

# Workforce Australia Guidelines

## Part B: Workforce Specialists

### Disclaimer

This Guideline is not a stand-alone document and does not contain the entirety of Workforce Specialist obligations. It must be read in conjunction with the Workforce Australia - Workforce Specialists Deed of Standing Offer 2023-2028 (the **Deed**), including any other relevant Guidelines or reference material issued by Department of Employment and Workplace Relations under or in connection with the Deed.

This Guideline is not legal advice and the Commonwealth accepts no liability for any action purportedly taken in reliance upon it and assumes no responsibility for the delivery of the Services. This Guideline does not reduce the obligation of Workforce Specialists to comply with their relevant legal obligations and, to the extent that this Guideline is inconsistent with obligations under the Privacy Act, Social Security Law, the WHS Laws or any other legislation or laws relevant to the respective jurisdictions in which Workforce Specialists operate, the relevant legislation or laws will prevail.

### Version History

**Version 1.1**

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In this version of the Guideline, the Guideline Interpretation and Glossary, and the following Chapters have been updated:

- Workforce Specialist Initiative
- Project Concepts and Co-design
- Project Setup, Promotion and Referral
- Project Delivery and Managing Participation
- Managing Work Health and Safety
- Project Payments and Performance

A full version history of this Guideline can be found on the [Archived Guidelines page on the Provider Portal](#).

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# Guideline Interpretation and Glossary

## Reading Notes

In this Guideline, 'must' means that compliance is mandatory and 'should' means that compliance represents best practice for Providers and is expected by the Department.

While reading this document, please note the following Icons and their meaning:



This icon represents 'System Steps' – information contained under this dot point will relate to usage of the Department's IT Systems.



This icon represents 'Work, Health and Safety Steps' – information contained under this dot point will relate to matters of Work, Health and Safety.



This icon represents 'Documentary Evidence' – information contained under this dot point will relate to matters of Documentary Evidence.

## Glossary

All capitalised terms in this Guideline have the same meaning as in the Deed unless otherwise defined below.

**'Employment Services Provider'** includes the Yarrabah Employment Services Provider and Broome Employment Services Provider for the purposes of these Guidelines (in addition to the definition provided in the Deed).

**'Family Member'** means, in relation to a particular individual (such as a Participant or an Employer):

- (a) any spouse, de facto partner, child, parent, grandparent, grandchild or sibling, including where any of these are adopted relations, of the particular individual;
- (b) any child, parent, grandparent, grandchild or sibling, including where any of these are adopted relations, of the spouse or de facto partner of the particular individual; or
- (c) any in-law of any individual referred to in paragraph (a) or (b) above, including any in-law of the particular individual.

**'Incident'** means

- an unplanned, accidental or deliberate event or happening resulting in personal injury (physical or mental), illness or damage to equipment, property, plant, site or building;
- an event or happening that had the potential to result in personal injury (physical or mental), illness or damage to equipment, property, plant, site or building;
- unacceptable or hostile behaviour that could result in legal proceedings or potential personal injury (physical or mental), illness or damage to equipment, property, plant, site or building.

**'Project'** means, for the purposes of this Guideline, a Workforce Specialist Project.

**'Project Plan'** means, for the purposes of this Guideline, a Workforce Specialist Project Plan.

**'Workforce Australia Employment Services Provider'** means any entity contracted to the Commonwealth to provide employment services under the Workforce Australia Deed of Standing Offer 2022-2028.

**'Workforce Australia Online'** means, for the purposes of this Guideline, the online platform Workforce Australia Services Online Participants, Workforce Australia Services Participants, Yarrabah Employment Services Participants, Broome Employment Services Participants and Workforce Australia – Transition to Work Participants can use to search and view Workforce Specialist Projects and submit expressions of interest.

**'Workforce Australia – Transition to Work Provider'** or **'Transition to Work Provider'** means any entity contracted to the Commonwealth to provide employment services under the Workforce Australia – Transition to Work Deed 2022-2027.

# Chapter 1. Workforce Specialists Initiative

## Supporting Documents for this Chapter:

- [Workforce Connections - Workforce Specialist Project Framework](#)

### 1.1. Chapter overview

This Chapter outlines the purpose of the Workforce Specialists initiative, the role of the Workforce Specialist, and Workforce Specialist Project eligibility requirements.

### 1.2. Overview of the Workforce Specialists initiative

A Panel of Workforce Specialists will deliver a range of projects to meet the workforce needs of identified industries and occupations, connecting them to suitable participants in Workforce Australia Services, Workforce Australia Online, Yarrabah Employment Services, Broome Employment Services and Workforce Australia – Transition to Work. Funding of \$12.5 million will be available each year to support the delivery of projects under this initiative.

The Workforce Connections: Workforce Specialist Project Framework (the Framework) identifies industries and occupations with significant labour market opportunities for job seekers. The Framework will guide and inform the delivery of Projects.

The Framework is the central guidance document for the Workforce Specialist Panel (the Panel), the Department and other stakeholders to identify, develop, approve and deliver Projects.

### 1.3. Objectives of the Workforce Specialists initiative

The Workforce Specialists initiative aims to:

- connect job seekers to labour market opportunities in identified industries and occupations, providing a sustainable pathway to support job seekers to gain or build on the skills and attributes needed to take up these opportunities
- provide project-based solutions to meet the workforce needs of industries identified in the Workforce Connections: Workforce Specialist Project Framework or other emerging needs as identified by the department, and
- provide project-based solutions across a broad geographical or industry/occupation focus, leveraging existing initiatives at the national and state and territory government level.

### 1.4. Eligible Participants

Participation in a Workforce Specialist Project is voluntary. To be eligible to participate in a Project, a Participant must be a fully eligible participant registered with:

- Workforce Australia Services,
- Workforce Australia Online,
- Workforce Australia – Transition to Work,
- Yarrabah Employment Services, or
- Broome Employment Services

## 1.5. Ineligible Participants

Individuals in Disability Employment Services, the Community Development Program, ParentsNext and other individuals volunteering for assistance are not eligible to participate in a Project.

Eligibility for Projects may expand to other individuals over time.

## 1.6. The Workforce Specialists Panel

Workforce Specialists will be engaged from the Panel on an as-needed basis to deliver Projects through a Work Order. These Projects will meet the workforce needs of identified industries and occupations, connecting them with suitable eligible Participants.

Workforce Specialist Panel members will not have a caseload of job seekers, rather they will connect with suitable eligible Participants.

The Department provides no guarantee of business to Panel Members. Some Workforce Specialists may be engaged to deliver one or more Projects over the duration of the Panel, whereas other Workforce Specialists may not be engaged and may receive no business.

The Department expects that Workforce Specialists will maintain:

- a strong understanding of the workforce needs and challenges, and recruitment practices of one or more industries
- demonstrated capacity or experience to work with Employers to understand their recruitment needs and prepare job seekers to take up Employment, including pathways to secure work
- the capacity to develop strong collaborative partnerships with business and industry partners, Employment Services Providers, the Department and other relevant stakeholders, and
- a strong understanding of contemporary employment services, government and non-government supports, and other initiatives supporting business to take on job seekers.

Workforce Specialists can initiate discussions with the Department regarding a Project Concept or they may be approached by the Department about a Project Concept.

For each approved Project, where applicable, the Workforce Specialist will:

- develop and maintain working relationships with Employers as well as a wide range of key stakeholders including other Employment Services Providers
- develop strong collaborative partnerships with business and industry partners
- work with Employers to identify the entry requirements, skills and attributes needed to fill vacancies to assist Participants to prepare for and/or take up Employment
- work closely and cooperatively with the Department to ensure Workforce Specialist Services continue to support the objectives of the Workforce Specialists initiative and any Departmental programs leveraged
- deliver the Project in line with any representation or undertaking made in its response to the Request for Proposal and as part of the Co-design Phase.

### 1.6.1. Workforce Specialist Profile

Workforce Specialists must provide to the Department within 20 Business Days of executing the Deed a Workforce Specialist Profile outlining their operations, skills and experience to support the delivery of Projects. Workforce Specialists must submit these via email to [workforcespecialists@dewr.gov.au](mailto:workforcespecialists@dewr.gov.au) using the Workforce Specialist profile template provided by the Department. The information required includes but is not limited to:

- primary preferred geographic areas of operation;
- key industries and occupations the Workforce Specialist has experience supporting;
- the types of services the Workforce Specialist has experience delivering; and
- relevant examples of projects the Workforce Specialist has delivered.

Workforce Specialists are encouraged to keep their Workforce Specialist Profile up-to-date for the duration of the Deed. Workforce Specialists can provide an updated Workforce Specialist Profile to their Provider Lead as appropriate.

Workforce Specialists must update their profiles if directed to do so by the Department.

(Deed Reference(s): Clauses 19.1, 89.1, ATTACHMENT 1 – DEFINITIONS: Workforce Specialist Profile)

### 1.6.2. Maintaining Panel membership

Workforce Specialists will need to comply with all requirements for holding and maintaining Panel membership as outlined in the Deed.

If a Workforce Specialist or one of its related entities becomes an Employment Services Provider with a caseload<sup>1</sup>, it will lose eligibility to be on the Panel. Where a Workforce Specialist (or any Related Entity) intends to become an Employment Services Provider with a caseload (including by submitting a response to an approach to market), the Panel Member is required to:

- notify the Department as soon as possible; and
- comply with any directions of the Department, such as moving affected Projects and Participants to another Workforce Specialist, completing the Project early, terminating the Project, or implementing other alternative arrangements.

When determining which arrangements are to be made for a Project being run by a Workforce Specialist intending to become an Employment Services Provider with a caseload, the Department may consider the following:

- the current status of the Project, including the duration of the project and time remaining and key milestones
- the number of Participants affected and the support they may or may not have access to if the Project was to cease
- the risk and impact on a Participant/s and other stakeholders, including Employers
- any key deliverables/Key Performance Indicators (KPIs) not achieved; and

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<sup>1</sup> Workforce Australia Services, Transition to Work, Yarrabah Employment Services, Broome Employment Services, Disability Employment Services, Community Development Program, ParentsNext and any other program (including future iterations of the listed programs) where an organisation manages an employment services caseload.

- funding available to deliver the Project, including value for money considerations.

The Workforce Specialist may be asked to provide information and assistance to the Department to assist with this determination.

Where the Workforce Specialist is unable to meet the minimum requirements for maintaining panel membership, and the Department decides to engage another Workforce Specialist(s) to deliver the Project, the Workforce Specialist must provide sufficient assistance and cooperation to relevant Workforce Specialist(s) to enable Services to continue to be delivered to Participants.

(Deed Reference(s): Clauses 6 and 23)

## **1.7. Workforce Connections: Workforce Specialist Project Framework**

The Framework guides and informs the development, approval and delivery of Projects.

The Framework identifies industries and occupations with significant labour market opportunities for job seekers for targeted investment as part of the initiative.

The first iteration of the Framework has been developed by the Department in consultation with key stakeholders and the Framework is expected to be reviewed annually to respond to changes, including in labour market conditions. Refer to [the Framework](#) for further information about the review and the current identified industries and occupations.

The Department provides no guarantee of the number or value of projects funded for each industry identified in the Framework, nor the duration of time an industry may be retained as part of the Framework.

Workforce Specialist Projects will predominantly focus on industries identified in the Framework. When developing Project Concepts, Workforce Specialists must consider how the Project Concept aligns with the Framework.

In limited circumstances, Projects may also be delivered to respond to emerging workforce opportunities or challenges not directly linked to one of the industries identified in this Framework. This flexible approach will enable responsiveness to:

- an immediate need for support in response to a rapidly emerging labour market opportunity or challenge, or
- an emerging and significant labour market opportunity for job seekers outside of the identified industries, that the Department determines would benefit from a Workforce Specialist Project.

## **1.8. Workforce Specialist Projects**

Workforce Specialist Projects will assist identified industries to meet their workforce needs and connect businesses to suitable Participants in Workforce Australia Online, Workforce Australia Services, Yarrabah Employment Services, Broome Employment Services and Transition to Work. Workforce Specialists through approved Projects will engage with industry to identify and access labour market opportunities including connecting Participants with relevant skills and training pathways, potential areas for career progression and/or the support available to prepare for and take up these opportunities.



The development, approval and delivery of Projects will be informed and guided by:

- the Framework
- the need to align with the objectives of the Workforce Specialists initiative
- the need to represent value for money under the initiative.

Projects will vary in size and duration and may consist of one or more Workforce Specialist Activities. One or more Workforce Specialists may be engaged to deliver a Project. The Department anticipates that Projects may be on a larger scale across geographical areas or an industry/occupation.

The details of the design, scope, requirements, Payments and Milestones (including KPIs) for each Project approved for delivery by a Workforce Specialist will be outlined in the relevant Contract.

(Deed Reference(s): Part B – Co-design Services and Part C – Workforce Specialist Projects)

### **1.8.1. Eligible Activities**

The Workforce Specialist Activities that form part of a Project will be determined and agreed through the Co-design Phase and outlined in the relevant Contract. For example, Workforce Specialist Activities could include, but are not limited to:

- development and trialling of new recruitment approaches tailored to industry workforce needs
- increasing awareness of industry job opportunities, including career progression, through delivery of industry information sessions and activities
- development of digital tools and resources tailored to industry workforce needs for job seekers or other stakeholders
- development and delivery of tailored pre-employment and industry specific training to prepare Participants for roles within an industry or occupation
- coordination and delivery of events and networking opportunities connecting Employers and industry to suitable Participants
- coordination and management of assessment centres and induction training to support large-scale recruitment exercises with multiple stakeholders
- arranging and providing post-placement support to Employers and new employees to support retention in a new role
- identification, development and delivery other activities and solutions that will support identified industries meet their workforce needs and Participants prepare for and/or move into sustainable Employment.

### **1.8.2. Excluded Activities**

A Workforce Specialist must not arrange any Workforce Specialist Activity for any Participant, or refer any Participant to any Workforce Specialist Activity, where the Workforce Specialist Activity may involve:

- the Participant undertaking any Services that the Workforce Specialist is contracted to deliver under the Deed, or any other contract or arrangement between the Workforce Specialist and the Department or another government department or agency
- an illegal activity or the Participant undertaking tasks that the Participant is not permitted to do under the law (e.g., a task can only be undertaken by a licensed person and the Participant does not hold that licence)

- the Participant undertaking tasks or working for any:
  - organisation owned or controlled by the Participant, or
  - Family Member of the Participant
- the Participant displacing an existing employee of the Host Organisation or undertaking work that would reduce an existing employee's hours of work (full-time, casual, or part-time), including reducing an existing employee's customary overtime
- the Participant undertaking tasks associated with the sex industry or involving nudity (including retail or hospitality positions)
- the Participant undertaking tasks directly involving gambling
- in the case of any Specified Activity, the Participant undertaking tasks in the Participant's own home
- the Participant undertaking volunteer work or unpaid work (except for Work Trial Placement Activities or a Specified Training Activity)
- the Participant undertaking tasks requiring a commitment of more than eight (8) hours per day
- the Participant undertaking tasks on a public holiday
- the Participant undertaking tasks that primarily promote a particular religious or political view
- any other service that is likely to bring the Participant, the Provider or the Department into disrepute
- a placement the Department has advised is not acceptable.

