

Guideline:

Job Seeker Compliance Framework Guideline

The job seeker compliance framework is designed to encourage job seekers to engage with their jobactive Provider (Provider), undertake Activities to meet their Mutual Obligation Requirements and actively look for work.

The job seeker compliance framework helps the Provider to quickly re-engage job seekers who do not comply with their Mutual Obligation Requirements. Providers can report non-compliance to the Department of Human Services (DHS), which makes compliance decisions under Social Security Law including Income Support Payment suspensions and the application of financial penalties if job seekers do not have a Reasonable Excuse for failing to comply with their requirements. Providers have flexibility to choose when they report non-compliance or when they use discretion and other strategies to re-engage or positively influence the job seeker's behaviour.

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Policy changes:

Nil.

Wording changes:

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 Job Search Guideline](#)
[Managing and Monitoring Mutual Obligation Requirements and Job Plan Guideline](#)
[Managing and Monitoring Job Seeker Appointments Guideline](#)
[Job Seeker Compliance Framework Webpage on the Department of Employment's Learning Centre](#)
[Activity Diary and AAR Details IT Supporting Document](#)

[Managing and Monitoring Job Search Guideline](#)
Employment Services Reporting:
[CPL01 – jobactive job seeker compliance](#)
[CPL03 - Appointment Outcomes](#)
[CPL04 - Job Seeker Re-engagement](#)
[CPL05 - Re-engagement Outcomes](#)
[CPL06j - jobactive Activity Outcome](#)
[CPL07j - jobactive Job Search Assessment Outcomes](#)

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1. How the job seeker compliance framework supports job seekers to meet their Mutual Obligation Requirements

Job seekers generally have Mutual Obligation Requirements, such as looking for work and participating in Activities to improve their employment prospects, in return for receiving taxpayer-funded income support paid by DHS. The main aim of Mutual Obligation Requirements is to help a job seeker into paid work and reduce reliance on income support as quickly as possible. A secondary intent is for job seekers to contribute to the community that supports them while they are unemployed.

The job seeker compliance framework is a tool available to Providers and is designed to influence a change in the job seeker's behaviour where they are not meeting their Mutual Obligation Requirements without good reason. Appropriate use of the job seeker compliance framework gives a strong message about the importance of participation and engagement, indicating to the job seeker they must meet their Mutual Obligation Requirements if they are to continue to receive income support.

The job seeker compliance framework does not apply to job seekers who do not have Mutual Obligation Requirements.

See [Managing and Monitoring Mutual Obligation Requirements and Job Plan Guideline](#) for information on setting Mutual Obligation Requirements.

2. Providers make the job seeker aware of their Mutual Obligation Requirements

Formally notifying the job seeker

The Provider must formally notify the job seeker so they are aware, at all times, of their Mutual Obligation Requirements. Job seekers must be formally notified before the start of their requirement that they need to attend and participate in:

- Appointments with their Provider
- Appointments with a third party
- Activities
- job interviews, or
- the negotiation of a Job Plan (which may include formal Notification of a Job Search Requirement).

Formal Notification must include:

- what the requirement is (for example, a Provider Appointment or an Activity)
- if the requirement is an Appointment, the reason for the Appointment
- the date and time of the requirement or when the requirement needs to be completed by
- the location or address of the requirement (if applicable)

- that the job seeker must contact their Provider before the requirement starts if they have a Valid Reason for not being able to attend their requirement
- the consequences for the job seeker if they do not attend their requirement, and
- a statement that the Notification is a notice under Social Security Law explaining the job seeker must attend in return for Income Support Payment.

See the [Giving reasonable notice ahead of requirements](#) section in this document for information on when the job seeker must be notified of their requirements.

Legal authority to formally notify a job seeker of their Mutual Obligation Requirements

Employment Service Provider employees are delegated powers by the Secretary of the Department of Employment under Social Security Law to notify job seekers of their requirements (*Social Security (Administration) Act 1999 (s 63(2); Social Security Act 1991 (ss 501, 544A, 605 and 731L)*).

Note: The requirement to formally notify job seekers receiving Income Support Payments also applies to Disability Support Pension Recipients (Compulsory Requirements) and Stronger Participation Incentive Participants.

Using the Job Plan as formal Notification of Job Search Requirement

The Job Plan can be used to formally notify the job seeker of their Job Search Requirements if it contains the:

- number of Job Searches required
- date the job seeker must report their Job Searches to their Provider, and
- way the job seeker can report their Job Searches.

Using the Job Plan as formal Notification of Activity requirement

The Job Plan can be used to formally notify the job seeker of their Activity if it contains the:

- name of the Activity
- address of the Activity
- number of hours per fortnight that the job seeker must complete in the Activity
- start and end date of their participation in the Activity (such as, from 1 July 2017 – 30 September 2017)
- days of the week the job seeker is to attend the Activity (such as Monday, Wednesday and Friday), and
- start and end times of their participation in each day of the Activity (such as, 9.30 am – 12.30 pm on Mondays; 9.30 am – 5.30 pm on Wednesdays; 10.30 am – 4.30 pm on Fridays).

If the Job Plan does not contain all these details, the Provider must issue notification separately using a template letter/email or the verbal notification script from the Provider Portal. Where the verbal script is used, Providers should record a comment in the Department's IT System.

If Notification is to be issued separately to the Job Plan, the Job Plan must support the Notification. For the Job Plan to support the separately issued Notification, the Job Plan must at least contain the:

- name of the Activity
- address of the Activity
- number of hours per fortnight that the job seeker must complete in the Activity, and
- start and end date of their participation in the Activity (such as, from 1 July 2017 – 30 September 2017).

