



Australian Government



jobactive

Guideline:

Comprehensive Compliance Assessments and Compliance Activities Guideline

A Comprehensive Compliance Assessment is a holistic assessment to determine why a job seeker is not meeting their Mutual Obligation Requirements when they are having difficulty doing so. The Assessment looks at whether the job seeker is being deliberately and persistently non-compliant or if there are unidentified barriers preventing the job seeker from fully meeting their Mutual Obligations Requirements and for which they need additional or alternative assistance.

The findings of a Comprehensive Compliance Assessment assist the jobactive Provider (Provider) to make decisions about how to service their job seeker and ensure the job seeker is able to fully meet their Mutual Obligation Requirements.

Serious Failures occur when the job seeker is found to be deliberately and persistently non-compliant through a Comprehensive Compliance Assessment or refuses to accept or commence suitable employment. Serious Failures can result in a penalty of eight weeks non-payment.

If the job seeker chooses to undertake a Compliance Activity, the eight week non-payment penalty is waived. A Compliance Activity requires intensive participation by the job seeker and is intended to keep the job seeker engaged with services to help them find employment.

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Nil

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Re-written into new template

Document Change History:

A full document history is available at the [Provider Portal](#).

Related documents and references

[Managing and Monitoring Mutual Obligation Requirements and Job Plan Guideline](#)

[Job Seeker Compliance Framework Guideline](#)

[Job Seeker Compliance Framework Webpage on the Department of Employment's Learning Centre](#)

[Activity Diary and AAR Details IT Supporting Document](#)

Employment Services Reporting:

CPL01 – jobactive Job Seeker Compliance

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1. Creating a Comprehensive Compliance Assessment

There are two ways a Comprehensive Compliance Assessment is created: automatically triggered or requested either by a Provider or the Department of Human Services (DHS).

Comprehensive Compliance Assessment automatically triggered

A Comprehensive Compliance Assessment is automatically triggered after a job seeker incurred – in the previous six months or since the last Comprehensive Compliance Assessment:

- three applied connection, reconnection or non-attendance failures (for example, for not entering into a Job Plan, unsatisfactory Job Search or non-attendance at appointments), or
- three applied No Show No Pay failures (for non-attendance or inappropriate behaviour at activities or job interviews).

(Guide to Social Security Law 3.1.13.70)

Provider or DHS requesting a Comprehensive Compliance Assessment

DHS or the Provider may request a Comprehensive Compliance Assessment when unidentified factors may be impacting the job seeker's ability to meet their Mutual Obligation Requirements.

A request for a Comprehensive Compliance Assessment must be submitted to DHS on the same day it is created in the Department's IT System. Providers requesting a Comprehensive Compliance Assessment are asked to provide as much information as possible on the job seeker's circumstances including why the Comprehensive Compliance Assessment was requested.

After requesting a Comprehensive Compliance Assessment, the Provider must continue to service the job seeker as usual. While the Comprehensive Compliance Assessment is being investigated, Providers cannot report non-compliance by the same job seeker to DHS or request a further Comprehensive Compliance Assessment for the job seeker.



System Step: To request a Comprehensive Compliance Assessment, navigate to the 'Create Compliance' page in the Department's IT System. Select 'Comprehensive Compliance Assessment', complete the questions and submit to DHS. (Deed References: Clauses 117.1)

2. Conducting a Comprehensive Compliance Assessment

A DHS Specialist will complete the Comprehensive Compliance Assessment and determine the outcome.

Investigation by a DHS Specialist

If the Comprehensive Compliance Assessment is requested by the Provider or DHS, a DHS Specialist will review the request to determine if the request is appropriate and

that all relevant information has been provided. The Provider may be asked to give further information where relevant.

A request for a Comprehensive Compliance Assessment will be rejected if it is inappropriate or incomplete.

DHS will always undertake Comprehensive Compliance Assessments that are automatically triggered.

The DHS Specialist will interview the job seeker about their circumstances prior to making a determination.

(Guide to Social Security Law 3.1.13.70)

DHS Specialist determines Comprehensive Compliance Assessment outcome

After investigation, the DHS Specialist will determine the:

- job seeker's circumstances impacted their ability to comply with their Mutual Obligation Requirements, or
- job seeker's circumstances did not impact their ability to comply, however there was a reasonable explanation for the job seeker's past failures which means they are not considered persistently and wilfully non-compliant, or
- job seeker is deliberately and wilfully non-compliant.