(Deed Reference(s): Clause 98)

## Chapter 2. Project Concepts and Co-design

### 2.1. Chapter overview

This Chapter outlines the requirements for Workforce Specialist(s) in relation to the Project Concept, Co-design and Project approval.

### 2.2. Project Concepts and Concept Discussions

Project Concepts may be generated by the Workforce Specialist, the Department, or a third party who approaches either the Workforce Specialist or the Department for assistance under the Workforce Specialists initiative.

The Department will assess and consider Project Concepts as they are received – there will be no scheduled rounds calling for submissions. The Department provides no guarantee of the volume or type of projects that it will refer to and/or engage the Workforce Specialist to deliver.

The Workforce Specialist should note that the initial assessment of the Project Concept will determine the likelihood of project meeting the Core Project Criteria and alignment with the objectives of the Workforce Specialist Initiative. This will include consideration of whether the workforce need could be best delivered through an existing government funded program or through the ordinary functioning of the labour market. The Project Concept may be shared with other internal areas of the Department where the initial assessment identifies there may be greater alignment with another program.

(Deed Reference(s): Clauses 85, 86, ATTACHMENT 1 – DEFINITIONS: Core Project Criteria)

#### 2.2.1. Workforce Specialist initiated Project Concept

The Workforce Specialist must submit a Project Concept to the Department for consideration using the Project Concept Template provided by the Department. The Workforce Specialist may also submit a Project Concept Template on behalf of a third party if approached about a potential project.

The Project Concept Template must include sufficient information to allow for the initial assessment to be undertaken and consideration of whether to proceed to a Concept Discussion.

The Workforce Specialist should send completed templates via email to the Workforce Specialists mailbox ([workforcespecialists@dewr.gov.au](mailto:workforcespecialists@dewr.gov.au)) with the subject line 'Project Concept'. The Workforce Specialist's Provider Lead should also be CC'ed into this email. If the Workforce Specialist has any questions prior to or when completing the Concept Template, they can either contact their Provider Lead or email the Workforce Specialists mailbox.



Following submission of this template, the Department may invite the Workforce Specialist to a Concept Discussion (refer to [Concept Discussions](#) for further details). The Workforce Specialist must use the Project Concept Template when submitting a Project Concept to the Department.

(Deed Reference(s): Clauses 85.1 and 86.2)

### 2.2.2. Department initiated Project Concept

The Department may identify a Project Concept and invite one or more Workforce Specialists to express interest in working with the Department to further develop it, including through a Request for Quote (RFQ) process. The Department may consider Workforce Specialist Profiles when determining which panel members to approach.

The Department will provide a Concept Template, including details of the Project Concept, for consideration by the Workforce Specialist(s). The Department will seek further information from the relevant Workforce Specialist(s) regarding how they may develop and deliver the Project Concept.

The Concept Template will need to be completed and returned to the Department via email at [workforcespecialists@dewr.gov.au](mailto:workforcespecialists@dewr.gov.au) together with any supporting documentation and within the allocated time. If a Workforce Specialist has any questions prior to or when completing the Concept Template, they should contact the Department via this email address.

The Workforce Specialist(s) and the Department may hold [Concept Discussions](#) following the RFQ process as required to support consideration of whether the Project Concept should proceed to Co-design with the Workforce Specialist.

(Deed Reference(s): Clause 86.1)

### 2.2.3. Concept Discussions

The Department may invite the Workforce Specialist to participate in a Concept Discussion following the submission of a Project Concept Template.

Concept Discussions are intended to provide the Department and the Workforce Specialist(s) the opportunity to discuss and clarify any points of concern or seek further information on aspects of the Project Concept before committing to Co-design.

There may be one or more Concept Discussions, and these will be iterative, with the degree of discussion being relative to the complexity of the Project Concept and whether a similar project has been delivered previously.

The Department may invite multiple Workforce Specialists in writing to participate on an individual or joint basis in Concept Discussions and may seek to proceed to Co-design with one or more Workforce Specialists in an agreed collaborative approach.

(Deed Reference(s): Clauses 85.1, 85.2, 85.5, 86.1, 86.2)

### 2.2.4. Determination to proceed to Co-design

Following the initial assessment of the Project Concept and any Concept Discussion(s), the Department may invite the Workforce Specialist to engage in the Co-design Phase.

When determining whether to invite a Workforce Specialist to engage in Co-design with the Department, the Department will consider whether the Project Concept:

- aligns with the objectives of the Workforce Specialists initiative
- is likely to meet the Core Project Criteria, including representing value for money, and
- has the support of the Workforce Specialist, the Department and relevant key stakeholders.

The Department may give preference to Project Concepts that have the potential to deliver large numbers of apprenticeships, traineeships or vacancies suitable for Workforce Australia Services and/or Workforce Australia - Transition to Work Participants, or vacancies that provide a pathway to secure work.

If approved, the Department will invite the Workforce Specialist in writing to proceed to Co-design. The Workforce Specialist may accept the offer to proceed to Co-design via a response in writing. The Department will pay the Workforce Specialist the Co-design Fee following the receipt of an invoice (refer to [Invoicing for a Co-design Fee](#) for further details).

The Co-design Fee is paid to reflect the time and effort invested by the Workforce Specialist in working with the Department and other relevant parties to Co-design the Project Concept. It is not intended to cover all costs of the work involved in this process.

Submission of a Project Concept Template (including in response to an RFQ) and Concept Discussions are non-binding. The Department and/or the Workforce Specialist(s) may choose not to proceed with further development of the Project Concept at any time. The Workforce Specialist will need to inform the Department via email at [workforcespecialists@dewr.gov.au](mailto:workforcespecialists@dewr.gov.au) if they intend to withdraw.

If the Department determines a Project Concept will not proceed, high-level feedback will be provided to the Workforce Specialist(s) when notified of the outcome. The option to request further information and a review of this decision will be available to the Workforce Specialist(s).

Without affecting the Workforce Specialist's ownership of any applicable intellectual property rights, the Department may use, adapt and share ideas and learnings arising out of a Concept Discussion and/or a Co-design Phase as part of the initiative.

(Deed Reference(s): Clauses 38.2, 86, 88)

### **2.3. Co-design Phase**

The objective of the Co-design Phase is for the Department and the Workforce Specialist(s) to further develop the Project Concept to ensure it meets the Core Project Criteria and objectives of the Workforce Specialists initiative. The Workforce Specialist will also prepare a draft workforce specialist project plan, which if approved, will help inform the content of the Project Work Order.

The Co-design Phase may involve the following:

- multiple meetings, to define the scope, eligibility and key elements of the project
- developing engagement strategies with relevant stakeholders, including identifying program linkages
- obtaining written commitments from business and industry in relation to vacancies to be filled as part of the Project
- liaising with other stakeholders, delivery partners and industry representatives to either facilitate their involvement or represent them in a series of Co-design meetings with the Department
- developing a draft workforce specialist project plan
- defining project-specific Milestones and KPIs
- developing the draft Payment schedule.

Each Co-design process is non-binding and completion of the Co-design Phase does not guarantee that the Project Concept will proceed to a Work Order. The Department and/or the Workforce Specialist(s) may choose to not proceed with further development of the Project Concept at any time prior to the execution of a Work Order.

The Department and/or Workforce Specialist(s) must notify the other party in writing if they choose not to proceed.

(Deed Reference(s): Clauses 87 and 88)

### **2.3.1. Workforce Specialist IT Systems Accreditation**

Workforce Specialists must refer to, and comply with the [Part A Guidelines: External Systems Assurance Framework Chapter](#)

The Department requires Workforce Specialist to undertake the Department's Right Fit For Risk (RFFR) security accreditation process to meet the Department's requirements for information security. The RFFR accreditation of a Workforce Specialist's IT Systems provides assurance to the Department that sufficient security measures are in place to manage security risks when accessing the Department systems and/or data.

The RFFR approach requires the Workforce Specialist to complete a set of milestones within a prescribed period that commences during the Co-design Phase for each proposed workforce specialist project. All milestones must then be completed within nine months from the completion of the first milestone. The process enables the Department to seek assurance that the Workforce Specialist is progressing to and/or has implemented an appropriate standard of security over their information and their IT environment.

During the Co-design Phase, Workforce Specialists must complete the first RFFR milestone before a Work Order is issued for a Project. Note RFFR milestone 1 must be completed for each Work Order issued by the Department. This enables the Department to assess the level of risk and determine if any amendments are required to the accreditation status of the Workforce Specialist. The Department will then advise on the requirements to complete the remaining milestones within the process.

If the Workforce Specialist is already in the process of completing its RFFR accreditation, the department will provide advice on whether outstanding milestones need to be completed prior to a Work Order being issued by the Department.

Details of the process and requirements to obtain the Department RFFR security accreditation is contained in the [Part A Guidelines: External Systems Assurance Framework Chapter](#).

### **2.3.2. Workforce Specialist Project Plan**

The Workforce Specialist must use the Project Plan template when submitting the draft plan to the Department for approval. This template can be found on [the Provider Portal under Workforce Specialists](#).

The Department will work with the Workforce Specialist(s) throughout the Co-design Phase to develop the draft workforce specialist project plan. If approved by the Department, the Workforce

Specialists Project Plan will inform the content of the Work Order and subsequent formation of the Contract.

The Workforce Specialist must address the following elements in the draft workforce specialist project plan. Depending on the Project Concept, some of these may be specifically determined by the Department, and others will be developed as part of the Co-design Phase.

(Deed Reference(s): Clauses 87.2, 87.3 and 87.7)

## Project description, scope and objectives

The Workforce Specialist must outline the details of the proposed project in the draft workforce specialist project plan, including:

- identified workforce needs and labour market opportunities (including evidence of any specific commitments or support from business if relevant)
- the proposed Project description, including how it will respond to identified workforce needs and connect Participants to the labour market opportunities
- the overall objectives and anticipated outcomes.

## Design and delivery

The Workforce Specialist must provide detailed information in the draft workforce specialist project plan about the design of the proposed project and how it will be delivered. This includes information addressing the following:

- the structure of the proposed project, including key deliverables, Workforce Specialist Activities and timeframes for delivery
- detail of any expression of interest (EOI) process the Workforce Specialist will use to select Participants for the proposed project, including:
  - the information that will be requested, including why this information is required to support consideration of the potential participant's referral to the Project
  - the process the Workforce Specialist will use to assess EOIs and select Participants
  - how feedback will be provided to unsuccessful applicants, and
  - the process the Workforce Specialist will put in place if the applicant requests a review of any decision
- details of any stages or phases that will be part of the proposed project including:
  - any pre-requisites or requirements for a Participant – for example, does the Participant require a driver's licence or police check, or for example if stage one is a training course, and stage 2 is a Work Trial Placement Activity, does the Participant need to complete the training to be considered for stage 2
  - the process the Workforce Specialist will use to determine if pre-requisites or requirements have been met
  - how feedback will be given to those Participants who do not progress to the next stage/phase (if applicable), and
  - the process the Workforce Specialist will put in place if the Participant requests a review of any decision
- details of all location(s) for the delivery of Services, including any geographical considerations in relation to Participant access to the proposed project including transport

considerations and targeting (that is, the Project by the nature of the location is targeted at job seekers in a specific city, state, region)

- the proposed method(s) of delivery for the proposed project, including if delivery will be face-to-face, online or mixed mode, the reasons for this approach and any contingency arrangements if delivery arrangements need to change
- details of the proposed communication approach with Participants, including notifying them of acceptance to participate in the Project and ongoing communication during the Project
- the proposed roles and responsibilities of stakeholders, sub-contractors and delivery partners
- details of the approach to promoting the proposed project to job seekers, Employment Services Providers, business and industry and other key stakeholders
- how the Workforce Specialist will engage with and enlist the support of Employment Services Providers and business and industry
- details of the number of apprenticeships, traineeships and/or vacancies that are expected to be filled as part of the proposed project, if applicable, including:
  - how the Workforce Specialist is working with relevant stakeholders to connect Participants to these opportunities,
  - the nature of these roles (expected hours and permanent/contract/casual), including if the vacancy provides a pathway to secure work, and
  - written commitment from business and industry in relation to these vacancies
- how other Australian, state and territory government funded programs will be leveraged or accessed as part of the proposed project, or in the case where programs with similar objects will not be used, the reasons for not doing so
- how the design and delivery of the proposed project will address the objectives and support delivery of the anticipated outcomes
- the potential risks associated with delivering the proposed project, and how the Workforce Specialist intends to address these risks, including:
  - risks to meeting delivery Milestones and timeframes, including mitigation strategies and contingency planning, including how the Workforce Specialist will build in flexibility to quickly respond to changing labour market conditions and other environmental factors, including health directions
  - risks, in particular work health and safety risks, to Participants, Workforce Specialist Personnel, Subcontractors, delivery partners and other stakeholders, including:
    - how the Workforce Specialist will manage, monitor and mitigate these risks
    - how the Workforce Specialist will ensure it delivers the Services in accordance with WHS Laws, the Workforce Specialists Deed and these Guidelines (refer to [Managing Work Health and Safety](#) for further details)
- how the Workforce Specialist will support Participants, including:
  - those with Vocational Barriers and Non-vocational Barriers who require additional support, and
  - the provision of post-placement support (such as mentoring, coaching, work-related equipment, and other relevant support).

(Deed Reference(s): Clauses 87.2 and 87.3)



## Personnel and sub-contracting

The Workforce Specialist must provide details of the key Personnel involved in the delivery of the proposed project, including a key contact(s) for communication with the Department. The Workforce Specialist must also outline how it will ensure all Personnel engaged in the delivery of the Services, including Supervision, are fit and proper persons to be involved in the relevant parts of the proposed project and have the knowledge, skills, training and experience to fulfill their role.

The Workforce Specialist must also provide details of any proposed subcontractor or partnering arrangements for the delivery of the proposed project. All proposed Subcontracts are subject to the Department's approval. The Workforce Specialist must not enter into, or terminate, a Subcontract without the Department's prior written approval. The Department will not approve the subcontracting of the delivery of the whole of a Project to an Employment Services Provider with a caseload.

(Deed Reference(s): Clauses 54.2–54.4, 55, 58, 78, 95.2)

## Participant eligibility and numbers

The Workforce Specialist must provide details of any target cohorts and/or eligibility for the proposed project. This may relate to location, individual characteristics, individual qualifications or skills and experience, or other relevant factors.

