



**Australian Government**

Guideline:

# New Employment Services Trial (NEST)- Structural Adjustment Programmes

This Guideline details the core elements and requirements for Employment Services Providers (Providers) in managing and servicing participants who are eligible for support under a Structural Adjustment Programme (SAP). Note that these participants are eligible for immediate access to Enhanced Services. Any relevant Guidelines or materials that apply to Enhanced Services participants more generally also apply to those under a Structural Adjustment Programme unless otherwise specified in the relevant Guidelines.

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## Related documents and references

New Employment Services Trial (NEST) - Direct Registration

New Employment Services Trial (NEST) - Eligibility Referral and Commencement

New Employment Services Trial (NEST) - ASC Shipbuilding Structural Adjustment Programme Guide

New Employment Services Trial (NEST) - Stronger Transitions

Using the Employment Fund General Account Guideline

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## 1. Policy Intent

Structural Adjustment Programmes provide recently retrenched workers and their partners where applicable, from eligible companies with immediate access to employment support services at the Enhanced Services level to assist them to find new employment. The current programmes are:

- ASC Shipbuilding Structural Adjustment Programme

The Stronger Transitions package assists retrenched workers in selected regions.

For more information, please refer to:

- New Employment Services Trial (NEST)- Stronger Transitions Registering participants in a Structural Adjustment Programme

From 9 December 2019, only individuals eligible for NEST Trial Services including those who are also eligible under a SAP, can Direct Register with a NEST Provider. If an individual is not eligible to directly register for NEST Trial Services Direct Registration, the provider should direct them to Services Australia.

For more information, refer to the New Employment Services Trial (NEST) - Direct Registration.

It is recommended that Providers conduct the Job Seeker Classification Instrument (JSCI) for SAP participants to gain a more comprehensive understanding of their circumstances relevant to the labour market. However, a SAP participant does not require an initial JSCI before being Commenced in Enhanced Services.

If the Provider determines that a SAP participant requires an Employment Services Assessment (ESAt), they should refer the participant to Services Australia for further Assessment.

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## 2. Eligibility must be assessed

Retrenched workers and their partners are eligible for immediate access to employment services. Some retrenched workers and their partners may be eligible for additional assistance through the following programs.

- Structural Adjustment Programmes
- Stronger Transitions package, if in one of the five identified regions, refer to the relevant region factsheet to determine eligibility.

Providers must refer to the relevant individual SAP Guidelines on the Provider Portal to determine eligibility:

- New Employment Services Trial (NEST) - ASC Shipbuilding Structural Adjustment Programme Guide
- New Employment Services Trial (NEST) - Stronger Transitions

While a retrenched worker and their partner may be eligible to register for employment services under more than one retrenched worker program, they can only be registered under **one** retrenched worker program each.

For example, a Structural Adjustment Programme Participant or a Stronger Transitions Participant or a general retrenched worker/partner. It should be noted that this might mean, in some cases, the retrenched worker and their partner are registered in different retrenched worker programs.

Note: If a Provider believes that a participant should be eligible for support under a specific SAP and would like eligibility to be assessed, the Provider should contact their local Contract Manager or email the Industry Adjustment mailbox (industryadjustment@employment.gov.au) to confirm eligibility.

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### 3. Stream

Eligible participants will have immediate access to Enhanced Services unless an ESA indicates a different level of assistance is needed.

#### Conducting Initial Interview and commencing the participant in Employment Provider Services

The Employment Provider must conduct an initial interview for all participants who are eligible for support under a SAP.

At the Initial Interview the Employment Provider must explain to the participant the services they will receive. This includes:

- explaining the specific Services that the Employment Provider will offer them
- explaining the assistance that the participant can receive under the relevant SAP
- providing access to the Employment Provider's Service Guarantee
- identify the participant's strengths and any issues they may have finding a job
- preparing a Job Plan with the participant which sets out the voluntary activities that a participant agrees to undertake
- provide access to Self-help Facilities to enable the participant to undertake job search and prepare a résumé
- provide advice about the best ways to look for and find work
- provide advice on the labour market, including employer needs and skill shortage areas and
- provide access to suitable Vacancies and assistance to apply for jobs where required.

Participants who are eligible for support under a SAP are automatically Commenced once the Employment Provider records attendance at the Initial Interview and they have an approved Job Plan.

Once the participant is Commenced, the Employment Provider must deliver Employment Provider Services to the SAP participant as a Fully Eligible Participant in accordance with the Deed.

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### 4. Information technology requirements



**System Step:** Providers must apply the relevant Structural Adjustment Programme Special Placement Indicator in the Special Client Type field to the record of any participant who is eligible for a SAP.



**System Step:** If the participant is referred from Services Australia, Providers must confirm the status of the participant's registration and attach the Special Placement Indicator.

## 5. Servicing participants

Employment Providers must continue to provide Services to the participant registered under a SAP until they Exit. Though these participants may not have Mutual Obligation Requirements, the Employment Provider is required to deliver Services to the participant as a Fully Eligible Participant with voluntary requirements in accordance with the participant's Job Plan, Stream of Service, the Deed, the Employment Provider's Service Guarantee and the tender response.

