

**Senate Standing Committee on Education Employment and Workplace
Relations**

**QUESTIONS ON NOTICE
Supplementary Budget Estimates 2011-2012**

Outcome 4 - Employment

DEEWR Question No. EW0686_12

Senator Siewert provided in writing.

Question

Choice and changing Job Service Providers

"In 2009-10 and 2010-11 how many and what percentage of job seekers are involved in exercising a choice in their employment service provider? What are the circumstances that allow for job seekers to change providers? Please provide a copy of the existing guidelines. In 2010-11 how many job seekers requested a change of provider due to an irreconcilable breakdown in the relationship. Of these requests, how many were granted? Describe how job seekers are informed about their right to exercise choice of provider"

Answer

Job seekers are able to choose the provider who will service them in the Employment Service Area in which they live. If they do not have a preference, they are assigned to a provider by Centrelink.

A job seeker may change Job Services Australia (JSA) provider if the job seeker:

- a) changes residential address and can no longer access their JSA provider's Site;
- b) requests a Transfer by DEEWR, if at any time the job seeker and JSA provider are unable to maintain a reasonable and constructive servicing relationship. The JSA provider can also request a Transfer of a job seeker for this reason;
- c) requests to change JSA provider and both JSA providers agree to the change; or
- d) requests DEEWR to change JSA provider where they can demonstrate they would receive better services from another JSA provider that could enhance their employment prospects.

A copy of the Transfer Guidelines is at Attachment A.

In 2010–11, 292 job seekers requested a change of provider due to an irreconcilable breakdown in the relationship. Of these, 136 were granted.

Job seekers are given at their initial appointment with their Job Services Australia provider a copy of the Service Guarantee for their relevant Stream. The Service Guarantee advises a job seeker that if they are not happy with the service they are

receiving, they can contact the departments Customer Service Line (CSL). Additionally, the department's website advises job seekers that they can contact the CSL. Also, Centrelink, when commencing a job seeker, will advise that the job seeker may choose a provider.



Australian Government



Transfer Guidelines

V 2.0

Disclaimer

This document is not a stand-alone document and does not contain the entirety of Job Services Australia providers' obligations. It should be read in conjunction with the Employment Services Deed 2009-2012 and any relevant Guidelines or reference material issued by DEEWR under or in connection with Employment Services Deed 2009-2012.

Table of Contents

Summary	5
Employment Services Deed Clauses:	7
Additional clauses:	7
Clause 87A - Job Transition Support (General Deed Variation 1)	7
Applicable reference documents relevant to these Guidelines:	7
Transfer due to relocation	8
Transfer due to a relationship failure or better services for the job seeker with another JSA provider	11
Transfer by agreement between JSA providers	13
ATTACHMENT A: Flow Chart - Transfer due to relocation	15
ATTACHMENT B: Flow Chart - Transfer due to relationship failure or better services for the job seeker with another JSA provider	16
ATTACHMENT C: Flow Chart - Transfer by agreement between JSA providers	17

Transfer Guidelines

Document Change History:

Version	Start Date	Effective Date	End Date	Change & Location
2.0	5 Jul 10	5 Jul 10		Policy: Inserted Deed Variation Clause 87A— Job Transition Support (p5 – Additional Clauses). Summary updated to include JTS participants (p3 – Summary). Inserted hyperlink to Servicing Job Transition Support participants Advice (p5 – Reference Documents Relevant to these Guidelines). Note inserted (p6 – Step 1).
1.1	1 Jul 09	1 Jul 09	5 Jul 10	Narrative: Wording updated (p1-14) Addition to list of Reference material (p5)
1.0	8 May 09	1 Jul 09	1 Jul 09	Original version of document

Summary

These Guidelines outline Job Services Australia providers' (hereon in referred to as 'JSA providers') responsibilities and required actions when transferring, or receiving transferred, Fully Eligible Participants (hereon in referred to as job seekers) in Stream Services. Job seekers will usually remain with the same JSA provider as long as they are still looking for work but, in certain circumstances, may transfer to another JSA provider.