The Workforce Specialist must provide details of why eligibility arrangements and/or targeting are proposed including how this will support Participants and business and industry stakeholders.

As outlined above under Design and Delivery, the draft workforce specialist project plan will include details of any EOI processes or stages/phases and the relevant assessment, feedback and review mechanisms the Workforce Specialist proposes to put in place.

The Workforce Specialist must provide details of the number of Participants expected to participate in the proposed project. This includes:

- the overall Participant numbers for the duration of the proposed project, and
- any Participant minimum and maximum limits for the proposed project and/or specific stages/phases.

(Deed Reference(s): Clauses 87.2 and 87.3)

## Points Values and Mutual Obligations

As part of the Co-design Phase, the Department will advise the Workforce Specialist the points value(s) that must be included in the draft workforce specialist project plan.

Under Workforce Australia, different tasks and activities (including Workforce Specialist Activities) are assigned a points value, which is used to calculate whether a Participant has met their monthly points target.

A Participant in a Workforce Specialist Project will gain points, based on the following:

- high intensity (25 points per week) – where there is a reasonable prospect of the Participant gaining Employment

- medium intensity (20 points per week) – where there is a significant commitment from the Participant, but without a reasonable prospect of Employment
- low intensity (15 points per week) – where there is a small to moderate commitment from the Participant (for example, due to the duration, time commitment, or nature of the tasks involved)

Further information about the Points Based Activation System (PBAS) is available on the [Department's website](#).

## Reporting, Payments, Milestones and Key Performance Indicators

The Workforce Specialist and the Department will agree to the proposed reporting structure for each Workforce Specialist Project during the Co-design Phase. This may include written reports, data reports and the exchange of other information to support ongoing monitoring of the Workforce Specialist's performance and the assessment of performance against KPIs.

The Work Order will outline the Workforce Specialist Project Fee, including details of any Upfront Payment, Milestone Payments and KPIs.

The Payment structure will be tailored to the design, objectives and outcomes of each proposed Project and will be negotiated between the Department and the Workforce Specialist as part of the Co-design Phase. In proposing the amount of the Workforce Specialist Project Fee in the draft workforce specialist project plan (including any Upfront Payment and Milestone Payments), the Workforce Specialist must, unless otherwise approved in writing by the Department, apply hourly rates up to a maximum of those specified in Attachment 5 - Project Fee Methodology in the Deed.

For more information, refer to the [Project Payments and Performance Chapter](#).

(Deed Reference(s): Clauses 87 and 99)

### 2.4. Project approval and entering into a Work Order

The Department will assess the Project Concept, including the draft workforce specialist project plan, to ensure it meets the Department's priorities and the Objectives, the Core Project Criteria and will deliver value for money. In making the value for money assessment, the Department will take into account any information that may be relevant. In addition to the extent the draft workforce specialist project plan meets the Core Project Criteria and the Objectives, the Department may consider:

- the performance of the Workforce Specialist providing services under any current or previous arrangements
- the capacity of the Workforce Specialist to deliver the proposed project
- the performance and engagement of the Workforce Specialist during the Co-design Phase
- government priorities and labour market conditions.

If the Department approves the draft workforce specialist project plan, the Department may issue a Work Order to the Workforce Specialist for consideration. The Work Order will be informed by the Workforce Specialist Project Plan and will form the Contract for the delivery of the Project once executed by both the Workforce Specialist and the Department.

Alternatively, the Co-design process will end when one or more parties choose to no longer proceed with the development of the Project Concept.

If the Department chooses not to proceed, including not approving the draft workforce specialist project plan, the Department will provide feedback in writing to the Workforce Specialist. A decision to not proceed could be due to a range of factors including:

- the Project Concept does not satisfy the Core Project Criteria,
- changing government priorities
- unsatisfactory engagement by the Workforce Specialist(s) in the Co-design Phase and/or unsatisfactory progress or engagement by stakeholders critical to the Project Concept's success, and/or
- Workforce Specialists initiative funding is exhausted.

(Deed Reference(s): Clauses 8, 9, 87)

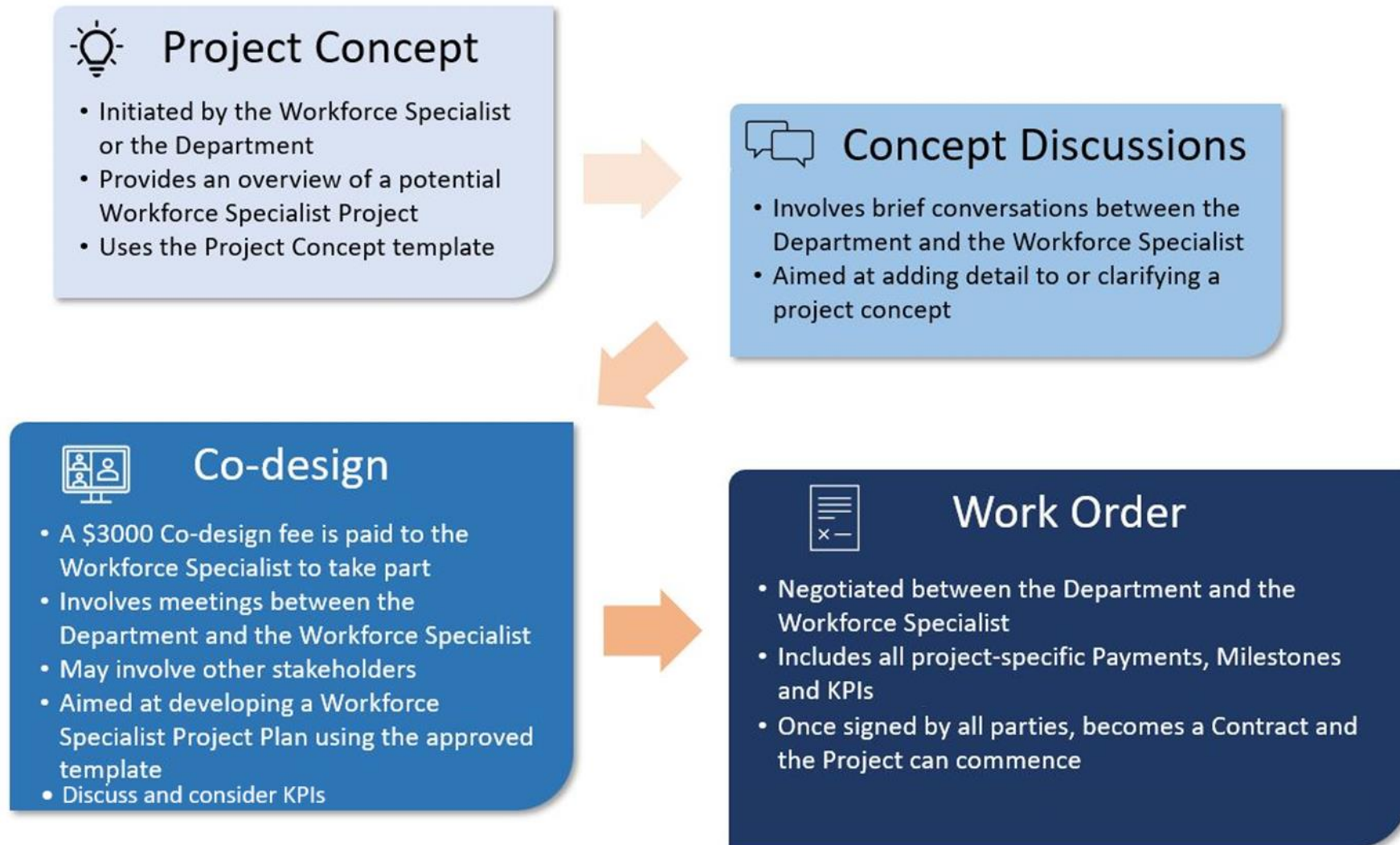
## **2.5. Review of decisions - Workforce Specialist**

The Department will provide feedback to the Workforce Specialist where the Department chooses not to proceed with the development of a Project Concept under the Workforce Specialists initiative. In the case that the Workforce Specialist would like further information or would like the decision reviewed, the Workforce Specialist may approach the Department with this request.

If the Workforce Specialist requests a review of the decision, a departmental officer who was not involved in the initial process will be appointed to review all documents and any related correspondence. The Department may request additional information from the Workforce Specialist to facilitate any review.

The Department will advise the Workforce Specialist in writing of the outcome of the review.

## Attachment 2A. Overview of a Project Concept progressing to a Workforce Specialist Project



# Chapter 3. Project Setup, Promotion and Referral

## Supporting Documents for this Chapter:

- [External Provider Guide to the Identity Management System \(Jul 2019\)](#)
- [eSAM Sign Up and Registration](#)
- [IT Access and Security Checklist](#)

### 3.1. Chapter overview

This Chapter outlines the requirements for Workforce Specialists in relation to accessing the Department's IT Systems, setting up and promoting Projects, and the referral of Participants.


### 3.2. System setup

To support the delivery of Projects, unless otherwise agreed in writing by the Department, Workforce Specialists must obtain access to the Department's IT Systems to manage (as applicable):

- Project setup
- promotion, EOIs and Referrals
- Participant participation in the Project
- job placements, and/or
- closure of finalised Projects.

Following approval of a Project, the Workforce Specialist will need to access to the Department's IT Systems. If the Workforce Specialist does not already have access to the Department's IT Systems, the Workforce Specialist can ask their Provider Lead for information and access to documents outlining how to submit an Initial Access Request form. Once initial access is set up, the Organisation Security Contact is responsible for managing user access and security roles within the Workforce Specialist's organisation.

 Workforce Specialists will need to complete and submit an Initial Access Request form.

 Workforce Specialists will need to complete the eSAM registration process once the Initial Access Request form is processed.

(Deed Reference(s): Clause 36)

### 3.3. Project setup

The Workforce Specialist must create the Project in the Department's IT Systems to enable Workforce Australia Services Online Participants and Employment Services Providers to search and view the Project.

The Workforce Specialist must ensure all information entered into the Department's IT Systems about the Project is:

- clear and accurate
- in line with the approved Project Plan and Contract
- provides potential participants and their Employment Services Providers (if applicable) with sufficient information about the Project to inform their decision to submit an EOI.

There are three parts to the Project setup within the Department's IT Systems:

1. Project details
2. Location details
3. EOI details



It is strongly recommended that the Workforce Specialist completes all three steps in one process. The project will be visible to participants in Workforce Australia Online and to Employment Services Providers after the location details (part B) are entered and saved. However, participants in Workforce Australia Online and Employment Services Providers cannot submit an EOI for the Project until the Workforce Specialist finishes the project setup by completing the EOI details (part C).

### 3.3.1. Project details and location

As part of the Project setup in the Department's IT Systems, the following information must be included:

- *Activity sub-type* – this is to reflect the type of Project. Workforce Specialists must select the relevant sub-type from the following list:
  - Industry Event
  - Recruitment process
  - Pre-employment Pathway
  - Training
  - Explore an Industry.
- *Intensity level* – this will directly relate to the number of PBAS points per week that a Participant can receive for participation in the Project. This will be agreed during Co-design and will be high (25 points per week), medium (20 points per week) or low (15 points per week). Where a project features multiple activities with varying intensity levels, separate projects will need to be created in the Department's IT Systems.
- *Project name* – this should reflect what the Project is about.
- *Project description* – this section is free text and must include key information about the Project for potential participants and providers to view. The description should look to be both accurate and engaging to attract online jobseekers. Depending on the nature of the Project this may include:
  - an overview of the project, including key objectives and expected outcomes
  - any project-specific eligibility requirements, including relevant licences or checks, demographics, location or other requirements
  - a closing date for EOIs, and when potential participants can expect to receive confirmation of the outcome of their EOI (for example, within 10 Business Days after the EOI closing date, noting best practice is to accept/reject an EOI as soon as possible)
  - outlining any project stages and activities (for example an assessment process, industry specific training, work trial placement) including:
    - outlining what is included in each stage/activity
    - relevant dates, duration and time commitment by the Participant each day/week
    - locations for each stage/activity if applicable (suburb and state are appropriate)
    - any pre-requisites or eligibility requirements for each stage/activity

- how the stages/activities interact. For example, if the first stage of the Project is an assessment stage, followed by induction training and a work trial, the description should clearly outline that only Participants who pass the assessment stage will participate in one or more of the following stages
- if applicable, the maximum number of Participants for each stage/activity
- if applicable, where the potential participant can find further information, for example, a project-specific website.



The project description may only be up to 1000 characters in the Department's IT Systems. Workforce Specialists may provide additional information in a secondary field, noting this will only display to participants using Workforce Australia Online, and not to Employment Services Providers searching for appropriate activities for participants on their caseloads.

- *Start and end date* – generally, this will be the start and end date for the entire period Participants may be participating.
- *Hours of participation* – this section is free text and should include the pattern of hours across the duration of the Project. For example,
  - if the Project has a single activity with a consistent participation requirement across its duration, this section should reflect how many hours per day or per week will be required across the relevant number of days or weeks that the project runs (i.e., xx hours per day/week over xx weeks)
  - if the Project has multiple stages/activities with different time commitments, the Workforce Specialist should use this section to outline the hour requirement per day or per week for each stage/activity. That is: stage 1: xx hours per day/week over xx days weeks; stage 2: xx hours per day/week over xx days weeks; etc.
  - where participation requirements will vary, the Workforce Specialist should note this and provide sufficient information to potential participants about the commitment required.
- *Location(s)* – at least one street address will be required. Only the suburb and state will display to the potential participant and the location(s) will affect whether the Project is displayed as part of any activity search conducted by potential participants (except for online-only projects).
  - Where a Project is being delivered from multiple locations, all should be entered.
- *Contact details* – for each location, at least one contact for the Project must be entered (which can be the same for multiple locations). This may include an email and/or phone number to display to potential participants.
- *Delivery format* – will the Project be delivered face-to-face, online or via mixed mode. Where delivery format differs between locations, this must be made clear.

The Department reserves the right to edit or remove any content from the Department's IT Systems regarding a Project.



The Workforce Specialist must enter all project details (part A) and location details (part B) in the Department's IT Systems. Note: following completion of part A and B, the Project will be visible to potential participants using Workforce Australia Online and Employment Services Providers. The Workforce Specialist must complete part C of the setup to receive EOIs.



### 3.3.2. EOI setup

As part of setting up a Project, Workforce Specialists must establish an EOI process via the Department's IT Systems, which will collect relevant information from potential Participants through one or more EOI questions.

Depending on the nature of the Project, the number and content of EOI questions will vary. EOI questions are designed to assist the Workforce Specialist to assess potential participants' eligibility, capacity and suitability to participate in the Project, in particular the first stage/activity.