The DHS Specialist will create a report and give recommendations on how to assist the job seeker to meet their Mutual Obligation Requirements in the future no matter the outcome. This may include recommendations for Interventions such as assistance with transport or referral to services such as counselling.



System Step: To review the outcome of the Comprehensive Compliance Assessment, select the relevant job seeker in the Department's IT System and navigate to the 'Compliance History' page. Open the Comprehensive Compliance Assessment to view the report and recommendations given by DHS.



System Step: To view and action the recommendations in the Comprehensive Compliance Assessment, navigate to the 'Intervention Management Tool' page in the Department's IT System. See the [Managing and Monitoring Mutual Obligation Requirements and Job Plan Guideline](#) for further information on 'Intervention Management Tool'.

When a job seeker's circumstances have impacted compliance

If the job seeker's circumstances have impacted their ability to meet their Mutual Obligation Requirements:

- DHS finalises the Comprehensive Compliance Assessment without penalty
- the Provider reviews the Comprehensive Compliance Assessment report in the Department's IT System and considers the recommendations given, and
- the Provider can action the recommendations and record the outcomes of those interventions in the Department's IT System.

When a job seeker has a reasonable explanation for non-compliance

If the job seeker's circumstances did not impact their ability to meet their Mutual Obligation Requirements, but there is a reasonable explanation for the failures that means they are not persistently and wilfully non-compliant:

- DHS finalises the Comprehensive Compliance Assessment without penalty
- the Provider reviews the Comprehensive Compliance Assessment report in the Department's IT System and considers the recommendations given, and
- the Provider can action the recommendations and record the outcomes of those interventions in the Department's IT System.

When a job seeker is persistently non-compliant

If the job seeker is deliberately and wilfully non-compliant:

- DHS applies a Serious Failure for persistent non-compliance
- the Provider reviews the Comprehensive Compliance Assessment report in the Department's IT System and considers the recommendations given, and
- the Provider can action recommendations and record the outcomes of those interventions in the Department's IT System.

3. Submitting and Applying Serious Failures

Submitting a Serious Failure for not accepting or commencing a suitable job

If the Provider becomes aware that the job seeker has failed to take up suitable work offered to them, they must speak to the job seeker to see if they had a Reasonable Excuse for not accepting or commencing the job. See the [Job Seeker Compliance Framework Guideline](#) for more information on Reasonable Excuse.

If the job seeker has no Reasonable Excuse for not accepting or commencing work, the Provider must submit a Serious Failure Participation Report to DHS. Providers cannot use discretion in submitting the Participation Report in these circumstances.

DHS will then determine if the Serious Failure will be applied or rejected and will advise the job seeker.



System Step: To submit a Serious Failure Report, navigate to the 'Create Compliance' page in the Department's IT System. Select the correct type of Serious Failure Report, complete the questions and submit to DHS.

Financial suitability test for Principal Carer Parents

If a Principal Carer Parent is not at least \$50 per fortnight better off taking the work offered to them, they are not required to accept or continue the job. The [Financial Suitability Test](#) is available at DHS' Website.

When the Serious Failure is not applied

If DHS finalises a Comprehensive Compliance Assessment without penalty or rejects a Serious Failure for not commencing or accepting a suitable job, the Provider books a normal Contact Appointment for the job seeker and issues formal notification.



System Step: to view Serious Failures that have been applied or not applied, either: navigate to the job seeker's record in the Department's IT System, navigate to the 'Compliance History' page and select report; or, view Participation Report outcomes via the Noticeboard message 'Participation Report/Provider Appointment Report Outcomes' in the Department's IT System.

When the Serious Failure is applied

If DHS applies a Serious Failure for either deliberate and wilful non-compliance or failure to commence or accept a suitable job:

- the job seeker serves the Serious Failure Period penalty of eight weeks non-payment, or
- the eight week non-payment penalty is waived because:
 - the job seeker chooses to do a Compliance Activity to end the Serious Failure Period, or
 - the eight week non-payment penalty is waived because the job seeker does not have the ability to do a Compliance Activity and would otherwise be in severe financial hardship.

Note: for any of the below outcomes, DHS will book a Re-engagement Appointment for the job seeker with their Provider. Providers must ensure there are always sufficient timeslots available for DHS to book the job seeker into a Provider Appointment within two Business Days. See the [Managing and Monitoring Job Seeker Appointments Guideline](#) for further information on ensuring timeslots are available.