A job seeker may change JSA provider if the job seeker:

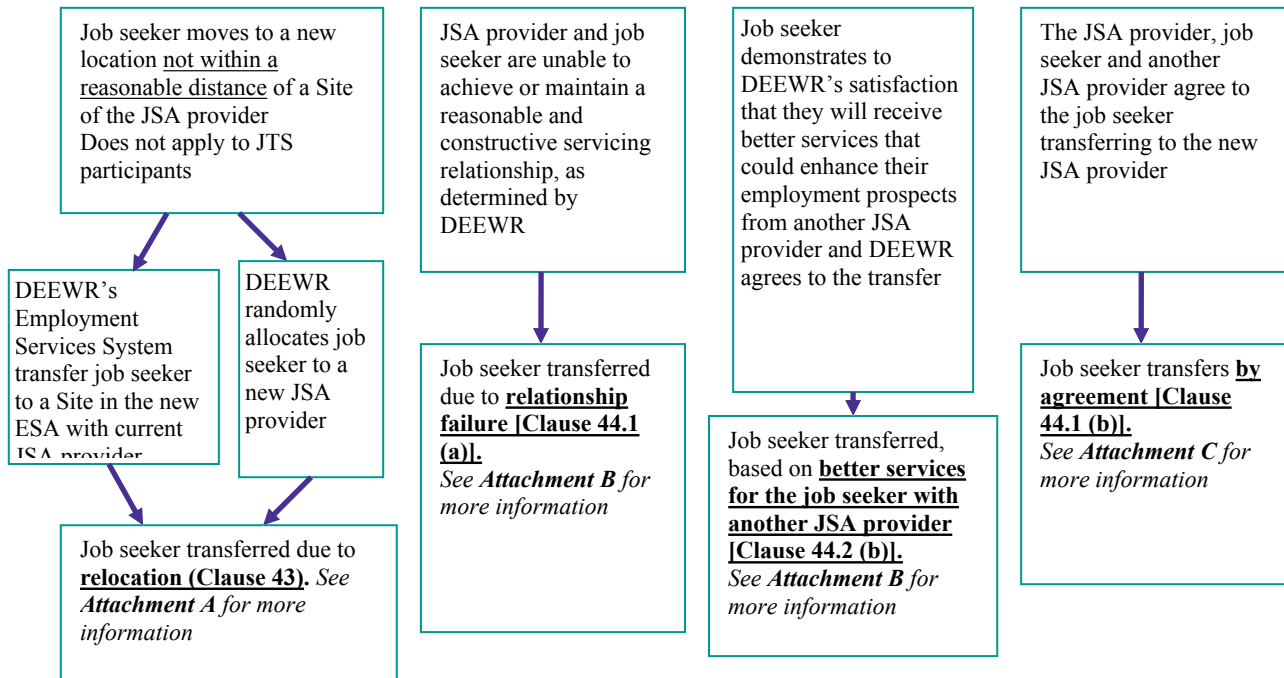
- changes residential address and can no longer access their JSA provider's Site—relocation.
- or JSA provider, requests a Transfer by DEEWR, if at any time the job seeker and JSA provider are unable to maintain a reasonable and constructive servicing relationship—relationship failure
- requests to change JSA provider and both JSA providers agree to the change—by agreement, or
- requests DEEWR to change JSA provider where they can demonstrate they would receive better services from another JSA provider that could enhance their employment prospects—better services for the job seeker with another JSA provider.

Job Transition Support participants (hereon in referred to as JTS participants) are considered Fully Eligible Participants for the purposes of transfers with the exception of transfers due to relocation.

RELOCATION

RELATIONSHIP

BY



Note: This should not be read as a stand-alone document, please refer to the Employment Services Deed 2009–2012

Employment Services Deed Clauses:

[Clause 43—Relocation of Stream Participant or Drought Force Only Participant](#)

[Clause 44—Relationship failure and transfer by agreement](#)

Additional clauses:

[Clause 36.1 Provider must provide Stream Services to all Stream Participants](#)

[Clause 52.1 Initial Interviews for Stream Participants](#)

[Clause 57.2 Updating the Employment Pathway Plan](#)

[Clause 60.12 Transferring Employment Pathway Fund when Participant transferred under 43](#)

[Clause 60.13 Transferring Employment Pathway Fund when Participant transferred under 44](#)

[Clause 87A - Job Transition Support \(General Deed Variation 1\)](#)

Applicable reference documents relevant to these Guidelines:

[Employment Pathway Fund Guidelines](#)

[Service Fee Guidelines](#)

[Contacts Guidelines](#)

[Referral and Commencement Guidelines](#)

