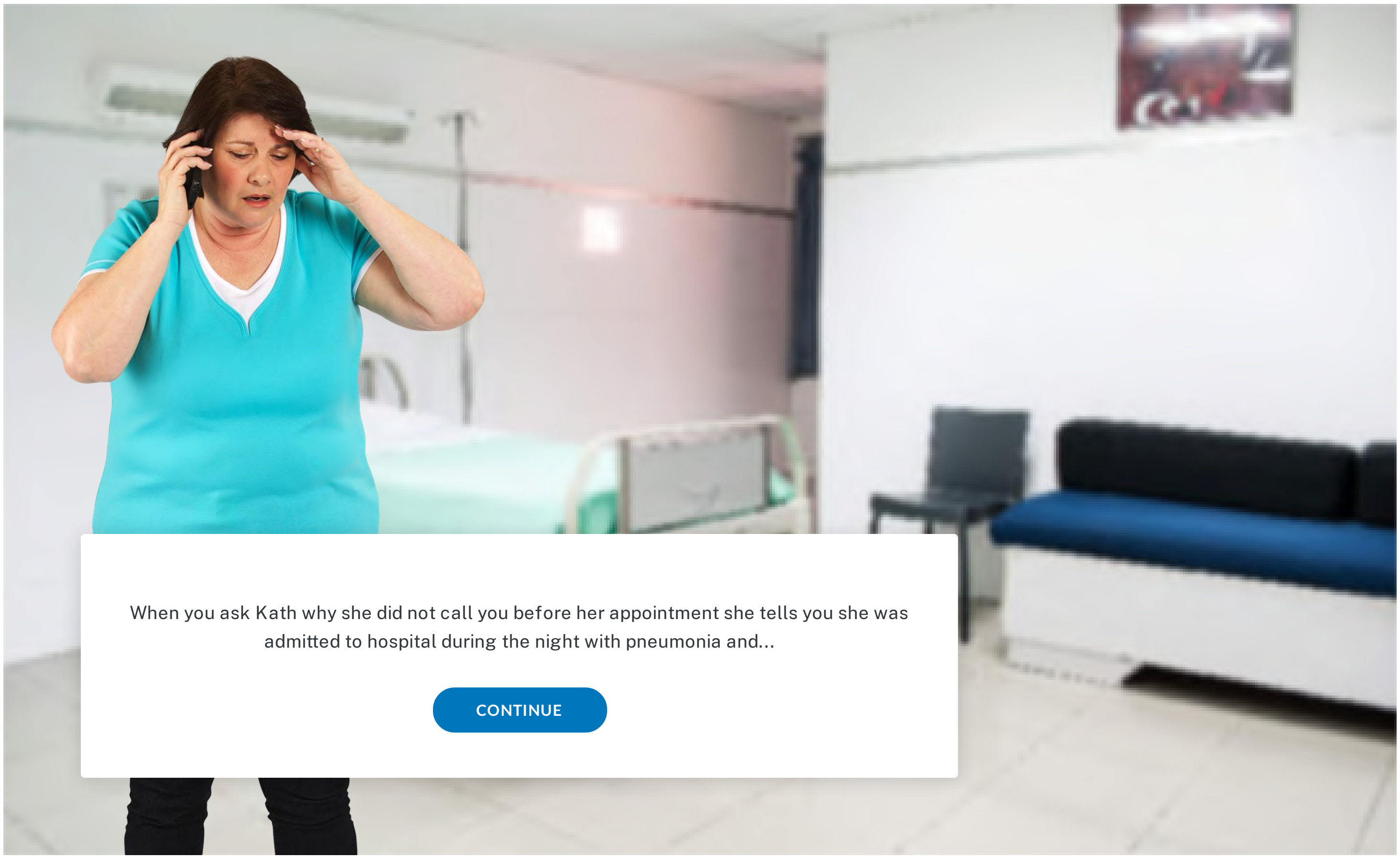

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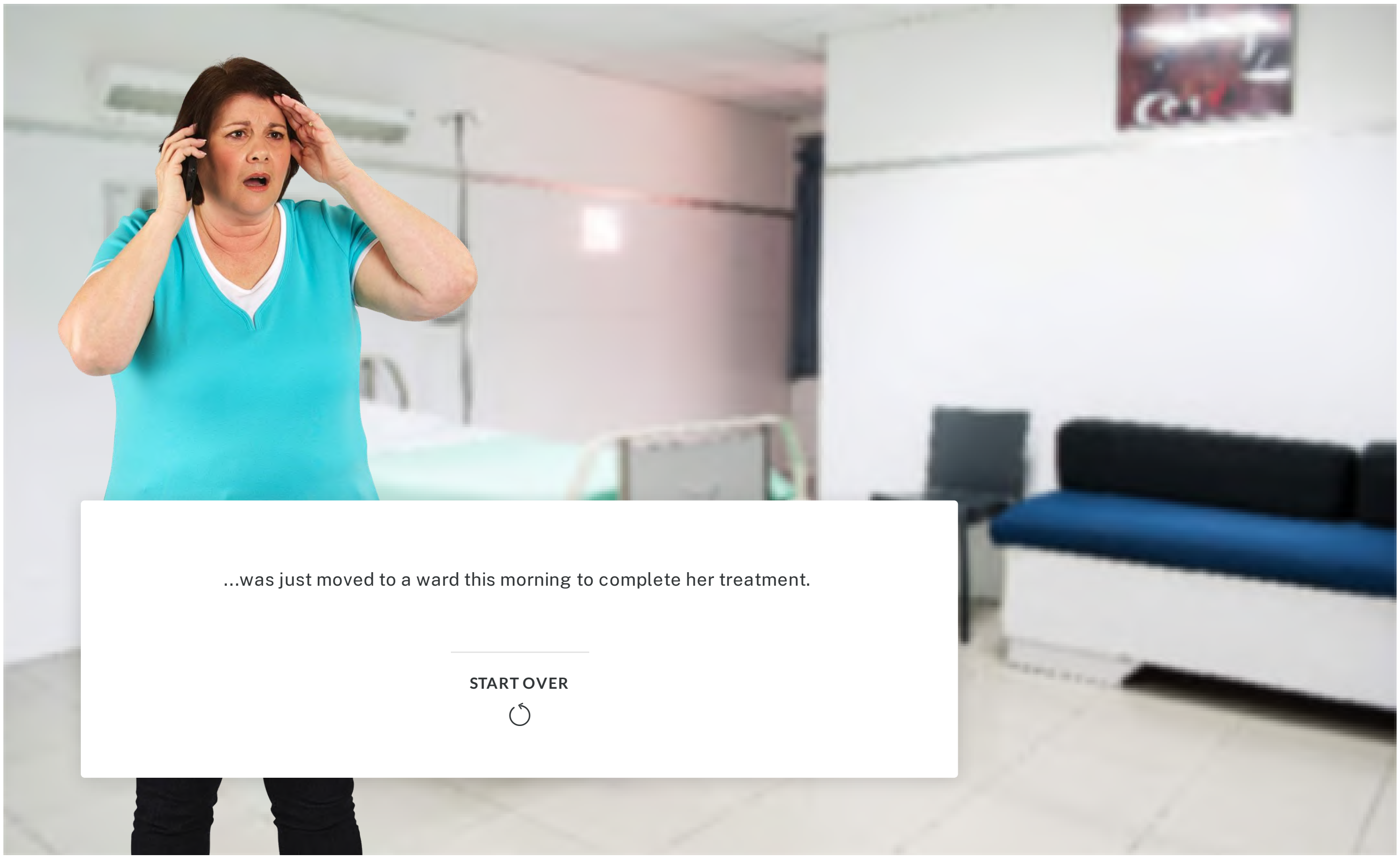


Scene 1 Slide 4

Continue → End of Scenario

Is this a Valid Reason?

Yes

Correct

It is not reasonable to expect Kath to call you while she is addressing a serious medical issue in hospital.

She has a **Valid Reason.**

No

Incorrect

It is not reasonable to expect Kath to call you while she is addressing a serious medical issue in hospital.

She has a **Valid Reason**.

Important Note: Valid Reason can only be decided when you are in direct contact with the participant.

Direct contact means you are talking to them, right now, about their reasons for not meeting the requirement and not telling you beforehand.

Evidence of Acceptable or Valid Reason

Deciding whether the participant has an Acceptable or Valid Reason never requires the participant to provide evidence to you. Participants **are not required** to provide evidence such
as medical certificates, eviction notices, legal documentation or employment pay slips to you
to verify why they could not meet a requirement or as proof of a personal circumstance. Only Services Australia can ask for or require such evidence.

If a participant claims to have been sick and unable to meet a particular requirement, you must make Acceptable and Valid Reason assessments based on what you know about them and their circumstances. There must not be any delays to these decisions due to inappropriately requesting evidence.

Provider Disclaimer

I must not ask the participant to give me evidence of their reason for not being able to meet their requirements.

I must decide this based on what I know of the participant and their personal circumstances.

GOT IT! (Click to continue to the quiz)

Chapter 3a - Quiz 1

There are 3 questions. When you obtain 100% please click the continue button.

Question

01/03

The 2 things you consider when deciding if a participant has an Acceptable Reason are:

- ◯ Whether the reason they've given would generally be accepted by an employee if an employer cancelled a shift without notice AND the reason is consistent with what you already know about their circumstances
- ◯ Whether the reason they've given would generally be accepted by an employer if an employee were unable to attend work AND the reason is consistent with what you already know about their circumstances
- ◯ Whether the reason they've given would generally be accepted by an employer if an employee were unable to attend work AND the reason will prevent them from calling later based on their circumstances

Question

02/03

The 2 things you consider when deciding Valid Reason are the reason a participant gave for not meeting their requirement AND:

- ◯ Whether the nature of that reason stopped them from being able to contact Services Australia
- ◯ Whether the nature of that reason stopped them from attending their appointment
- ◯ Whether the nature of that reason stopped them from being able to give you prior notice
- ◯ Whether the nature of that reason stopped them from being able to tell you when they could attend

Question

03/03

Burt told you before his appointment with you that he couldn't attend because he needs to go grocery shopping before the kids get home from school. Burt will have plenty of time after the appointment and before the kids get home to do the shopping.

You tell Burt you don't accept his reason, and that you expect to see him at his appointment later today. Burt does not attend his appointment, so you:

- Do nothing and wait for Burt to call you
- Reschedule Burt's appointment and formally notify him of the requirement to attend
- Record the reason Burt gave you as a Valid Reason that you do not accept
- Attempt to contact Burt to discuss his reasons for not attending
- Can't do anything because you are not in direct contact with Burt

Acceptable and Valid Reason (cont.)

Recording Valid Reason decisions

You need to make Valid Reason decisions when a participant misses most kinds of mutual obligation requirements without giving you prior notice, and these decisions **must be recorded in the IT system**.

What you record depends on:

- the requirement type the participant missed
- whether you are in contact with the participant
- whether the participant had a Valid Reason or not.

Important note

When you record in the IT system that the participant **does not have a Valid Reason,** you are reporting “non-compliance”.

Non-compliance means “failure or refusal to follow laws or rules”.

GOT IT! (Click to continue)

Recording Valid Reason decisions for requirements in the calendar

Requirements that are scheduled in the calendar include:

- Compulsory Appointments with you
- Compulsory Appointments with a third party
- Job interviews
- each day of a Mandatory Activity

To record your decision on Valid Reason for a requirement in a participant's calendar, you select the appropriate non-attendance result. The non-attendance result reflects your decision on whether the participant had a Valid Reason.

Let's look at those non-attendance results now:

You are in direct contact with the participant...

...and they **have a Valid Reason,** you record in the IT system:

1. The non-attendance result '**Did Not Attend-Valid**' (DNAV)
2. **That you accept the reason** the participant has given you for not being able to meet their requirement and not being able to give you prior notice
3. **The reason they have given** you.

...and they **do not have a Valid Reason,** you record in the IT system:

1. The non-attendance result '**Did Not Attend-Invalid**' (DNAI)
2. **That you do not accept the reason** the participant has given you
3. **The reason they have given** you.

You attempt to contact the participant on the day of their missed requirement, but your contact attempt was unsuccessful.

You record in the IT system:

1. The non-attendance result '**Did Not Attend-Invalid**' (DNAI)
2. **That you are not in contact with the participant** right now, meaning you have not yet been able to assess if they have a Valid Reason.

Let's take a look at those 2 ways you can record DNAI to learn the impacts on the participant:

DNAI - WORKFLOW 1	DNAI - WORKFLOW 2

You attempted to contact the participant on the day of their missed requirement, but your attempt to contact them was unsuccessful

Recording **DNAI** in this case will notify the participant that:

- they have missed a requirement
- their payment will be suspended in 2 business days (in **Green Zone** or and **Warning Zone**), or is already suspended (in the **Penalty Zone**)
- they need to contact you to discuss the matter.

It is now up to the participant to contact you. When you speak to them:

If they have a Valid Reason - you record the reason they have given you and that you accept their reason.

If they do not have a Valid Reason - you record the reason they have given you and that you do not accept their reason.

