



Complying with Employment Service Providers & Centrelink Activities

If you are an activity tested recipient of income support with Centrelink and required to attend an Employment Service Provider, you should be aware of your obligations to the Employment Service and Centrelink.

What Employment Service Providers need to do

Employment Service Providers are required to report to Centrelink any non-compliance (for example if you do not turn up to a scheduled meeting or job interview or fail to complete an activity listed in your Employment Pathway Plan). This is done through a Participation Report. Centrelink will then investigate the matter and the outcome may be a penalty such as a non payment period. **It is Centrelink who imposes penalties. Employment Services do not have authority to do impose penalties** (please see the Penalties for Non-Compliance Fact Sheet for more information).

You should note that any penalty imposed on you can be appealed. Even if a penalty does not lead to a loss of payment, it may be something you do not wish to have on your participation record.

Employment Service Providers should not submit a Participation Report to Centrelink until they have talked with you to find out if you had a reasonable excuse for failing to meet your requirements. They are required to make two attempts on two different days to contact you. If they cannot contact you, the service will then decide whether to report you to Centrelink.

Reasonable Excuse – the meaning of this term relies on the discretion of the person judging your explanation why you didn't attend a meeting or complete an activity. Centrelink dictates that the decision maker must be able to show that their decision is fair and reasonable. Another principle considered is that the reason given for failing to attend a meeting or complete an activity would appear plausible to the general public. Employment Service Providers have their own guidelines on reasons they will accept.

Employment Service Providers can choose to make a Contact Request to Centrelink instead of a Participation Report. The Contact Request asks Centrelink to establish contact with you when you have failed to meet an Employment Pathway Plan requirement. This is an alternative to a compliance action and does not result in any penalty, although in some circumstances payments may be delayed.

Employment Service Providers have discretion over how they manage compliance responsibilities. Some providers will use participation reports as a last resort; others will use them more readily. All providers will take action when you have consistently missed appointments and interviews.

If you have failed to attend a meeting or comply with an activity required by your Employment Service Provider, contact with your Employment Service Provider as soon as possible. This may prevent any further action or penalties.

Employment Service Providers and/or Centrelink may request that you provide some evidence of your reason for missing an activity such as a medical certificate or proof of employment. Employment Service Providers are designed to support you as a job seeker but they are paid to get you into employment and are not funded if you do not participate in job search activities.

For information on the penalties for non-compliance please see the Welfare Rights Centre (WRC) FACT SHEET "Penalties for Non-Compliance".

What if I can't meet my activity test or participation requirements?

Sometimes things happen in your life that make it more difficult for you to comply with your activity requirements, such as sickness, homelessness or a personal crisis. Discuss these issues with Centrelink as soon as you are able to and you may be granted a temporary exemption from job search participation requirements.



Employment Service Providers cannot grant exemptions from job search activities.

The Welfare Rights Centre (WRC) has listed below the circumstances which Centrelink may consider as grounds for temporary exemption from job search activities.

If you're sick or injured, you can be given a temporary exemption from the activity test or participation requirements if:

- you are unable to work because of sickness or an accident;
- the sickness or injury is temporary; and
- you can't participate in another suitable activity during the period you are sick or injured.

Other circumstances in which temporary exemptions may be granted include:

- a major personal disruption to your home;
- a major personal crisis;
- jury duty;
- being a refugee;
- being homeless; or
- living in a remote area.

An exemption will only be granted for up to 13 weeks. If at the end of 13 weeks you are still unable to work you will need to renegotiate with Centrelink.

Appeals

If you think a Centrelink decision is wrong you have the right to appeal against it. Appealing is easy and free. To appeal simply tell Centrelink that you are not happy with a decision and that you would like to appeal to an Authorised Review Officer (ARO). It is best to lodge an appeal in writing and you should keep a copy of your appeal letter. However, you can lodge an appeal over the telephone.

The ARO is a senior officer in Centrelink who has the power to change the original decision. Many clients are successful at this level.

If you think the ARO decision is wrong you can appeal to the Social Security Appeals Tribunal (SSAT). The SSAT is independent of Centrelink.

For more information on appealing Centrelink decisions please see the Fact Sheet "Appeals – How to Appeal against a Centrelink Decision"

What happens with my Employment Service Provider if I am temporarily exempt from activity?

When you are exempted from activity by Centrelink this means that you will not have to attend appointments with your Employment Service Provider but you still can. It is a good idea to discuss this with your provider. You may be able to participate at a reduced level.

"Centrelink & Employment Service Providers share all their information about me don't they?"

You might be aware that Centrelink and Employment Service Providers share information. This is necessary to assist the referral process. However Centrelink and Employment Service Providers share only a small amount of information. For example, if you have had a Job Capacity Assessment, not all of the information contained in it will be accessible by your provider. So when your provider asks for information you have already provided to Centrelink it is because they don't have access to it.

If your provider wishes to access some additional information about you that Centrelink might have they will need to seek your permission.

Therefore, when you inform Centrelink or your Employment Service Provider of any changes to your circumstances, you cannot assume that the other will automatically be updated. It is important to let both know of any key issues you are having and when your circumstances change. It can be frustrating to have to tell your story twice, but it is also good to know that your information is protected and you can decide when it is shared. Both Centrelink and Employment Services will be able to support you better if they know about your circumstances.



Things to remember

- It is Centrelink, not Employment Service Providers, who make the decision to impose penalties such as a no-show no-pay failure. Employment Service Providers have discretion about whether or not to inform Centrelink about your participation in their activities. However while providers want to support you they are paid to get you into employment and are not paid if you do not participate.
- Only Centrelink can grant Temporary Exemptions from job search activities.
- Centrelink and Employment Service Providers do not share all your personal information so you need to inform both services when your circumstances change.

Please note:

This Fact Sheet contains general information only. It does not constitute legal advice. If you need legal advice please contact the Welfare Rights Centre on 3421 2510 or if outside of Brisbane on 1800 358 511.

The Welfare Rights Centre is a community legal centre, which provides specialist advocacy and legal services in Social Security law, administration and policy. We are independent of Centrelink. All assistance is free.

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www.wrcqld.org.au