The provider must ensure that the participant is provided appropriate assistance to undertake activities to help them find and keep employment depending on the participant's individual circumstances, skills and the labour market. This may include monitoring the SAP participant's job search, placing them in appropriate activities such as training and monitoring their participation, holding Appointments with them to monitor their progress, or assisting them to access interventions to address any non-vocational barriers.

Although SAP participants do not have an Annual Activity Requirement, participants who are eligible for support under a SAP may be placed into Work for the Dole. This must be specified in the participant's Job Plan and agreed to by the Employment Provider.

Note: In placing participants into Activities, including Work for the Dole, the Employment Provider must give priority to Fully Eligible Participants (Mutual Obligation) over other participants.

### Mutual Obligation Requirements for SAP participants

Depending on their circumstances a SAP participant may be subject to Mutual Obligation Requirements. Where a SAP participant has Mutual Obligation Requirements, they will be subject to the Targeted Compliance Framework. Providers must service participants in accordance with relevant Guidelines including the NEST Targeted Compliance Framework: Mutual Obligation Failures Guideline and the NEST Job Plan and Mutual Obligation Requirements Guideline.

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## 6. Payments

Participants who are eligible for support under a SAP will attract Payments and Employment Fund credits. This includes:

- Engagement and Progress Fees for Enhanced Services per Period of Service
- Outcome Payments payable where they commence in eligible Employment and meet the requirements for a 4 Week, 12 Week, or 26 Week Outcome and
- an Employment Fund credit (including an additional SAP credit—see below).

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## 7. Managing structural adjustment credits

Providers receive credits into their Employment Fund notional bank balance at the Provider Site level. The amount credited is in line with Table 1 and Table 2, Annexure E1 of the New Employment Services Trial Deed 2019-22.

Participants, who are eligible for support under a SAP may receive a once-only SAP credit in addition to the Enhanced Services credit. The amount credited will be in

line with the amount listed in any specific Structural Adjustment Programme Guideline.

Notes:

- Providers can only use SAP credits for participants assisted through a SAP or the Stronger Transitions Package.
- The Department's IT Systems displays the SAP credit balance separately to the General Account credit balance. Providers are expected to manage their SAP balance.

Where a SAP participant transfers from jobactive and Commences into the New Employment Services Trial (NEST), SAP credits in respect of the participant, are allocated in line with New Employment Services Trial (NEST) - Structural Adjustment Programmes.

For more information, please refer to:

- Using the Employment Fund General Account Guideline
- New Employment Services Trial (NEST)- Stronger Transitions

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## 8. Transfer of SAP Employment Fund credits

SAP Employment Fund credits can be transferred between a NEST Provider's individual Sites, and when a SAP participant transfers to another NEST Provider.

### Transferring Credits between Sites

A NEST Provider can transfer SAP credits between any of its Sites within or across any Employment Region unless:

- the SAP credit transfer is from a NEST Site to a jobactive Site
- the SAP credit transfer is from a jobactive site to a NEST Site
- the Department has quarantined or reserved those credits for a particular purpose

or

- the Department has placed limits on or restricted a Provider's ability to transfer credits between its Sites.

### Transferring Credits to another Provider

When a SAP participant is transferred to a different NEST Provider, the transfer of SAP credits will be negotiated between the relinquishing and receiving NEST Providers, consistent with arrangements for the general Employment Fund pool.

A NEST Provider cannot transfer SAP credits to another Provider if:

- the SAP credit transfer is from a NEST Site to a jobactive Site
- the SAP credit transfer is from a jobactive Site to a NEST Site
- the SAP credit transfer is from an Enhanced Services Site to a Digital Services Site

or

- the SAP credit transfer is from a Digital Services Site to an Enhanced Services Site.

For more information on transfers, refer to the New Employment Services Trial (NEST) Transfers Guideline.

## 9. Further information

Providers who have any questions about the program should contact their local Contract Manager or email [industryadjustment@employment.gov.au](mailto:industryadjustment@employment.gov.au)

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### Summary of required Documentary Evidence

Providers should refer to any individual SAP guideline for documentary evidence requirements that apply.

In general, evidence of retrenchment can include a retrenchment letter, certificate of separation or other documentation endorsed by their employer. Participants do not need to have left work before receiving assistance, but they need to have evidence of retrenchment from an eligible company that includes their exit date.

A partner and a retrenched worker will be considered to be in a relationship if they are legally married; in a registered relationship (whether of the same sex or a different sex); or in a de facto relationship (whether of the same sex or a different sex). Evidence of partnership and/or cohabitation can include at least one of the following:



**Documentary evidence:** current evidence of living together (example: lease agreements, joint local authority registration under the same address, mortgage documents, council rate notices, utility bills)



**Documentary evidence:** marriage certificate or evidence that the relationship has been declared to any relevant government bodies (example: Centrelink or the Australian Taxation Office)



**Documentary evidence:** evidence of joint financial obligations (example: insurance policies, joint bank account statements).

All capitalised terms in this guideline have the same meaning as in the New Employment Services Trial Deed 2019 - 2022 (the Deed).

In this guideline, references to NEST Provider means a New Employment Services Trial Provider, and references to Participants means Enhanced or Supported Services Participants as defined in the Deed.

This Guideline is not a stand-alone document and does not contain the entirety of Employment Services Providers' obligations. It must be read in conjunction with the Deed and any relevant Guidelines or reference material issued by Department of Employment, Skills, Small and Family Business under or in connection with the Deed.