



Australian Government

Guideline:

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

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

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

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1. Policy Intent

ASC Shipbuilding SAP assists people if they have been retrenched, or are the partner of a retrenched worker, from ASC Shipbuilding Pty Ltd (including direct eligible supply chain businesses) by providing them with immediate access to Enhanced Services employment support and giving them access to additional Employment Fund credits.

2. Registering participants in a Structural Adjustment Programme

From 9 December 2019, only individuals eligible for New Employment Services Trial (NEST) Trial Services including those who are also eligible for a SAP, can Direct Register with a NEST Trial provider. If an individual is not eligible to directly register for NEST Trial Services Direct Registration, the provider should direct them to the Department of Human Services (DHS).

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 DHS for further Assessment.

3. Eligibility must be assessed

To be eligible for support under ASC Shipbuilding SAP, a retrenched participant **must:**

- have been retrenched (including contractors) from ASC Shipbuilding Pty Ltd or eligible supply chain businesses after 1 July 2018 and
- have evidence of retrenchment that specifies an exit date and
- register with a Provider no later than six months after their retrenchment exit date.

To be eligible for support under ASC Shipbuilding SAP, the partner of a retrenched participant **must:**

- have a current partner who has been retrenched from ASC Shipbuilding Pty Ltd, including eligible supply chain businesses and
- be living with their partner and
- have evidence of their partner's retrenchment that specifies an exit date and
- register with a Provider no later than six months after their partner's retrenchment exit date.

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 been provided with evidence of retrenchment from an eligible company that includes their exit date.

The program will close to new participants from 1 July 2020.

Participants who access the program and find but then lose employment can regain access to the program within six months of their original retrenchment from an eligible company.

If there were extenuating circumstances preventing the participant from registering within six months, Providers **should** contact their local Contract Manager to confirm their eligibility.

Notes:

- A list of eligible companies/businesses will be available on the 'Adjustment Packages' page on the Provider Portal. If a company is not on this list and the Provider would like eligibility to be assessed, the Provider should contact their local Contract Manager to confirm eligibility.
- Eligible companies/businesses include those companies/businesses that directly supply ASC Shipbuilding Pty Ltd.
- Participants eligible for the ASC Shipbuilding SAP cannot register for support under the Stronger Transitions program.

4. Stream

Eligible participants will have immediate access to Enhanced Services unless an ESAt 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.

5. Information technology requirements



System Step: Providers must apply the relevant Structural Adjustment Program Special Placement Indicator in the Special Client Type field to the record of any participant who is eligible for a SAP. There is a Special Placement Indicator for ASC Shipbuilding Pty Ltd and supply chain workers and another for partners.



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

6. Servicing participants

ASC SAP participants may be eligible for pre-retrenchment assistance. Employment Providers should check if SAP participants have accessed pre-retrenchment assistance to avoid duplication and ensure complementary servicing.

Employment Providers must continue to provide Services to the participant registered under a SAP until they Exit. Though these participants do 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 may 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.

7. 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.

8. 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).

9. 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.

Under the ASC Shipbuilding SAP, the Employment Fund will be credited with a total of \$2400. This comprises:

- An Enhanced Services credit will be made to the General Account upon the Stream Participant's initial Commencement in Enhanced Services: \$1,250
- Additional Structural Adjustment Program (SAP) Employment Fund credits will also be made as a one-off credit to the General Account into a separate SAP fund: \$1150.

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 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,

10. Transferring of SAP Employment Fund credits

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

Transferring Credits between Sites

A Trial 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 Trial Provider the transfer of SAP credits will be negotiated between the relinquishing and receiving Trial Providers, consistent with arrangements for the general Employment Fund pool.

A Trial 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.

Transferring Credits due to Site Closure or Reduction of Business Share

The Department may restrict a Provider from transferring SAP credits between its Sites when a Site is being closed or the Business Share of that Site is being reduced and SAP participants are being transferred to another Provider.

The Department will determine the total amount of SAP credits to be transferred from the reduced or closed Site to the gaining Provider's Site.

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

11. Further information

Providers who have any questions about the program should contact their local Contract Manager or email industryadjustment@employment.gov.au.

Summary of required Documentary Evidence

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 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.