DNAI - WORKFLOW 1

DNAI - WORKFLOW 2

You are in direct contact with the participant, and they do not have a Valid Reason

Recording **DNAI** (and the reason you don't accept) in this case:

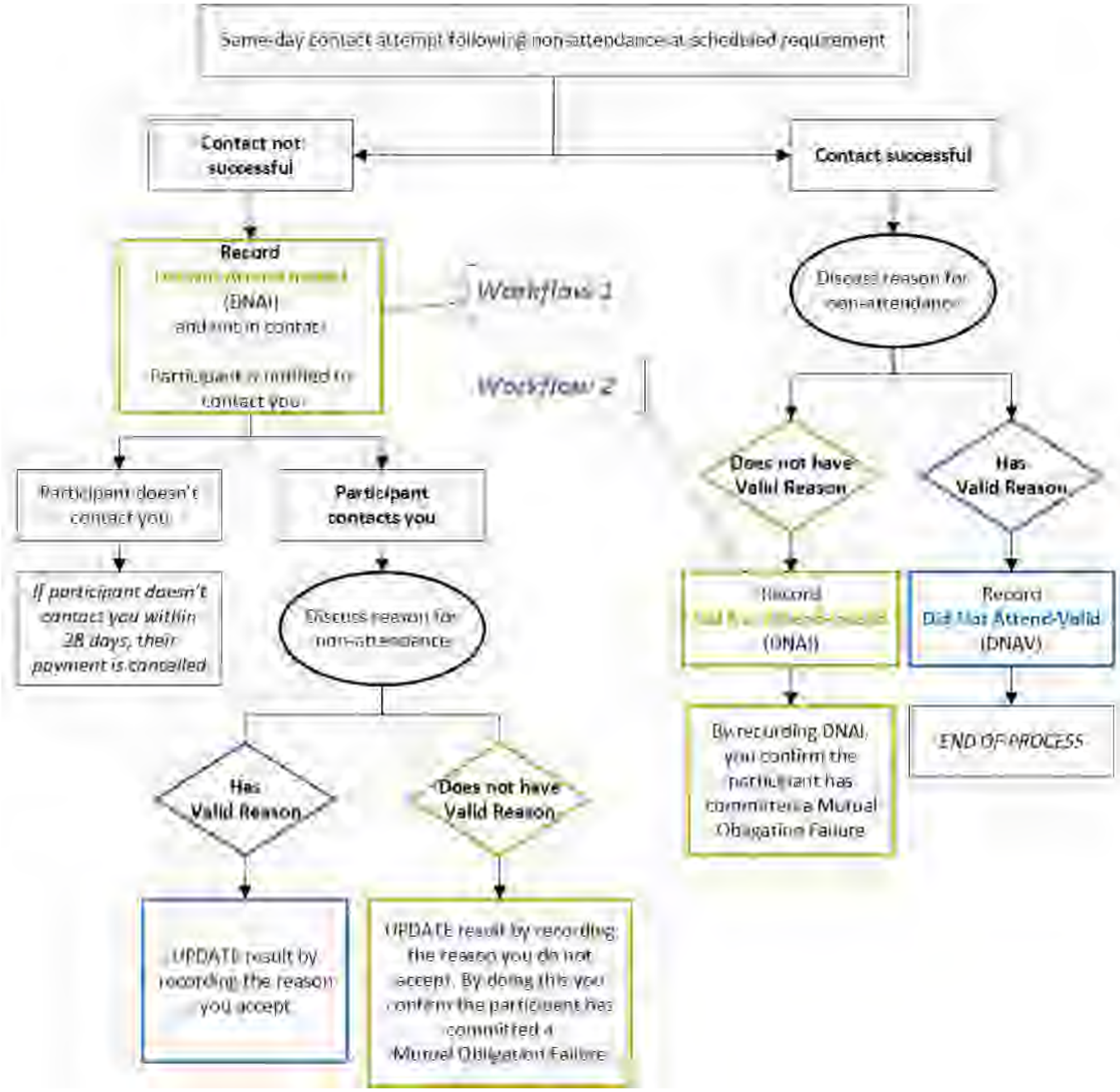
Confirms a demerit (in **Green Zone** and **Warning Zone**) or means that a penalty report is sent by the IT system to Services Australia (in **Penalty Zone**) so Services Australia can talk to the participant about it. *If the participant doesn't have a good reason for not meeting the requirement, Services Australia will apply a financial penalty*.

Means the participant may need to make up the requirement they missed. Depending on when they do this, there may be impacts to their payment.

You can see that depending on when you record DNAI, there are different impacts on the participant, and different actions both you and the participant need to take.

Now let's look at these workflows in the bigger picture.

This diagram also shows when you record DNAI or update a result by recording that you accept their reason.



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Did you know?

If the participant's payment is suspended because they have not met a requirement and have not contacted you after you recorded DNAI and notified them to contact you (**Workflow 1** above), Services Australia automatically starts the review process to **cancel the participant's payment 28 days after payment was suspended.**

Updating non-attendance results

Activity Supervisors of a Mandatory Activity have access to what's called the Supervisor App. They can see the names of all participants who are required to attend the specific activity they are running. If an individual participant doesn't attend the activity, the Activity Supervisor can use the Supervisor App to record that participant's non-attendance.

When an Activity Supervisor records this, the information is sent to the IT system and the IT system will record **'Did Not Attend (DNA)'**.

Whether or not the participant has the personal responsibility code in their Job Plan, if an attendance result is not recorded by close of business on the day a:

- Mandatory Activity
- Job Interview
- Compulsory Appointment with a third party

was scheduled, the IT system will record that there is **'No Result Entered (NRE)'**.

When the IT system records DNA or NRE, this triggers non-compliance and sends notification to the participant similar to what is sent to them when you record DNAI when you are not in contact with the participant – that means a notification that tells them they didn't meet a requirement, what they need to do and that there may be impacts to their payment.

For DNA results:

When the participant contacts you and you discuss Valid Reason, you update the attendance result based on your decision on Valid Reason.

For NRE results:

When the participant contacts you, you first confirm if they attended the requirement - they may have attended but just forgot to record their attendance.

If they did not attend the requirement, you make a decision on Valid Reason.

Misconduct at scheduled requirements

When a participant attends requirements scheduled in their calendar, they are expected to positively participate. Where their behaviour is inappropriate or disruptive, instead of recording a non-attendance result, you record "Misconduct" and the type of behaviour they displayed.

If the misconduct occurred at a Mandatory Activity, the Activity Supervisor must call you to report the participant's misconduct.

The participant may have a Valid Reason for their misconduct, so they must be given the opportunity to discuss this with you.

Recording misconduct sends notification to the participant similar to what is sent to them
when you record DNAI when you are not in contact with them: they will be notified to make contact with you.

When they contact you, you discuss Valid Reason.

The Valid Reason consideration for Misconduct at a requirement similar to the consideration of Valid Reason for non-attendance. You should consider the reason the participant gave for their behaviour, whether it aligns with what you know about them, and whether an employer would accept this reason from an employee.

Consider this scenario

Sonja is one of your participants attending a Mandatory Activity. Because of prescribed medication she takes for a medical condition, Sonja has difficulties remembering complex information.

You have recorded this in the IT system to assist your organisation in servicing her.

1

The activity supervisor calls you and advises that Sonja did not follow important health and safety instructions.

2

You call Sonja but she doesn't answer her mobile phone, so you record 'Misconduct', the type of behaviour the Activity Supervisor said Sonja displayed, and that you are not in contact with her.

3

Sonja receives notification that she must call you. When she does call and you have a conversation with her, you realise that she did not deliberately go against what the Activity Supervisor instructed her to do. She was impacted by her difficulties in remembering information.

Sonja has a Valid Reason. You record the acceptable reason Sonja gave.

Let’s look at how misconduct is reported in the IT system:

You are in direct contact with the participant...

...and they **have a Valid Reason,** you record in the IT system:

1. The result **Attended**, as they did attend and you have determined that the way they behaved was outside of their control.

...and they **do not have a Valid Reason,** you record in the IT system:

1. The result **Misconduct**
2. The **type of behaviour** displayed
3. That **you do not accept the reason** the participant has given you
4. **The reason they have given** you.

You attempt to contact the participant on the day of the requirement they did not behave appropriately at, but your contact attempt was unsuccessful.

You record in the IT system:

1. The result **Misconduct**
2. The **type of behaviour** displayed
3. **That you are not in contact with the participant** right now, meaning you have not yet been able to assess if they have a Valid Reason.

Recording Valid Reason decisions for requirements not in the calendar

For requirements that are not scheduled in the calendar, you don't record a non-attendance result when making a Valid Reason decision (because the participant does not attend these requirements).

Requirements that **are not scheduled in the calendar** include:

Satisfactorily completing Job Referral tasks

You learnt about Job Referral tasks in Chapter 2d

Satisfactorily completing Points Based Requirements

"Satisfactorily completing" this requirement means 2 things:

1. Enough points were reported AND the participant reported all their minimum job applications.

   The IT system decides if the correct "quantity" of points and minimum job applications has been reported by the participant.

2. Any job applications submitted to meet the Points Target, as well as minimum job applications, were genuine and of good quality.

   You decide if the "quality" of the job applications submitted is satisfactory.

Agreeing to a Job Plan

The participant must agree to their Job Plan by the due date they have been notified it must be done.

Generally, when you set a due date in the IT system, the IT system decides if the participant has agreed to the Job Plan on time.

Recording Valid Reason decisions for Job Referral task assessments

As we discussed in the Job Referrals and Opportunities chapter, you need to record an assessment result for a Job Referral task no more than 5 business days after the due date.

Where you have made an Unsatisfactory assessment, you need to make a Valid Reason decision.

Let’s look at what you record:

You are in direct contact with the participant…

...and they
have a Valid Reason, you record inthe IT system:

1. The assessment result **Unsatisfactory-Valid**
2. **That you accept the reaso**n the participant has given you
3. **The reason they have given** you.

...and they **do not have a Valid Reason,** you record in the IT system:

1. The assessment result **Unsatisfactory-Invalid**
2. **That you do not accept the reason** the participant has given you
3. **The reason they have given** you.

You attempt to contact the participant on the day, but your contact attempt was unsuccessful.

You record in the IT system:

1. The assessment result **Unsatisfactory-Invalid**
2. **That you are not in contact with the participant** right now, meaning you have not yet been able to assess if they have a Valid Reason.

Recording Valid Reason decisions for Points Based Failure quality assessments

Participants must also usually meet a Points Target, including undertaking Job Applications. Sometimes, you may decide that the quality of the Job Applications that the participant submitted to meet their Points Target is unsatisfactory. This assessment also needs to be done within 5 business days of the Points Reporting Period ending.

As for Job Referrals, where you have made an Unsatisfactory assessment, you need to make a Valid Reason decision.

Let's look at what you record:

You are in direct contact with the participant...

4. The assessment result **Satisfactory**
5. **That you accept the**

...and they
have a Valid Reason,
you record in the IT system:

5. **That you accept the reason** the participant has given you
6. **The reason they have given** you.

...and they **do not have a Valid Reason,** you record in the IT system:

4. The assessment result **Unsatisfactory-Invalid**
5. **That you do not accept the reason** the participant has given you
6. **The reason they have given** you.

You attempt to contact the participant on the day, but your contact attempt was unsuccessful.

You record in the IT system:

1. The assessment result **Unsatisfactory-Invalid**
2. **That you are not in contact with the participant** right now, meaning you have not yet been able to assess if they have a Valid Reason.

Recording Valid Reason decision for refusal to agree to Job Plan

As you also know, participants must agree to a Job Plan. If you are sure that the participant is capable of meeting the requirements you have set for them, but they outright refuse to agree to their Job Plan at a Compulsory Appointment with you and you don't accept their reason for refusing to agree to it:

You must record:

1. That the participant **refused to agree to a Job Plan**
2. What requirements in the Job Plan that they don't agree to
3. **You do not accept the reason** the participant has given you
4. **The reason they have given** you.

Did you know?

When recording a reason you accept or don't accept as a Valid Reason, you select the reason from a drop-down list in the IT system.

Don't see the reason the participant gave you on the list? Then you must select the reason that is closest to the reason the participant gave you.

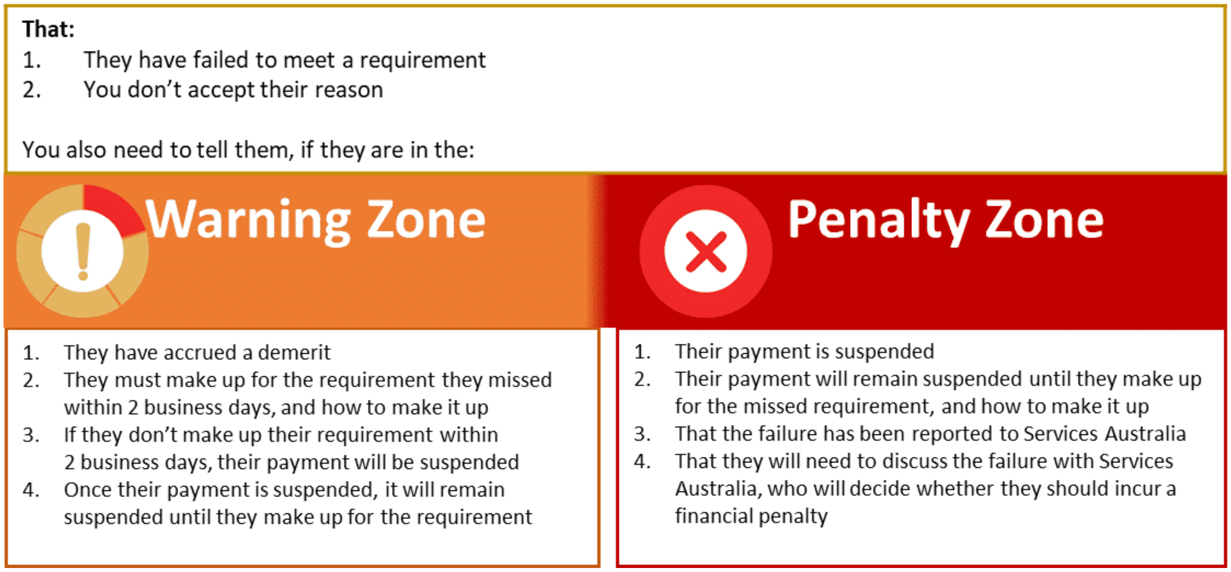
Do not read out the list of reasons to the participant for them to choose from.

You must decide what is the most appropriate reason to record in the IT system based on what the participant tells you.