Issuing formal Notification for Mutual Obligation Requirements

If booking a Provider Appointment, the Provider selects the appropriate Notification template from the Electronic Diary at the time of booking the Appointment. This will automatically generate the correct Notification.

If the job seeker's Activities have been correctly scheduled in the Activity Diary, the Provider can create an Activity Schedule as formal Notification of Activity requirements. The Activity Schedule will contain details of the requirements for up to eight weeks in the future.

If notifying the job seeker of a third party appointment, the Provider creates the Notification by selecting the Third Party Appointment Notification template.

If the IT System does not automatically create formal notification for the set requirement, for example, when activities are not scheduled in the Activity Diary, Providers can use the manual templates available in the Department's IT System. These templates can be used to notify a job seeker of a change in activity participation details or to refer them to a suitable position. Scripts for formal Notification of Provider Appointments and third party appointments are also available in the Department's IT System.



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

The type of formal Notification issued depends on what requirement the job seeker is being notified of and must be sent ahead of the requirement in accordance with reasonable notice timeframes.

Giving reasonable notice ahead of requirements

Providers must allow enough time between formally notifying the job seeker and the job seeker's requirement occurring. This ensures there is enough time for the job seeker to receive the notification, for example in the mail, and prepare for the

requirement such as arranging transportation or reorganising personal commitments or appointments if this is reasonable. This means the job seeker has the best opportunity to attend their Appointment or advise their Provider beforehand why they cannot attend. The Department's IT System will not allow Provider Appointments to be booked if there is not enough time for the job seeker to be formally notified.

Formally notifying the job seeker face to face or by phone

If formally notified face to face or by phone, the job seeker must be given three calendar days' notice.

The Provider must use the verbal Notification script available in the Department's IT System. If calling to notify by phone, the Provider must speak with the job seeker directly and cannot leave a phone message or ask someone else to give the job seeker a message.



System Step: Provider selects 'Phone (script)' or 'Face to Face (script)' when booking the Appointment. The script, including the compliance warning, appears on screen. The script must be read in full to the job seeker.

Formally notifying the job seeker by handing the job seeker a letter

If formally notified by handing the job seeker a letter, the job seeker must be given three calendar days' notice.



System Step: Provider selects 'Letter-handed' when booking an Appointment, or by navigating to the Activity Diary in the Department's IT System and selecting 'Letter' when creating Notification for Activities.

Formally notifying the job seeker by mailing the job seeker a letter

If formally notified by mailing a letter, the job seeker must be given six Business Days' notice.



System Step: Provider selects 'Letter-mailed' when booking an Appointment, or by navigating to the Activity Diary in the Department's IT System and selecting 'Letter' for notifying of Activities.

Formally notifying the job seeker by email if it is the job seeker's preference

If formally notified by email, the job seeker must be given two Business Days' notice. This form of Notification can only be used if the job seeker prefers to be notified by email.

For this formal Notification to be valid, the job seeker has to have read and understood the email (for example, by sending back a 'read receipt') at least one day before their Appointment or Activity. If there is no evidence the job seeker read the email, they will need to be formally notified by another method. If there is not enough time to use another method, the Appointment or Activity must be rescheduled.



System Step: Provider selects 'Email' when booking an Appointment or an Activity in the Activity Diary, or via Notifications/Notification Templates.

Formally notifying the job seeker on the same day as the Activity or Appointment

If a Provider Appointment has been organised between the Provider and job seeker and the job seeker says they will attend, reasonable notice has been given, even if the Provider Appointment has been booked for the same day on which Notification was given. Providers must record this in the Department's IT System.



System Step: Whilst in the Booking Details page in the Electronic Diary, check the indicator stating that the Appointment is being booked directly with the job seeker.

Issuing reminders

Providers can create and send reminders to job seekers of their requirements. These can be sent as SMS, email and letters. If the job seeker's SMS details are recorded in the Department's IT System, an SMS reminder is automatically sent to the job seeker the day before their Provider Appointment to remind them to attend.

Reminders are not formal Notification.



System Step: Create and send reminder messages to individual job seekers through the 'Notification Templates' page, or to multiple job seekers by selecting them from the 'Caseload' page, then selecting a manual template through the 'Notification Templates' page in the Department's IT System.



System Step: If the job seeker has advised that they do not wish to receive notifications via SMS, the Provider can change this on the 'Registration' page in the Department's IT System. Under the section 'Address and Contact details' the Provider will need to select the 'edit' icon. Select the checkbox 'Change Notification Method' and then record the reason the job seeker has chosen to opt out of receiving SMS.

Recording formal Notification

Records of all Notifications created through the Department's IT System are automatically kept.



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



System Step: Providers record verbal Notification in the 'Comments' page of the Department's IT System.



System Step: Providers can view Notifications issued to job seekers on the 'Notifications List' on the job seeker's page in the Department's IT System.

3. Monitoring the job seeker's compliance with Mutual Obligation Requirements

Providers must do all they can to make sure their job seekers meet their Mutual Obligation Requirements including:

- attending Appointments
- attending Activities to meet their Annual Activity Requirement where relevant
- attending other Activities included in their Job Plan, and
- satisfactorily completing their Job Search Requirements.

For Disability Support Pension Recipients under 35 years of age with Compulsory Requirements, Providers must monitor:

- attendance at Appointments
- attendance at Activities, and
- entering into a current Job Plan (known as a participation plan).