The approach to asking EOI questions and assessing responses will be determined during the Co-design Phase. The Workforce Specialist must ensure all EOI questions:

- align with the approved Project Plan and Contract
- only ask potential participants for information required to make a determination of their eligibility, capacity and suitability to participate in the Project, particularly the first stage/activity
- are clear and easily understood.

To support potential participants responding, the Workforce Specialist may consider separating questions rather than asking multiple questions for one response.

Potential participants who are in Workforce Australia Online, as well as those receiving services from a Workforce Australia Employment Services Provider, Transition to Work Provider, Yarrabah Employment Services Provider or the Broome Employment Services Provider, must submit an EOI for a Project via Workforce Australia Online. Currently, Employment Services Providers are not able to submit an EOI on a potential participant's behalf.

While EOI questions can inform Participant Risk Assessments, Workforce Specialists should not use them as the only source of information. Workforce Specialists must engage and communicate with the Participant and, where relevant, their Employment Services Provider in relation to Risk Assessments. For more details, refer to [Conducting Risk Assessments for Specified Wfs Activities](#).

In addition to EOI questions, Workforce Specialists will have the option to provide additional supporting text to assist potential participants respond to EOI questions. This text may provide additional context about:


- what the question means or information the Workforce Specialist is looking for in the response
- why the potential participant is being asked the question, or
- how the information may be used.


For example, if an EOI question asks whether the potential participant currently holds a working with vulnerable people check, the supporting text could note that the Workforce Specialist may assist Participants without one to gain a relevant check if they are accepted onto the Project.



Workforce Specialists must enter all EOI questions as part of part C of the Project setup in the Department's IT Systems before potential participants can submit an EOI to participate in the Project.



 Privacy disclaimer: To help ensure potential participants are aware of how their personal information may be collected and used by the Department and the Workforce Specialist as part of the EOI, the Workforce Specialist must include the privacy disclaimer provided by the Department in the last EOI question.

 Workforce Specialists must include, as the last EOI question for each WfS activity created in the Department's IT Systems, the privacy disclaimer provided by the Department.

(Deed Reference(s): Clauses 40, 41 and 90.1)

### **3.4. Project promotion**

The Workforce Specialist and the Department will agree to the proposed promotion of Projects during the Co-design Phase.

The Workforce Specialist must, unless otherwise agreed in writing with the Department, promote a Project through the Department's IT Systems, by recording information about the Project, including any EOI process, as outlined in [Project setup](#).

The Workforce Specialist must also promote the Project in accordance with the Deed and relevant Contract. This may include, but is not limited to, promoting the Project to:

- potential participants directly and/or through proactive and collaborative engagement with Employment Services Providers
- Employers, including in relation to potential work trials and vacancies available as part of or following the Project
- other key stakeholders who may have connections to Employers or potential participants.

Workforce Specialists must ensure all promotional products and communications related to the Workforce Specialists initiative (for example, flyers, website content, social media tiles) are approved by the Department prior to use, unless otherwise agreed in writing with the Department.

(Deed Reference(s): Clauses 67 and 90)

#### **3.4.1. Promoting to Employment Services Providers**

Workforce Specialists may promote Projects to Workforce Australia Employment Services Providers, Transition to Work Providers, Yarrabah Employment Services Provider and the Broome Employment Services Provider outside of the Department's IT Systems, for example through networking events, such as job fairs.

Workforce Specialists will need to establish relationships and work with the Workforce Australia Employment Services Providers and Transition to Work Providers to allow appropriate information to be shared about Projects. This will help support the Provider to decide appropriate engagement with suitable Participants and support potential participants on their caseload submit an EOI.

(Deed Reference(s): Clause 90.1)

### 3.4.2. Messaging potential participants via the Department's IT Systems

The Department may assist the Workforce Specialist to promote Projects to potential participants through direct messaging via the Department's IT Systems. This may include an email, SMS and/or a notification sent to a potential participant's Workforce Australia Online inbox. Any targeted communication using the Department's IT Systems should be discussed and agreed during the Co-design Phase and outlined in the Workforce Specialist Project Plan.

Targeted communication must adhere to any guidance, templates and requirements provided by the Department. Targeted communication will require advance planning with sufficient lead time to support timely identification of potential participants to send communication, development of messages and clearance of the timing and approach.

The Workforce Specialist will need to provide and agree parameters for the development of a potential distribution list for communications. Any information provided to the Workforce Specialist will be de-identified for the purposes of refining the approach to communication.

The Department will have final clearance on all communication via the Department's IT Systems, including the timing, content, mechanism and distribution list. In some instances, the Department may not be in a position to proceed with the proposed communication approach, particularly where there is no capacity for non-essential communication with potential participants at that time.

### 3.5. Assessing EOIs

Once the Workforce Specialist has entered a Project into the Department's IT Systems, potential participants can search, view, and submit an EOI for Projects via Workforce Australia Online. Employment Services Providers will be able to search and view the details of Projects.

The Workforce Specialist must assess all EOIs and either accept or reject them via the Department's IT Systems. In assessing each EOI, the Workforce Specialist must not accept a potential participant into a Project unless the Workforce Specialist has first:

- confirmed that the potential participant is eligible to participate in the Project
- confirmed that the Project is appropriate for the potential participant, taking into account the individual needs and circumstances of the potential participant, including:
  - the potential participant's education, experience, skills and age
  - the potential participant's capacity to undertake the Workforce Specialist Activity
  - the potential participant's strengths, as well as any barriers they have, to participating in the Project
  - the impact of any disability, illness, physical or mental health condition or other non-vocational issue that the potential participant has, including drug and alcohol dependency, on the potential participant's ability to participate in the Project
  - any other matters that the Workforce Specialist considers relevant to the potential participant's circumstances
- if required, contact the potential participant or their Employment Services Provider to seek further information to assist with the assessment.


If the potential participant is receiving services from an Employment Services Provider, the Workforce Specialist must seek agreement from their Employment Services Provider prior to accepting their EOI.

### 3.5.1. Updating EOI questions

Once an EOI process has commenced, the Workforce Specialist may update the EOI questions, for example, if the Workforce Specialist observes additional clarity or guidance is needed. Updated questions will only display to potential participants who have not yet submitted an EOI for the relevant Project.


Prior to making any updates, the Workforce Specialist must consider the implications for potential participants who have already submitted an EOI – including if the changes to the EOI questions will result in a material change to the responses already received. The Workforce Specialist should consider contacting the potential participants who have already submitted an EOI to seek additional information where appropriate. The potential participant will not be able to resubmit/update their EOI response in the Department's IT Systems. Any updated or additional information will need to be captured via email or phone.

The Workforce Specialist may also delete EOI questions if appropriate. Any responses to a deleted EOI question already entered will no longer be displayed to the Workforce Specialist.

 The Workforce Specialist must record any updates to the EOI questions on the Expression of Interest details screen in the Department's IT Systems.

### 3.6. Recording the outcome of EOIs

Workforce Specialists must record the outcome of each EOI in the Department's IT Systems (either accept or reject).

 Workforce Specialists must record the outcome of the EOI process for each potential participant on the Placements/EOIs screen.

Workforce Specialists must notify all potential participants of acceptance or rejection of an EOI. This will often be via email or phone.

For some Projects, it may be reasonable for a Workforce Specialist to accept all potential participants' EOIs (for example, for an online promotional or networking event with unlimited places).

#### 3.6.1. Accepted EOIs


When accepting an EOI, the Workforce Specialist must record the Participant's placement status in the Department's IT Systems and the corresponding start date. A Participant's placement status must be either:

- Expected to start
- Placement confirmed

When selecting 'Expected to start', the start date entered by Workforce Specialists must be the date when the Participant is expected to commence in the Project.


When selecting 'Placement confirmed', the start date entered by Workforce Specialists must be the date when the Participant actually commenced in the Project. The date entered cannot be in the future.

The Workforce Specialist must separately notify the Participant by email or phone (and their Employment Services Provider (if applicable)) of their acceptance into the Project and provide relevant project details. Refer to [Management of Referrals](#) for more information.


 When accepting an EOI, Workforce Specialists must record the placement status of each Participant on the Placements/EOIs screen and the (actual or expected) start date of the placement.


### 3.6.2. Updating a Participant's placement status

Where a Workforce Specialist has selected 'Expected to start', once the Participant commences in the Project, the Workforce Specialist must update the Participant's placement status to 'Placement confirmed' and update the start date. This must be done as soon as possible (no later than one Business Day after commencement).

 Workforce Specialists must update a Participant's placement status to 'Placement confirmed' and enter the actual start date within one Business Day of the Participant commencing in the Project.

Promptly recording and updating a Participant's placement status and start date is critical, as it enables the Participant to declare their participation in the Project in order to meet their points target for the purposes of meeting their mutual obligation requirements. Any delay in recording the Participant's commencement in the Department's IT Systems may affect the Participant's income support payments.

 Should a Participant fail to commence in a Project, the Workforce Specialist must update the Participant's placement status to 'Did not Start'.

 If a Participant's placement status or start date contains an error, the Workforce Specialist must correct the error as soon as practicable by editing the record in the Department's IT Systems.

### 3.6.3. Rejected EOIs

Where an EOI is rejected, the Workforce Specialist must provide reasons for this decision to the potential participant and/or their Employment Services Provider. This should be done via email, unless otherwise agreed by the Department.

Reasons for rejecting an EOI may relate to (but are not limited to):

- the potential participant being ineligible for the Project
- the potential participant not being suitable for the Project (for example, due to a lack of relevant qualifications or experience requested by an Employer)
- the Project already reaching the limit of available places.

(Deed Reference(s): Clauses 91.1(b), 91.2, 91.3)

## 3.7. Closing an EOI

Where required (for example, where a Project has a set closing date for EOIs, or the Project has reached the maximum number of Participants), a Workforce Specialist must close the relevant EOI process.

To close an EOI process, a Workforce Specialist must suspend the relevant Project in the Department's IT Systems. This will prevent further EOIs from being submitted.



The Project will remain visible to potential participants until the Workforce Specialist suspends the project record in the Department's IT Systems. The Workforce Specialist must not suspend the project record until:

- all EOIs are assessed, and
- placements have been created for all Participants with an accepted EOI.

Workforce Specialists will not be able to create placements for Participants if the project record is suspended. Workforce Specialists may still update a placement status when a project record is suspended.

Workforce Specialists may continue to receive EOIs while the project record remains open. The Workforce Specialist should clearly outline the closing date for EOIs in the project description in Part A of the [Project Setup](#). Any EOIs received after this date should still be assessed.

## 3.8. Referrals

Participants can only be Referred to a Project by completing the relevant EOI process in the Department's IT Systems, unless otherwise agreed by the Department.

### 3.8.1. Management of Referrals

Once a Participant's Referral to a Project is accepted (refer to [Assessing EOIs](#)), the Workforce Specialist must provide information to the Participant about the relevant Workforce Specialist Activities to enable their successful participation. This must be to the Participant and their Employment Services Provider (if applicable).

Information a Workforce Specialist provides may include (but is not limited to):

- the time and date the Workforce Specialist Activity commences and finishes
- the location of the Workforce Specialist Activity, and any relevant transport information (for example the nearest public transport route)
- any required items for participation, such as clothing, workbooks or lunch
- contact details for the Supervisor and/or Host Organisation (if applicable)
- relevant work health and safety information (including any personal protective equipment that they must bring or are supplied)
- privacy requirements and considerations as outlined in the [Part A Guidelines: Privacy Chapter](#)

For more details, refer to [Managing a Participant in a project](#) and [Managing work health and safety for Workforce Specialist Activities](#).

### Ending Referrals for non-participation or no longer able to participate

If a Participant is no longer participating in a Project, including if a Participant informs a Workforce Specialist that they are withdrawing from a Project, the Workforce Specialist must, on the same Business Day of being informed:

- end the Participant's placement in the Department's IT Systems and record an end reason, and
- notify the Participant's Employment Services Provider (if the Participant has an Employment Services Provider), including any reasons provided by the Participant or the reason the Workforce Specialist ended the Referral. This notification must be in writing, for example via email.



Where a Participant is no longer participating in a Project, the Workforce Specialist must end the Participant's placement in the Department's IT Systems by updating their placement status and recording an end reason against the placement record.

Where appropriate, Workforce Specialists should provide adequate support to Participants to encourage participation and completion of Workforce Specialist Activities.

Where a Participant's placement in a Project is ended by the Workforce Specialist, the Workforce Specialist must confirm with the Participant that their Referral has ended.

(Deed Reference(s): Clause 97.1)

## Person presents without a Referral

If a person presents to the Workforce Specialist without a Referral, the Workforce Specialist must:

- if they are a Workforce Australia Services, Yarrabah Employment Services, Broome Employment Services or Transition to Work Participant, direct them back to their Employment Services Provider to discuss and provide support to complete an EOI through Workforce Australia Online
- if they are a Workforce Australia Services Online Participant, direct them to complete an EOI through Workforce Australia Online
- if they are registered in an employment service other than Workforce Australia Online, Workforce Australia Services, Yarrabah Employment Services, Broome Employment Services or Transition to Work, direct them to their service provider
- if they are not registered in any employment services, inform them that they are not eligible to participate.

(Deed Reference(s): Clause 91.3)

## Review of decision - Participant referrals

The Workforce Specialist should have an internal mechanism to review decisions and support procedural fairness. Decisions should be reviewed by an alternative decision maker within the Workforce Specialist organisation.

# Chapter 4. Project Delivery and Managing Participation

## Supporting Documents for this Chapter:

- [Host Organisation Agreement template](#)

### 4.1. Chapter overview

This Chapter outlines how Projects are delivered including the management of Participants.

### 4.2. Project delivery

The Workforce Specialist must deliver each Project in line with the Deed and the executed Contract.

Depending on the nature and requirements of the relevant Project, it may include one or more Workforce Specialist Activities.

The Workforce Specialist must ensure that any Project does not involve an illegal activity or tasks a Participant is not allowed to do under the law.

The Workforce Specialist must ensure that all WHS Laws are adhered to and all Services are carried out in a safe manner during a Project.

The Workforce Specialist must ensure that Participants, Host Organisations, Employment Services Providers and other relevant stakeholders are made aware of their obligations, and any requirements to participate effectively in the Project.

The Workforce Specialist will facilitate all aspects of the Project in accordance with relevant Contract. This may include, but is not limited to:

- preparing and entering into a Host Organisation Agreement with a Participant and Host Organisation (refer to [Host Organisation Agreements](#) for more details)
- recording commencement and completion of all Workforce Specialist Activities for all Participants in the Department's IT Systems
- ensuring there is a safe system of work in place for all Workforce Specialist Activities and other activities as part of a Project, including conducting an Activity Risk Assessment and any Participant Risk Assessments for Specified WFS Activities (refer to [Conducting Risk Assessments for Specified WFS Activities](#) for more details)
- monitoring the Workforce Specialist Activity or other activities, including managing contact with the Participant and any Host Organisation throughout the duration of a Workforce Specialist Activity
- ensuring adequate Supervision protocols are in place for relevant Workforce Specialist Activities or other activities (refer to [Supervision requirements](#) for more details)
- providing Incident reports to the Department where required (refer to [Managing Workforce Specialist Activity related Incidents](#) for more details)
- providing performance-related reports to the Department where appropriate (refer to [Performance monitoring and reporting](#) for more details)

- completing a Project Closure Report at the end of the Project (refer to [Project closure](#) for more details).

