



Australian Government

Guideline:

New Employment Services Trial (NEST)- Disability Support Pension Recipients (Compulsory Requirements)

This Guideline advises Providers of their responsibilities to Disability Support Pension (DSP) recipients under 35 years of age who have an assessed work capacity of at least eight hours per week and do not have a child under six years). These Participants are required to be engaged and participating in at least one compulsory activity to improve their employment prospects and increase their participation in paid work.

These compulsory activities may include participation in NEST Trial Provider services and will depend on an individual's circumstance.

The Provider should focus on increasing the DSP recipient's work capacity and engagement with NEST Trial Provider Services to assist them to prepare for, find, and maintain employment with the overall aim of decreasing their reliance on Income Support Payments.

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Related documents and references

Assessments Guideline - Job Seeker Classification Instrument (JSCI) and Employment Services Assessments (ESATs)

Eligibility, Referral and Commencement Guideline

Employment Fund Wage Subsidies Guideline

Targeted Compliance Framework Guideline

Job Plan and Setting Mutual Obligation

Requirements Guidelines

Period of Service, Suspensions and Exits Guideline

Privacy Guideline

Servicing Participants with Challenging Behaviours Guideline

Enhanced Services Provider Payments Guideline

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1. Services Australia Registers and Refers DSP Recipients to NEST NEST Provider Services

In most cases, DSP recipients who are under the age of 35 years with a work capacity of eight or more hours per week (without a youngest child under six years) will have compulsory requirements.

Services Australia and the DSP recipient with compulsory requirements will negotiate an appropriate activity for the DSP recipient to undertake.

Services Australia refers DSP recipients with compulsory requirements

Services Australia will undertake an assessment of the DSP recipient's circumstances through:

- the application of the Job Seeker Classification Instrument (JSCI), and/or
- an Employment Services Assessment (ESAt) or Job Capacity Assessment (JCA).

Based on the outcome of the assessment they may be referred to Enhanced Services.

Services Australia will book an appointment for the DSP recipient with a NEST Provider and notify the DSP recipient of the appointment details.

Services Australia will continue to hold Participation Interviews with the DSP recipient with compulsory requirements on a quarterly or six monthly basis depending on their individual circumstances.

As part of the transition to the NEST, current DSP recipients with compulsory requirements who are with a jobactive Provider in a NEST Trial region will be transitioned to Enhanced Services.

Can DSP Recipients without compulsory requirements receive NEST Trial Provider services?

DSP recipients without compulsory requirements are eligible to receive NEST Trial Provider services as a Volunteer. These DSP recipients include those aged:

- 35 years and over, and
- under 35 years who have a work capacity of fewer than eight hours per week or who are the Principal Carer Parent with a youngest child under six years of age.

If Providers identify a DSP recipient without compulsory requirements, they should refer them to Services Australia for an Assessment, as they may be eligible for Disability Employment Services (DES).

2. Role of the NEST Provider

All eligible Participants must receive an Initial Interview. When preparing for all Appointments, including the Initial Interview, Providers must consider any Site accessibility or other particular requirements of the DSP recipient with compulsory requirements and ensure that these requirements are appropriately addressed. This consideration is based on details in the DSP recipient's record in the Department's IT System.

(Deed references: Clause 96)

Conducting the Initial Interview

The Provider must explain the services they will provide to the DSP recipient with compulsory requirements at the Initial Interview. This includes:

- explaining the specific services that the Provider will offer
- providing access to the Service Guarantee
- explaining the DSP recipient's rights and obligations under the Social Security Law and the consequences of not participating in accordance with their Job Plan
- identifying the DSP recipient's strengths and any issues they may have finding and keeping a job
- preparing a Job Plan with the DSP recipient that outlines their compulsory Appointments and any other compulsory items.

Additionally, and at a time that the Provider deems appropriate based on the individual circumstances of the DSP recipient, the Provider must provide:

- access to Self-help Facilities to enable the DSP recipient to undertake Job Search and prepare a résumé
- advice about the best ways to look for and find work
- advice on the labour market, including employer needs and skill shortage areas, and
- access to suitable Vacancies and assistance to apply for jobs where required.

(Deed References: Clause 91, 98, 99)

Commencement

DSP recipients with compulsory requirements are automatically Commenced once the Provider records attendance at the Initial Interview and the DSP recipients have an approved Job Plan.