[Documentary Evidence for Claims for Payment Guidelines](#)

[Servicing Job Transition Support participants Advice](#)

[Transfer by agreement Job Aid](#)

[Transfers due to relationship failure Job Aid and form](#)

[Transfers due to relocation Job Aid](#)

[Arrangements for the management of threatening, aggressive and violent job seeker behaviour for Job Services Australia providers Advice](#)

Explanatory Notes:

1. All terms with initial capitalisation have the same meaning as in the Employment Services Deed 2009-2012 (ESD4).
2. In this document, 'must' means that compliance is mandatory and 'should' means that compliance represents best practice.
3. Shaded areas in the flow charts denote activities that are undertaken by the job seeker, DEEWR or Centrelink.

Transfer due to relocation

Who is Responsible:	What is Required:
<p>1. Job Seeker</p> <p>Job Seeker relocates</p> <p><i>Employment Services Deed 2009-2012 Clause Reference:</i></p> <ul style="list-style-type: none"> • Clause 43.2 	<p>When job seekers notify Centrelink of a change of address, Centrelink will record the new address and notify DEEWR via systems.</p> <p>DEEWR will determine if the job seeker requires a transfer due to relocating.</p> <p>If a job seeker remains within a reasonable distance of their current JSA provider, and their current JSA provider delivers their eligible services, they will not be transferred and the JSA provider must continue to provide services to the job seeker at no additional cost to DEEWR.</p> <ul style="list-style-type: none"> ➤ End of Process ➤ If the job seeker requires a transfer and DEEWR determines the job seeker requires a new JSA provider, proceed to Step 2 ➤ If they can remain with their JSA provider but transfer to a new Site, proceed to Step 3. <p>Note: Where a JTS participant notifies a JSA provider of a change to their address, resulting in them relocating outside of the Priority Employment Areas as determined by DEEWR, the JTS participant will no longer be meeting eligibility criteria for JTS services. The JSA provider must exit the JTS participant as per Exit Guidelines.</p> <p>If a JTS participant is relocating to another Priority Employment Area, a transfer by agreement will apply.</p>
<p>2. DEEWR'S EMPLOYMENT SERVICES SYSTEM</p> <p>Job seeker requires a new JSA provider</p>	<p>If the job seeker's original JSA provider, prior to relocation, does not deliver services in the job seeker's new ESA, they will require a new JSA provider. This is determined by DEEWR.</p> <p>The job seeker will be exited and transferred by DEEWR from the original JSA provider's caseload and randomly allocated, and placed, with their new JSA provider.</p> <p>The original JSA provider will receive a noticeboard message that the job seeker has been transferred from their Site.</p> <ul style="list-style-type: none"> ➤ Proceed to Step 4 for details of how the new JSA provider will contact and commence the job seeker.

	<p>Note: The job seeker will receive notification via their Personal Page, and SMS or email, if these are preferred methods of contact, with details of their new JSA provider. The job seeker will also be informed of the option to choose a different JSA provider to the one they have been randomly allocated to. The job seeker must contact the DEEWR Customer Service Line within 5 business days of being transferred to choose a different JSA provider, and a DEEWR Customer Service Officer will complete the transfer and book the job seeker into an Initial Appointment with the receiving JSA provider. Proceed to Step 5.</p>
<p>3. DEEWR'S EMPLOYMENT SERVICES SYSTEM</p> <p>Job seeker is transferred to a new Site with their original JSA provider</p>	<p>If the job seeker's original JSA provider delivers services in their new ESA, the job seeker will be transferred by DEEWR from the original JSA provider's Site caseload and allocated to a new Site within the same organisation.</p> <p>The original JSA provider's new Site will be notified that the job seeker has transferred to their Site via a noticeboard message.</p>
<p>4. JSA provider</p> <p>The new JSA provider, or original JSA provider's new Site, arranges a Contact Appointment with the job seeker</p> <p><i>Employment Services Deed 2009-2012 Clause Reference:</i></p> <ul style="list-style-type: none"> • Clause 36.1 	<p>The new JSA provider, or original JSA provider's new Site, must contact the job seeker to arrange a suitable Appointment time and begin delivering services to the job seeker.</p> <p>Note: Standard compliance rules apply for Activity Tested job seekers who do not attend.</p>
<p>5. JSA provider</p> <p>JSA provider delivers services to the transferred job seeker</p> <p><i>Employment Services Deed 2009-2012 Clause Reference:</i></p> <ul style="list-style-type: none"> • Clause 44.3 	<p>The new JSA provider, or original JSA provider's new Site, must complete the initial Contact with the transferred job seeker, which includes:</p> <ul style="list-style-type: none"> • explaining the Stream Services that the JSA provider will provide; • reviewing and updating his or her Employment Pathway Plan (EPP); and • delivering the eligible Stream Services to the job seeker for the remaining Period of Service. <p>New JSA providers will have access to job seekers records, personal details and history of events. Some information that relates to previous JSA providers, such as Skills Assessment or Participation Reports, the new JSA provider will see as completed but the detail will not be accessible. EPPs will be viewable.</p>