Where a Workforce Specialist considers that the successful delivery of their Project is at risk, the Workforce Specialist must notify the Department as soon as is practical. Examples of when a Workforce Specialist might notify the Department could include:

- key partners or Employers leaving the Project prematurely
- a localised natural disaster affecting the provision of services, or
- a change in key management at the Workforce Specialist.

Where an issue arises that impacts a Workforce Specialist's performance in terms of Milestones and KPIs, the Workforce Specialist must engage in a discussion with the Department as soon as practical. In exceptional circumstances, consideration may be given to amendments or alternative arrangements. Refer to [Exceptional circumstances](#) for further details.

#### **4.2.1. Contacting the Department**

Where a Workforce Specialist wishes to contact the Department regarding a Project they are delivering, in most cases an email or phone call to the relevant Provider Lead will be the most suitable approach.

Where a Workforce Specialist is sending information related to individual Participants or businesses to the Department, the File Transfer Portal must be used unless an alternative secure information transfer mechanism is agreed with the Department. This could include personal information, including sensitive information, about Participants that cannot be exchanged through the Department's IT Systems, or could also be information from an Employer considered commercial-in-confidence.

#### **File Transfer Portal (FTP)**

The [File Transfer Portal](#) (FTP) provides a safe means for information to be transferred between Workforce Specialists and the Department.

Workforce Specialists will be provided with credentials to log in to the FTP after a Work Order for a Project is executed, as well as a User Guide.

Access to the FTP will be removed at the end of a Project (unless the Workforce Specialist is managing another active Project).

#### **4.3. Managing a Participant in a project**

Once a Participant has commenced a Project, the Workforce Specialist must support them to fully engage with all relevant stages of the Project including Workforce Specialist Activities.

Managing a Participant during their participation in a Project may include the Workforce Specialist (as relevant):

- complying with its work health and safety obligations, including ensuring that Participants have appropriate training (as deemed by a Competent Person), materials, equipment, clothing, on-site services and facilities (such as toilets) for all Workforce Specialist Activities



(refer to [Managing work health and safety for Workforce Specialist Activities](#) for further information)

- complying with its obligations in relation to providing or ensuring adequate and appropriate Supervision so that relevant Participants are undertaking appropriate tasks and operating in a healthy and safe environment
- meeting with or contacting the Participant to obtain feedback on their progress, and check whether the Participant has any complaints or safety concerns regarding the Workforce Specialist Activity, or any WHS incidents to report
- ensuring that Participants are benefiting from the Project, including enhancing their employment prospects
- monitoring the Participants' progress, attendance, behaviour and satisfaction with any Workforce Specialist Activity
- ensuring that Participants understand their requirement to report their participation in the Project to contribute to their Points Based Activation points target
- ensuring privacy requirements and considerations are met as outlined in [Part A Guidelines: Privacy Chapter](#).
- keeping an accurate record of attendance
- accurately recording the end date and end reason when the Participant ceases participating in the Project
- ensuring that any relevant training is provided
- placing Participants into Employment.

(Deed Reference(s): Clause 92, 95, 96, 97)

### **4.3.1. Transport to and from a Workforce Specialist Activity**

Participants will generally be expected to source their own transport to and from a Project. Where agreed to during Co-design and specified in a Contract, a Workforce Specialist must arrange transportation for Participants to and from relevant Workforce Specialist Activities. The requirement to arrange transportation may be agreed during Co-design in instances such as:

- the Participant does not have access to a vehicle or does not have a driver's licence, and alternative transport options such as public transport are not available
- the Workforce Specialist Activity is at an isolated location
- access to the Workforce Specialist Activity is along an unsealed road or track, or
- the Workforce Specialist Activity has a residential or overnight accommodation component.

If Workforce Specialists are transporting Participants to or from a Workforce Specialist Activity, this must be included in the relevant Activity Risk Assessment, and appropriate insurances must be in place.

Employment Services Providers may be able to assist Participants that are on their caseload with transport to and from Workforce Specialist Activities (for example, through the provision of public transport fares). Workforce Specialists should work with Employment Services Providers to offer this assistance where appropriate.

### 4.3.2. Monitoring Participant participation

The Workforce Specialist must actively monitor the participation of each Participant in a Project. This includes updating the Participant's record in the Department's IT Systems to notify the Department and the Participant's Employment Services Provider (if applicable) if the Participant completes or withdraws from a Project (including due to starting Employment).

The Workforce Specialist must keep records of attendance for each Participant who participates in relevant Workforce Specialist Activities. Workforce Specialists must also notify a Participant's Employment Services Provider (if applicable) if the Participant fails to attend a Workforce Specialist Activity.



The Workforce Specialist is required to update the Department's IT Systems when a Participant withdraws from or completes a Project. This includes the date the Participant ended the Project and the reason for ceasing to participate.

(Deed Reference(s): Clause 97)

### 4.3.3. Managing challenging behaviour

The Workforce Specialist must refer to and comply with the requirements specified in the [Part A Guidelines: Servicing Participants with Challenging Behaviours Guideline](#).

The Workforce Specialist should work closely with the Participant's Employment Services Provider to ensure the effective management of a Participant that may display challenging behaviour.

### 4.3.4. Managing suspended Participants

Suspensions are periods during which Participants are not required to participate in employment services, including in Projects, or meet other requirements such as meeting with their Employment Services Provider or undertaking job search.

Workforce Specialists must only deliver Services to suspended Participants where the Participant chooses to voluntarily continue their participation in the Project, and where participation in the Project remains suitable for the Participant's circumstances and needs. This may require updating the Participant Risk Assessment to reflect any changes to the Participant's circumstances and discussing continued participation with the Participant's Employment Services Provider (if applicable).

### 4.3.5. Post-placement support for Participants

The Workforce Specialist must deliver Post-placement Support following the placement of a Participant into Employment as part of a Project, where it is outlined in the relevant Contract. The Workforce Specialist must work collaboratively with the Employer and, where relevant, the Participant's Employment Services Provider, to support the Participant to remain in Employment. This may include mentoring, follow-up calls or regular check-ins, assistance with any additional work-related equipment or training, and or other support specified in the Contract.

(Deed Reference(s): Clause 96)

## 4.4. Engaging Employers and industry

The Workforce Specialist must maintain strong collaborative partnerships with Employers and industry as part of Projects. This may include (but is not limited to):

- consulting with industry and Employers in the design and development of Projects
- working with Employers and industry to understand their workforce needs, including identifying the skills and attributes Participants need to prepare for and/or fill vacancies
- working with Employers to identify and access pathways to secure work for Participants
- gathering and disseminating information about particular industries or occupations
- screening and selecting Employers for participation
- onboarding Employers into the Project
- placing suitable Participants who meet the Employer's needs into Work Trial Placement Activities or Employment including vacancies that provide a pathway to secure work
- providing support to participating Employers throughout the Project, including Post-placement Support.

Key Employers and industry groups relevant to the Project should be discussed during the Co-design Phase and captured in the Project Plan.

## 4.5. Working with other stakeholders

The Workforce Specialist must work collaboratively with other stakeholders associated with a Project. Where possible, key stakeholders (including project partners) should be listed in the Project Plan.

Where possible, a Workforce Specialist should seek to leverage existing programs and services rather than duplicating them. This includes Workforce Australia Services, Workforce Australia – Transition to Work, the Local Jobs Program, the Launch into Work Program, Employer Liaison Officers, Harvest Trail Services, Industry Clusters, and state and territory government-funded programs, as well as community and local government-funded programs.

## 4.6. Host Organisations

- ✚ The Workforce Specialist must ensure Host Organisations meet all Host Organisation eligibility and work health and safety requirements.

Some Workforce Specialist Activities will be hosted by a Host Organisation. This may include hosting:

- Specified Training Activities
- Work Trial Placement Activities
- any other Workforce Specialist Activity outlined in the relevant Contract.

### 4.6.1. Eligible Host Organisations

The Workforce Specialist must not arrange, or refer any Participant to, any Workforce Specialist Activity that is hosted by a Host Organisation that:

- does not have a valid ABN
- has engaged in any illegal operations or promote or condone any form of unlawful conduct

- has been or is associated with the sex industry
- promotes or condones gambling that the Department deems inappropriate (for example, a betting agency)
- promotes or condones any form of violence, self-harm or suicide
- promotes or condones any form of discrimination, including on the grounds of race, ethnic group, language, sex, religion or disability, and/or
- provides any other service that is likely to bring the Participant, the Workforce Specialist or the Department into disrepute.

If a Workforce Specialist suspects or becomes aware that a Host Organisation has engaged in any conduct described in the list above, the Workforce Specialist must:

- ensure that no Participant commences participating in, or continues to participate in, any Workforce Specialist Activity that the Host Organisation hosts
- notify the Department immediately and provide information as requested by the Department, and
- if requested by the Department, cease or vary the Workforce Specialist Activity.

#### 4.6.2. Host Organisation Agreements

The aim of Host Organisation Agreements between the Workforce Specialist and a Host Organisation (and where applicable, the Participant) is to assist all parties to understand their rights and obligations in relation to the provision of, and participation in, Workforce Specialist Activities.

Host Organisation Agreements are required for:

- Specified Training Activities
- Work Trial Placement Activities
- any other Workforce Specialist Activity where a Host Organisation Agreement requirement is outlined in the relevant Contract.

For all Host Organisation Agreements related to Workforce Specialist Activities, the Workforce Specialist must:

- generate a Host Organisation Agreement
- explain the terms and conditions to the Host Organisation (and if applicable, the Participant) to ensure they understand their obligations under the Host Organisation Agreement
- ensure Risk Assessments have been conducted by a Competent Person (refer to [Conducting Risk Assessments for Specified WfS Activities](#) for more information)
- advise the Host Organisation about insurance coverage and provide any required insurance documentation
- discuss the preferred contact arrangements with the Host Organisation (and if applicable, the Participant)
- provide a copy of the signed Host Organisation Agreement to the Host Organisation (and if applicable, the Participant) (soft copy or hard copy)

Where a Workforce Specialist uses its own agreement format for these purposes, it must include all information (details and declarations) and clauses (terms and conditions) from the Department's template agreement unless they are marked as optional.

A Host Organisation Agreement template is available on the [Provider Portal](#). This template is not mandatory for Workforce Specialists to use.

The Workforce Specialist should ensure that the obligations imposed on the Host Organisation under any Host Organisation Agreement are sufficient to enable the Workforce Specialist to comply with its obligations under the Deed and relevant Contract. The Workforce Specialist retains the risk of any non-compliance with any of its obligations, regardless of the terms of any Host Organisation Agreement. To assist the Workforce Specialist to comply with its obligations, the Workforce Specialist must ensure that each Host Organisation Agreement includes the following (at a minimum):

Where the Department-provided template is not used, Workforce Specialists must ensure that that any Host Organisation Agreement includes:

- details of the proposed Workforce Specialist Activity that the Host Organisation must provide, including details of the tasks that will be undertaken by Participants while participating in the Workforce Specialist Activity
- details of how the Host Organisation will support and accommodate varying Participants' needs and capabilities (including work restrictions)
- details of the Supervision that the Host Organisation must provide while Participants are participating in the relevant Workforce Specialist Activity
- details of training and induction that must be provided to Participants before they commence participation in the relevant Workforce Specialist Activity and/or before they commence undertaking particular tasks as part of their Participation in the relevant Workforce Specialist Activity (and which party will be providing the training and induction)
- details of the Host Organisation's obligations regarding the recording and reporting to the Workforce Specialist of the Participant's attendance at, and participation in, the relevant Workforce Specialist Activity
- details of the Host Organisation's obligations in relation to work health and safety and incident reporting.

The Host Organisation Agreement must be signed by all relevant parties before the Participant commences in the Workforce Specialist Activity.



The Workforce Specialist must retain a copy of all Host Organisation Agreements (hard copy or soft copy) and provide these to the Department upon request.

(Deed Reference(s): ATTACHMENT 1 – DEFINITIONS: Host Organisation Agreement)

### **4.6.3. Changes to the Host Organisation Agreement**

The Workforce Specialist is expected to proactively monitor the Workforce Specialist Activity throughout its duration and make changes to the Host Organisation Agreement as needed.

The following changes require the Workforce Specialist to update the Host Organisation Agreement as soon as they become aware:

- the agreed commencement date is delayed by more than 5 Business Days
- hours or the duration of the Workforce Specialist Activity have been amended
- significant changes to the activities the Participant will undertake (which may also require a new Activity Risk Assessment).

Minor changes (such as a change in supervisor) do not require the Workforce Specialist to update the Host Organisation Agreement, however, the Workforce Specialist must still check those changes with both the Participant and Host Organisation to ensure both parties understand and agree to the changes.

If the Host Organisation Agreement is updated, the Workforce Specialist, Host Organisation and Participant must re-sign the Host Organisation Agreement. The Workforce Specialist must provide the Host Organisation and Participant with a hard copy of the updated Host Organisation Agreement.

#### **4.6.4. Host Organisation Agreement breaches**

If the Workforce Specialist suspects or becomes aware that a Host Organisation has breached a Host Organisation Agreement, the Workforce Specialist must immediately notify the Department and provide information about the relevant breach as requested by the Department.

Where the Department determines that a Host Organisation has engaged in any conduct described above in [Eligible Host Organisations](#), the Department may give a direction to the Workforce Specialist that the Workforce Specialist must not arrange, and/or must not refer any Participants to, any Workforce Specialist Activities hosted by that Host Organisation. If the Department gives such a direction, the Workforce Specialist must immediately comply with the direction.

#### **4.6.5. Ending the Host Organisation Agreement**

For all Host Organisation Agreements, if the Participant, Host Organisation or Workforce Specialist wants to end the Workforce Specialist Activity early, they should notify the other parties by the next Business Day. This includes where the Host Organisation offers a paid Employment position to the Participant.

Where a Workforce Specialist Activity has ended early, Workforce Specialists should consider if there are any issues which need to be raised with the Department or the Participant's Employment Services Provider (if applicable).

In all other circumstances, the Workforce Specialist must confirm with the Host Organisation that the Participant completed the Workforce Specialist Activity on the end date recorded in the Host Organisation Agreement.

The Department may also direct the Workforce Specialist to terminate a Workforce Specialist Activity at any time for any reason deemed appropriate by the Department.

