



**Fair Work**  
OMBUDSMAN

# **Community Engagement Grants Program Guidelines**

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## Objectives

### Purpose

1. The Office of the Fair Work Ombudsman (**FWO**) is responsible for ensuring compliance with Commonwealth workplace relations legislation by employees and employers through advice, education and, where necessary, enforcement.
2. Assisting vulnerable workplace participants is a strategic priority for the FWO and we are increasing our community engagement services, particularly those directed at culturally and linguistically diverse communities.
3. The FWO's experience shows that some members of the community are more likely to be vulnerable to exploitation in the workplace and less likely to understand and assert their workplace rights or obligations due to factors such as age, English language skills and cultural barriers.
4. In addition, individual workers with problems at work may be reluctant to approach the FWO for assistance. This can be due to language barriers and limited understanding of workplace entitlements, or other factors such as fear of government agencies or officials or perceived repercussions resulting from seeking assistance about workplace issues.
5. There are also situations where a person's employment problems are manifestations of broader or underlying problems, such as family and domestic violence and mental health. Often, more specialised and intensive assistance than government can provide is required.
6. FWO recognises that community organisations perform an important role in providing client-centred and holistic services in response to employment issues experienced by vulnerable and disadvantaged members of the community. Community organisations can also act as advocates for workplace participants.
7. The Community Engagement Grants Program (**the CEG Program**) aims to support the provision of these services, as they relate to participants in the federal workplace relations system covered by Commonwealth workplace laws, to Australia's most vulnerable workplace participants.

### Outcomes

8. A primary objective of the CEG Program is to facilitate the provision of assistance relating to Commonwealth workplace laws, targeted specifically at vulnerable groups within the community who are covered by the federal workplace relations system.
9. Funding may be granted on a general basis to a service provider, or tied to particular projects or programs of work being conducted by a community organisation. Organisations may be funded for a range of services, projects or programs of work including, but not limited to: self-help information sessions, legal advice sessions, community education, telephone or face to face advisory services, case work services and advocacy.
10. Recipients of services through the CEG Program will include participants in the federal workplace relations system who experience difficulties in understanding, asserting and exercising their

workplace rights and obligations, with particular focus on employees and small business owners from culturally and linguistically diverse backgrounds, young or aged people, and migrant workers.

11. The CEG Program aims to deliver high-quality, accessible and cost-effective employment advice and assistance to those most in need.
12. The desired outcomes of the CEG Program are:
  - a. High quality advice on compliance with Commonwealth workplace laws within the federal workplace relations system
  - b. Access to information and assistance across and within geographical locations that form part of the federal workplace relations system
  - c. Cost effective service provision
  - d. Services that supplement, not replicate, the FWO's existing services and activities
  - e. Services that are based on strong networks across Government, business, representative bodies and the community sector.
13. The provision of funding will facilitate community organisations providing services which are supplementary to the FWO's statutory functions. In effect, the CEG Program activities will extend the breadth of Commonwealth workplace relations assistance available to the community.
14. In return for receiving funding, grant recipients must agree to support the FWO's aim of promoting harmonious, productive and cooperative workplace relations.

## Eligibility

15. Grants are available to not-for-profit community organisations.
16. The following are ineligible to apply:
  - a. Individuals, groups of individuals and unincorporated organisations
  - b. For profit, commercial organisations
  - c. Government departments and agencies
  - d. Educational institutions
  - e. Local Government Authorities and Local Government Committees
17. Applicants must be a separate legal entity and have full legal capacity to enter into a Grant Agreement with the FWO.
18. Applicants must have a current ABN and be registered for GST purposes.
19. The FWO will only enter into a Grant Agreement with a single entity for each grant. Where two or more entities seek funding in a joint application, only a single entity can be party to any agreement

with the FWO. Joint applicants should seek independent advice prior to submitting a joint proposal and nominating a single entity as a potential party to any funding agreement.