GOT IT! (Click to continue)

What else do you need to do?

When you have reported non-compliance, you must tell the participant...



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Recording Valid Reason decision for non-compliance decided by the IT system

As you read earlier, there are 2 situations when the participant misses a requirement where the IT system decides that non-compliance needs to be reported.

These are when the participant does not:

- report enough points and/or minimum Job Applications to meet the Points Target by the end of the Points Reporting Period
- agree to their Job Plan by the due date set in the IT system.

In these 2 situations, there is usually no direct contact with the participant before non-compliance is reported. Instead of you telling the participant that they have failed to meet a requirement and how to make it up, the IT system will send them an SMS or inbox message telling them. The participant can then make up the requirement without even talking to you.

But if the participant does contact you before they make up the requirement and they have a Valid Reason for not meeting the requirement and not telling you beforehand, you can record that you accept their reason.

This will finalise the non-compliance and:

- remove the demerit - if they’re in the **Warning Zone**
- close the penalty report - if they’re in the **Penalty Zone**

If the participant has made up the requirement and then contacts you, you manually remove the demerit or close the penalty report. You’ll learn more about manually removing a demerit in the chapter on Managing Demerits.

Result options for requirements

The below table summarises the result options you can record for a participant’s requirements. Print it out and put it somewhere visible.

Result options that can be recorded for requirements in a participant’s calendar

Requirement type	**Before** the requirement	**Day of** the requirement	**After** the requirement (up to 28 days later)
Mandatory Activity	Rescheduled (RESC)	Rescheduled (RESC)	-
	No Longer Required (NLR)	No Longer Required (NLR)	-
	-	Attended (ATT)	ATT only if NRE was the initial result
	-	Did Not Attend Valid (DNAV)	DNAV only if NRE or DNA was the initial result
	-	Did Not Attend Invalid (DNAI)	DNAI only if NRE or DNA was the initial result
	-	Did Not Attend (DNA)	DNA can be updated to DNAI or DNAV
	-	Misconduct (MISC)	-
Job Interview or **Compulsory Appointment with a third party**	Rescheduled (RESC)	Rescheduled (RESC)	-
	No Longer Required (NLR)	No Longer Required (NLR)	-
	-	Attended (ATT)	ATT only if NRE was the initial result
	-	Did Not Attend Valid (DNAV)	DNAV only if NRE was the initial result
	-	Did Not Attend Invalid (DNAI)	DNAI only if NRE was the initial result
	-	Misconduct (MISC)	-
Compulsory Appointment with a provider **Important Note:** Only providers can record attendance results for these appointments. **Providers must do this by close of business** on the day of the appointment	Rescheduled (RESC)	Rescheduled (RESC)	-
	No Longer Required (NLR)	No Longer Required (NLR)	-
	-	Attended (ATT)	-
	-	Did Not Attend Valid (DNAV)	-
	-	Did Not Attend Invalid (DNAI)	-
	-	Misconduct (MISC)	-

click to enlarge

Result options that providers can record for the Points Reporting Period

Before end of Points Reporting Period	When the **Points Reporting Period ends**	**After** Points Reporting Period has ended (Providers can record within 5 business days after end of period)
Requirement no longer needs to be met	IT system automatically records: Satisfactory (as Points Target met)	Unsatisfactory (when job applications submitted are reviewed by provider and the quality is not adequate)
Satisfactory	IT system automatically records: Unsatisfactory (as Points Target not met)	
Unsatisfactory – Quality	-	

click to enlarge

Result options that providers can record for Job Referral tasks

Before the task due date	**After** (Providers must record within 5 business days after task due date)	**5 business days** after the due date passes
Requirement no longer needs to be met	Satisfactory	IT system automatically records: Assessment not recorded within 5 days
Satisfactory	Unsatisfactory – Valid	
-	Unsatisfactory – Invalid	

click to enlarge

Click to continue to the quiz

Chapter 3a - Quiz 2

There are 3 questions. When you obtain 100% please click the continue button.

Question

01/03

In which of these scenarios would you make a Valid Reason assessment:

(More than one answer is correct)

- [ ] You call a participant at 11am because they didn't go to a Job Interview scheduled in their calendar for 10.30am. They told you they had been involved in a minor car accident on the way to the interview and were organising a tow truck

- [ ] The participant has phoned to advise that their Compulsory Appointment with you tomorrow afternoon clashes with a dental appointment. They ask if you can re-schedule their Compulsory Appointment.

- [ ] The participant missed an appointment this morning. When you called them, they answered and advised that they were admitted to hospital yesterday as they've been diagnosed with COVID-19.

Question

02/03

You try to contact a participant after they didn’t attend an appointment, but they don’t answer the call. You don’t know if there are circumstances that might have impacted their ability to attend. What do record in the IT system?

- ◯ Did Not Attend-Invalid (DNAI) and ‘not in contact’
- ◯ You shouldn’t record anything yet as you are uncertain if their reason for not attending is a Valid Reason or not
- ◯ Did Not Attend-Valid (DNAV) and the reason ‘medical/health issues’ as you know they recently had a nasty flu and you think they might still be sick
- ◯ Did Not Attend-Invalid (DNAI) and the reason that you don’t accept

Question

03/03

You recorded Did Not Attend-Invalid (DNAI) and that you were not in contact with the participant for an appointment as you were not successful in making contact with them. They then call you and you assess that they have a Valid Reason. What do you do next?

- Change the result from DNAI to DNAV
- Record that you have accepted the participant’s reason for non-compliance and record what the reason is
- Tell the participant to speak to Services Australia about this as you have already recorded a DNAI result

Conclusion to Chapter 3a

IMPORTANT NOTE: The chapter you have just completed includes many different result options that can be recorded, what those results trigger, and what the impact is on a participant.

We recognise that the different workflows can appear a little complicated, so to simplify the various options and trigger points, we have developed a table that shows:

- the different failure types
- what workflows are triggered, depending on what is recorded in the IT system
- the impacts on a participant's payment and their place in the TCF

You can find this table, titled the **TCF Process Placemat**, under the 'Supporting Materials' section on the Targeted Compliance Framework Learning Centre page.

GOT IT! (Click to CONTINUE)

In the next chapter, you'll learn how to manage non-compliance, and how your management impacts

the participant's payment.

CONTINUE

Non-Compliance, Resolution Time and Payment Suspension

Learning Outcomes

At the end of this chapter you will be able to:

1. Describe Resolution Time and payment suspension
2. Understand when a participant must be notified of Resolution Time and/or payment suspension by letter
3. Identify the options to manage non-compliance
4. Choose the most appropriate way to finalise Resolution Time
5. Recognise the different ways to end payment suspension

In the previous chapter, you learnt that when a participant doesn't have Valid Reason for missing a requirement, you record non-compliance in the IT system.

When non-compliance occurs, using the TCF ensures the participant is reconnected with their requirements and with you. Generally, the participant will have to make up for the requirement they missed **to stop or prevent their payment being suspended**.

Under the TCF, we call making up the requirement "**re-engagement**".

You'll learn about re-engagement requirements in the next chapter, but for now, it's important you understand how payment suspension works.

When you record non-compliance in the IT system, the process to suspend the participant's payment starts.

A participant relies on their payment while they look for and secure suitable paid work. This is why you **must** make decisions to report non-compliance carefully and keep the participant informed of decisions you have made that impact them.

Let's take a closer look, starting with a quick recap...

You've attempted to contact the participant without success following a missed requirement.

Depending on the requirement type, you've recorded "Did Not Attend-Invalid" or "Unsatisfactory-Invalid" in the IT system, **and** that you are not in contact with the participant. This notifies the participant to take action.

Depending on how the participant would prefer to be notified, the IT system will then automatically send the participant an:

- SMS notification if their mobile phone number is recorded in the IT system, or
- email notification if no mobile phone number exists in the IT system, but an email address is recorded

What the notification tells the participant will be different depending which zone of the TCF the participant is in.

Flip the cards to learn more

The notification sent to participants in the **Green Zone** or **Warning Zone** advises that they must take **immediate action**, or their payment **will be suspended** in 2 business days.

The 2 business days is called "**Resolution Time**".

By taking immediate action **during** Resolution Time, participants in the **Green Zone** or **Warning Zone** can avoid payment suspension for non-compliance.

The notification sent to participants in the **Penalty Zone** advises that they must take action, and that their payment **is suspended** until they take that action.

Except for a Work Refusal Failure, **participants in the Penalty Zone don't get Resolution Time** and they cannot avoid payment suspension for non-compliance if the initial contact attempt following non-compliance is unsuccessful.

IMPORTANT NOTE: If the participant does not have a notification preference recorded in the IT system, you must navigate to the Outstanding Non-Compliance page to print and send the notification to the participant.

This notification is also available through the home dashboard in the IT system.

What action does the participant have to take?

Once the notification is sent, the participant is responsible for taking action.

The action they need to undertake depends on what requirement they missed, and their place in the TCF.

Whether or not they have Resolution Time, **the action the participant needs to take will either be to:**

1. log on to their homepage for details about how to **complete the re-engagement requirement that the IT system has automatically set**.

   This occurs when the IT system has made the decision to report the non-compliance.

OR

1. make contact with you to discuss their reason for failing to meet the requirement, and, **if they don't have a Valid Reason,**
2. **meet a re-engagement requirement you set for them.**

What action the participant takes will determine what you do next.

Flip and navigate through the images below:

If the participant completes the re-engagement requirement that the IT system has automatically set

The participant has taken action to complete their re-engagement requirement. Doing this means:

- If they are within Resolution Time, they have avoided payment suspension
- If Resolution Time has passed, their payment has been restored

automatically set

You don't need to do anything further here

If the participant makes contact with you and they have a **Valid Reason**

You record the reason the participant gave and that you accepted as Valid in the IT system. Doing this means:

- If they are within Resolution Time, they have avoided payment suspension
- If Resolution Time has passed, their payment has been restored

You don't need to do anything further here

If the participant makes contact with you - or your contact attempt is successful - and the **participant does not have a Valid Reason...**

...if they are in the Warning Zone:

Recording the reason you did not accept as Valid confirms the non-compliance - you have recorded that the participant has committed a mutual obligation failure.

If they are within Resolution Time, their payment is not yet suspended: you have some options on how to manage the non-compliance

If Resolution Time has passed, their payment is suspended: you must set the participant a re-engagement requirement for their payment to be restored

...if they are in the Penalty Zone:

Recording the reason you did not accept as Valid confirms the non-compliance - you have recorded that the participant has committed a mutual obligation failure.

- **Their payment is suspended**: you must set the participant a re-engagement requirement for their payment to be restored

Click to continue to the quiz

Chapter 3b - Quiz 1

There are 3 questions. When you obtain 100% please click the continue button.

Question

01/03

Participants in the Warning Zone are given 2 business days' Resolution Time to take action to address their non-compliance before their payment is suspended

- True
- False

Question

02/03

Participants in the Penalty Zone can only be notified of payment suspension by letter

---

- ◯ True
- ◯ False

Question

03/03

If the participant contacts you within Resolution Time and you do not accept the reason they gave for non-compliance, they have committed a Mutual Obligation Failure

---

- ◯ True
- ◯ False

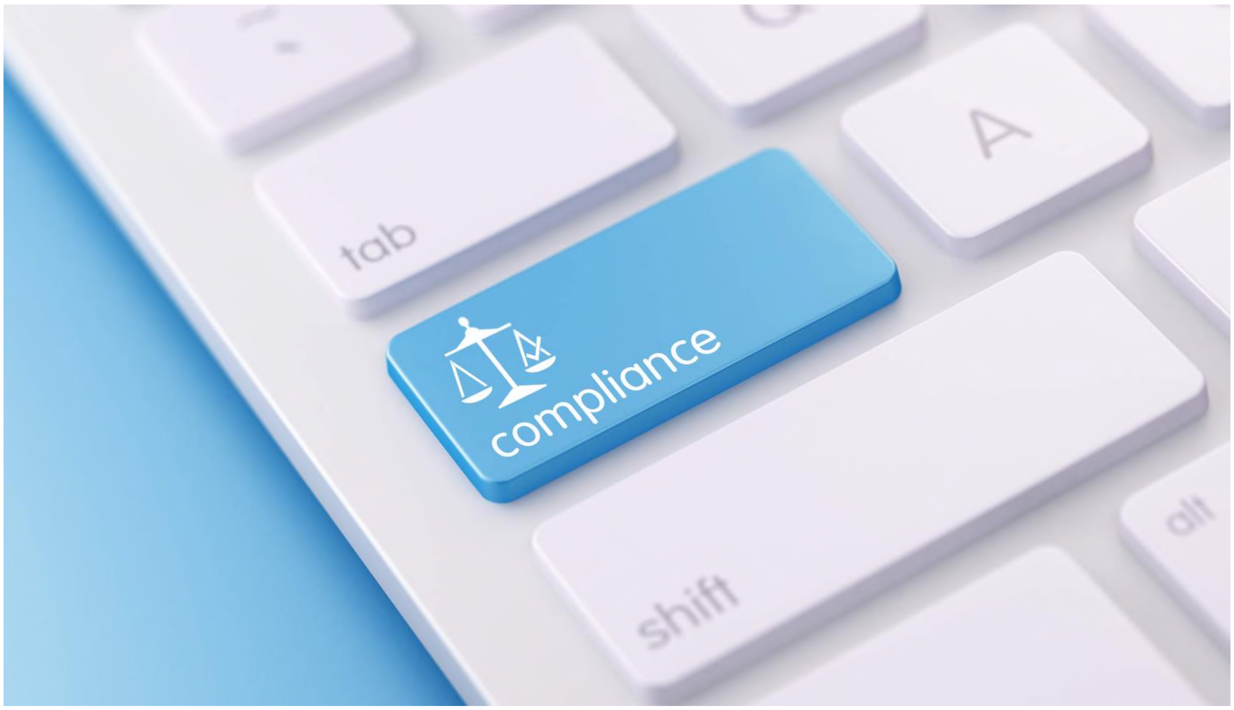
Non-Compliance, Resolution Time and Payment Suspension (cont.)