(Deed reference: Clause 83)

The job seeker serves the Financial Penalty Period

After the job seeker serves the eight week non-payment period, DHS will book a Re-engagement Appointment for the job seeker with their Provider. At this Appointment, Providers must re-engage the job seeker, and review and update their Job Plan as appropriate.

The Financial Penalty is waived because the job seeker is unable to do a Compliance Activity plus severe financial hardship

If DHS decides to waive the eight week non-payment penalty, DHS will book the job seeker into a Re-engagement Appointment with their Provider. Providers must re-engage the job seeker and review and update their Job Plan as appropriate.

The Financial Penalty is waived because the job seeker chooses to do a Compliance Activity

If the job seeker chooses to do a Compliance Activity to waive the Serious Failure Penalty, DHS will book a Compliance Activity Re-engagement Appointment with their Provider to set up a Compliance Activity.

DHS booking the Provider Appointment will conditionally waive the Serious Failure Penalty. The penalty will not be fully waived until the job seeker attends the

Compliance Activity Re-engagement Appointment and agrees to a suitable Compliance Activity.

Job seeker agrees to Compliance Activity part way through the Serious Failure Penalty Period

If the Provider becomes aware that the job seeker wants to undertake a Compliance Activity during their eight week non-payment penalty period, the Provider refers the job seeker to DHS. DHS will book the job seeker a Compliance Activity Re-engagement Appointment with their Provider as described above. The job seeker must then participate in the Compliance Activity for the rest of the penalty period.

4. Setting up a Compliance Activity

The type of Compliance Activity the job seeker will participate in will depend on the job seeker's Mutual Obligation Requirements. Generally, the job seeker is expected to participate in their Compliance Activity every Business Day.

Determining the hours to be undertaken

Unless advised otherwise by DHS, job seekers with full-time Mutual Obligation Requirements must participate for a total of 200 hours or 25 hours per week for eight weeks.

Principal Carer Parents or job seekers with a Partial Capacity to Work must participate for a total of 120 hours or 15 hours per week for eight weeks.

Undertaking Compliance Activities during the Work for the Dole phase

The hours a job seeker completes in a Compliance Activity do not count towards the job seeker's Annual Activity Requirement. If the job seeker undertakes an eight week Compliance Activity while in the Work for the Dole phase, they must complete their Annual Activity Requirement when in the Case Management phase.

Refer to [Managing and Monitoring Mutual Obligation Requirements and Job Plan Guideline](#) for more information.

Determining the Activity to be undertaken

Work for the Dole is the default Activity for Compliance Activities. Other suitable activities include:

- part time work
- approved voluntary work
- approved training
- intensive job search training.

A Compliance Activity can be made up of a combination of these activities.

With all Activities, the Provider must ensure the Activity, or combination of Activities:

- starts immediately and goes for eight weeks
- involves some participation every working day

- improves the job seeker's skills for employment
- is attended by the job seeker.

Updating the Job Plan with the Compliance Activity

After the Compliance Activity and participation hours are determined, the Provider must update the Job Plan to include the Compliance Activity if there is not already an appropriate Activity to meet this requirement in their Job Plan.

Providers record the job seeker's agreement to undertake the Compliance Activity by having them sign the Job Plan or to agree to the Job Plan online. See the [Managing and Monitoring Mutual Obligation Requirements and Job Plan Guideline](#) or further information.

Providers must formally notify the job seeker of the specific details of the Compliance Activity. Formal Notification must include all details of the Compliance Activity including:

- the location of the Activity
- the dates and days of the Activity
- start time and end times of each day the job seeker is required to attend the Activity.

Formal Notification must also contain the Compliance Warning clearly informing the job seeker what can happen if they do not attend the Compliance Activity.



Documentary Evidence: If the Department's IT System is not being used to create the formal Notification, Providers must record how they informed the job seeker of their requirement and retain records of this Notification.

(Deed References: Clauses 118.1, 121)

5. Job seeker is non-compliant at Compliance Activity Re-engagement Appointment

Job seeker does not attend Compliance Activity Re-engagement Appointment



System Step: The Provider must use 'Did Not Attend-Invalid' to record the non-attendance in the Department's IT System on the day of the missed appointment. This alerts DHS to investigate the non-attendance. Providers cannot record a 'Did Not Attend-Valid' or a 'Did Not Attend-Discretion' for non-attendance at Compliance Activity Re-engagement Appointments.