## Application process

20. All processes under the CEG Program will be undertaken in accordance with the requirements of the Commonwealth Grants Rules and Guidelines.
21. To apply for funding through the CEG Program, applicants must submit an application and respond fully to the selection criteria set out in sections 75 to 84.
22. Applications must include a completed CEG Program Application Form which is available from the [FWO's website](#).
23. Applications must be submitted by email to:  
[community.engagement@fwo.gov.au](mailto:community.engagement@fwo.gov.au)
24. Applications open on 23 September 2016 and must be received by **5:00pm, Friday 4 November 2016** (AEDT).
25. Without exception, applications that do not meet the following requirements will be rejected as non-compliant:
  - a. any application submitted by any means other than the method specified in 23 above
  - b. any application received after the time specified in 24 above
  - c. any application that is incomplete or not in the CEG Program Application Form
  - d. any application that does not conform with the requirements specified in the CEG Program Application Form, including specified word limits.
26. An application will not be considered submitted until it is received by the FWO. The applicant will receive email notification from FWO within 48 hours of an application being submitted correctly. If the applicant has not received notification in this timeframe, the applicant should contact the FWO to confirm that the application has been received.
27. It is the responsibility of the applicant to ensure their application is complete and accurate. Applicants should keep a copy of their application and any supporting documentation.
28. Only one application per organisation will be assessed. If more than one application is submitted, only the latest application will be considered.
29. The FWO will respond to requests for information during the application process in writing within five working days. Any requests must be submitted in writing via email to:  
[community.engagement@fwo.gov.au](mailto:community.engagement@fwo.gov.au).
30. The FWO will only respond to requests for information that seek clarification of issues to allow them to better understand the requirements of the CEG Program Application Form and Guidelines.

31. The application must provide a clear description of the proposal and identify the outcomes that will be achieved.
32. The application should clearly identify and justify the funding being sought. The funding should be based on the outputs, timeframe, scale and scope of the proposal. Budget information must also take into consideration the organisation's operational capacity to deliver the proposal.
33. All applications must include information detailing the eligibility requirements (if any) for clients to access the proposed activities or services. This information must include factors that will and will not be considered when determining the level of service a person receives (if any).
34. Grant applicants should consider whether services, projects or activities may require the use of professional translating or interpreting services in order to engage with culturally and linguistically diverse clients. If required, costs for translating and interpreting services should be factored into funding applications.

## Funding

35. The FWO is responsible for the delivery of the CEG Program in line with the objectives set out above. Legislative authority for the CEG Program is provided under Schedule 1AA to the *Financial Framework (Supplementary Powers) Regulations 1997* (paragraph 409.001 Education services and compliance activities).
36. The CEG Program will commence on 1 January 2017.
37. The CEG Program has approved funding over the forward estimates of \$7.274 million, as set out below:

	2016-17	2017-18	2018-19	2019-20	Total
CEG Program	\$1.800 m	\$1.812 m	\$1.825 m	\$1.837 m	\$7.274 m

38. The total amount awarded under the CEG Program will not exceed \$1.8 million in any calendar year.
39. Grant Agreements for four year terms only will be offered. There will therefore be just one round in which grants will be awarded for programs, projects or services over the four year cycle of the program.
40. This round of funding under the CEG Program is not an indication or assurance that funding will be provided beyond the four year cycle.
41. Applicants may apply for any specified amounts of between \$150,000 and \$400,000 per year. It is expected that applications at the higher end of this range would involve programs covering more than one state or territory.
42. In exceptional circumstances, amounts in excess of \$400,000 per year may be considered. Applications for funding over \$400,000 per year would be expected to propose significant projects, programs or services and demonstrate a well-developed strategy for achieving systemic impact across a broad range of geographical locations and/or audience.