### **4.7. Job placements**


Prior to placing a Participant into Employment as part of a Project, a Workforce Specialist must consider the Participant's capacity, suitability, individual circumstances and any barriers they may face. As part of this consideration, the Workforce Specialist must also consider the workforce needs of the Employer and ensure the vacancy is not Unsuitable. Where possible, the Workforce Specialist should source vacancies that provide a pathway to secure work.

Where a Workforce Specialist places a Participant into Employment, they must first lodge a vacancy in the Department's IT Systems. This will ensure the job placement is recorded, assisting the

Department to monitor the performance of Workforce Specialists and Employment Services Providers.

### 4.7.1. Lodging a vacancy

#### Vacancy types

 When entering a vacancy into the Department's IT Systems, Workforce Specialists must enter a range of information which may include a job description, industry, Employer details, hours, salary and whether the job was sourced by the Workforce Specialist or Participant. Workforce Specialists will also need to select a vacancy type (for example, apprenticeship, normal position, seasonal).

(Deed Reference(s): Clause 97)

#### Checking minimum wage


The Workforce Specialist must, prior to placing a Participant into Employment, ensure that the relevant minimum wage is satisfied.

The minimum wage may be set out in the Modern Award that relates to the vacancy. If a Modern Award is not in place, then the National Minimum Wage will apply.


Further information on minimum wages is available on the [Fair Work Ombudsman website](#).

### 4.7.2. Referring a Participant to a job vacancy

Workforce Specialists must ensure that any Participants referred to vacancies are suitable and meet the Employer's needs. Where a Participant is referred to a suitable vacancy and refuses to accept it without a valid reason, the Workforce Specialist should inform the Participant's Employment Services Provider or the DSCC.

 Where a Participant is successful in gaining Employment, the Workforce Specialist must refer the Participant into the relevant vacancy in the Department's IT Systems and set the Job Placement Start Date.

- Where a work trial leads to ongoing Employment, the Job Placement Start Date is the first day of the ongoing Employment.


 The Job Placement Start Date must be recorded within 56 calendar days of the Participant commencing in the job. The Department's IT Systems will not allow Workforce Specialists to backdate a Job Placement Start Date by more than 56 days. The Department will only process an override to backdate the Job Placement Start Date by more than 56 days in exceptional circumstances that are beyond the Workforce Specialist's control, such as natural disasters.

(Deed Reference(s): Clauses 78 and 98)

## 4.8. Project suspension

Workforce Specialists may be Notified in writing by the Department to suspend, stop, or pause the delivery of a Project. Where directed by the Department, the Workforce Specialist must stop delivery of Services and not accept new Referrals to the Project.

The Workforce Specialist will be directed by the Department in regard to continuance of the Project, including any arrangements needed for Participants, Host Organisations or other stakeholders involved in the delivery of any Project. The Workforce Specialist must not re-commence Services until advised to do so by the Department.

 Where directed to do so by the Department, Workforce Specialists must make updates to the Department's IT Systems including suspending Referrals to a Project.

(Deed Reference(s): Clauses 61, 62, 92.3)

## **4.9. Project closure**

As part of the completion of a Project, a Workforce Specialist must submit a Project Closure Report to the Department by the date specified in the relevant Contract. The Project Closure Report template is available on the [Provider Portal](#).

Unless otherwise agreed to by the Department and included in the relevant Contract, the final Milestone Payment will be linked to the Department being satisfied with the Project Closure Report (not the submission of Project Closure Report).

### **4.9.1. Project closure checklist**

The Project Closure Report includes a checklist that Workforce Specialists should refer to when approaching the end of a Project. This checklist is designed to ensure that there are no outstanding Payments, correspondence or other matters that the Workforce Specialist is required to action following the end of the relevant Contract.

### **4.9.2. Lessons learned**

The Project Closure Report includes a 'Lessons Learned' section that will be used to inform the evaluation, and ongoing improvement, of the Workforce Specialists initiative, including future Projects.

A Workforce Specialist should consider using examples/case studies and stakeholder feedback to support their Project Closure Report. Data relating to performance (including a summary of performance against relevant Milestones and KPIs) should also be considered for inclusion.



# Chapter 5. Managing Work Health and Safety

## Supporting Documents for this Chapter:

- [WHS Incidents and Insurance Readers Guide – Providers](#)

### 5.1. Chapter overview

This Chapter outlines the specific requirements for Workforce Specialists to ensure that there is a safe system of work in place for Participants participating in a Project, including Workforce Specialist Activities. The Chapter also includes Supervision requirements and Incident reporting obligations.

### 5.2. Managing work health and safety for Workforce Specialist Activities

The Workforce Specialist must at all times ensure that Projects are carried out in a safe manner, including that all Participants are in a safe environment when participating in Workforce Specialist Activities (including Specified WfS Activities) and any other activities that form part of a Project. Workforce Specialists must comply with all relevant laws and requirements of any Commonwealth, state, territory or local authority, including the WHS Laws.

In particular, Workforce Specialists must, in accordance with the Deed, any Contract and these Guidelines, meet their obligations to ensure work health and safety measures are in place for Workforce Specialist Activities. Workforce Specialists ensure that its Personnel, Subcontractors, Third Party IT Vendors and agents, in carrying out activities related to the Deed and any Contract, comply with all relevant laws and requirements of any Commonwealth, state, territory or local authority, including the WHS Laws.

The Workforce Specialist is required to ensure that each Participant is aware of the process to lodge a complaint or voice safety concerns about a Workforce Specialist Activity. Where the Workforce Specialist becomes aware of safety concerns, including those raised by a Participant, that cannot be addressed, the Workforce Specialist must ensure that the Participant immediately ceases participation in the Workforce Specialist Activity.

(Deed Reference(s): Clauses 77.6, 77.7, 95, ATTACHMENT 4 – WORK HEALTH AND SAFETY REQUIREMENTS)

#### 5.2.1. Ensuring work health and safety measures are in place

- ✚ Prior to placing any Participants in a Workforce Specialist Activity (including a Specified WfS Activity) or other activity arranged by the Workforce Specialist, Workforce Specialists must ensure work health and safety requirements are met.

Workforce Specialists must ensure there is a safe system of work in place:

- prior to the commencement of the Workforce Specialist Activity/other activity
- throughout the Workforce Specialist Activity/other activity.

Before arranging, or referring any Participant to a Workforce Specialist Activity, the Workforce Specialist must confirm:

- that the Workforce Specialist Activity/other activity is not prohibited under relevant state and territory laws
- the delivery of the Workforce Specialist Activity/other activity is permitted under the Deed, any Contract and any Guidelines
- the Host Organisation, where relevant, is complying with all work health and safety requirements in the relevant state and territory and
- the delivery is in line with any advice provided by local authorities.

The Workforce Specialist must consult, coordinate and cooperate as appropriate with relevant parties including but not limited to the Department, Host Organisations, and Employment Services Providers to ensure that any work health and safety issues in relation to a Workforce Specialist Activity/other activity are appropriately managed.

(Deed Reference(s): Clauses 77.6, 77.7, ATTACHMENT 4 – WORK HEALTH AND SAFETY REQUIREMENTS)

### **5.2.2. Managing work health and safety on Specified WfS Activities**

The Workforce Specialist must, in accordance with the Deed, any Contract and these Guidelines, meet their obligations to ensure work health and safety measures are in place for Specified WfS Activities.

Specified WfS Activities are:

- Specified Training Activities
- Work Trial Placement Activities or
- any other activity identified as a 'Specified WfS Activity' in a Contract.


The Workforce Specialist must ensure that there is a safe system of work in place for each Specified WfS Activity, both prior to the commencement of and throughout the Specified WfS Activity, including where a Host Organisation is engaged by the Workforce Specialist, that the relevant Host Organisation is complying with all work health and safety requirements in the jurisdiction in which the Specified WfS Activity occurs.

The Workforce Specialist must take all reasonable steps to minimise the likelihood of injury to Participants and any other people at any location at which a Specified WfS Activity is being conducted.

(Deed Reference(s): Clauses 77.6, 77.7, ATTACHMENT 4 – WORK HEALTH AND SAFETY REQUIREMENTS)

### **5.3. Conducting Risk Assessments for Specified WfS Activities**

The Workforce Specialist must meet their Deed, any Contract and Guideline obligations with regard to Risk Assessments for Specified WfS Activities. This includes Specified WfS Activities where the Workforce Specialist is the organisation hosting the relevant activity.

-  The Workforce Specialist must ensure that Activity Risk Assessments and Participant Risk Assessments are undertaken by Competent Persons, updated as necessary and meet relevant laws and Departmental policies and procedures on work health and safety. If a Workforce

Specialist does not itself have a Competent Person, it must engage a Competent Person for this purpose.

There are two types of Risk Assessment that must be conducted in relation to a Specified WfS Activity:

- Activity Risk Assessment – a risk assessment in relation to a potential or actual Specified WfS Activity, which is undertaken and/or updated in accordance with any Guidelines (including these Guidelines).
- Participant Risk Assessment – a risk assessment in relation to each Participant's involvement in a Specified WfS Activity, which is undertaken and/or updated in accordance with any Guidelines (including these Guidelines).

**Note:** Where the term Risk Assessment is used, it refers to the Activity Risk Assessment and a Participant Risk Assessment. The Competent Person arranged by the Workforce Specialist to undertake the Risk Assessments may document an Activity Risk Assessment and a Participant Risk Assessment in a single document, so long as all requirements specified in these Guidelines in relation to the documentation of both Risk Assessments are met.

Risk Assessments may be required as a part of other Workforce Specialist Activities where a Workforce Specialist is directed to do so by the Department.

The purpose of the Risk Assessment process is to:

- determine whether a Workforce Specialist Activity is suitable to proceed, before the Workforce Specialist places a Participant into the Workforce Specialist Activity
- identify potential risks associated with the tasks that will be undertaken by Participants while they are participating in the Workforce Specialist Activity, and
- identify if a Workforce Specialist Activity is suitable for the relevant Participant(s) who is referred to the Workforce Specialist Activity, including identifying any risks that may arise from a Participant's personal circumstances.

Workforce Specialists may need additional information to undertake Participant Risk Assessments. Workforce Specialists must seek all relevant information from a Participant for a Competent Person to undertake a Risk Assessment.

There may be instances where the Workforce Specialist may wish to seek additional information from the participant and/or a Workforce Australia Employment Services Provider, Transition to Work Provider, the Yarrabah Employment Services Provider or Broome Employment Services Provider, if they believe additional information is required for a Competent Person to undertake a Risk Assessment. This information could be collected as part of a participant screening process (included in, or separate to the EOI process), developed during co-design.

**Note:** Where Projects have multiple Specified WfS Activities, Workforce Specialists must undertake a Risk Assessment for each Specified WfS Activity in that Project.

The Workforce Specialist must ensure a Competent Person conducts and documents the Activity Risk Assessment **before** a Specified WfS Activity commences.

Workforce Specialists must also undertake a Participant Risk Assessment for each Participant, with regard to their potential participation in any Specified WfS Activity, before their commencement in the Specified WfS Activity.

If a Workforce Specialist does not itself have a Competent Person, it must engage a Competent Person for this purpose.

The Workforce Specialist must ensure that each Risk Assessment undertaken or arranged by the Workforce Specialist takes into account the role of the Host Organisation, and the relevant Participant(s), with regard to the following factors:

- the nature of the tasks to be undertaken by a Participant
- the Participant's personal circumstances (that is, working capabilities, any health or other personal issues and level of experience)
- the level of Supervision required, including that the level of Supervision being provided is adequate and appropriate for the Specified WfS Activity and Participants
- the nature and cause and likelihood of any work health and safety issues and any risk(s) (i.e. hazards)
- the likelihood and consequences of an Incident
- effective controls, including all steps and measures that will be put in place to mitigate any identified issues and risks including training and personal protective equipment
- if the Specified WfS Activity will involve working with vulnerable people
- appropriate insurance, including confirmation:
  - that the Specified WfS Activity is covered by the Department's insurance policy or if not, that additional insurance has been purchased
  - that the Host Organisation is satisfied it has current and appropriate insurance to cover risks associated with the Specified WfS Activity
- appropriate facilities including:
  - availability of facilities (access to drinking water and toilets) for the Participant for the duration of the Specified WfS Activity
  - any facilities additional to that contained in the Activity Risk Assessment that are required to be available to the Participant for the duration of the Specified WfS Activity

Activity Risk Assessments must also include confirmation that:

- the Host Organisation and Competent Person are satisfied that the Host Organisation has adequate work health and safety processes in place to deliver the Specified WfS Activity safely and, if the Competent Person is not satisfied that such processes are in place, the Specified WfS Activity must not proceed
- the Host Organisation and Competent Person are satisfied that the Host Organisation is compliant with the relevant legislative and regulatory work health and safety obligations
- if there are other activities taking place at the site and any associated risks are identified and addressed.

Workforce Specialists must advise Participant(s) of the work health and safety and Incident reporting and escalation processes as well as provided them with the location or access to the [WHS Incidents and Insurance Readers Guide – Participants](#).

In undertaking Risk Assessments, Workforce Specialists must also consider the working environment, including its location and whether the Specified WfS Activity is:

- in a non-public area (for example, a private residence worksite with a trades person)

- with a sole trader (for example, a butcher or hairdresser who operates from a small shop or private residence)
- working alone with another person
- with alternative hours of work (for example, early starts or night work)
- working in a labour hire environment in one or more different workplaces.

**Example:** A Workforce Specialist would need to consider the risks of placing a Participant with medical needs in a Workforce Specialist Activity in an isolated location to ensure this is a suitable placement for the Participant.

The Workforce Specialist must review risks regularly and take appropriate action on those risks where required.

As part of its obligation to ensure that there is a safe system of work in place for each Specified WfS Activity, the Workforce Specialist must determine, and ensure there are implemented, appropriate actions to mitigate the identified risks after conducting or updating any Risk Assessment (refer to [Conducting Risk Assessments for Specified WfS Activities](#) for more details).

Where the Workforce Specialist becomes aware (including based on an Activity Risk Assessment or Participant Risk Assessment) that it cannot ensure that there is a safe system of work in place at a Specified WfS Activity and/or for any Participant participating in any Specified WfS Activity, the Workforce Specialist must:

- if the Workforce Specialist was intending to arrange the Specified WfS Activity, not arrange the Specified WfS Activity;
- not place any Participants into the Specified WfS Activity; and
- if the Workforce Specialist has already placed any Participant to the Specified WfS Activity, immediately ensure that the Participant ceases participation in the Specified WfS Activity.

The Department may, at any time and at its absolute discretion, give a direction to the Workforce Specialist in relation to a Workforce Specialist Activity (including a Specified WfS Activity), including a direction that a Workforce Specialist Activity must be ceased or varied.

An example Activity Risk Assessment Template is available on the [Provider Portal](#), use of this template is not mandatory.