The Provider is not required to contact the job seeker to discuss why the job seeker did not attend their Compliance Activity Re-engagement Appointment.

If the job seeker provides an acceptable valid reason for non-attendance prior to the Compliance Activity Re-engagement Appointment, the Provider can only reschedule the Compliance Activity Re-engagement Appointment to later that day.

If the Compliance Activity Re-engagement Appointment needs to be rescheduled to a different day, the job seeker must contact DHS for this to be done.

Job seeker does not agree to Compliance Activity at Compliance Activity Re-engagement Appointment

If the job seeker attends the Compliance Activity Re-engagement Appointment but refuses to sign the Job Plan that includes the Compliance Activity, the Provider must record a non-compliance result of 'Did Not Enter into Job Plan' by close of business that day. This alerts DHS to investigate the non-compliance.

If a 'Did Not Enter into Job Plan' result is not entered in the Department's IT System by close of business on the same day as the Compliance Activity Re-engagement Appointment, the Serious Failure Penalty is fully waived and DHS is unable to reinstate it.

(Deed References: Clauses 118.1)

6. Monitoring Participation in Compliance Activities

Providers must closely monitor the job seeker's participation in the Compliance Activity. The Activity Diary in the Department's IT System may be used to schedule the Compliance Activity and enter the appropriate attendance result each day.

When the job seeker is near the end of their Compliance Activity, Providers are required to review and update the Job Plan with the job seeker's ongoing Mutual Obligation Requirements.

Job seeker does not attend or is non-compliant during Compliance Activity

If the Provider uses the Activity Diary to schedule the Compliance Activity, they can record non-attendance results.



System Step: Navigate to the Activity Diary, select the day for which the job seeker did not attend then select the appropriate Did Not Attend result.

If the Provider does not think the job seeker has a Reasonable Excuse for non-attendance at the Compliance Activity and the Provider:

- does not want to use the compliance framework, then the Provider records Did Not Attend-Discretion
- wants to use the job seeker compliance framework, then the Provider records Did Not Attend-Invalid and must submit a No Show No Pay Participation Report for each day the job seeker does not attend the Activity.

If the job seeker does not behave appropriately during their Compliance Activity and the Provider wants to use the compliance framework, the Provider must submit a No Show No Pay Participation Report and DHS will investigate.



System Step: If the Compliance Activity is linked to an Activity Placement in the Job Plan, a Failure to Attend Activity Participation Report (NFAA) will be automatically created when a Did Not Attend-Invalid result is recorded in the Activity Diary. If the Participation Report is not automatically created, or if Providers want to submit a Failure to Behave Appropriately at an Activity Participation Report (NFBA), navigate to the 'Create Compliance' page in the Department's IT System. Select the correct type of Participation Report, complete the questions and submit to DHS.



Documentary Evidence: If an incident of non-compliance is reported to DHS, the Provider must either link pieces of evidence together within the Department's IT System or upload into the Department's IT System any associated or relevant evidence to be included within a Participation Report. The Provider must record in the Department's IT System details of the conversation with the job seeker / Activity Host regarding inappropriate behaviour.

(Deed References: Clauses 118.1)

7. Summary of required Documentary Evidence

Retaining records of formal Notification

If the Department's IT System is not being used to create the formal Notification, Providers must record how they informed the job seeker of their requirement and retain records of this Notification.

Participation Reports

- The Provider must record in the Department's IT System details of the conversation with the job seeker / Employer / third party regarding inappropriate behaviour
- The Provider must record in the Department's IT System, where relevant, how the job seeker's personal circumstances were considered when setting the requirement and how these were taken into account when making the decision to report the non-compliance to DHS.
- If an incident of non-compliance is reported to DHS, the Provider must either link pieces of evidence together within the Department's IT System or upload into the Department's IT System any associated or relevant evidence to be included within a Participation Report. Evidence could include:
 - prior notification of the requirement to attend
 - prior notification of details provided to a job seeker in relation to attending an Activity
 - the format of the notification (e.g. email or letter)
 - a record of a discussion with a job seeker where it has been recorded in the 'Comments' page in the Department's IT System
 - details of the incident, including dates, the parties involved and what occurred.

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 under or in connection with the Deed.

Except where otherwise specified, all capitalised terms in this guideline have the same meaning as in the jobactive Deed 2015–2020 and the Transition to Work Deed 2016-2020 ('the Deed').

'Provider' refers to jobactive Providers and Transition to Work Providers.