Manual Non-Compliance

There is one type of mutual obligation failure that is not triggered by recording a result or reason in the IT system. This occurs when the participant has refused to agree to a Job Plan during a Compulsory Appointment with you.

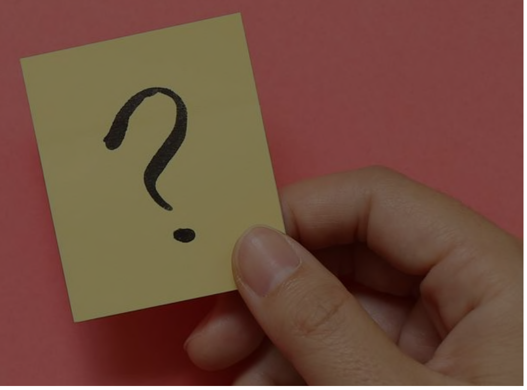
As you know, when you negotiate a Job Plan with a participant, you offer them time to think about it – known as 'think time', and the due date for the participant to agree to the Job Plan is set in the IT system.

If during this appointment with you, the participant refuses to agree to their Job Plan and refuses to take think time to consider, you report the non-compliance manually.



To do this, select the ‘Create Compliance’ button
on the bottom of the Job Plan screen in the
IT system, then follow the workflow by answering the questions that are displayed.

How do I manage non-compliance?



As you've learnt, after non-compliance is recorded, participants usually have to **meet a re-engagement requirement to stop or prevent their payment being suspended**.

You are responsible for setting re-engagement requirements for your participants following most non-compliance.

The way you manage this may be different depending whether the participant is within Resolution Time when contact is made with them to discuss their non-compliance.

If the Participant is within Resolution Time:

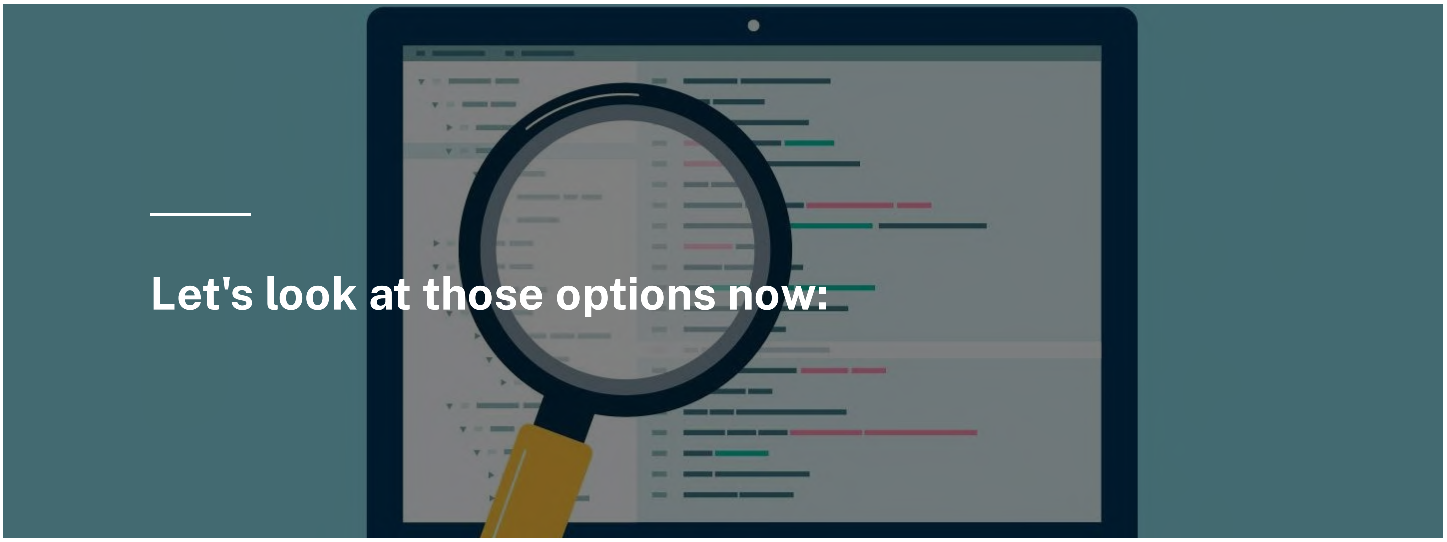
Their payment is not yet suspended, but what you choose to do next will impact whether the participant's payment is suspended or not.

You need to carefully consider your options. You should consider what you know about the participant and what you think is the best option to get them back on track with their individual requirements.

Remember: By taking action **during** Resolution Time, participants in the **Green Zone** or **Warning Zone** can avoid payment suspension for non-compliance.

This means if you set a re-engagement requirement to occur **after** Resolution Time, their payment will be suspended, even though they contacted you immediately to take action.

This may still be the most suitable option but requires your good judgement.



Let's look at those options now:

Option 1

Record “Re-engagement not required: Non-Compliance discussed” WITHIN Resolution Time

What?

This option removes the need for the participant to meet a re-engagement requirement following non-compliance. **Their payment will not be suspended**.

When?

You would use this option when you have discussed non-compliance with the participant and are confident they understand how to meet their requirements and what to do if they cannot meet their requirements in the future.

Option 2

Set a re-engagement requirement to occur WITHIN Resolution Time

What?

This option requires the job seeker to meet a re-engagement requirement to **avoid payment suspension**.

Why?

Use this option to ensure the participant meets a re-engagement requirement, but does not incur payment suspension.

When?

You would use this option when you think the participant would benefit from meeting a re-engagement requirement to strengthen their understanding of their requirements.

Option 3

Set a re-engagement requirement to occur AFTER Resolution Time

What?

This option requires the job seeker to **meet a re-engagement requirement to end payment suspension**.

Why?

Use this option to ensure the participant meets a re-engagement requirement following payment suspension.

When?

You would use this option when the participant would benefit from meeting a re-engagement requirement outside of Resolution Time.

Remember*: If you use this option, the participant's payment will be suspended.*

If Resolution Time has passed

You have fewer options open to you to manage non-compliance if this is the case.

When Resolution Time has passed, you must set a re-engagement requirement for the participant or otherwise finalise the re-engagement requirement to restore their payment.

Refer to the next chapter on Re-engagement Requirements for further detail on managing re-engagement.

Payment suspension and payment restoration in detail

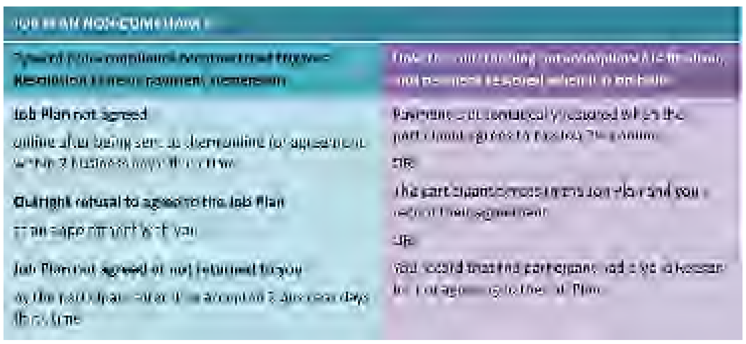
The way Resolution Time is triggered, payment is suspended and payment is restored depends on the requirement type.

Hover over the below requirement types to learn more.

Click the icons below to learn more

Job Plan
Mandatory Activity
Compulsory Appointment with a third party
Job Interview
Points Requirement
Payment suspension and payment restoration in detail
Work Refusal Failure
Compulsory Appointment with Provider
Job Referral task

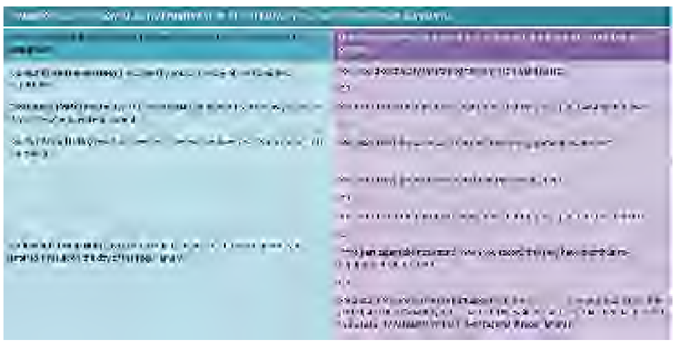
Job Plan



[illegible]	
[illegible]	[illegible]
Job Plan not agreed [illegible]	[illegible] OR [illegible] OR [illegible]
Outright refusal to agree to the Job Plan [illegible]	
Job Plan not agreed or not returned to you [illegible]	

Click on the image to enlarge.

Mandatory Activity, Compulsory Appointment with a third party, Job Interview



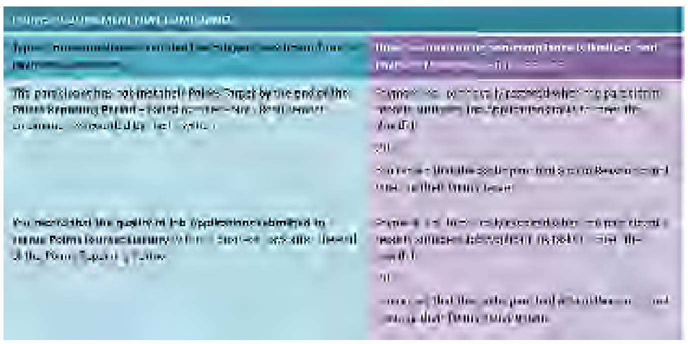
Click on the image to enlarge.

Compulsory Appointment with Provider

COMPULSORY APPOINTMENT WITH PROVIDER NON-COMPLIANCE	
Type of non-compliance recorded that triggers Resolution Time or payment suspension	How the outstanding non-compliance is finalised, and payment restored when it is on hold
Did Not Attend Invalid (DNAI) recorded by you on the day of the Compulsory Appointment **Misconduct (MISC)** and the type of inappropriate behaviour recorded by you on the day of the Compulsory Appointment	You record on the day of the requirement that the participant had a Valid Reason OR You record after the day of the requirement that the participant had a Valid Reason OR You record that the participant has met the re-engagement requirement

Click on the image to enlarge.

Points Requirement



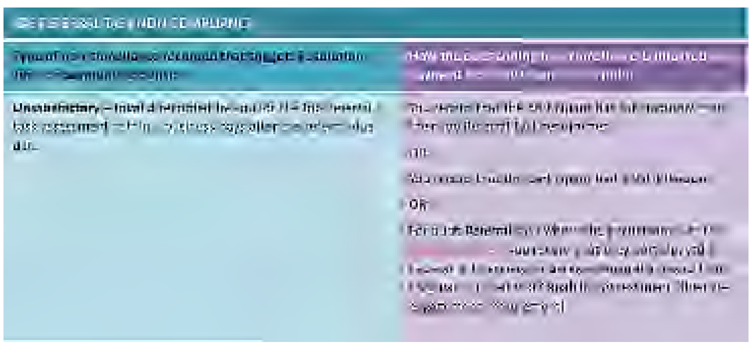
Click on the image to enlarge.

Work Refusal Failure

WORK REFUSAL FAILURE	
Type of non-compliance recorded that triggers payment to be put on hold 2 business days after you report it:	**How the outstanding non-compliance is finalised, and payment restored when it is on hold:**
Work Refusal Failure Report created by you within 10 business days of the failure date AND where you indicate that you are not in contact with the participant	The participant has made contact with you and you have recorded the reason accepted or not accepted for the Work Refusal Failure

Click on the image to enlarge.

Job Referral task



Click on the image to enlarge.

Got it! Click to continue to the Quiz

Chapter 3b - Quiz 2 - match the correct card

Match the correct card. When you pass all 3 questions please continue.

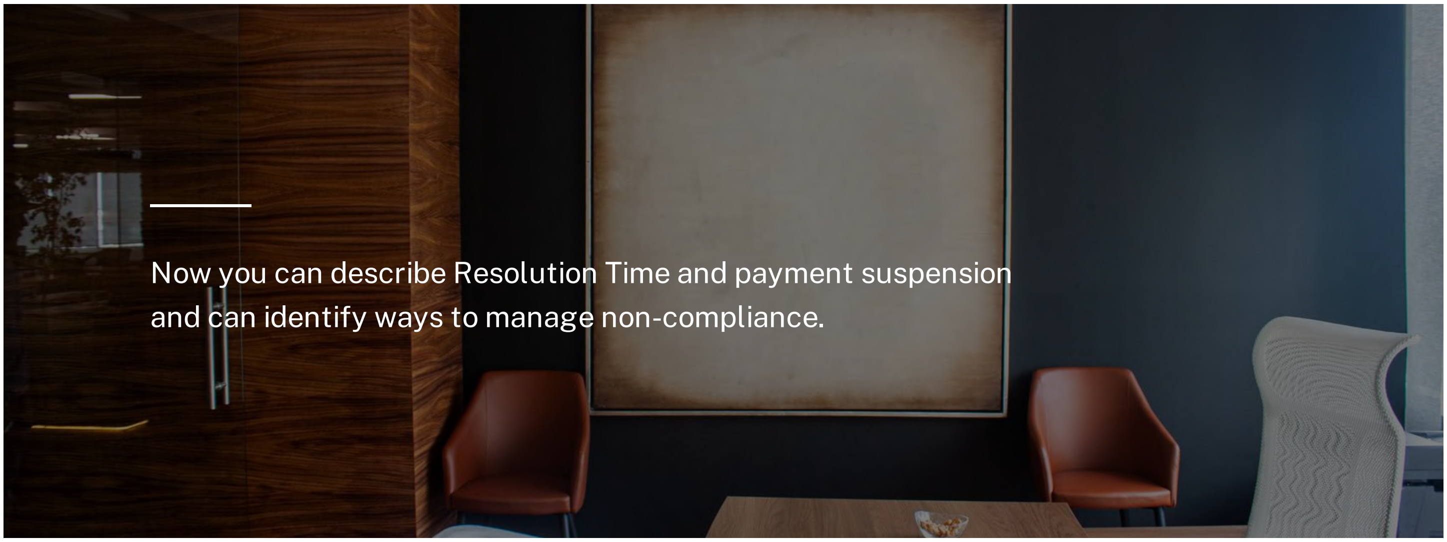
Question

01/01

Match the card on the left to the correct card on the right

Setting a re-engagement requirement to occur AFTER Resolution Time means...	participant doesn't need to meet a re-engagement requirement & payment isn't suspended
Setting a re-engagement requirement to occur DURING Resolution Time means...	the participant needs to meet a re-engagement requirement to avoid payment suspension
Recording "Re-engagement Not Required – Non-Compliance Discussed" DURING Resolution Time	the participant needs to meet a re-engagement requirement to restore their payment

Conclusion to Chapter 3b



IMPORTANT NOTE: The chapter you have just completed includes many different result options that trigger Resolution Time for participants in the **Green Zone** or **Warning Zone**.