Workforce Specialists must ensure that the Participant Risk Assessment is signed and dated by the Participant prior to the commencement of any Specified WfS Activity.



The Workforce Specialist has the discretion to determine how they document their Risk Assessments. A verbal Risk Assessment does not meet the Department's requirements.



Workforce Specialists must retain Records of each Risk Assessment and any action taken in accordance with each Risk Assessment. Workforce Specialists must provide these Records to the Department if requested.



Workforce Specialists must retain Records identifying any Competent Person(s) that it engages to conduct any Risk Assessment. These Records must include the name and a description of the training, qualification or experience of the Competent Person. Workforce Specialists must provide these Records to the Department upon request. A Competent Person(s) Register template is available on the [Provider Portal](#), however, use of this template is not mandatory.

## 5.4. Supervision requirements

The Workforce Specialist must, in accordance with the Deed, any Contract and these Guidelines, meet their obligations with regard to Supervision requirements for all Workforce Specialist Activities and other activities arranged by the Workforce Specialist as part of a Project. ‘Supervision’ means the action or process of directly monitoring and managing Participants participating in Workforce Specialist Activities.

**Note:** Supervisors may be engaged/employed by the Workforce Specialist or a Subcontractor to supervise Workforce Specialist Activities or any other activities arranged by the Workforce Specialist, or may be engaged/employed by Host Organisations to supervise Workforce Specialist Activities that they provide.

- ✚ The Workforce Specialist must ensure that it or, where relevant, each Host Organisation, provides adequate and appropriate Supervision so that the relevant Participants are undertaking appropriate tasks and operating in a healthy and safe environment.

The Workforce Specialist must ensure that Continuous Supervision is provided over the entire duration of any Specified WfS Activity where it involves:

- people who are elderly, disabled or otherwise vulnerable, or
- Children (excluding other Participants).

The Workforce Specialist must also ensure that the Continuous Supervision is provided over the entire duration of any Specified WfS Activity where the Workforce Specialist otherwise considers that Supervision should be continuous having regard to the nature of the tasks to be undertaken, the potential Participant(s) in the Specified WfS Activity and any other risks identified in the relevant Risk Assessment.

The Workforce Specialist must ensure that all Supervisors and relevant Personnel have had checks as specified in the Checks and Reasonable Care clauses of the Deed and the [Conducting background checks](#) section of this Guideline, and Supervisors have met any additional statutory requirements before being given responsibility for the Supervision of Participants.

The Workforce Specialist must ensure that each Supervisor, whether engaged by the Workforce Specialist, a Subcontractor or a Host Organisation, is aware of the requirement to notify the Workforce Specialist of:

- the non-attendance at all relevant Workforce Specialist Activities; and
- and other non-compliance in connection with the Workforce Specialist Activities,

of a Participant as soon as practicable.

The Workforce Specialist must ensure that all Supervisors and relevant Personnel of the Workforce Specialist, any Host Organisation or any Subcontractor who has direct involvement (including where they have close contact with Participants) in the Workforce Specialist Activity (including Specified WfS Activities):

- is a fit and proper person to be involved in the relevant Workforce Specialist Activity
- has a high level of skill/knowledge, training and/or experience in:

- each part of the Workforce Specialist Activity they are involved in, and
- working with, training and supervising individuals in such activities, and
- has relevant work health and safety training.

(Deed Reference(s): Clauses 95.1, 95.2, ATTACHMENT 1 – DEFINITIONS, ATTACHMENT 4 – WORK HEALTH AND SAFETY REQUIREMENTS, Clause 4)

## 5.5. Conducting background checks

The Workforce Specialist must, in accordance with the Deed, any Contract, these Guidelines, and their local jurisdictional requirements, establish whether the nature of a Workforce Specialist Activity requires Participants, Supervisors, Subcontractors and/or relevant Personnel to have checks, and conduct those checks if required to do so.

For the purpose of these Guidelines, ‘checks’ refers to criminal records checks, Working with Children checks and/or Working with Vulnerable People checks.

Workforce Specialist Activities that require checks include those where:

- legislation requires checks to be conducted
- the Workforce Specialist Activity is subject to industry standards or legal requirements that mean Participants cannot have been convicted of particular crimes
- the Participant, Supervisor, Subcontractor and/or relevant Personnel will have regular or unsupervised contact with Children, the elderly or other classes of vulnerable people
- the Workforce Specialist Activity is otherwise specified by the Department as requiring checks.

Unless notified otherwise by the Department, the Workforce Specialist must ensure that all relevant checks are completed before allowing a Participant to participate in any Workforce Specialist Activity. This may require working with the Participant, the DSCC or the Participant’s Employment Services Provider to confirm all checks have been conducted. For the avoidance of doubt, where all checks have not been completed, the Workforce Specialist must arrange and pay for any checks to be completed before allowing the Participant to participate in any Workforce Specialist Activity.

The Workforce Specialist should contact the relevant organisation/s in their state or territory to have relevant checks completed. Checks must be completed in line with the relevant state and territory rules and regulations.

The Workforce Specialist should also take into consideration that these checks may take some time to complete and may delay the start date for Participants/Supervisors.

The Workforce Specialist must take appropriate action once the checks are completed. Where checks show that Participants, Supervisors, Subcontractors and/or relevant Personnel must not do particular Workforce Specialist Activities or other activities within a Project, they are no longer eligible and are excluded from participation in or Supervision of those Workforce Specialist Activities or other activities.

The results of checks are personal and confidential. The Workforce Specialist must not disclose the information to other parties unless given permission by the relevant Participant, Supervisor, Subcontractor or relevant Personnel. Additional information regarding disclosure of information and privacy can be found in the [Part A Guidelines: Privacy Chapter](#).



If checks are required for Workforce Specialist Activities or other activities in the future, the Workforce Specialist must ensure the checks conducted are still valid. Further checks must be conducted where required or where an initial check is no longer valid.

(Deed Reference(s): Clause 78)

## 5.6. Managing Workforce Specialist Activity related Incidents

The Workforce Specialist must Notify the Department and the Participant's Employment Services Provider (if applicable) as soon as possible of any Incident involving a Workforce Specialist Activity (or other activity as part of a Project) where a Participant is in attendance (including travel to, from or during a Workforce Specialist Activity), including:

- any Critical WHS Incidents (including in relation to a Participant or member of the public), which must be reported **within one hour**

A 'Critical WHS Incident' has the same definition as a Notifiable Incident under the WHS Act and means an incident that results in the death of a person, a serious injury or illness of a person, or a dangerous incident.

A dangerous incident is an incident that exposes a person to a serious risk to health or safety due to an immediate or imminent exposure to electric shock, spillage/leakage of a substance, uncontrolled implosion, explosion or fire.

Examples of Critical WHS Incidents include:

- injuries requiring immediate treatment as an in-patient in a hospital,
- a serious head or eye injury,
- a serious burn,
- spinal injury, or
- amputation of any part of the body.

Please refer to the relevant clauses in the WHS Act.

- any Non-critical WHS Incidents, which must be reported on the same day

A 'Non-critical WHS Incident' is any incident that relates to a work, health and safety issue or near miss, but is not a Critical WHS Incident. Non-Critical WHS Incidents include incidents such as those involving:

- non-serious injury requiring first aid and/or assistance from a medical practitioner,
- minor property damage, or near misses that could have resulted in serious or non-serious injury, and
- any other WHS incidents that are non-Critical that may impact upon a Participant or the Department or bring the Provider or the Services into disrepute.

- ✚ The Workforce Specialist is required to Notify the Department, and the Participant's Employment Services Provider (if applicable), of all Workforce Specialist Activity-related accidents or near misses that happen to Participants or other people in accordance with these Guidelines. Refer to



the [WHS Incidents and Insurance Readers Guide – Providers](#) available on the Incidents and Insurance page (on the Provider Portal).

When an Incident occurs:

- appropriate medical attention, including contacting emergency services depending on the nature of the Incident, should immediately be provided by the Supervisor
- the Supervisor must try and protect any other Participants and other people at the Workforce Specialist Activity from unnecessary trauma, where possible
- the relevant WHS Regulator must be notified of the Incident if it results in death or serious injury, in accordance with laws of the relevant state or territory
- the relevant WHS Regulator must be notified of any dangerous Incident that exposes someone to a serious risk, even if no one is injured, in accordance with laws of the relevant state or territory
- any directions by a WHS Regulator must be followed
- a WHS Employment Assistance Program Incident Report available on the [Incidents and Insurance page](#) (on the Provider Portal) must be completed by the Host Organisation when the Incident involves a Participant's accident, injury or death
- the Workforce Specialist must complete a Public and Products Liability Incident Report, available on [the Incidents and Insurance page](#) (on the Provider Portal) when a third party alleges a Participant has been negligent and caused accident, injury or death, or property damage. The [Public and Products Liability Claim Form](#) must be completed by the Workforce Specialist when a third party is making an insurance claim as a result of a reported Incident.

Following submission of any Incident reports, the Workforce Specialist will receive confirmation of successful submission and a copy of the information will be sent to the relevant areas of the Department.

An incident may result in the Department issuing safety recommendations to the Workforce Specialist and/or Host Organisation to ensure the risk of the same incident being repeated is reduced or eliminated, if possible. The Workforce Specialist has an obligation to comply with the Department's directions relating to any Workforce Specialist Activity (see Deed clause 92.3).

It is imperative that Participants have access to reporting mechanisms in the event they wish to report an Incident, lodge a complaint or provide positive/constructive feedback confidentially. The Workforce Specialist must ensure that there is an internal, impartial and easily accessible complaints mechanism that can be used by Participants regardless of the nature of the complaint.

(Deed Reference(s): Clauses 77.6, 77.7, 95.3–95.5)

The Workforce Specialist must complete and submit the [WHS Employment Assistance Program Incident Report form](#) on the same day as the Workforce Specialist becomes aware of any incident referred to in this section. The Workforce Specialist must submit the form:

- to the Participant's Employment Services Provider (if the Participant has one)
- to the [insuranceandincidents@dewr.gov.au](mailto:insuranceandincidents@dewr.gov.au) mailbox (for Workforce Australia Services Online Participants).

### **5.6.1. Work health and safety Incidents**

Where an Incident includes any accident, injury or death occurring during a Workforce Specialist Activity, or direct travel to or from a Workforce Specialist Activity, including in relation to a

Participant or a member of the public, the Workforce Specialist must also, as soon as possible, and on the same day, give full details of the accident, injury or death to the Department in the form specified in these Guidelines.

Work health and safety Incidents are managed in accordance with their degree of seriousness.

 Detailed information on notifying the Department with regard to WHS Incidents is included in the [WHS Incidents and Insurance Readers Guide – Providers](#).


(Deed Reference(s): Clauses 95.3–95.5)

The Workforce Specialist must notify the Department of Critical WHS Incidents within one hour via telephone and followed by submission a completed [WHS Employment Assistance Incident Report](#).

For Non-critical WHS incidents, the Workforce Specialist must notify the Department as soon as possible and on the same day of the incident by way of a completed [WHS Employment Assistance Incident Report](#).


To submit any WHS Employment Assistance Program Incident Report, the Workforce Specialist must email the completed report to:

- the Participant's Employment Services Provider (if the Participant has one)
- the [insuranceandincidents@dewr.gov.au](mailto:insuranceandincidents@dewr.gov.au) mailbox (for Workforce Australia Services Online Participants).

 The Workforce Specialist must maintain records of WHS incidents.

The obligation to notify the Department of Non-critical WHS incidents includes the obligation to notify the Department of any of the following:

- incidences of misconduct or threatening behaviour
- behaviours that resulted in a police report and/or that may result in criminal charges
- bullying, harassment and discrimination.

 Workforce Specialists are able to report any instances of misconduct or threatening behaviour via the 'Job Seeker Incident Report'.

Note: Workforce Specialists may also need to refer to the [Part A Guidelines: Servicing Participants with Challenging Behaviours Chapter](#) and the [Managing challenging behaviour](#) section of this Guideline.

## All Incidents – both Personal Accident and Public and Products Liability


Workforce Specialists must Notify the Department of any Incident that may result in a liability claim (irrespective of whether a claim is being made at the time).


The Workforce Specialist must also comply with any instructions issued by the Department or the Department's insurance broker. Detailed information in relation to the process for reporting Incidents that may result in liability is available in the [WHS Incidents and Insurance Readers Guide - Providers](#).

The Department's personal accident liability insurance provides coverage when a Participant is injured while participating in a Workforce Specialist Activity, including direct travel to, from or during such Workforce Specialist Activities.

The Department's public and products liability insurance provides coverage results when a third party alleges a Participant has been negligent and caused an accident, injury or death, or property damage, while participating in a Project.

The Workforce Specialist must, when requested by the Department's insurance broker, provide full details to the insurance broker of any incident that may or does result in a liability claim. The insurer is responsible for determining liability. The Workforce Specialist must not admit fault or accept responsibility for any alleged negligence that may or does result in a third party claim.

 Forms for the Workforce Specialist to complete to notify the Department of any accident or public and products liability Incidents are available on the [Incidents and Insurance page of the Provider Portal](#).

 The Workforce Specialist must maintain a copy of all incident notifications and records for supporting evidence in any insurance claims.

## 5.7. Insurance coverage for Participants

The Workforce Specialist must, in accordance with the Deed, comply with any instructions issued by the Department or the Department's insurance broker, and these Guidelines, in relation to insurance purchased by the Department for Participants involved in Workforce Specialist Activities.

The Department purchases the following insurance policies to cover Workforce Specialist Activities:

- Personal Accident insurance – covers the Participant in respect of personal injury or death that occurs while undertaking activities, including direct travel to, from or during such Activities
- Public and Products Liability insurance for Participants – covers the legal liability of the Participant arising out of their negligence that causes personal injury to a third party, or damage to a third party's property, while participating in approved Workforce Specialist Activities

Further information on the insurance purchased by the Department to cover Participants undertaking Workforce Specialist Activities is in the [WHS Incidents and Insurance Readers Guide – Providers](#), with copies of the insurance policies also on the [Incidents and Insurance page](#) of the Provider Portal.

Information for Participants about insurance is included in the [WHS Incidents and Insurance Readers Guide – Participants](#) which is available on the [Incidents and Insurance page](#) Provider Portal for Workforce Specialists to give to Participants. It is also published under the [Insurance arrangements for Employment Services activities](#) section on the Department's website.

The Workforce Specialist should note the Department's policies have standard exclusions. The Department's purchased insurance policies:

- do not cover illness or sickness contracted by a Participant during a Workforce Specialist Activity, including COVID-19
- do not cover any Workforce Specialist Activities that would have been prohibited under these Guidelines
- may have time limits that apply for claims
- do not cover any other exclusions listed within the terms and conditions of each insurance policy.

If alternative insurance is in place, Workforce Specialists can still deliver Workforce Specialist Activities where tasks are excluded under the Department's policies.