See the [Disability Support Pension Recipients \(Compulsory Requirements\) Guideline](#) for further information on managing Disability Support Pension Recipients.

Recording compliance with Mutual Obligation Requirements

Providers need to ensure job seekers are meeting their Mutual Obligation Requirements. There are different ways to record job seeker compliance, based on the Mutual Obligation Requirement.

Provider Appointments

When recording attendance at a Provider Appointment, the result must be entered by close of business on the day of the Appointment. See the [Managing and Monitoring Job Seeker Appointments Guideline](#) for further information on Provider Appointment results.



System Step: Navigate to the Electronic Diary, and record 'Attended' for the attended Appointment.

Job Search Requirement

Providers can record satisfactory Job Searches although it is not compulsory to do so. See the [Managing and Monitoring Job Search Guideline](#) for more information.



System Step: Providers can record a Satisfactory Job Search assessment by navigating to the Job Search Reporting page in the Department's IT System and selecting 'Satisfactory' from the assessment options.

Activities

For Activities hosted by either the Provider or a third party, such as Work for the Dole Activities, Providers must ensure the Activity Supervisor notifies them of

attendance results as soon as possible, but by no later than the end of that working week.

If the Activity has been scheduled in the Activity Diary and the Provider is using this to record Activity attendance, Supervisors can use the Supervisor App to record preliminary attendance results. This notifies the Provider of job seeker attendance or non-attendance at Activities. Providers must follow up on any non-attendance and determine if the non-attendance was valid or not by recording the appropriate result. See the Department of Employment's [Work for the Dole Web Page](#) for further information on how to use the Supervisor App.



System Step: To record attendance at an Activity, navigate to the relevant day in the Activity Diary and select 'Attended' from the drop-down list of results.

Determining if job seeker has been non-compliant with Mutual Obligation Requirements

When deciding if the job seeker has been non-compliant with their Mutual Obligation Requirements, the Provider must first establish if the job seeker has a Valid Reason or Reasonable Excuse for not attending or meeting their requirement.

Deciding the job seeker has a Valid Reason

To establish a Valid Reason, the job seeker must contact their Provider before the requirement start time and give the reason they cannot attend.

A Valid Reason for non-attendance is one that would generally be accepted by an employer if an employee were unable to attend work.

The Provider must also consider the job seeker's individual circumstances and reason why they cannot attend in determining whether a Valid Reason has been given. This includes a consideration of whether using flexibility in determining a Valid Reason for previous non-attendance increased the likelihood of the job seeker meeting their requirements.

Providers must make sure they have arrangements in place for job seekers to be able to advise of their inability to attend their requirement. This may include having a dedicated phone line for job seekers, after-hours answering machines or the ability to accept reverse charges phone calls from job seekers.



System Step: If the Provider establishes the job seeker has a Valid Reason for non-attendance or non-compliance, they record it in the Department's IT System, and where appropriate, reschedule the Appointment or Activity and issue formal Notification within reasonable notice timeframes. If it is not appropriate to reschedule the requirement, then it must be cancelled from within the Department's IT System as the reason the job seeker gave for non-attendance was valid.

Deciding the job seeker does not have a Valid Reason

If the job seeker contacts the Provider before the Appointment or Activity, but the Provider does not accept the reason for the job seeker not being able to attend, then a Valid Reason has not been established. The Provider must tell the job seeker

that they are still expected to meet their requirement. In this case, if the job seeker still does not meet their requirement, the Provider must still attempt to contact the job seeker on the day they missed their requirement to see if there were other reasons that stopped them from attending that might mean they have a Reasonable Excuse.



System Step: Providers record their attempts to contact the job seeker in the Department's IT System.

Considering if the job seeker has Reasonable Excuse

There are two stages in assessing if the job seeker had a Reasonable Excuse for failing to comply with the requirement. Providers must consider both:

- if the reason the job seeker gave for not complying with their requirement is acceptable, and
- if the reason they gave for not complying was acceptable, why the job seeker did not give prior notice of their inability to attend.

When considering if the reason the job seeker gave is acceptable, Providers also think about the job seeker's individual circumstances, including taking into account any Vulnerability Indicators that have been recorded in the Department's IT System.

A Reasonable Excuse for non-attendance is one that would generally be accepted by an employer if an employee were unable to attend work and was unable to contact their employer beforehand. This means a Reasonable Excuse would only typically be established in limited and exceptional circumstances.

If a job seeker does not give prior notice of their inability to attend and it would have been reasonable to do so, they do not have a Reasonable Excuse.



System Step: If the Provider establishes that the job seeker had a Reasonable Excuse for not attending, they record a Did Not Attend-Valid result against the Appointment or Activity in the Department's IT System.

See [Attachment A](#) for information on Vulnerability Indicators.

The difference between Valid Reason and Reasonable Excuse

Before recording any type of non-attendance, the Provider must make sure no Valid Reason or Reasonable Excuse exists.

A job seeker has a Valid Reason for non-attendance ONLY if:

- a reason for non-attendance was given by the job seeker BEFORE their requirement, and
- the Provider accepts the reason for not being able to attend the requirement.

A job seeker has a Reasonable Excuse for non-attendance ONLY if:

- a reason for non-attendance was given by the job seeker AFTER their requirement, and

- the Provider accepts the reason for not being able to attend the requirement, and
- the Provider accepts that the nature of the reason means the job seeker could not have called before the requirement.

If the job seeker calls AFTER the requirement, but gives a reason that did not in any way stop them from calling before the requirement, then they do not have a Reasonable Excuse.