We recognise that the different workflows can appear a little complicated, so to simplify the various options and trigger points, we have developed a resource that shows manually and automatically reported non-compliance that triggers Resolution Time, and at what point payment is suspended if the participant doesn't take appropriate action.

You can find this resource, titled **Non-Compliance reporting that triggers Resolution Time**, under the 'Supporting Materials' section on the Targeted Compliance Framework Learning Centre page.

GOT IT! (Click to CONTINUE)

In the next chapter, you'll learn about
Re-engagement Requirements.

CONTINUE

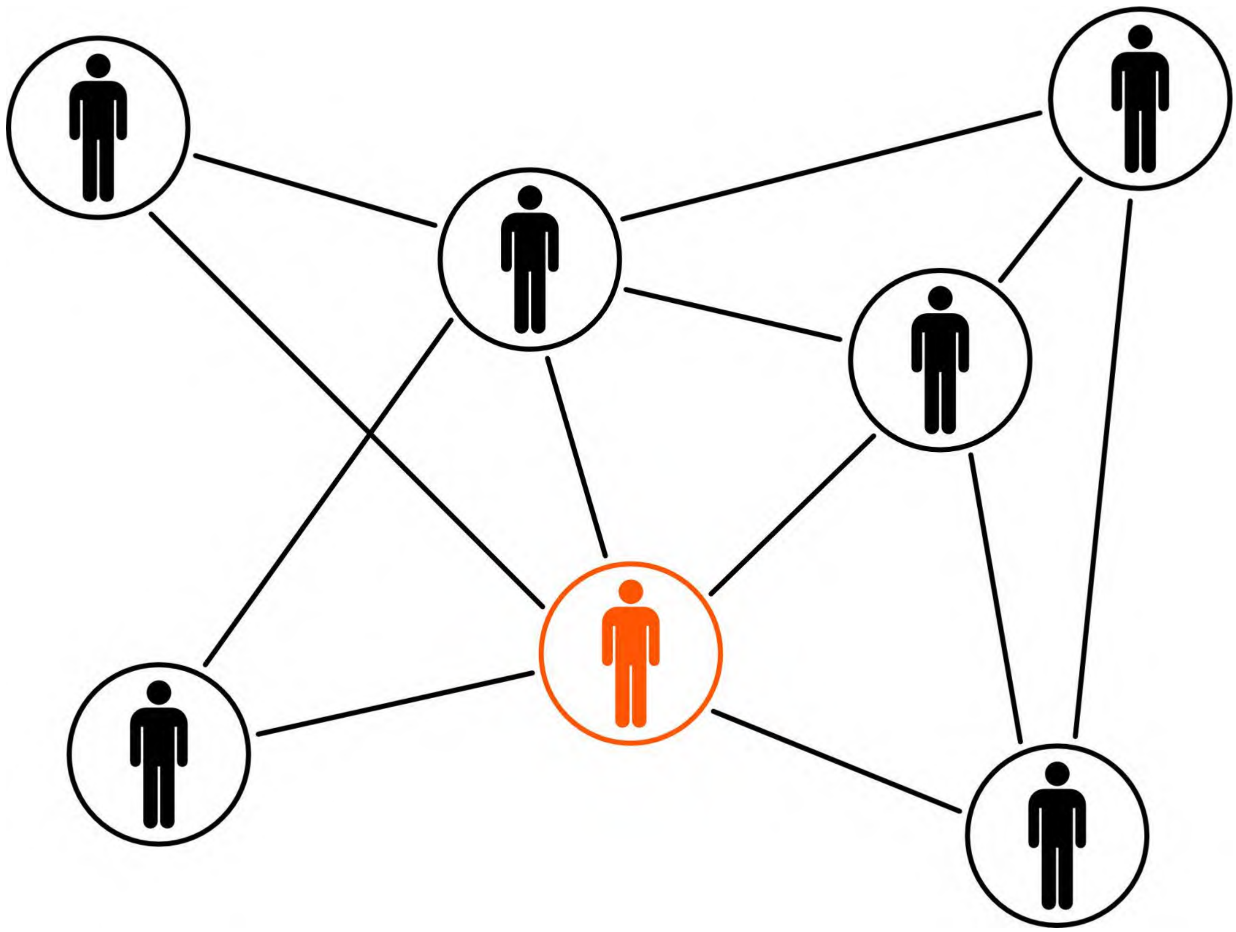
Re-engagement Requirements

Learning Outcomes

At the end of this chapter you will be able to:

1. Understand the most appropriate re-engagement requirement for a participant, including following multiple non-compliance events
2. Apply the 'Light Touch' re-engagement option for a Points-Based Failure
3. Distinguish between different re-engagement requirement timeframes
4. Recognise circumstances where a participant doesn't need to meet a re-engagement requirement and accurately record this

As you learnt in the previous chapter, after non-compliance is reported, participants usually have to meet a re-engagement requirement to stop or prevent their payment from being suspended, depending on whether they are still within Resolution Time.



The type of re-engagement requirement they need to meet depends on the mutual obligation failure and the participant's place in the TCF.

Usually, the re-engagement requirement will be for them to make up whatever requirement they missed.

As we touched on in the previous chapter, there
are also 2 situations when the IT system reports the non-compliance.

In these cases, the IT system confirms a demerit
on the participant's record - if they are in the
Green Zone or **Warning Zone** - and generally sets the re-engagement requirement for them to meet without you needing to do anything.

But it doesn't matter if you or the IT system made the decision to report non-compliance:

If the

the re-engagement requirement is always

mutual obligation failure

results in a

3rd confirmed demerit

the re-engagement requirement is always
to participate in a

Capability Interview
with you.

If the
mutual obligation failure
results in a

5th confirmed demerit

the re-engagement requirement is always
to participate in a
Capability Assessment
with Services Australia.

The IT system will guide you on what the re-engagement requirement is, including telling you when the re-engagement requirement is a
Capability Interview or Capability Assessment.

GOT IT! (Click to continue)

There are options to finalise a re-engagement requirement without the participant having to meet it, but for now, let's look at what the re-engagement will generally be, depending on what the mutual obligation failure was and the participant's place in the TCF:

Mutual Obligation Failure	In the Warning Zone the re-engagement requirement is:			In the Penalty Zone the re-engagement requirement is: *The IT system has submitted a Non-Compliance Report (NCR) to Services Australia*
Non-attendance or misconduct at a **Compulsory Appointment**	Attend a **Compulsory Appointment** with you	If it's their 3rd confirmed demerit, attend a **Capability Interview**	If it's their 5th confirmed demerit, contact Services Australia for a **Capability Assessment**	Attend a **Compulsory Appointment** with you
Non-attendance or misconduct at a **Mandatory Activity**	Attend a **Mandatory Activity**			Attend a **Mandatory Activity**
Failure to agree to their **Job Plan**	Agree to their **Job Plan**			Agree to their **Job Plan** *unless the Report is rejected by Services Australia*
Points Based Failure	Meet their **Points Target** (by submitting Job Applications) **or use the 'Light Touch' re-engagement option for their 1st Points-Based Failure*			**Contact you** to discuss non-compliance
Non-attendance or misconduct at a **Job Interview**	Attend a **Capability Interview** **OR** contact Services Australia for a **Capability Assessment** *(If they've already had a Capability Interview and they were found capable of meeting requirements)*			**Compulsory Appointment** with you
Did not satisfactorily complete a **Job Referral task**				Satisfactorily complete the **Job Referral task** *unless the Report is rejected by Services Australia*

click to enlarge

Setting a re-engagement requirement

Let's recap the situation...

1. You are in direct contact with a participant who is in the **Warning Zone**.
2. You have recorded that they don't have a Valid Reason.
3. You have told them they have accrued a demerit.
4. If Resolution Time has:

   not yet passed - you tell them they must meet a re-engagement requirement within 2 business days, or their payment will be suspended and stay suspended until they meet that re-engagement requirement

   passed - you tell them they must meet a re-engagement requirement and their payment will stay suspended until they meet that re-engagement requirement

The next step is to set the re-engagement requirement for the participant to meet. **You <u>must</u> do this while you are <u>still in direct contact</u> with them**.

ⓘ Re-engagement requirements can only be set when you are in <u>direct contact</u> with the participant.

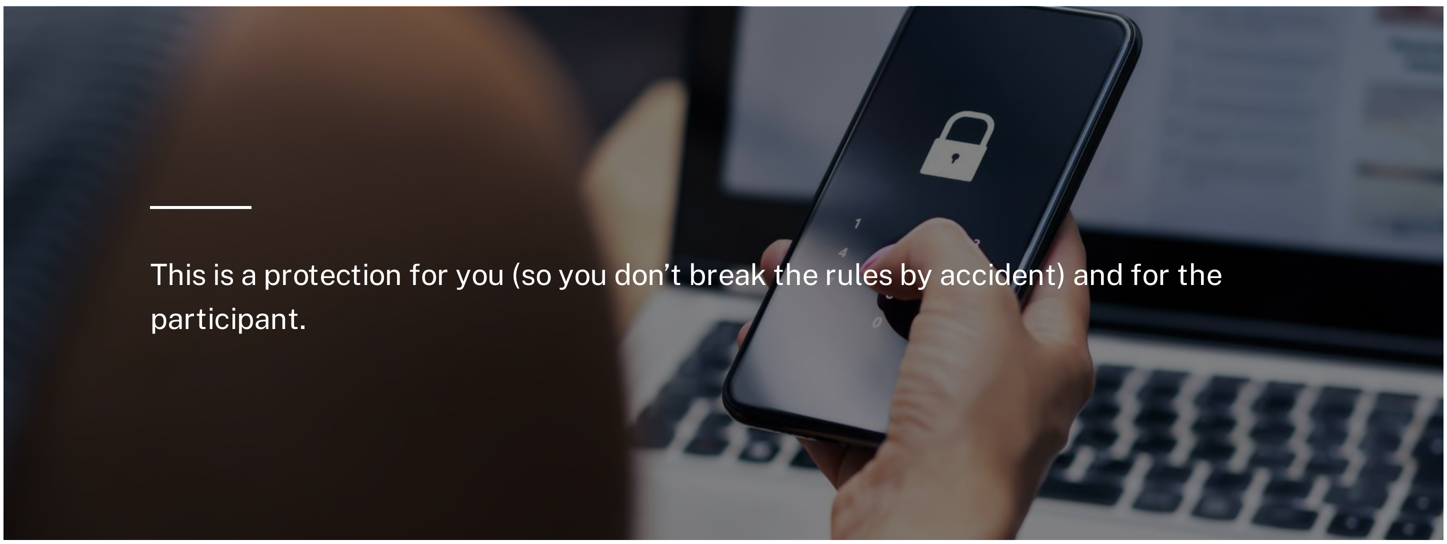
GOT IT! (Click to continue)

Why so strict? There are rules about how long you can keep a participant's payment suspended after they contact you to arrange to attend a re-engagement requirement.

In fact, the rules are so strict that if you don't:

1. set a re-engagement requirement in their calendar
2. formally notify them of that re-engagement requirement on the same day you record that you don't accept their reason as valid

the IT system will restore the participant's payment overnight.



Once a participant's payment is restored, the outstanding non-compliance on their record is finalised.

Once that non-compliance is finalised, you cannot go back and set a re-engagement requirement for the participant. The opportunity to get them back on track with their requirements has been missed.

Did you know?

The department monitors provider setting of re-engagement requirements when the provider records that they're in contact with a participant.

Here is the rule...

Once you record the participant does not have a Valid Reason and therefore must attend a re-engagement requirement, **generally you must schedule this to occur within 2 business days.**

The re-engagement requirements you set for participants will mostly be scheduled in their calendar

These will include:

- Re-engagement to an appointment with you
- Re-engagement to a Mandatory Activity
- Capability Interviews

Like any requirement you set for a participant, they must be formally notified of that re-engagement requirement and the consequences of not meeting it.

You must formally notify a participant of their re-engagement requirement by reading in full the verbal script that displays in the IT system.

Formal Notification for a re-engagement requirement doesn’t need to meet Reasonable Notice timeframes.

Managing a re-engagement requirement

To support you to deliver a re-engagement requirement within 2 business days of contact, if there’s already the same type of requirement booked for the participant in their calendar over the next 2 business days, the IT system will let you convert it to a re-engagement requirement.

You must still formally notify the participant of that re-engagement.