43. If more than one specified amount of funding is being applied for, only one CEG Program Application Form is required but applicants must clearly identify the different services, programs or products which will be delivered for each amount of funding.
44. Grant amounts are inclusive of GST and will be indexed annually in accordance with movements in the Consumer Price Index, as expressed in ABS Catalogue number 6401.0, all groups CPI, weighted average of eight capital cities, for the September quarter prior to the new calendar year.
45. Grant payments will be made each calendar year in two parts as outlined in the recipient's Grant Agreement.
46. Grant recipients should seek independent professional advice on the taxation treatment of grants.
47. The timing of the grants and payments of all funds associated with the grants will be set out in the Grant Agreement between the FWO and each grant recipient. Grants will not be made available prior to January 2017.
48. A grant will only be provided to successful applicants who agree to the terms and conditions of the Grant Agreement.
49. Grant funding must only be used for the purposes for which it is provided. This may include the costs of running a service, project or program such as accommodation and staffing costs, where the expenditure is for the purpose of carrying out the activity for which funding was awarded.
50. Grants must not be used to cover retrospective costs. Grant funding must not be used to make a loan, gift or donation unless otherwise specified in the recipient's Grant Agreement.
51. Grants may be withdrawn if any of the matters outlined in these Guidelines or in the Grant Agreement are breached before or during the term of the Grant Agreement.
52. Each grant awarded and the CEG Program as a whole will be evaluated at the conclusion of the four year cycle to determine value for money for the FWO and effectiveness in achieving the outcomes of the CEG Program.

## Grant Agreement

53. Successful applicants will be required to enter into a Grant Agreement with the FWO before receiving any grant funding.
54. The Grant Agreement will set out the terms and conditions on which grant funding will be provided. Generally, each Grant Agreement will include the following:
  - a. Key performance indicators and performance reporting requirements
  - b. Funding payment schedule
  - c. Record keeping requirements
  - d. The timing of the provision of deliverables and reports

55. An example of general Grant Agreement terms is available on the [FWO's website](#). The terms and conditions of individual Grant Agreements may vary from this example, depending on the size and nature of the grant funding, level of risk and nature of the activity funded.
56. The Grant Agreement between the FWO and grant recipients will commence on execution of the agreements and will conclude as specified in the individual Grant Agreement.
57. In accordance with the Commonwealth Grants Rules and Guidelines, details of funding granted under the CEG Program will be published on the FWO website within 14 days of a Grant Agreement taking effect. This information will remain on the FWO's website for a minimum of two years.

## Risk management

58. All grant recipients will be required to prepare a risk management plan that must be provided to the FWO. The risk management plan should comprehensively set out potential risks in the receipt and use of the grant funding and detail how these risks are to be managed.
59. All grant recipients will have an ongoing obligation to review, identify, assess and manage risk for the duration of the Grant Agreement. The risk management plan should identify a clear process for this to occur on a quarterly basis.

## Privacy

60. Grant recipients must agree that, when dealing with Personal Information (as defined in the *Privacy Act 1988*) in delivering the projects, programs or services that are funded, the Grantee will not do anything which, if done by the Commonwealth, would be a breach of an Australian Privacy principle.

## Reporting

61. The reporting requirements will be set out in the Grant Agreement for each grant recipient.
62. At a minimum, grant recipients will be required to provide the FWO with two reports per year covering the following reporting periods:
  - a. 1 January to 30 June: report due by 18 August each year
  - b. 1 July to 31 December: report due by 14 February each year.
63. The reports will include information about the services or programs delivered and allow an assessment of performance against indicators set out in the Grant Agreement.
64. Grant recipients must have systems in place to allow the collection of information which is sufficient to allow an evaluation of service delivery or project performance. There are no minimum Information Technology requirements for grant recipients.
65. Failure to adhere to the reporting requirements will result in the recipient not being eligible to participate in future rounds of the CEG Program and may result in breach and termination.

## Selection process

66. The FWO will conduct an open and competitive selection process for the allocation of funding grants under the CEG Program.
67. Applications for grant funding will be assessed against the selection criteria, including the extent to which a proposed activity represents value for money, and then prioritised against competing eligible applications.
68. The process is open to all eligible community organisations and the availability of grant funding may be advertised by the FWO in its discretion, through the media, the FWO website and/or through relevant stakeholders.
69. The FWO will not accept or respond to any applicant requests for information or correspondence about the status or progress of applications during the selection process.
70. The FWO may seek further information from an applicant in order to clarify issues relating to an application or assist with the selection process.
71. The FWO may seek to verify claims made within an application.
72. Successful and unsuccessful applicants will be notified of the outcome of their application in late November or early December 2016 by email. This notification will also include the process by which unsuccessful applicants can seek feedback on their application.