Managing non-attendance if the job seeker does not contact the Provider to advise why

When a job seeker does not attend an Appointment or Activity and does not contact the Provider before the event, the Provider must still consider if the job seeker has a Reasonable Excuse for the non-attendance.

The Provider must first make sure that the job seeker did not try to make contact before the Appointment or Activity to give a Valid Reason for not attending. This may include checking answering machine messages or following up any other contact arrangements the Provider has in place. If the job seeker did not contact their Provider before the Appointment or Activity, a Valid Reason cannot be established.

If the Provider is sure that the job seeker did not try to contact them before the event, the Provider must try to contact the job seeker to discuss whether they had a Reasonable Excuse that stopped them from calling before the Appointment or Activity.

The Provider must attempt to contact the job seeker on the same day the Provider becomes aware that the job seeker has not attended their Appointment or Activity. Attempted contact by the Provider must be made by phone or email as the decision to use the compliance framework if the job seeker does not have a Reasonable Excuse must be made on the same Business Day.



System Step: If Reasonable Excuse is not established on contact with the job seeker, but the Provider decides not to use the compliance framework to report the non-compliance, the Provider records a Did Not Attend-Discretion result against the Appointment or Activity in the Department's IT System.



System Step: If Reasonable Excuse is not established on contact with the job seeker and the Provider decides to use the compliance framework to report the non-compliance, the Provider records a Did Not Attend-Invalid result against the Appointment or Activity in the Department's IT System.



System Step: If contact cannot be made with the job seeker to establish a Reasonable Excuse, it is open to the Provider to record either a Did Not Attend-Discretion result or a Did Not Attend-Invalid result, depending on whether they want to report the non-compliance.

For more information and training resources, refer to the Department's Learning Centre.

4. Deciding whether to use the compliance framework to report non-compliance

If the job seeker has not been meeting all of their Mutual Obligation Requirements, the Provider must decide if using the job seeker compliance framework to report the non-compliance is the best way to re-engage the job seeker and help change their behaviour.

Providers will use their knowledge of individual job seekers to determine if using the compliance framework at a particular time is appropriate. Providers will consider:

- the job seeker's explanation (if any) of their non-compliance
- the job seeker's personal circumstances
- system recorded Vulnerability Indicators (if any)
- the job seeker's recent compliance history
- whether using discretion in not reporting non-compliance in the past helped the job seeker to meet all of their Mutual Obligation Requirements, and
- any other relevant information.

DHS investigates the reported non-compliance and makes decisions of whether a failure or penalty is applied.

See [Attachment A](#) for more information about Vulnerability Indicators.

Deciding the compliance framework is not the best strategy for the job seeker

If, after considering all relevant factors, the Provider decides not to use the compliance framework, they record this decision in the Department's IT System and:

- if the event was a missed Provider Appointment or an Activity, closely monitor attendance at the next booked Provider Appointment or scheduled day of participation in an Activity
- if the event was a missed Provider Appointment, consider if a further appointment should be booked, or if the missed event was an Activity, decide if the job seeker will make up time in the Activity
- if the event was an Unsatisfactory-Discretion Job Search assessment, the Provider closely monitors the job seekers' Job Search efforts for the next Job Search Period.

Note: If a Disability Support Pension Recipient (Compulsory Requirements) does not meet their requirements and the Provider thinks it is appropriate to use the compliance framework, Providers must record this in the Department's IT System and submit the relevant report to report the non-compliance to DHS. Refer to the [Disability Support Pension Recipients \(Compulsory Requirements\) Guideline](#) for further information.

Meeting timeframes when reporting non-compliance

If the Provider decides that the compliance framework will be used, they must report the non-compliance on the same Business Day that they decide to use it.

Additionally, the decision on whether to report non-compliance must be made within certain timeframes of the event of non-compliance:

- for non-attendance at a Provider Appointment, the decision to report non-compliance must be made on the same Business Day as the missed Provider Appointment
- for non-attendance at an Activity, third party appointment or job interview, the decision to report non-compliance must be made within 10 Business Days of the missed day of Activity participation, Appointment or interview
- for Unsatisfactory Job Search Requirement, the decision to report non-compliance must be made within 10 Business Days of the Job Search Period end date.

Including all relevant information in Participation Report

Before submitting a Participation Report, the Provider must check that:

- the job seeker had a requirement on the day
- the job seeker was formally notified, and given Reasonable Notice, of the correct requirement on the correct date
- the job seeker did not attend, or was non-compliant at, their requirement and does not have a Valid Reason or Reasonable Excuse, and
- using the compliance framework is the best way to help the job seeker meet their Mutual Obligation Requirements in the future to help them move from welfare to work.

When submitting a Participation Report, the Provider gives as much relevant information to DHS as possible. This will assist DHS in making the correct decision on whether to apply, reject or return the report for further information in certain circumstances.

If submitting a Participation Report for a missed day of Activity participation, the Provider can advise DHS whether they think the job seeker has become disengaged from the Activity. This will suspend the job seeker's Income Support Payment. The Provider must ensure that an Appointment will be available to re-engage the job seeker within two Business Days of the job seeker contacting DHS.

Creating and submitting a Participation Report through the Department's IT System

Participation Reports can be created several ways.



System Step: To submit a Failure to meet Job Search Requirement Participation Report (CFJR PR):

- navigate to the 'Job Search Reporting' page

- record the assessment Unsatisfactory
- this will automatically draft the CFJR PR to complete, and
- submit to DHS.

See below for more information on CFJR PRs.