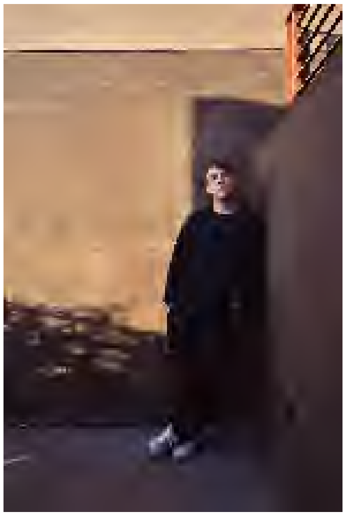
For example…

…you have a weekly appointment scheduled with your participant, Bob, each Friday.

1

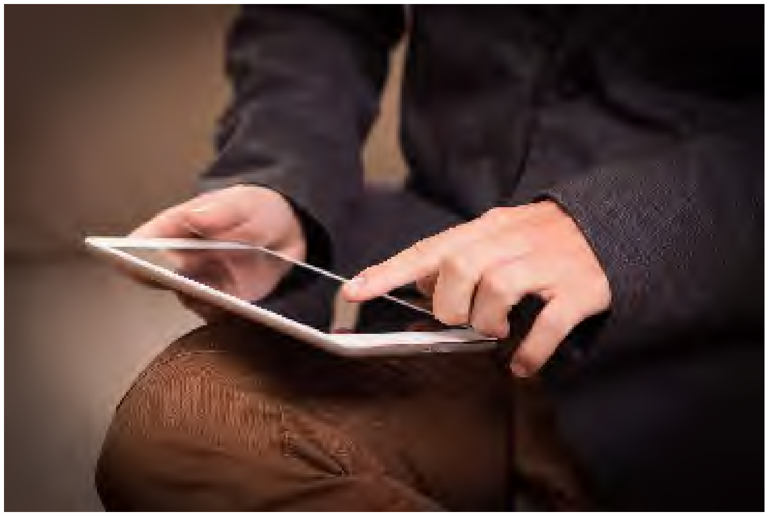
Bob misses one of his Friday appointments. He doesn’t pick up the phone when you try to call, so you record DNAI and that you are not in contact with Bob.

2



Bob calls you after he was notified his payment is suspended. Bob does not have a Valid Reason for missing his appointment with you last Friday.

3



Bob already has his routine appointment in the calendar for this coming Friday. Instead of creating another requirement for Bob, you convert the exiting appointment on Friday into a
re-engagement appointment.

You formally notify Bob of his re-engagement requirement scheduled for this coming Friday.

Alternative options you can record for a participant's re-engagement requirement

When attendance is recorded for a re-engagement requirement in a participant's calendar, their payment is restored (if it was suspended) or the participant avoids payment suspension (if they are within Resolution Time). Recording attendance finalises the re-engagement requirement.

The participant attending a re-engagement requirement is the standard process, but there are other options you can record for a re-engagement requirement to avoid payment suspension,
or restore a participant's payment when it's already suspended.

Let's take a look...

Click on the button content to view the alternative options you can record.

1

Recording that the participant is unable to re-engage within 2 business days

Where a participant has an Acceptable Reason for not being able to attend a re-engagement requirement within 2 business days, record this in the IT system and select the appropriate reason from the drop-down list.

For example: When discussing the re-engagement requirement with a participant, they say they have picked up some shifts at their casual job and are working from 8am to 5pm tomorrow and Friday.

The participants' main responsibility is to secure paid work, so they have a good reason for not being able to re-engage within the next 2 business days.

Recording unable to re-engage within 2 business days
restores their payment or ends Resolution Time.

2

Recording that re-engagement is not required before the re-engagement requirement is set

Where there are circumstances outside the participant's control that mean they should not have to re-engage to have their payment restored, you can record that re-engagement is not required in the IT system and select the appropriate reason from the drop-down list.

For example: The site from which you service participants only operates on a part time basis, and this impacts you being able to set a re-engagement requirement for the participant to attend within the next 2 business days.

As you learnt in the previous chapter, you would also use this option for a participant still within Resolution Time when you have discussed non-compliance with them and are confident they understand how to meet their requirements and what to do if they can't meet a future requirement.

Recording <u>re-engagement not required</u> restores their payment or ends Resolution Time.

3

Recording that compliance is no longer appropriate after the re-engagement requirement is set

Where there are unexpected changes to personal or local circumstances, it may mean attending a re-engagement requirement is no longer appropriate.

In these cases, you record that compliance action is no longer appropriate in the IT system and select the appropriate reason from the drop-down list.

For example: on Tuesday, you schedule a re-engagement requirement for your participant to attend on Wednesday.

On Tuesday evening, a severe storm widely impacts your town: many roads and houses are flooded and lots of places are without power. It’s more important for your participant to make sure their property and family is safe than to attend the re-engagement requirement with you.

You don’t need to contact your participant – when you record this in the IT system, the participant will be notified they are no longer required to attend their re-engagement requirement.

Recording compliance action no longer appropriate restores their payment or ends Resolution Time.

4

Rescheduling a re-engagement requirement after it has been set

Where the participant has an Acceptable Reason for not being able to attend their re-engagement requirement, you can reschedule it to occur within 7 calendar days of the original re-engagement requirement.

For example: on Monday, you schedule a re-engagement requirement for the participant to attend on Wednesday.

On Tuesday they contact you to advise that their sister, who usually undertakes a carer role for their elderly mother, is unwell and that the participant now has caring responsibilities for their mother for the next few days.

Her brother returns from interstate on Friday and will take over caring duties, so you reschedule their re-engagement requirement to occur next Monday and formally notify them.

Rescheduling their re-engagement requirement restores their payment or ends Resolution Time.

You should always clearly explain to a participant what they need to do - whether that is to meet a re-engagement requirement, or that they no longer need to re-engage, and what the impacts are on their payment - including when their payment has been restored.

Important note:

If the re-engagement requirement is a Capability Interview, and you don't book it, **the requirement for a Capability Interview will remain outstanding on the participant's record.**

The IT system will not let you update their Job Plan until you book and complete the Capability Interview.

GOT IT! (Click to continue)

Resolution Time and Unable to re-engage within 2 business days: What is the difference?

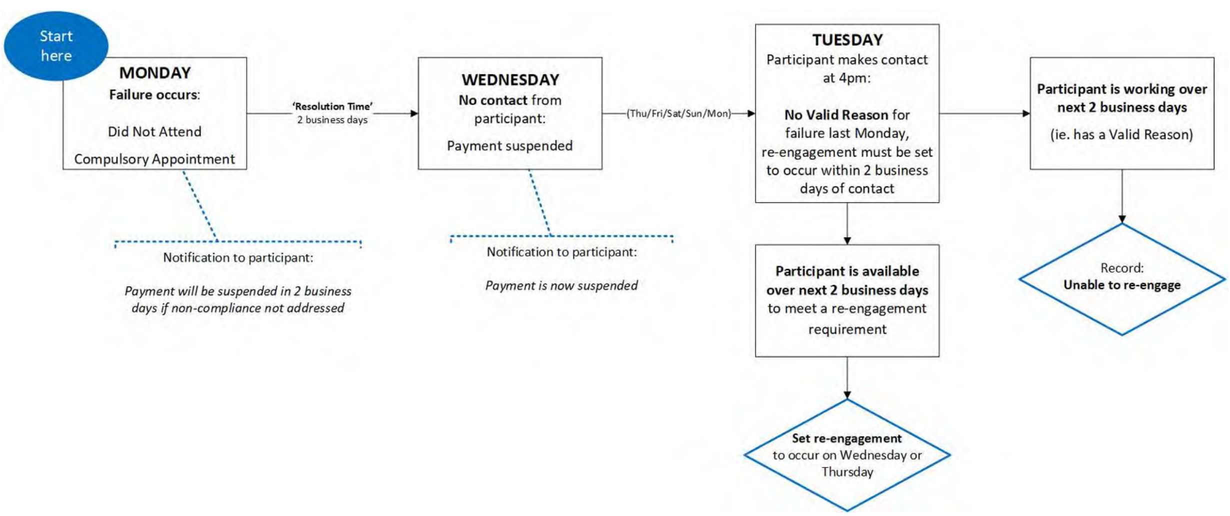
Although both Resolution Time **and** the participant being unable to re-engage have 2 business day rules, their function is very different.

Resolution Time allows the participant 2 business days to address their non-compliance before their payment is suspended.

You do not have to do anything to set Resolution Time – this is built into the IT system.

The **unable to re-engage** rule is in place because a participant's payment cannot be suspended for longer than 2 business days after they contact you to re-engage - if that re-engagement requirement is one they have to attend. As above, you need to record this in the IT system.

Let's have a look at the workflows for the **Resolution Time rule** and **unable to re-engage rule...**



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GOT IT! (click to continue)

Non-scheduled re-engagement requirements

The re-engagement requirements that are not scheduled in a participant's calendar include:

- Re-engagement to agree to Job Plan

- Re-engagement to satisfactorily meet a Points Based Requirement (Job Search)
- Re-engagement to complete a Job Referral task
- Re-engagement to contact Services Australia for a Capability Assessment

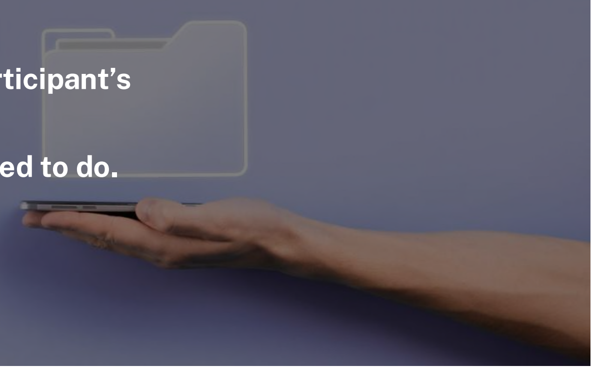
Re-engagement requirements that are not scheduled in a participant's calendar don't have the strict, 2 business day rule, as it's up to the participant to take action.

Job Plan and Points Based Failures

As you learnt in Chapter 3a, where a participant does not meet their Points Target, or fails to agree to their Job Plan by the due date, the IT system automatically:

1. sets the participant's re-engagement requirement - so you don't need to do anything else
2. notifies the participant about what they need to do.

If you recorded an unsatisfactory result for the participant's Points Based Requirement, the IT system will also notify them about what they need to do.



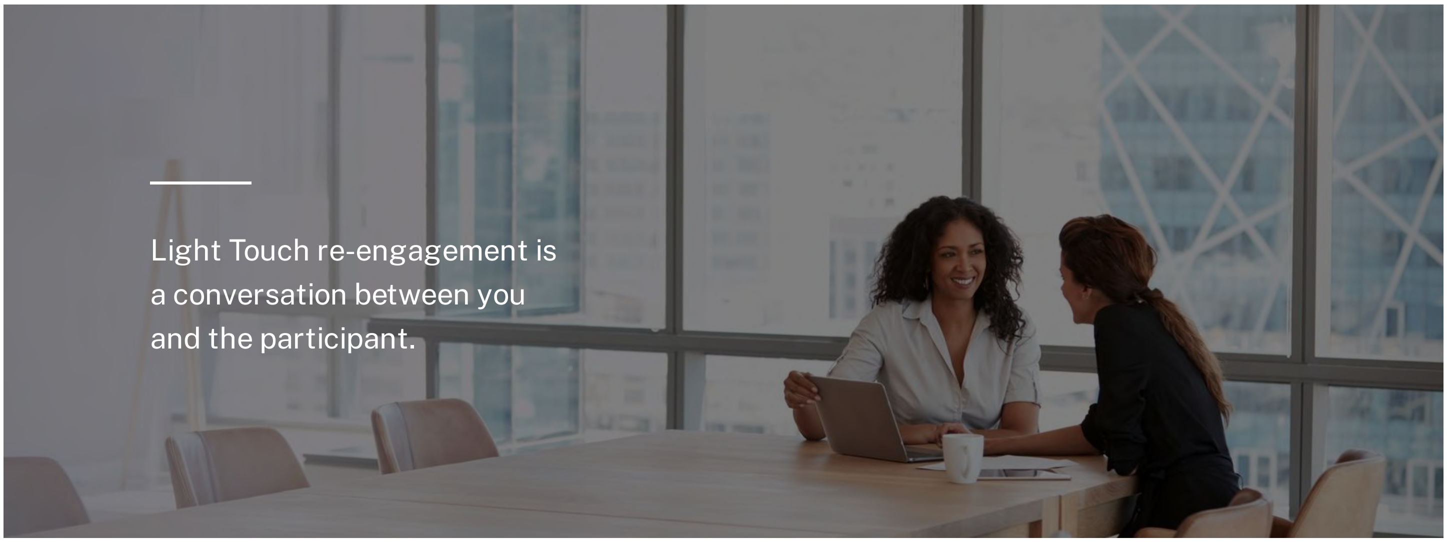
Did you know?

Where a participant has a Points Based failure, they must meet their re-engagement requirement by submitting quality Job Applications.

They aren't given the option to make up their points by choosing to do other tasks. This ensures the participant can easily meet their re-engagement requirement in a short amount of time.

‘Light Touch’ re-engagement for a Points Based Failure

Participants are offered a “Light Touch” re-engagement the first time they have a Points Based Failure instead of having to make up the points they missed by submitting Job Applications.



During the conversation you need to cover a few things, including:

Their understanding of their Points Requirement

- How many points do they have to undertake?
- Where do they find this information?
- How do they report their points on their homepage?
- What combination of tasks can they undertake to meet their points target?
- Who do they contact if they can’t meet their points target?

Their understanding of the consequences of not meeting their Points Requirement in the future

- Do they understand that the next failure means they will have to make up all their points?
- Do they understand this may result in payment suspension?
- Do they understand that demerits are accrued for failures?

What else do you need to do when you have the ‘Light Touch’ re-engagement conversation?