	➤ End of Process
--	-------------------------

Transfer due to a relationship failure or better services for the job seeker with another JSA provider

Who is Responsible:	What is Required:
<p>1. JSA provider</p> <p>JSA provider applies for a job seeker transfer due to a relationship failure</p> <p>DEEWR will then review the request and determine if the job seeker is to be transferred</p> <p><i>Employment Services Deed 2009-2012 Clause Reference:</i></p> <ul style="list-style-type: none"> • Clause 44.1(a) 	<p>If a JSA provider is unable to maintain a reasonable and constructive servicing relationship with a job seeker the JSA provider is able to apply to DEEWR Customer Service Line (CSL) for a job seeker transfer. The JSA provider should fill out the relationship failure form and forward this to DEEWR so that DEEWR can review the request and make a determination.</p> <p><i>See detail in Step 2 for points on what DEEWR will consider when making a determination.</i></p> <ul style="list-style-type: none"> ➤ If DEEWR approves the transfer, proceed to Step 3 ➤ If DEEWR determines not to approve the transfer, proceed to Step 4
<p>2. Job Seeker</p> <p>Job seeker applies to DEEWR CSL for a transfer</p> <p>DEEWR will then review the request and determine if the job seeker is to be transferred</p> <p><i>Employment Services Deed 2009-2012 Clause References:</i></p> <ul style="list-style-type: none"> • Clause 44.1 (a) • Clause 44.2 (b) 	<p>The job seeker may apply for a transfer if they feel they are unable to maintain a reasonable and constructive relationship with their JSA provider, or they believe they will receive better services from another JSA provider. The DEEWR CSL will complete the relationship failure form on the job seeker's behalf.</p> <p>When a request is received DEEWR, may take into account any relevant matter including, but not limited to:</p> <ul style="list-style-type: none"> • the JSA provider and the job seeker can no longer work together to service the job seeker's needs; or • there is little chance that the job seeker will receive the employment services outlined in the job seeker's Employment Pathway Plan and the Service Guarantee. For example, a job seeker may receive more appropriate services from a specialist JSA provider; or • the job seeker, general public or any staff member of a JSA provider is likely to be harmed as a result of a continuing relationship (harm may include violence or harassment) or there is a lack of sensitivity to the cultural needs of groups such as Indigenous job seekers and job seekers from culturally and linguistically diverse backgrounds; or • the reasons provided by the job seeker as to why he or she would receive better service from the other JSA provider. <p>The evidence for this decision could include:</p> <ul style="list-style-type: none"> • evidence of counselling, conflict resolution or mediation services;