System Step: To submit other types of Participation Reports:

- go to the 'Create Compliance' page in the Department's IT System
- select the correct type of Participation Report
- complete all the questions about the incident of non-compliance, and
- submit to DHS.



System Step: Failure to attend Activity Participation Report (NFAA PR) can also be created from the Activity Diary after recording a Did Not Attend-Invalid (DNAI) result.

Note: The IT System will not allow any Participation Reports to be created unless the person submitting the Report has passed the compulsory Compliance Quiz 'Strengthening Job Seeker Compliance Framework' on the Job Seeker Compliance Framework Web Page in the Department's Learning Centre.

Actioning decisions by DHS

If DHS returns a Participation Report to the Provider because there was not enough information included, the Provider needs to immediately review the Report and make the necessary changes or include further information and resubmit the Report within five Business Days.

See the Job Seeker Servicing Placemat and Compliance Framework Map available on the Job Seeker Compliance Framework Web Page in the Department's Learning Centre for further information.

5. Reporting non-compliance to DHS

Compliance Reports include:

- Non-Attendance Reports
- Provider Appointment Reports, and
- Participation Reports.

The type of Compliance Report the Provider submits will depend on the type of non-compliance. If an incorrect report type is submitted, DHS must reject the report.

Reporting non-attendance at a Provider Appointment (Non-Attendance Report)

If the Provider decides to report non-attendance at a Provider Appointment, the Provider records a Did Not Attend-Invalid result in the Electronic Diary. The Department's IT System then automatically submits a Non-Attendance Report when the Did Not Attend-Invalid result is saved. This suspends the job seeker's Income

Support Payment following a DHS System check until they attend a Re-engagement Appointment.

See the [Managing and Monitoring Job Seeker Appointment Guideline](#) for further information on Provider Appointments.

Recommending a financial penalty for non-attendance at a Provider Appointment (Provider Appointment Report)

If the Provider thinks that a financial penalty for non-attendance at a Provider Appointment will help the job seeker to attend future Provider Appointments, they recommend to DHS that a financial penalty be applied by submitting a Provider Appointment Report.

A Provider Appointment Report can only be submitted if a Non-Attendance Report was created for the incident of non-attendance by recording a Did Not Attend-Invalid result.

Before submitting the Provider Appointment Report, the Provider must speak to the job seeker to confirm they had no Reasonable Excuse for non-attendance. The decision on submitting a Provider Appointment Report must be made on the same day the Provider speaks to the job seeker.

The Provider must include all relevant information in the Provider Appointment Report, including that:

- the job seeker had a requirement on the day
- the job seeker was formally notified, and given Reasonable Notice, of the correct requirement on the correct date
- the job seeker did not attend, or was non-compliant at, their requirement and do not have a Valid Reason or Reasonable Excuse, and
- using the compliance framework is the best way to help the job seeker meet their Mutual Obligation Requirements in the future.

The decision on applying a financial penalty for a Provider Appointment Report is made by DHS. If applied, the job seeker will lose one day's Income Support Payment for each Business Day from the time they were advised of their Income Support Payment being suspended by the Non-Attendance Report, to the time they attend a Re-engagement Appointment with their Provider.

See the [Managing and Monitoring Job Seeker Appointments Guideline](#) for further information on Provider Appointments.

Re-engaging the job seeker after non-attendance at Provider Appointment

If the Provider submits a Non-Attendance Report to suspend the job seeker's Income Support Payment, the Income Support Payment is reinstated when the job seeker attends a Re-engagement Appointment.

The Provider must re-engage the job seeker within two Business Days of contact being made with them after non-attendance. Providers must ensure that at all times

an Appointment is available for the job seeker to be re-engaged within two Business Days.

See the [Managing and Monitoring Job Seeker Appointments Guideline](#) for further information on Provider Appointments.

Reporting non-compliance by submitting a Connection Failure Participation Report

Connection Failure Participation Reports can be submitted if the job seeker does not:

- attend a third party appointment
- enter into or change a Job Plan, or
- satisfactorily meet their Job Search Requirement.

If the job seeker has no Reasonable Excuse, and there are no administrative issues that mean the failure must be rejected, DHS will apply the failure.

If the Connection Failure is applied, the job seeker will be given a Reconnection requirement. Connection failures do not result in a financial penalty.



System Step: To submit a Connection Failure Report, navigate to the 'Create Compliance' page in the Department's IT System. Select the correct type of Connection Failure Report, complete the questions and submit to DHS. See below for types of Connection Failure Participation Reports.

Reporting non-attendance at third party appointments (CFAO Participation Report)

If the job seeker does not attend a third party appointment, the Provider, on the same day as they became aware the job seeker did not attend, confirms with the third party and by following-up on arrangements the Provider has in place for job seekers to be able to advise of their inability to attend their requirement, that the job seeker did not give prior notice of their inability to attend. The Provider then attempts to contact the job seeker to see if they had a Reasonable Excuse for not attending. If the job seeker does not have a Reasonable Excuse, the Provider may decide to use the compliance framework. The job seeker's Income Support Payment is suspended when DHS receives the Participation Report. Income Support Payment is restored when the job seeker agrees with DHS to attend an Appointment with their Provider.

A Non-Attendance Report cannot be created for a third party appointment.

Reporting non-compliance when job seeker does not enter into or change a Job Plan (CFEP Participation Report)

If the job seeker does not enter into a Job Plan, or agree to change the Job Plan when required, they must be given two Business Days to reconsider, and the Provider should book another Appointment for two Business Days ahead and notify the job seeker.