In addition, the Workforce Specialist is contractually obligated to maintain various insurances as outlined in the Deed and Contract where applicable and understand the coverage available to them under their own insurance policies.

The Workforce Specialist is also required to confirm that the Host Organisation has appropriate insurance coverage, and where coverage is insufficient, the Workforce Specialist can decide to purchase or fund additional insurance for the Workforce Specialist Activity.

(Deed Reference(s): Clauses 50 and 51)



The Workforce Specialist must keep a full copy of any insurance policies relied upon by Workforce Specialists to be compliant with the requirements for additional insurance, and must provide to the Department on request

The Workforce Specialist must ensure Projects, and all Workforce Specialist Activities within a Project have insurance that provides adequate coverage of the Participant. Where coverage is insufficient, a Workforce Specialist can purchase additional insurance for the Workforce Specialist Activity.

As an alternative to purchasing insurance, the Workforce Specialist may consider modifying the tasks in the proposed Workforce Specialist Activity so that no part of the Workforce Specialist Activity would be excluded under the Department's insurance coverage.

# Chapter 6. Project Payments and Performance

Supporting Documents for this Chapter:

- [Exceptional circumstances form](#)

## 6.1. Chapter overview

This Chapter details how Workforce Specialists are paid, and how their performance is measured, by the Department.

## 6.2. Payments to Workforce Specialists

The Payments that Workforce Specialists can receive fall into two broad categories:

- Co-design Fees
- Workforce Specialist Project Fees

For each Project, one or more Panel Members may be selected to proceed to Co-design and/or enter into a Contract. There is no guarantee that a Panel Member will receive any Payment.

### 6.2.1. Project Payments

Each Project will have its own Payment structure. All Project Concepts must include an estimated cost for delivering the project, noting that this is not a binding amount (refer to [Project Concepts and Concept Discussions](#) for more details).

The final Payment structure, known as the Workforce Specialist Project Fee, will be negotiated as part of the Co-design Phase, and included in the relevant Contract.

Other sources of funding may also be used in addition to the Workforce Specialist Project Fee. This may include, for example, leveraging existing Commonwealth or state and territory government programs, or in-kind contributions from the Workforce Specialist, a project partner or Employer.

Where other programs are being leveraged as part of a Project, and include elements being funded separately, these must be managed in accordance with the other program's contractual and payment arrangements (for example, Workforce Australia Services, Job Trainer, state and territory government funded programs).

All sources of funding should be included in the relevant Project Concept and Project Plan.

Workforce Specialists will only receive Payment for services that they are not already paid to deliver (for example, State Government funded services, or Payment for services to an Employer of a same or similar nature).

While the Workforce Specialists initiative does not have a minimum or maximum funding amount for Projects, all will need to deliver value for money, and collectively remain within the Workforce Specialists initiative's funding allocation for each financial year.

Organisations must not charge Participants to participate in a Project.

(Deed Reference(s): Clauses 28.2, 86, 99)

## 6.3. Co-design Fee

A Co-design Fee of \$3000 [GST inclusive] will be paid to the Workforce Specialist at the start of the Co-design Phase for each Project.

This Payment is designed as a good faith Payment and does not form part of the Contract.

This Payment will be paid regardless of the outcome of the Co-design Phase (whether the Project Concept proceeds or not).

A single Workforce Specialist will not be eligible for more than one Co-design Fee per Project, including, for example, where a Project is extended beyond its original end date.

Where more than one Workforce Specialist is invited to participate on a project, a separate Co-design Fee will be payable to each Workforce Specialist.

### 6.3.1. Invoicing for a Co-design Fee

When a Workforce Specialist is invited to enter the Co-design Phase for a Project Concept, the Department may send through a Vendor Information form to create or confirm the vendor record for the Workforce Specialist.

Once this form has been received and processed (if applicable), the Department will then request an invoice for \$3000 [GST inclusive] from the Workforce Specialist. To enable the Payment to be made, the tax invoice must contain the following information:

- the Workforce Specialist's details, including name and ABN
- the Department's name and address
- the words 'Tax Invoice' stated prominently
- the words 'Co-design Fee'
- the date of issue of the Tax Invoice
- the title of the Deed and the date of execution
- the amount payable (including GST), which is \$3000 unless otherwise agreed in writing
- bank details, including account number, BSB and account name.

(Deed Reference(s): Clause 88)

## 6.4. Workforce Specialist Project Fee

For each Project, a Workforce Specialist Project Fee will be payable to the Workforce Specialist subject to delivering the Project in accordance with the requirements of the relevant Contract.

Each Workforce Specialist Project Fee should be tailored to the design, objectives and outcomes of each Project, and will be negotiated and approved by the Department as part of the Co-design Phase.

The Workforce Specialist Project Fee may comprise:

- an Upfront Payment
- one or more Milestone Payments.

All details of the Workforce Specialist Project Fee, including Payment amounts, Payment dates, associated Milestones and KPIs, and any other conditions will be specified in the relevant Contract.

The Workforce Specialist will be required to submit claims for all Payments related to the Workforce Specialist Project Fee through the Department's IT Systems unless otherwise advised by the Department. The Workforce Specialist does not need to separately provide the Department any invoices for payment.

### 6.4.1. Service category rates

When negotiating the Workforce Specialist Project Fee, a Workforce Specialist cannot be paid in excess of the maximum rates for each of the service categories specified in Attachment 5 of the Deed. The rates included in Attachment 5 of the Deed are maximum rates, so in considering value for money, the Workforce Specialist and/or Department may consider lower rates to be appropriate depending on the nature of Services delivered as part of the Project.

Due to the varied nature of Projects, a Workforce Specialist Project Fee may not include all service categories listed in Attachment 5 of the Deed and may include additional fees and Payments as relevant. Any additional fees or Payments will be negotiated as part of Co-design and subject to Department approval.

(Deed Reference(s): Clauses 87.3 and 87.4)

### 6.4.2. Upfront Payment

An Upfront Payment may be paid at the start of a Project. The value and exact timing of this Payment will be negotiated as part of Co-design Phase and, where applicable, specified in the relevant Work Order.

The purpose of this Payment is to ensure the Workforce Specialist can promptly commence delivery of the Project without delay (for example, helping to cover setup costs).



The Workforce Specialist must submit a claim for payment of the Upfront Payment via the General Payments screen.

### 6.4.3. Milestone Payments

To receive a Milestone Payment, a Workforce Specialist must achieve the relevant Milestone as specified in the relevant Contract. Each Milestone is a key performance obligation for a Project, and the nature and number of Milestones may vary from project to project.

All details around Milestones, including the value of each Milestone Payment, KPIs (if any), and the timing and duration of each Measurement Period will be specified in the relevant Contract.

For further information about Milestones and KPIs, please refer to [Workforce Specialist Performance](#).

### Pro-rating of Milestone Payments

Each Milestone Payment may be pro-rated based on the achievement of the agreed-upon KPI within the relevant Measurement Period.

Where a Workforce Specialist does not achieve the relevant KPI within the relevant Measurement Period, a proportion of the Milestone Payment may be paid by the Department in accordance with

the Pro-rating of Milestone Payments Table in the relevant Contract. The proportion payable will be based on the extent to which the Workforce Specialist achieved the relevant KPI over the relevant Measurement Period.

The Pro-rating of Milestone Payments Table will be specific to each Project, and may use a variety of methods to determine the amount payable, for example, direct proportional payment or a performance range.

**Pro-rata Example 1:**

A Workforce Specialist is contracted to deliver an industry event to at least 100 Participants, with the number of Participants attending being the KPI. The Milestone Payments Table stipulates that each attendee below 100 equals a reduction of one per cent of the Milestone Payment entitlement.

A total of 72 Participants attend the Workforce Specialist's event, therefore 72 per cent of the Milestone Payment would be payable.

**Pro-rata Example 2:**

A Workforce Specialist is contracted to place 100 Participants into secure jobs within an industry, with the number of job placements in the industry being the KPI.

The Milestone Payments Table stipulates:

- 0-50 job placements achieved equate to 50 per cent of the Milestone Payment
- 51-80 job placements achieved equate to 80 per cent of the Milestone Payment
- 81 or more job placements achieved equate to 100 per cent of the Milestone Payment.

The Workforce Specialist achieves 94 job placements in the industry, therefore would receive the full Milestone Payment.

## Confirmation of Milestone Payments

The Department will provide written confirmation to Workforce Specialists of their performance in relation to each Milestone (including associated KPIs). Once a Workforce Specialist has received written confirmation that they are eligible for a Milestone Payment (including the amount to be paid), they can submit a claim for payment.



The Workforce Specialist must submit a claim for payment of each Milestone Payment they are eligible for via the General Payments screen.

(Deed Reference(s): Clause 99)



## 6.5. Workforce Specialist performance

The performance of Workforce Specialists will be monitored by the Department throughout the delivery of each Project and will primarily focus on the project-specific Milestones and any associated KPIs. Milestones and associated KPIs will be negotiated for each Project during the Co-design Phase and will be detailed in each Contract.

Workforce Specialist performance will also be considered in relation to:

- the quality of services delivered to business and industry, Participants and other stakeholders
- the achievement of Project objectives
- compliance with the requirements of the Deed, relevant Guidelines, and Contract
- collaboration with stakeholders and other service providers, and
- the leveraging of other programs and initiatives.

The Department may conduct Program Assurance Activities and audits of a Workforce Specialist's activities and documentary evidence to inform consideration of the Workforce Specialist's performance, including the accuracy of reporting in relation to the achievement of Milestones and KPIs.

(Deed Reference(s): Clauses 46 and 47)

### 6.5.1. Milestones

Milestones will vary from project to project, but will generally relate to the key activities, services and deliverables that the Workforce Specialist commits to deliver as part of the Project. Examples of Milestones could include:

- delivery of events – such as awareness raising events or job fairs
- delivery of assistance to support Participants take up pathways to secure work
- placement of Participants in Employment, including differentiation by Employment type – such as secure work
- provision of resources and linkages to Employers for those seeking entry into the workforce
- provision of access to and delivery of tailored training – such as induction training, pre-employment training or industry specific training
- provision of Employer assistance bundles such as training and work trial placements
- delivery of a recruitment solutions – such as assessment centres or industry specific resources and tools
- delivery of written reports – such as a Project Closure Report.

A Workforce Specialist's performance in delivering the Project can be assessed against Milestones, as well as KPIs, and will be negotiated for each Project during the Co-design Phase and detailed in each Contract.

### 6.5.2. Key Performance Indicators (KPIs)

KPIs will also vary from project to project. A KPI may be used to incentivise or prioritise a particular outcome (for example, increasing the engagement or Employment of specific groups, such as youth).

KPIs will, where possible, align to the SMART principles: specific, measurable, achievable, relevant and time bound.

Examples of Project KPIs could include the number of:

- apprenticeship/traineeship commencements
- job vacancies filled, including differentiation based on the type of Employment – such as secure work
- industry-specific training course completions
- event attendance by Employers, industry, Participants and/or other stakeholders
- uptake of work trials by businesses and Participants
- conversion of work trial placements to ongoing Employment
- business and industry or other stakeholder satisfaction
- written reports delivered to the Department's satisfaction - such as a Project Closure Report.

### 6.5.3. Exceptional circumstances

Where a Workforce Specialist fails to fully achieve a Milestone by the applicable Milestone Date, and believes this is due to exceptional circumstances beyond their reasonable control, they may seek consideration from the Department.

When seeking consideration from the Department of exceptional circumstances, the Workforce Specialist must:

- use the exceptional circumstances form available on the [Provider Portal](#)
- provide supporting evidence of the exceptional circumstances.

Potential examples of exceptional circumstances could include extended suspension of mutual obligation requirements, natural disasters, sudden and significant changes in the labour market, or significant changes in government policy. Exceptional circumstances do not include situations internal to the Workforce Specialist's organisation.

Notwithstanding the above, Workforce Specialists must still notify the Department in any instance where the successful delivery of a Project is at risk (refer to [Project Delivery](#) for more details).

In determining whether the circumstances are exceptional and beyond the reasonable control of the Workforce Specialist, the Department will, among other things, consider any risk treatments or contingency planning that the Workforce Specialist may reasonably have undertaken to mitigate the relevant risks to their performance.

Where the Department determines that a Workforce Specialist's performance was directly impacted due to exceptional circumstances, the Department may agree to one or more of the following:

- amending a Milestone or KPI
- amending a Measurement Period
- paying a Milestone Payment in full
- paying part of a Milestone Payment
- undertaking any other action as determined by the Department.

The Department will consider each case individually and will confirm its decision in writing. This confirmation will be provided prior to any Contract Variation being arranged by the Department and the Workforce Specialist.

(Deed Reference(s): Clauses 47 and 48)

## **6.6. Performance monitoring and reporting**

Performance reporting arrangements will vary from project to project and will be negotiated between the Department and the Workforce Specialist during the Co-design Phase. This may include the Workforce Specialist providing written reports, data reports and the exchange of other information to support the assessment of a Workforce Specialist's performance against relevant Milestones and associated KPIs (if any).

All key reporting requirements will be included in the relevant Contract.

The Workforce Specialist must notify the Department as soon as is practical regarding any issues arising that may affect performance reporting requirements.

(Deed Reference(s): Clauses 48 and 99)

## **6.7. Assets**

To support the delivery of Projects, Workforce Specialists may purchase Assets. To be classified as an Asset for the purposes of the Workforce Specialists initiative, an item must have a value equal to or greater than \$1,000 (inclusive of GST) at the time of purchase.

An Asset does not include property provided for the exclusive and individual use of a Participant or a third party. Large Machinery or Motor Vehicles are not to be purchased as Assets for Projects.

### **6.7.1. Asset purchases**

Prior to purchasing an Asset, Workforce Specialists must consider alternate means of obtaining the item, such as through hiring or leasing the item for a limited period. Value for money must form part of this consideration, including any Asset storage and maintenance costs.

Where possible, any Asset purchases should be discussed during the Co-design Phase.


Where appropriate, Workforce Specialists should retain and continue to use an Asset in other Projects.

### **6.7.2. Asset disposal**

In accordance with the Deed, the Workforce Specialist must not dispose of any Asset until the end of the Deed without the Department's prior written approval. The Department appreciates there may be a number of circumstances where this is not practical and as such, a Workforce Specialist may seek approval from the Department to dispose of an Asset prior to the end of the term of the Deed.

Neither the Workforce Specialist, nor a Related Entity is to obtain any material or commercial benefit from the disposal or subsequent use of an Asset.

### 6.7.3. Assets register

 Workforce Specialists must maintain an assets register for the duration of the Deed, and provide this to the Department upon request.

When an Asset is disposed of (following Approval by the Department), the Workforce Specialist should update the Assets Register to reflect this.

(Deed Reference(s): Clause 105)