System step: The Provider must deliver NEST Trial services in accordance with the Deed once the DSP recipient with compulsory requirements is Commenced.

DSP recipients with compulsory requirements cannot be Commenced and serviced concurrently in NEST Trial Provider Services and DES, Transition to Work, or CDP.

(Deed References: Clause 95, 96, 97)

3. Ongoing Servicing

DSP recipients with Compulsory Requirements

DSP recipients with compulsory requirements must be serviced in line with their Job Plan, the Deed and any relevant Guidelines.

For DSP recipients with compulsory requirements, the Job Plan must contain suitable and reasonable terms with which they must comply.

When negotiating and approving the terms of a Job Plan, the Provider **must** take into account the following:

- the DSP recipient's individual circumstances, in particular their assessed work capacity, their capacity to comply with their requirements and their personal needs

- the impact of any disability, illness, mental condition or physical condition of the person on their ability to work, to look for work or to participate in activities
- the DSP recipient's education, experience and skills
- the state of the local labour market and the transport options available to the person in accessing that market
- the participation opportunities available to the person
- the family and caring responsibilities of the person (including availability of child care where relevant)
- the length of travel time required to comply with their requirements
- the financial costs (such as travel costs) of complying with their requirements and the person's capacity to pay for such costs
- any other matters the Provider considers relevant in the circumstances (including if they disclose that they are a victim of family violence)
- if the DSP recipient has any vulnerabilities (as identified by Services Australia such as homelessness, psychiatric or mental illness, severe drug or alcohol dependency or traumatic relationship breakdown)
- any history of the DSP recipient not complying with their requirements
- cultural factors.

The following items **must not** be included in a Job Plan:

- an activity that would aggravate an illness, disability or injury
- a requirement that the DSP recipient undertake an activity where the appropriate support or facilities (that take account of their illness, disability or injury) are unavailable
- a requirement that the DSP recipient involuntarily undergo medical, psychiatric or psychological treatment (Note: The initial assessment can be included as compulsory but ongoing treatment may only be included as voluntary)
- an activity involved in the sex or adult entertainment industry
- an unlawful activity including an activity that would contravene Commonwealth, state or territory laws relating to discrimination or workplace health and safety
- an activity outside of Australia
- a requirement that the DSP recipient participate or otherwise be involved in a criminal activity
- any other terms contrary to the Social Security Law
- irrelevant information such as detailed personal medical information, specific details of medical conditions and medications.

Further information can be found in the New Employment Services Trial (NEST) Job Plan and Mutual Obligation Requirements Guideline, including how compliance can be used where a DSP recipient does not accept their Job Plan.

It is the responsibility of DSP recipients to meet their compulsory requirements. However, it is important that Providers provide appropriate assistance, depending on the DSP recipient's circumstances and issues, to ensure they are able to maintain their attendance and participation at scheduled Appointments and activities.

The Provider can undertake a Change of Circumstances Reassessment if a DSP recipient is unable to meet their compulsory requirements due to a change of circumstances. The Provider can suggest to the DSP recipient that they discuss their

change of circumstances with Services Australia following the Change of Circumstances Reassessment if appropriate.

If, as a result of a subsequent ESAt, the DSP recipient with compulsory requirements is referred to DES, the Provider must continue to deliver Enhanced Services until the DSP recipient has commenced in DES. Once they have commenced in DES, the DSP recipient will be Exited from NEST Trial Provider services.

DSP recipients with compulsory requirements are not required to undertake Work for the Dole

DSP recipients with compulsory requirements are not required to undertake a Work for the Dole activity unless this is an agreed activity in their Job Plan. DSP recipients with compulsory requirements may be referred to other activities such as Voluntary Work, Work-like Experiences, Education courses or other government programmes where it is agreed in their Job Plan.

Eligibility for complementary programs

DSP recipients with compulsory requirements may be eligible for PaTH programs, Wage Subsidies and Relocation Assistance to Take Up a Job if eligibility requirements are met.

4. Non-attendance

Providers must monitor DSP recipient attendance at Appointments and attendance and engagement in compulsory activities.

Appointments

Where a DSP recipient does not attend an Appointment with their Provider, the Provider must attempt to contact the DSP recipient on the day of non-attendance.