	<ul style="list-style-type: none"> • Participation Report/s; • entries on the job seeker's file; • use of the Employment Pathway Fund (EPF) to service the job seeker; • ongoing entries made by CSOs in DEEWR's Information Systems (ESFS); or • Job seeker Incident Report/s (as relevant). <p>➤ If DEEWR approves the transfer, proceed to Step 3</p> <p>➤ If DEEWR determines not to approve the transfer, proceed to Step 4</p>
<p>3. DEEWR</p> <p>DEEWR approves transfer</p>	<p>If DEEWR does approve the transfer, the CSL will arrange for the transfer of the job seeker and book the job seeker into an Initial Interview session with the new JSA provider.</p> <p>The original JSA provider will receive a noticeboard message that the job seeker has transferred from their caseload.</p> <p>➤ Proceed to Step 5</p>
<p>4. JSA provider</p> <p>DEEWR does not approve transfer</p> <p><i>Employment Services Deed 2009-2012 Clause Reference:</i></p> <ul style="list-style-type: none"> • Clause 37.1 	<p>If DEEWR determines not to approve the application to transfer, DEEWR will notify the requesting party of the outcome. The original JSA provider must continue to deliver Stream Services to the job seeker.</p> <p>Where a JSA provider or a job seeker is not satisfied with the outcome of the relationship failure process, they may request that the decision be reviewed.</p> <p>If a job seeker or a JSA provider requests an internal review they must notify the DEEWR Customer Service Line in their State to request a review within 14 business days of the original decision. Reviews are preferably requested in writing and are to be processed within 5 business days from receipt of a review request where possible.</p> <p>➤ If the decision is changed the process will continue at Step 3.</p>
<p>5. JSA provider</p> <p>JSA provider delivers services to the transferred job seeker</p> <p><i>Employment Services Deed 2009-2012 Clause Reference:</i></p> <ul style="list-style-type: none"> • Clause 44.3 	<p>The new JSA provider must complete the initial contact with the transferred job seeker, which includes:</p> <ul style="list-style-type: none"> • explaining the Stream Services that the JSA provider will provide; • reviewing and updating his or her EPP; and • delivering the eligible Stream Services to the job seeker for the remaining Period of Service. <p>Note: While an Initial Interview Appointment session type will be used for the job seeker transferring in, the JSA provider</p>

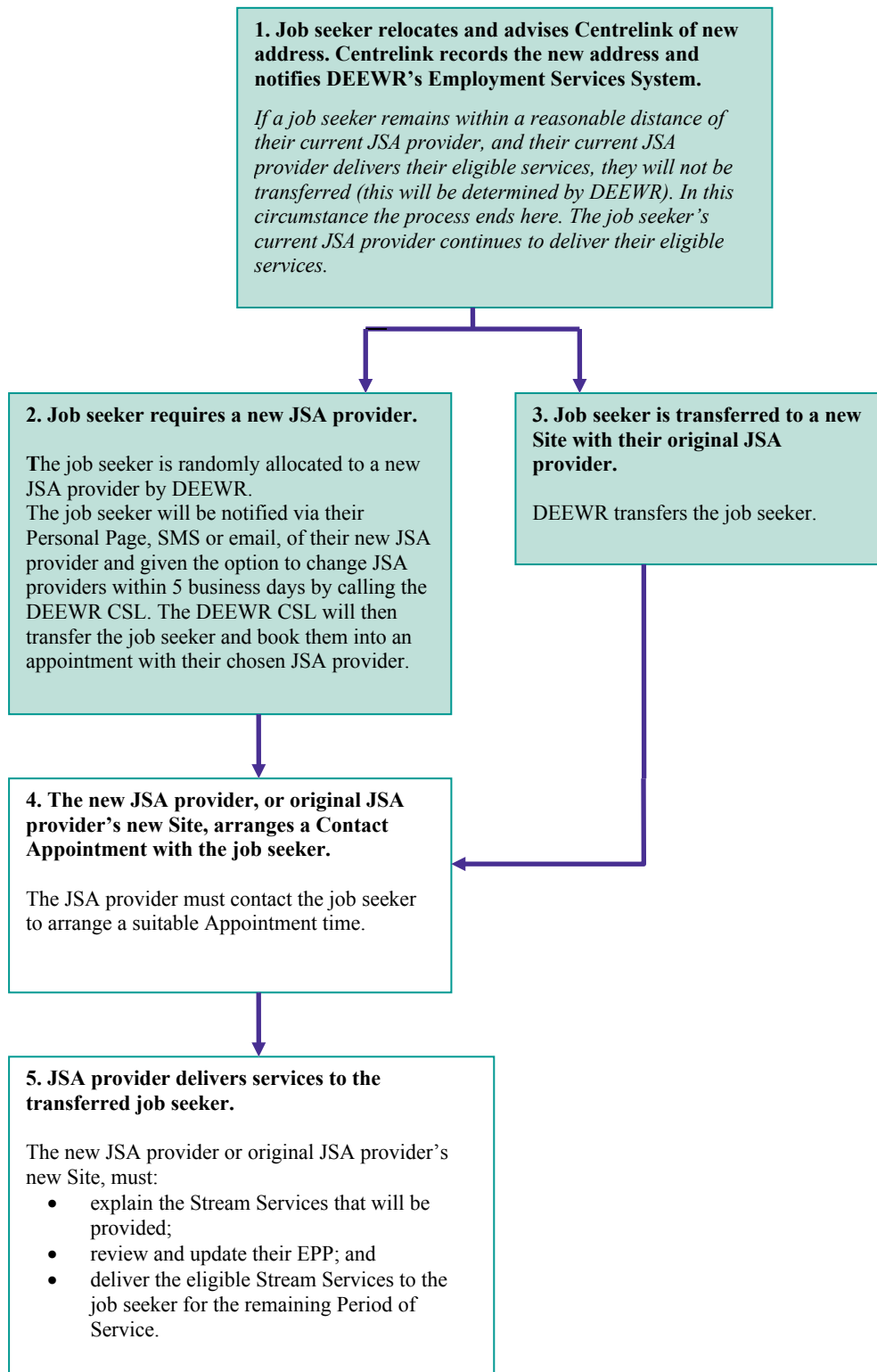
	<p>does not have to deliver all of the required information and services of the Initial Interview as per the Employment Services Deed 2009-2012.</p> <p>The new JSA provider will have access to the job seekers record, personal details and history of events. Some information that relates to the previous JSA provider, such as Skills Assessment or Participation Report, the new JSA provider will see as completed but the detail will not be accessible. EPPs will be viewable.</p> <p>➤ End of Process</p>
--	--