If the job seeker still refuses to enter into or change their Job Plan at the new Appointment, the Provider submits a CFEP Participation Report.

DHS will investigate the Participation Report and if applied, will advise the job seeker that they will need to attend an appointment with their Provider to enter into the Job Plan. If the job seeker attends this Appointment but still refuses to sign or accept the Job Plan, the Provider submits another CFEP Participation Report. If applied, the job seeker's Income Support Payment may be cancelled from the date of the second refusal to sign the Job Plan.

Reporting non-compliance when the job seeker does not satisfactorily meet their Job Search Requirement (CFJR Participation Report)

If the job seeker does not satisfactorily complete their Job Search Requirement, the Provider can submit a CFJR Participation Report.

If the CFJR Participation Report is applied, DHS will give the job seeker a Reconnection Requirement. To meet the Requirement, the job seeker may have to fill out a job seeker diary for up to 12 weeks, for DHS to check at the end of the 12 week period. Providers will be told about this through the Department's IT System.

Refer to the [Managing and Monitoring Job Search Guideline](#) for further information on submitting CFJR Participation Reports.

Reporting non-compliance by submitting a No Show No Pay Participation Report

No Show No Pay Participation Reports can be submitted if the job seeker does not:

- attend an Activity
- behave appropriately at an Activity
- attend a job interview with a potential employer, or
- behave appropriately at a job interview with a potential employer.

If the job seeker has no Reasonable Excuse, and there are no administrative issues that mean the failure must be rejected, DHS will apply the failure.

If the No Show No Pay failure is applied, the job seeker is given a financial penalty. The penalty is the equivalent of a working day's Income Support Payment (or one tenth of the fortnightly Income Support Payment per applied No Show No Pay failure).



System Step: If an Activity is linked to an Activity Placement in the Job Plan, a Failure to Attend Activity Participation Report (NFAA) will be automatically created when Did Not Attend-Invalid is recorded in the Activity Diary. If the Participation Report is not automatically created, navigate to the 'Create Compliance' page in the Department's IT System. Select the correct type of No Show No Pay Participation Report, complete the questions and submit to DHS.



System Step: To submit a Failure to Behave Appropriately at an Activity Participation Report (NFBA), a Failure to Attend a Job Interview Participation Report (NFJI) or a Failure to Behave Appropriately at a Job Interview (NFJI) Participation Report, 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.

Reporting non-attendance at an Activity (NFAA Participation Report)

If the job seeker does not attend a compulsory Activity in their Job Plan, the Provider submits a NFAA Participation Report.

Submitting a NFAA Participation Report for non-attendance is also acceptable if the job seeker is very late for their Activity, or leaves early, without a Reasonable Excuse.

Providers may record that the job seeker has become disengaged from their Activity. When this occurs, DHS will suspend the job seeker's Income Support Payment until they make contact with DHS and agree to attend an Appointment with their Provider.

Reporting inappropriate behaviour at an Activity (NFBA Participation Report)

If the job seeker does not appropriately behave at a compulsory Activity that is in their Job Plan, the Provider can submit a NFBA Participation Report.

"Inappropriate behaviour" refers to behaviour that a reasonable person would think is not appropriate in a professional workplace. Inappropriate behaviour is behaviour that is deliberate and within the job seeker's control.

Reporting non-attendance at a job interview with a potential employer (NFJI Participation Report)

If a job seeker does not attend a job interview, the Provider can submit a NFJI Participation Report.

The Provider must take reasonable steps to make sure the job seeker knew ahead of time to attend a job interview. The Provider can verbally advise the job seeker of a job interview as long as the verbal Notification includes:

- the date, day, time and location of the interview
- the job the job seeker is interviewing for, and
- the compliance warning.

Reporting inappropriate behaviour at a job interview with a potential employer (NFIJ Participation Report)

If the job seeker does not appropriately behave at a job interview, the Provider can submit a NFIJ Participation Report.

Inappropriate behaviour at a job interview is behaviour that a reasonable person knows might result in the job seeker not getting a job offer. It may include:

- dressing in a way that is clearly inappropriate for the interview
- using offensive language
- showing an obvious lack of interest in the interview or work on offer, or
- saying that an existing injury or illness is worse than it is.

“Inappropriate behaviour” is behaviour that is deliberate and within the job seeker’s control. Inappropriate behaviour would not include the job seeker being nervous or having limited clothes to wear to an interview.

Reporting non-compliance by submitting a Serious Failure Participation Report

A Serious Failure Participation Report can be submitted if the job seeker:

- does not accept a suitable job, or
- does not commence a suitable job.

If the job seeker has no Reasonable Excuse, and there are no administrative issues that mean the failure must be rejected, DHS will apply the failure.

An applied Serious Failure Participation Report results in a Serious Failure Period, which stops the job seeker’s Income Support Payment for eight weeks. This penalty can be waived if the job seeker agrees to do a Compliance Activity.

See the [Comprehensive Compliance Assessments and Compliance Activities Guideline](#) for further information.

Reporting when the job seeker does not accept a suitable job (SFAJ Participation Report)

If the job seeker is offered suitable employment and refuses, the Provider submits a SFAJ Participation Report.

See the Guide to Social Security Law, part 3.2.8.60 “Unsuitable Work” for a definition of what is suitable work and what is not.

Reporting when the job seeker does not commence a suitable job (SFCJ Participation Report)

If the job seeker accepts suitable employment, but does not commence the job, the Provider submits a SFCJ Participation Report.