On the Outstanding Non-Compliance page, you must record that **compliance action is no longer appropriate** and select the option ‘Light Touch Re-engagement used – non-compliance discussed’.

When you record this, their payment will be restored if it’s suspended.

Important Note:

Participants in the Penalty Zone cannot access the ‘Light Touch’ re-engagement option.

Job Referral task failures

As you know, failure to satisfactorily complete a Job Referral task is a fast-track failure if the participant is in the **Warning Zone**. Therefore the re-engagement requirement in the Warning Zone will always be a Capability Interview or Capability Assessment.

If the participant is in the **Penalty Zone**, the re-engagement requirement is to complete the Job Referral task. Where this isn't possible (for example, the task was to "Apply for a specific job" and applications for the position have now closed), you must record that the participant is not required to re-engage.

If the re-engagement requirement is a Capability Assessment

When a 5th demerit is confirmed on a participant's record, the IT system will tell you that their re-engagement requirement is to participate in a Capability Assessment with Services Australia.

You don't schedule a Capability Assessment - instead the IT system will display a formal Notification script that you must read to the participant in full. The script includes the details of what the participant needs to do to meet their re-engagement requirement, which is to contact Services Australia.

It is then the responsibility of the participant to contact Services Australia to participate in the Capability Assessment.

Actions by the Department or Services Australia that finalise re-engagement requirements

Actions by the Department or Services Australia may mean participants no longer need to meet a re-engagement requirement. This includes where:

If a participant is granted exemption by Services Australia

When this happens, the IT system restores payment and finalises any outstanding re-engagement requirement for that individual.

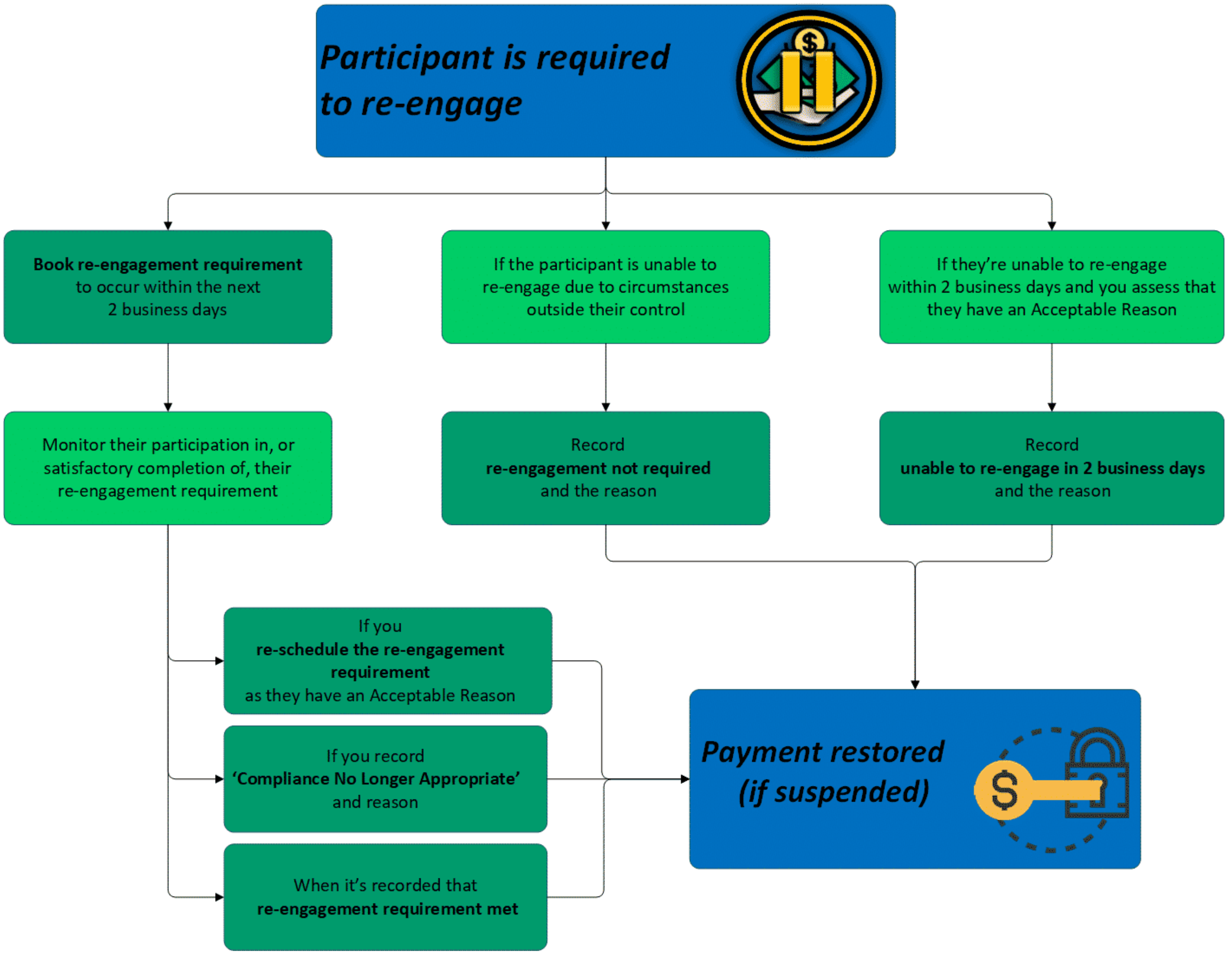
If the department invokes contingency arrangements or
temporary suspension of mutual obligation requirements

For example, where natural disasters impact a participant’s ability to meet their requirements or to give prior notice.

When this happens, the IT system restores payments that are suspended and finalises outstanding re-engagement requirements
for participants in affected areas.

Let’s do a recap of this chapter so far.

We’ve covered a lot of different re-engagement requirement options, so let’s look at a simplified version of these options in this workflow map.



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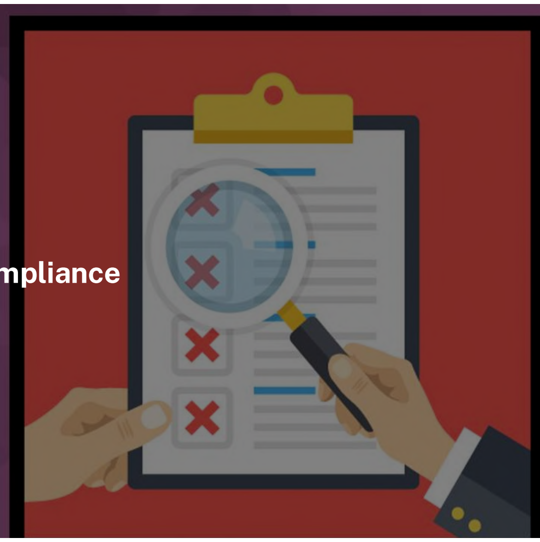


Re-engagement following multiple non-compliance events

Sometimes a participant doesn't meet multiple requirements over a short period.

When they contact you, you must discuss **all** outstanding non-compliance on their record. You must record the reasons you did or didn't accept for **all** of these in the same conversation.

When this happens, the participant only needs to meet 1 **re-engagement requirement**. The
IT system will help you decide what the correct re-engagement requirement is by giving you at least 1 re-engagement requirement option to select.

Alternatively, there may be times when a participant doesn't meet multiple requirements in a short time, but contacts you after each instance. If this happens, you are only discussing
1 non-compliance event at a time - and setting 1 re-engagement requirement at a time.

This means a participant could have multiple re-engagement requirements to meet at one time.

To explain the difference between the above situations, let's look at these 2 scenarios:

Multiple non-compliance – 1 contact with the participant

. 1

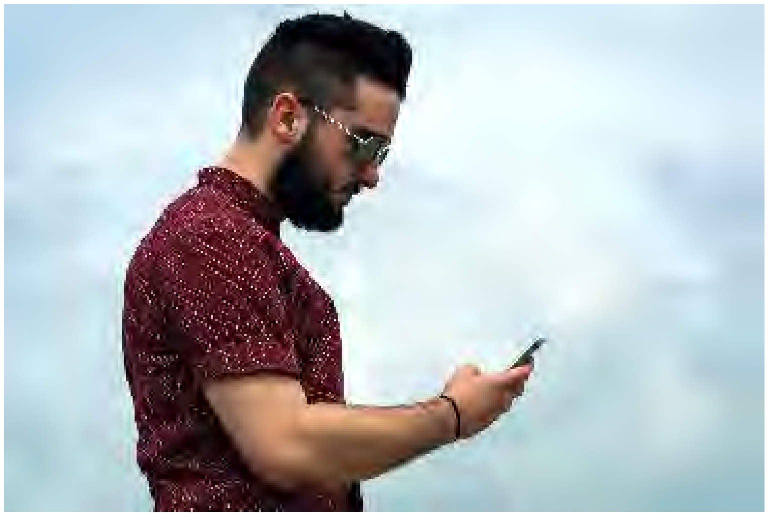
Sam missed his Compulsory Appointment with you on Tuesday. Sam is notified of the non-compliance, including being advised to contact you within 2 business days to avoid his payment being put on hold.

You don't hear from Sam.

. 2

Thursday, Sam doesn’t go to a Mandatory Activity that was scheduled in his calendar. He is notified of the non-compliance, and again advised to contact you.

. 3



On Friday, Sam is notified that his payment is now on hold as he didn't attend the Compulsory Appointment on Tuesday, and because he didn't contact you within 2 business days.

Sam contacts you that day when his payment is suspended. You discuss his reasons for not attending both the Compulsory Appointment and the Mandatory Activity.

. 4

You record that you don't accept his reasons for either, so Sam must meet a re-engagement requirement to restore his payment.

Because you discussed all outstanding non-compliance in 1 conversation, you can only set one re-engagement requirement.

The IT system assists you to choose the correct re-engagement requirement by giving you the option to set a Compulsory Appointment.

. 5

You schedule the Compulsory Appointment in his calendar for Monday. He must attend that appointment as his re-engagement requirement for both failures to restore his payment.

.6

On Monday, Sam attends the Compulsory Appointment.

As Sam has now met his re-engagement requirement, his payment is restored.

Multiple non-compliance – different contacts with the participant

. 1

Bernadette didn’t attend a Mandatory Activity that was scheduled in her calendar for Tuesday.

. 2

She calls you Wednesday after she receives notification that she missed a requirement.

You don't accept her reason for non-compliance, and you record this in the IT system.

You schedule a new Mandatory Activity for Friday for her to attend as her re-engagement requirement.

. 3

Bernadette behaves inappropriately at a Compulsory Appointment with a third party that she attended on Thursday morning.

After you record the misconduct, Bernadette receives another notification advising her to contact you to discuss this.

She calls you Thursday afternoon.

. 4

You don't accept Bernadette's reason for her inappropriate behaviour at the Compulsory Appointment, which you record.

You then schedule the re-engagement requirement for this failure type, which is a Compulsory Appointment with you, that she needs to attend the following Monday.

. 5

Bernadette attends her Mandatory Activity on Friday, so this re-engagement requirement has now been met.

. 6

However, her payment is now suspended as it’s more than 2 business days since the initial non-compliance and she still has an outstanding re-engagement requirement (the Compulsory Appointment on Monday) to attend.

Bernadette attends the Compulsory Appointment on Monday.

As she has now met all her outstanding re-engagement requirements, her payment is restored.

Click to continue to the quiz

Chapter 3c - Quiz 1

There are 5 questions. You must pass 100% to continue.

Question

01/05

A participant in the Warning Zone accrues a demerit for their first Points Based Failure as they didn’t have a Valid Reason. What do you do?

- ○ Nothing. The IT system will work it out
- ○ Apply the ‘Light Touch’ re-engagement option
- ○ Schedule a Mandatory Activity for the participant to attend as their re-engagement requirement

Question

02/05

The participant has contacted you to discuss their non-compliance. You don’t accept their reason, so they need to attend a re-engagement requirement. When do you set the re-engagement requirement to occur?

- ◯ the next business day
- ◯ within 2 business days
- ◯ within 28 business days

Question

03/05

If a participant’s payment is on hold as they did not agree to their Job Plan, what will trigger the restoration of that participant’s payment?

- ○ Agreeing to their Job Plan
- ○ Attending a re-engagement appointment
- ○ Speaking to Services Australia about why they did not agree to their Job Plan

Question

04/05

Following non-compliance, if it is identified that a participant had a Valid Reason. Do they still need to re-engage to have their payment restored if it is on hold?

- No – where a participant has a Valid Reason for not meeting a requirement, they are not required to re-engage to restore their payment if it is on hold
- Yes – even if the participant had a Valid Reason for not meeting their requirement, they need to re-engage to have their payment restored

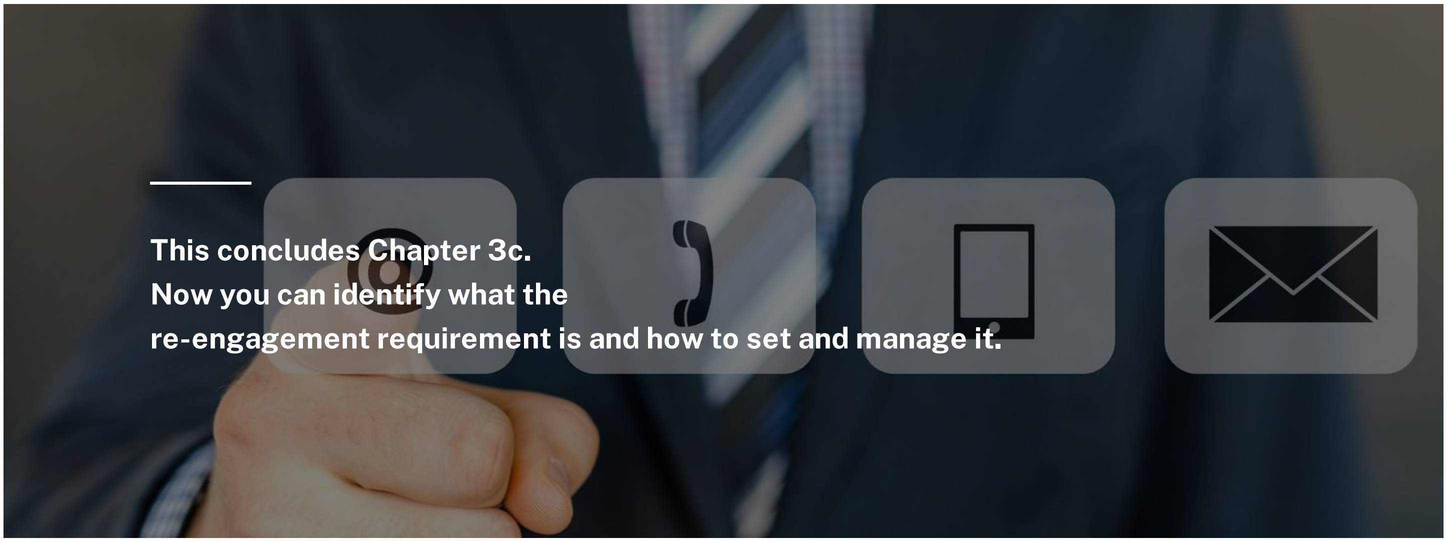
Question

05/05

Following all non-compliance, who must participants re-engage with?