Transfer by agreement between JSA providers

Who is Responsible:	What is Required:
<p>1. All parties agree to a transfer</p> <p><i>Employment Services Deed 2009-2012 Clause Reference:</i></p> <ul style="list-style-type: none"> • Clause 44.1 (b) 	<p>When all parties agree, a job seeker is eligible for transfer by agreement; this includes the original JSA provider, new JSA provider and the job seeker.</p> <p>➤ If all parties agree to the transfer, proceed to Step 3</p> <p>➤ If all parties do not agree to the transfer, proceed to Step 2</p>
<p>2. Job Seeker</p> <p>All parties don't agree to transfer</p> <p><i>Employment Services Deed 2009-2012 Clause Reference:</i></p> <ul style="list-style-type: none"> • Clause 44.2 	<p>If all parties do not agree to a transfer the process ends.</p> <p>However, if the job seeker feels that they can demonstrate to DEEWR that they will receive better services from another JSA provider, they should contact DEEWR CSL to request a transfer—<i>Refer to Attachment B, Flow chart for transfers due to relationship failure and better servicing, Step 2.</i></p> <p>➤ End of Process</p>
<p>3. JSA provider</p> <p>Both JSA providers and the job seeker complete the Transfer by agreement Form</p>	<p>The original JSA provider is to finalise the <i>Transfer by agreement Form</i> prior to actioning the transfer. The original JSA provider submits the information into the DEEWR's Employment Services System, and retains the form on the job seeker's file.</p>
<p>4. DEEWR'S EMPLOYMENT SERVICES SYSTEM</p> <p>Job seeker transfers to new JSA provider</p>	<p>The job seeker is transferred by DEEWR's Employment Services System as a result of the information submitted by the JSA provider.</p> <p>Note: If the job seeker has an active Job seeker Incident Report (JSIR) recorded, DEEWR's Employment Services System will not automatically transfer the job seeker. In these cases the original JSA provider must contact the DEEWR CSL to have the transfer</p>