Refer to the Guide to Social Security Law, part 3.2.8.60 “Unsuitable Work” for a definition of what is suitable work and what is not.

Reporting non-compliance by submitting an Unemployment Non-Payment Period Participation Report (UEVJ and UEDJ Participation Reports)

An Unemployment Non-Payment Period Participation Report can be submitted if the job seeker:

- voluntarily leaves a suitable job without a Valid Reason, or
- is dismissed from a suitable job for misconduct.

In most cases, if the job seeker gets a job, they are exited from Employment Services (or are yet to receive them if they had a job). Because of this, Unemployment Non-Payment Period failures are generally instigated by DHS.

If the job seeker is a new applicant for Income Support, an applied Unemployment Non-Payment Period Failure makes them ineligible for Income Support Payment for eight weeks.

If the job seeker is already receiving Income Support, an applied Unemployment Non-Payment Period Failure stops their Income Support Payment for eight weeks.

The job seeker cannot waive the penalty by agreeing to do a Compliance Activity.

If the job seeker received assistance to relocate under the Relocation Assistance to Take Up a Job programme, the penalty may be a twelve week Unemployment Non-Payment Period. Refer to the [Relocation Assistance to Take Up a Job Guideline](#) for further information.

6. Contacting DHS in certain circumstances

If Providers have queries on compliance actions against a specific job seeker, or if they need to confirm information that may impact the servicing of a job seeker, they can email or call DHS Participation Solutions Team in some cases.

Contacting DHS Participation Support Team for non-urgent general query

Providers can contact DHS for general queries if they relate to:

- exemptions from Mutual Obligation Requirements
- an individual job seekers' Mutual Obligations Requirements
- the status of an approved Activity, and
- any other matter that directly impacts the servicing of a job seeker.

See [Attachment B](#) for the Employment Provider Queries to the DHS Participation Solutions Team template.

Contacting DHS Participation Support Team for urgent query relating to job seeker servicing

If the job seeker is with the Provider and urgent action is required by DHS for the Provider to continue servicing the job seeker, the Provider can contact the Participation Support Team on 1300 306 325.

The Provider may need to urgently contact DHS if DHS has initiated suspension of Income Support (other than because of a Non-Attendance Report), or to confirm exemption applications (such as if a medical certificate is lodged).

Contacting DHS for job seeker Vulnerability Review

If the Provider identifies a potential vulnerability after a Change of Circumstances Reassessment that they would like DHS to investigate, they can fax a Request for Vulnerability Review form to DHS. The potential vulnerability may be a diagnosed condition or documented personal circumstances that impact the job seekers day-to-day life. The potential vulnerability can be temporary, ongoing, or episodic.

DHS will review and investigate the request for Vulnerability Review. If the identified vulnerability is likely to impact the job seeker being able to meet their Mutual Obligation Requirements, DHS will apply a Vulnerability Indicator. Providers must

consider any identified vulnerabilities when making a decision to use the compliance framework in the future.

Refer to the Guide to Social Security Law, part 11.4.2.20 for further information on Vulnerability Indicators.

Refer to the [Eligibility Referral and Commencement Guideline](#) for further information on Change of Circumstances Reassessment.

See [Attachment C](#) for the Vulnerability Indicator Review form.

Job seeker contacting DHS

The job seeker can contact DHS through the General Enquiries line on 132 850. If the job seeker is with the Provider, the Provider can call on the job seeker's behalf and act as an advocate.

7. Seeking or giving further information if necessary

The Provider may need to seek further information on Employment Services generally, or on the Department's IT System. Providers may also be asked to provide information on appeals to the Administrative Appeals Tribunal.

Seeking further general information on Employment Services

For further information relating to the servicing of job seekers, Providers refer to their own policies and procedures, their Service Delivery Plan, the jobactive Deed and the Guideline relevant to the issue at hand. For a list of Guidelines issued by the Department, see the Provider Portal.

Seeking further information on issues with the Department's IT System

For more information relating to issues with using the Department's IT System, Providers refer to the information in EA Knowledge Base in the first instance. If issues still cannot be resolved, Providers contact the Employment Systems Help Desk on 1300 305 520.

Providing information to the Administrative Appeals Tribunal

If a job seeker does not agree with a decision to suspend or reduce their Income Support, or a decision to apply a financial penalty as the result of a Participation Report, they may choose to appeal the decision to the Administrative Appeals Tribunal.

On appeal, the Tribunal may need to discuss the details of the non-compliance reported to DHS to reach their decision. In this case, the Provider must provide information as required and give all possible assistance to the Commonwealth on the appeals process.

8. Summary of required Documentary Evidence

Participation Reports

- The Provider must record in the Department's IT System details of the conversation with the job seeker / Employer / third party regarding:
 - non-attendance
 - refusal to enter into a Job Plan
 - refusal to accept or commence in a suitable job
 - 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, referral to a job interview or notification of an Employment Offer
 - prior notification of details provided to a job seeker in relation to attending an Activity with an Provider or third party
 - the format of the notification (i.e. SMS, 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.

Retaining records of formal Notification

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

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.

9. Attachments

Attachment A – Vulnerability Indicator Information

Vulnerability Indicator Information

If a Provider thinks that a job seeker's circumstances may impact them meeting their Mutual Obligation Requirements (making them more vulnerable to be found non-compliant), the Provider can request that DHS assess the job seeker for Vulnerability Indicators.

DHS will only record a Vulnerability Indicator on a job seeker's record if evidence shows that the vulnerability could mean the job seeker's ability to comply with their Mutual Obligation Requirements would be affected.