- ◯ Activity Supervisors
- ◯ Services Australia
- ◯ Their provider
- ◯ All of the above

Conclusion to Chapter 3c



In the next chapter, you'll learn about
Managing Demerits.

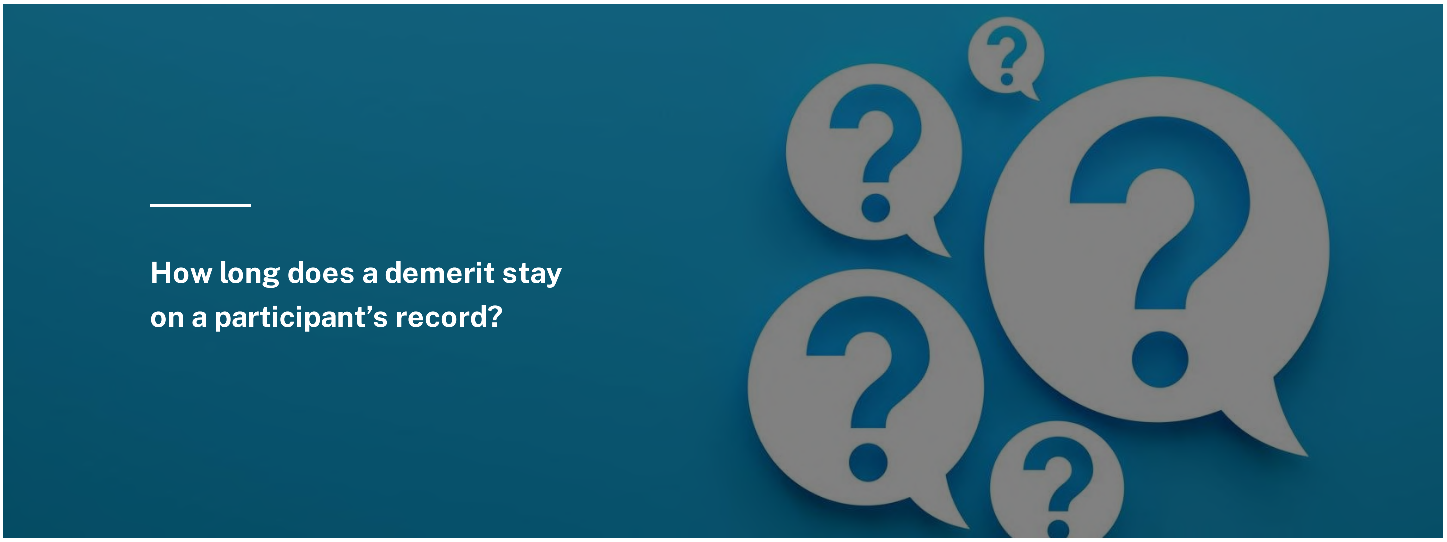
CONTINUE

Managing Demerits

Learning Outcomes

At the end of this chapter you will be able to:

1. Recognise what impacts the 6 month lifespan of a demerit
2. Recognise when a confirmed demerit must be removed from a participant's record



Each demerit on a participant's record has a 6 month lifespan, based on 6 months of 'active participation'.

'Active participation' means the participant is engaged in employment services and is meeting compulsory requirements.

You don't need to do any calculations as the IT system will expire each demerit when it reaches its 6 month lifespan. The IT system will also automatically return the participant to the **Green Zone** when all their demerits expire.

click on the image to enlarge

There are circumstances that affect a participant's period of active participation, including
when they're granted an exemption by Services Australia, waiting for an Employment Services Assessment (ESAt) to be completed, serving a payment preclusion period, or when
they exit employment services.

In these circumstances, the 6 month clock on a demerit lifespan is paused by the IT system,
and then continues to count down when the participant is required to actively participate again.

As above, you don't need to do any calculations. The IT system will calculate each demerit's lifespan based on the periods the participant is actively participating.

click on the image to enlarge

Manually removing confirmed demerits from a participant’s record

As you learnt in Chapter 2a, there are instances when **you must manually remove a demerit** from a participant’s record.

When the IT system automatically confirms the demerit for a Points Based or Job Plan

failure and the participant has met the
re-engagement requirement, but you decide
the failure should not have applied, you must manually remove the confirmed demerit.

You might decide the failure should not have been applied when:

- **you realise that their Points Target was too high** for that Points Reporting Period based on their personal circumstances
- the participant calls you and **you determine that they had a Valid Reason** for not reporting sufficient tasks to meet that Points Target
- **the Job Plan is not suitable** for them
- **an administrative error has occurred**, including where the participant:

  provided their Job Applications in hard copy, however these were not recorded in the IT system by you within the required timeframe

agreed to their Job Plan on-site, but you did not record their agreement in the IT system

provided a signed hardcopy of their Job Plan to your site by the due date, but you did not record their agreement in the IT system.

For **any type** of non-compliance, if you become aware of circumstances that significantly impacted the participant's ability to meet their requirements at the time they accrued
a demerit - and they should not have accrued it - **you must remove the demerit**.

When demerits are removed – either manually or automatically – the IT system will automatically calculate whether there are any changes needed to the participant's zone information.

Important Note:

If the participant is in the Penalty Zone and you identify that a demerit must be removed from their record, you must contact your Account or Contract manager to discuss before you remove it.

GOT IT! (Click to continue)

There are also instances where a demerit will be automatically removed from a participant's record, including:

- by the IT system following information from the Services Australia IT system about a participant's circumstances, which means at the time they accrued the demerit they didn't have a requirement to participate.
- by the department when an error in the application of the TCF is identified.

Did you know?

Demerits are managed solely by providers – Services Australia does not have any role in demerit decisions. Services Australia is unable to overturn demerit decisions or remove individual demerits from a participant's record.

If a participant has a Capability Assessment with Services Australia and the outcome is that they're not capable, the IT system will automatically remove all the demerits on their record and return them to the **Green Zone**.

Services Australia don't manually remove the demerits, they're removed by the IT system as part of an automatic process.

What if a participant doesn’t think they should have accrued a demerit?

Participants may not agree with a decision you have made about a demerit.

In the first instance, they must discuss it with you.

If their concerns cannot be addressed, you should direct them to the Department’s National Customer Service Line.

GOT IT! (Click to continue to the quiz)

Chapter 3d - Quiz

There are 3 questions. You must pass 100% to continue.

Question

01/03

What is the lifespan of a demerit before it expires?

- ◯ 3 months
- ◯ 6 months
- ◯ There is no expiry – demerits remain with a participant until they exit employment services

Question

02/03

Who is responsible for making demerit decisions?

- Services Australia
- Providers
- The Department

Question

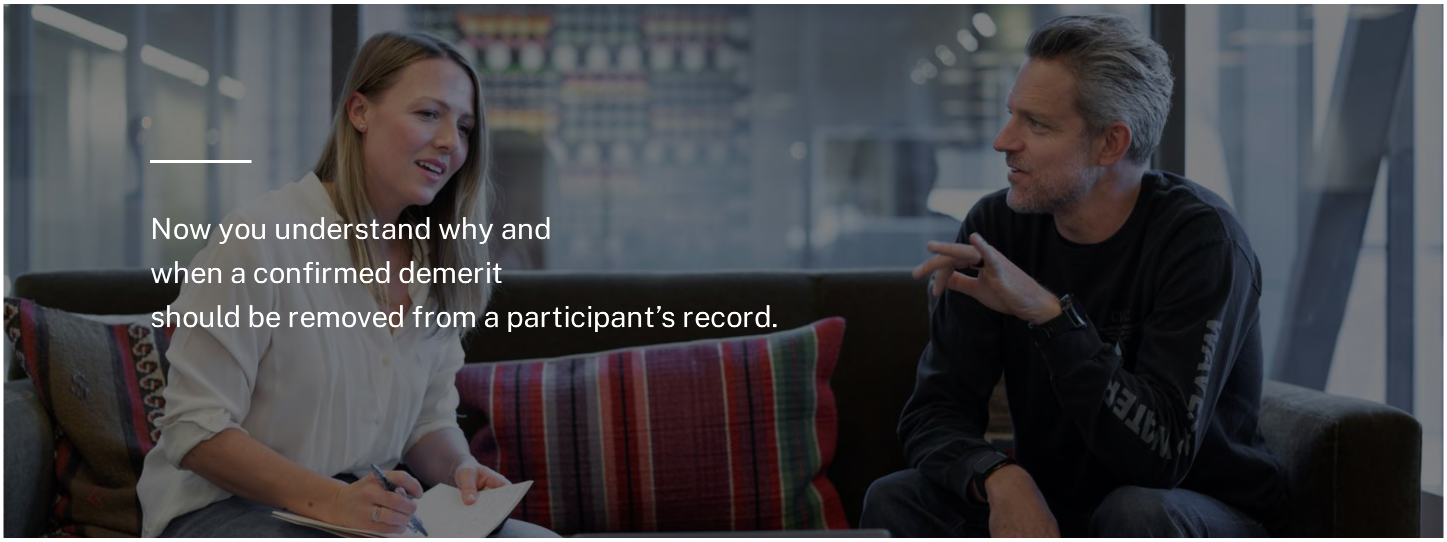
03/03

A participant accrued a demerit 3 days ago because they didn't agreed to their Job Plan when they were on-site with you for an appointment.

Then you realise that they did agree, but you forgot to record it in the IT system. What do you do?

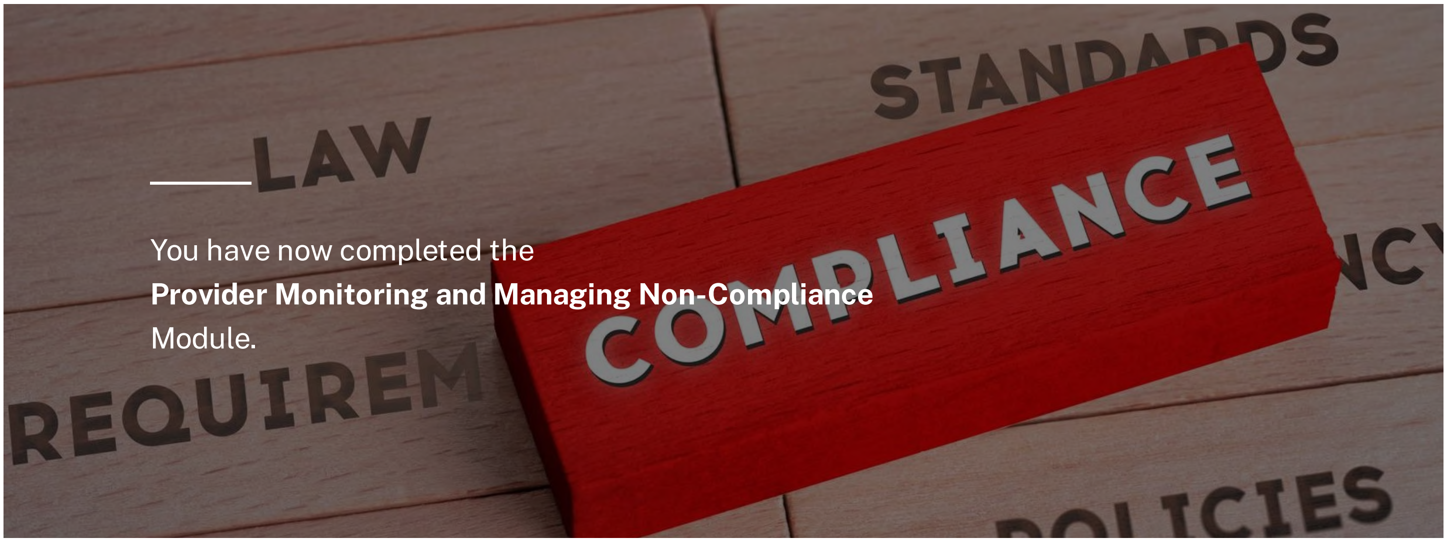
- ◯ Nothing. I can't remove the demerit because it's now too late
- ◯ Advise the participant that they need to contact Services Australia and ask for the demerit to be removed
- ◯ Advise the participant that they need to contact the Department's National Customer Service Line and ask for the demerit to be removed
- ◯ Manually remove the demerit from their record

Conclusion to Chapter 3d



CONTINUE

Conclusion to Module 3



You have now completed the **Provider Monitoring and Managing Non-Compliance** Module.

Please navigate to the next Module – **Capability Reviews**.

Exit the module

To confirm you have completed the module, click the Close button.

CLOSE