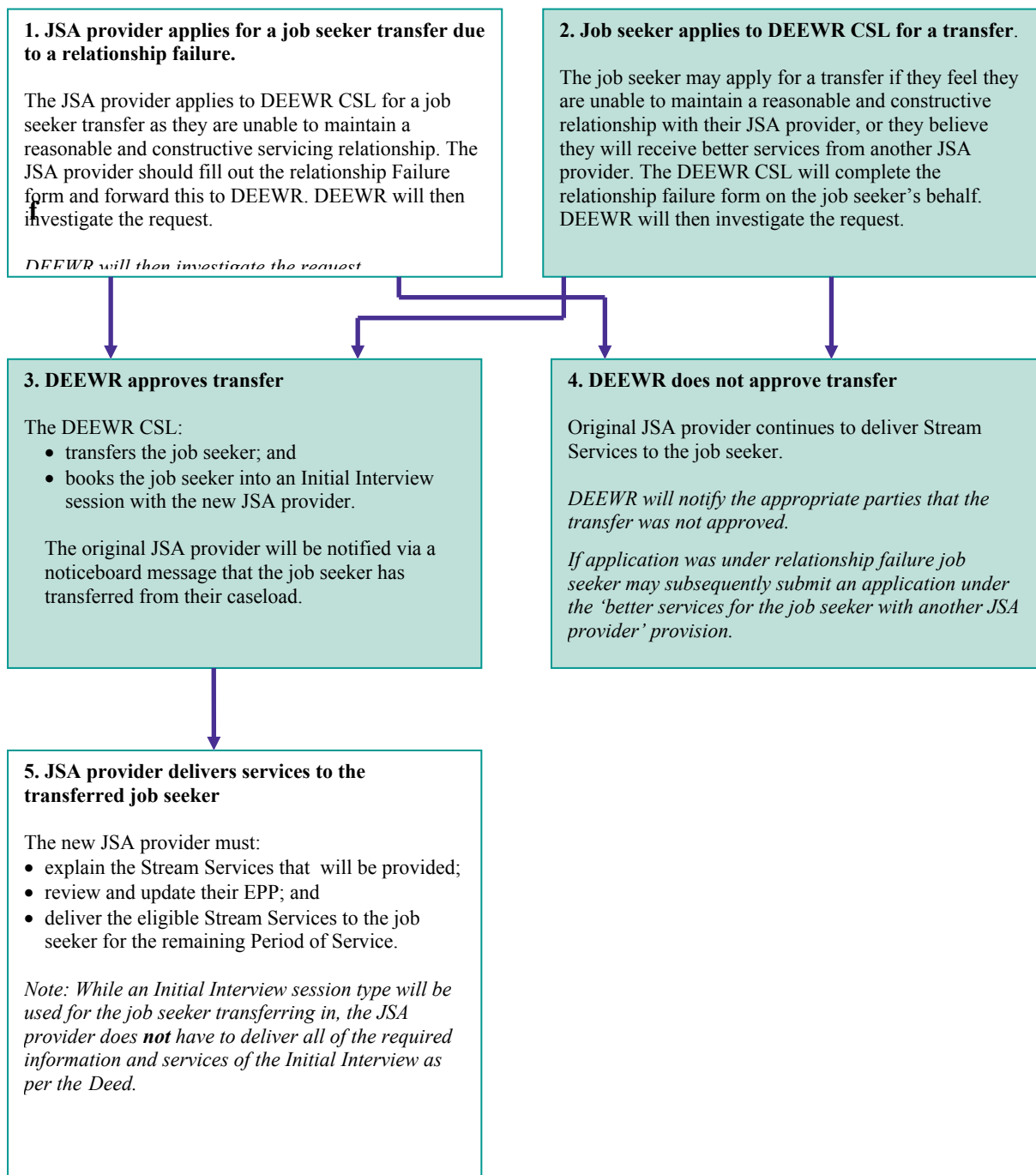
	facilitated by DEEWR.
<p>5. JSA provider</p> <p>The new JSA provider arranges a Contact Appointment with the job seeker</p>	<p>The JSA provider will see the transfer has been completed when the Job seeker appears on their caseload and they receive a noticeboard message. The JSA provider must contact the job seeker to arrange a suitable Appointment time.</p>
<p>6. JSA provider</p> <p>JSA provider delivers services to the transferred job seeker</p> <p><i>Employment Services Deed 2009-2012 Clause Reference:</i></p> <ul style="list-style-type: none"> • Clause 44.3 	<p>The new JSA provider must complete the initial contact with the transferred job seeker, which includes:</p> <ul style="list-style-type: none"> • explaining the Stream Services that the JSA provider will provide; • reviewing and updating his or her EPP; and • delivering the eligible Stream Services to the job seeker for the remaining Period of Service. <p>Note: While an Initial Interview session type will be used for the job seeker transferring in, the JSA provider does not have to deliver all of the required information and services of the Initial Interview as per the Employment Services Deed 2009-2012.</p> <p>The new JSA provider will have access to the job seekers record, personal details and history of events. Some information that relates to the previous JSA provider, such as Skills Assessment or Participation Report, the new JSA provider will see as completed but the detail will not be accessible. EPPs will be viewable.</p> <p style="text-align: center;">➤ End of Process</p>