Where contact can be made with the DSP recipient, the Provider must discuss the non-attendance with the DSP recipient and consider whether the DSP recipient has a reasonable excuse for the non-attendance. See the Targeted Compliance Framework Guideline for information on assessing reasonable excuse.

Where contact cannot be made with the DSP recipient, Providers can decide whether it is appropriate to report the non-attendance to Services Australia. Providers must consider certain factors to ascertain whether the DSP recipient had a reasonable excuse, including the DSP recipient's:

- personal circumstances
- system-recorded vulnerability indicators (if any)
- recent compliance history, and
- any other information the Provider believes is relevant.



System step: Where the Provider assesses that a reasonable excuse does not exist and decides to report the non-attendance, the Provider must record 'Did not attend invalid' in the Calendar for the appointment. This will automatically create a Disability Support Pension Appointment Report – Diary (DARD) for the Provider to complete and submit to Services Australia through the Department's IT System. This must be submitted by close of business on the day of the missed Appointment.

Services Australia will then investigate and determine what impact, if any, this should have on the DSP recipient's Income Support Payment.

The Provider needs to continue to seek to engage the DSP recipient by booking another Appointment for them to attend following the submission of the report to Services Australia.

Where the Provider chooses not to report the non-compliance, they must use another engagement strategy to ensure the DSP recipient meets their compulsory requirements at the next available opportunity.

(Deed References: Clause 125.2, 131)

Activities

DSP recipients must participate in the compulsory activities detailed in their Job Plan in return for Income Support Payments. Providers are responsible for monitoring the attendance and engagement of DSP recipients in these activities. This includes ensuring that DSP recipients are issued with formal notification of their requirements.

Where a DSP recipient does not attend an activity on a particular day or days, the Provider must attempt to contact the DSP recipient on the same Business Day that they become aware of the non-attendance to ascertain if the DSP recipient had a reasonable excuse for the missed requirement. See the Targeted Compliance Framework Guideline for information on formal notification and assessing reasonable excuse.



System step: The Provider must complete and submit a Disability Support Pension Activity Report (DACR) to Services Australia through the Department's IT System where the Provider assesses that no reasonable excuse exists and they choose to report it. To do this, navigate to the 'create compliance' page in the Department's IT system, select the report and complete and submit. This must be submitted within 10 Business Days of the incident date.

Services Australia will then investigate and determine what impact, if any, this should have on the DSP recipient's Income Support Payment.

Where the Provider chooses not to report the non-compliance, they must use another engagement strategy to ensure the DSP recipient meets their compulsory requirements at the next available opportunity.

(Deed References: Clause 125.2, 131)

5. Suspensions and Exits

Suspensions

DSP recipients with compulsory requirements can be Suspended from Service where:

- Services Australia applies an Exemption, or
- they have a temporary reduced work capacity of less than eight hours per week.

The Provider must provide Services if a Suspended DSP recipient with compulsory requirements advises they are electing to voluntarily participate in NEST Trial Provider services.

Providers must resume delivery of NEST Trial Provider services where a Suspension ends.

(Deed References: Clause 99, 100)

Exits

A DSP recipient with compulsory requirements may be Effectively Exited from NEST Trial Provider services where they:

- are no longer in receipt of Income Support Payments
- are no longer subject to compulsory requirements (for example, they turn 35 years old or are reassessed by Services Australia as having a work capacity of 0-7 hours)
- are undertaking a compulsory activity agreed with Services Australia that is not NEST Trial Provider services, or they have commenced in DES or CDP.

(Deed References: Clause 101, 102)

6. DSP recipients with compulsory requirements will attract Payments

DSP recipients with compulsory requirements will attract Payments and Employment Fund credits for their Provider.

(Refer to the Enhanced Services Provider Payments Guideline for details on NEST payments)

(Deed References: Clause 120, 134, 135, 136, 137, 138, 139)

Summary of required Documentary Evidence

Job Plan



Documentary evidence: Where a DSP recipient with compulsory requirements has agreed to a Job Plan by signing a hard copy version, a copy must be retained by the Provider.

Outcome Payments



Documentary evidence: Please refer to the Vacancies and Outcomes Guideline for detail on the most appropriate form of evidence to be retained for the Outcome Payment being claimed.

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.

References to a Participant means a person, who is identified in the Department's IT Systems as eligible for receiving Trial Services and references to services mean Trial Provider Services as defined in the Deed.

This Guideline is not a stand-alone document and does not contain the entirety of 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.