A Vulnerability Indicator ensures that both Providers and DHS are aware of a job seeker's circumstances. Because Providers are required to consider the job seeker's individual circumstances when making a decision on whether to use the compliance framework, it is important to know of anything that might affect the job seeker's ability to comply.

A Vulnerability Indicator is a documented personal circumstance or a diagnosed condition which can:

- affect the job seeker's day to day life
- be temporary, ongoing or episodic, or
- impact to varying degrees on the job seekers capacity to comply with their requirements.

A Vulnerability Indicator is not:

- the same as a disability (although disability might contribute to vulnerability)
- a Valid Reason for failing to meet a requirement, or
- fixed – Vulnerability Indicators are open to review.

A Vulnerability Indicator cannot:

- exempt the job seeker from the Activity test, or
- make the job seeker immune from action under the compliance framework, including the use of Income Support Payment suspension and financial penalties.

Providers always consider Vulnerability Indicators when:

- setting Mutual Obligation Requirements for a job seeker (negotiating a Job Plan, or setting up Activities and Job Search Requirements)
- considering the reasons why a job seeker has been unable to comply with their Mutual Obligation Requirements
- deciding whether to use the compliance framework, or

- deciding to use another strategy in line with Social Security law to change the job seeker's non-compliant behaviours.

See overleaf for a list of Vulnerability Indicator types.

Vulnerability Indicator types

Type	Required evidence to apply a Vulnerability Indicator	Authority to remove	Review Period
Psychiatric problems or mental illness in the last six months	<ul style="list-style-type: none"> • Employment Services Assessment (ESAt) • Medical Certificate 	<ul style="list-style-type: none"> • Employment Services Assessment (ESAt) • Medical Certificate 	52 weeks
Cognitive or neurological impairment	<ul style="list-style-type: none"> • Employment Services Assessment (ESAt) • Medical Certificate 	<ul style="list-style-type: none"> • Employment Services Assessment (ESAt) • Medical Certificate 	52 weeks
Drug or alcohol dependency which may impede participation	<ul style="list-style-type: none"> • Employment Services Assessment (ESAt) • Medical Certificate 	<ul style="list-style-type: none"> • Employment Services Assessment (ESAt) • Medical Certificate • Job seeker advice 	52 weeks
Homelessness	<ul style="list-style-type: none"> • DHS Specialist officer 	<ul style="list-style-type: none"> • Employment Services Assessment (ESAt) • Medical Certificate • Job seeker advice 	26 weeks
Recent traumatic relationship breakdown, especially if domestic violence was involved	<ul style="list-style-type: none"> • Employment Services Assessment (ESAt) • DHS Specialist officer 	<ul style="list-style-type: none"> • Employment Services Assessment (ESAt) • DHS Specialist officer 	16 weeks
Significant language and literacy issues	<ul style="list-style-type: none"> • Employment Services Assessment (ESAt) • Any DHS Officer 	<ul style="list-style-type: none"> • Employment Services Assessment (ESAt) • DHS Specialist officer 	26 weeks
Recent prison release	<ul style="list-style-type: none"> • DHS (release papers) 	<ul style="list-style-type: none"> • DHS Officer 	26 weeks
Significant caring responsibilities	<ul style="list-style-type: none"> • Employment Services Assessment (ESAt) • DHS Specialist officer 	<ul style="list-style-type: none"> • Employment Service Assessment (ESAt) • DHS Specialist officer • Job seeker advice 	13 weeks
An eight week non-payment penalty (NPP) applied in the last twelve months	<ul style="list-style-type: none"> • DHS Specialist officer 	<ul style="list-style-type: none"> • DHS Specialist officer 	52 weeks
Job seeker is in a period of transition during which their capacity to comply with their requirements may be affected	<ul style="list-style-type: none"> • DHS Specialist officer 	<ul style="list-style-type: none"> • DHS Specialist officer 	26 weeks
Nationally Approved Vulnerability	<ul style="list-style-type: none"> • DHS National Support Office 	<ul style="list-style-type: none"> • DHS National Support Office 	52 weeks

See overleaf for a table of information on deciding if a Vulnerability Indicator should be applied and included in a job seeker's record.

Deciding if a Vulnerability Indicator should be applied and included in a job seeker’s record

Decision-maker	Role of decision-maker
Provider	<ul style="list-style-type: none"> • If the Provider identifies a potential vulnerability, they undertake a Change of Circumstances Reassessment as per the Assessments Guideline - Job Seeker Classification Instrument (JSCI) and Employment Services Assessment (ESAt). • If a possible vulnerability is determined through the assessment, the Provider faxes a Request for Review to DHS for them to review the job seeker’s circumstances.
DHS	<ul style="list-style-type: none"> • DHS reviews the record of job seekers: <ul style="list-style-type: none"> ▪ who receive an Employment Services Assessment (ESAt) to determine if a Vulnerability Indicator is needed ▪ when requested by a Provider (by faxing a Request for Vulnerability Indicator review). • DHS considers the need for a Vulnerability Indicator when: <ul style="list-style-type: none"> ▪ deciding if a medical exemption applies ▪ an intervention by a DHS Social Worker is undertaken or ▪ a job seeker who has recently been released from prison applies for Income Support Payment or Crisis Payment. • DHS also: <ul style="list-style-type: none"> ▪ attempts to finalise all reviews within 10 Business Days (if no additional evidence is required) ▪ reviews Vulnerability Indicators after the relevant Vulnerability Indicator Review Period to decide if the vulnerability still exists or the Vulnerability Indicator should be removed.