ATTACHMENT A: Flow Chart - Transfer due to relocation

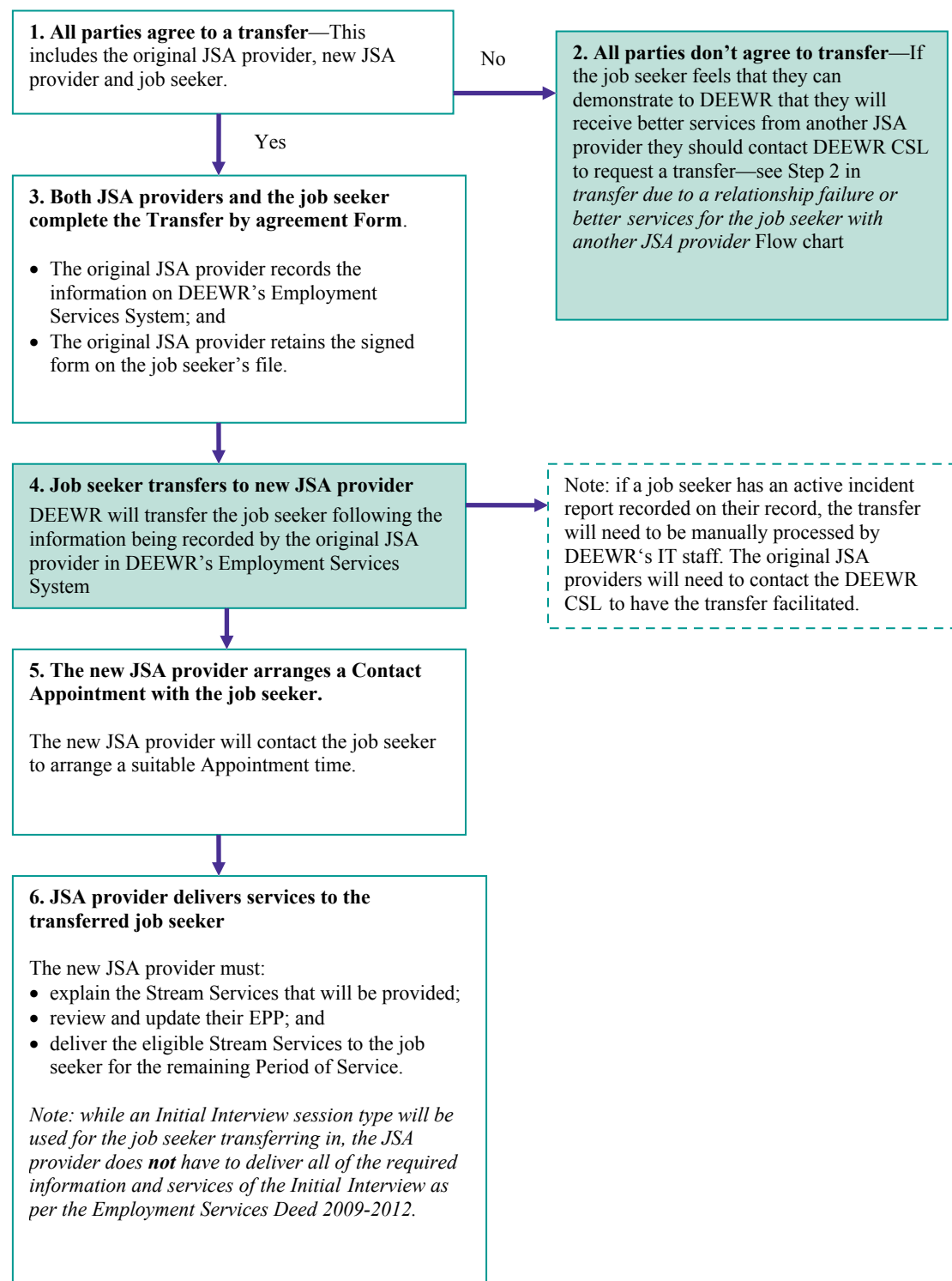


Note: This should not be read as a stand-alone document, please refer to the Employment Services Deed 2009 – 2012.

ATTACHMENT B: Flow Chart - Transfer due to relationship failure or better services for the job seeker with another JSA provider



Note: This should not be read as a stand-alone document, please refer to the Employment Services Deed 2009 – 2012.

ATTACHMENT C: Flow Chart - Transfer by agreement between JSA providers

Note: This should not be read as a stand-alone document, please refer to the Employment Services Deed 2009 – 2012.