## Selection criteria

73. The specific selection criteria against which eligible applications will be assessed are listed below in sections 75 - 84. The four selection criteria are equally weighted.
74. In addition, to assess the extent to which an application represents value for money and meets the selection criteria, the FWO will have regard to the following:
  - a. The relative merit of each application
  - b. The overall objective(s) to be achieved in providing the funding
  - c. The level of positive impact on vulnerable workplace participants that could be achieved through the proposal
  - d. Whether the proposal adds value by achieving something worthwhile that would not occur without the grant
  - e. The relative cost of the proposal
  - f. The extent to which the applicant has a demonstrated capacity to fund (taking into consideration all possible sources of finance) and deliver the proposal
  - g. The geographical location(s) where the proposed grant activity would be provided.

## **Demonstrated understanding**

75. Applicants must have a demonstrated understanding of vulnerable and disadvantaged members of the community, or a specific cohort of vulnerable and disadvantaged members of the community, the employment issues they face and the need for targeted assistance.
76. Applicants must also have a demonstrated understanding of Commonwealth workplace laws and their application to participants in the federal workplace relations system.

## **Achievement of objectives**

77. Applicants must describe how the implementation of their proposal will achieve the objectives of the CEG Program, including value for money.
78. It should be clear from this description that the proposed activity will support (and can deliver) the desired outcomes of the CEG Program in a way that appropriately manages risk, is cost effective and is coordinated with relevant stakeholders and any existing services or activities.
79. Applicants should also explain how they will monitor the performance of the proposed activity and manage the financial aspects of the grant funding.

## **Demonstrated experience**

80. Applicants must have demonstrated experience in effectively developing, delivering, managing and monitoring activities or services to achieve program objectives and outcomes.
81. An applicant's track record in delivering quality services or previous experience in implementing similar activities may be used to demonstrate this.

## **Organisational capacity**

82. Applicant organisations must have a demonstrated capacity and staff capability (experience and qualifications) to deliver the CEG Program objectives.
83. This includes, but is not limited to, the following considerations:
  - a. The applicant is committed to and capable of working with relevant vulnerable groups
  - b. The applicant has or can build positive relationships with target clients, groups, community organisations and other key stakeholders in the delivery of the proposal
  - c. The applicant has key personnel, or has the capacity to attract, train and retain sufficient personnel to deliver the proposed activity
84. The applicant has a viable and sustainable financial model, sound governance arrangements and appropriate risk management strategies.

## **Decision making**

85. The selection process will be undertaken by a panel of FWO employees, comprising: an Executive Director (SES Band 1), a Director (EL2) and the FWO's Chief Financial Officer.

86. Following the selection process, the panel will provide advice and recommendations on awarding grants to the Fair Work Ombudsman who will be the decision maker of which entity or entities shall be approved to receive grant funding.

## Conflicts of interest

87. A conflict of interest arises where a person makes a decision or exercises a power in a way that may be, or may be perceived to be, influenced by either material personal interests (financial or non-financial) or material personal associations. A conflict of interest could arise where decision makers or officials involved in grants administration have a direct or indirect interest in the selection of a particular project or activity for funding.
88. The FWO has in place strict internal mechanisms for identifying and managing potential conflicts of interest. The FWO has a Conflict of Interest Policy and established procedures for staff to declare their interests.
89. In the event that grant applicants or recipients are concerned about a potential conflict of interest either internally or within the FWO, they should contact the Contact Officer referred to at 93 below.

## Complaints process

90. If an applicant or grant recipient is dissatisfied with the way in which this grants process is handled, they may wish to raise their concerns with the Commonwealth Ombudsman.
91. Before approaching the Commonwealth Ombudsman, they are first encouraged to attempt to resolve their concerns by contacting the Contact Officer. The Commonwealth Ombudsman will usually not investigate a complaint unless the matter has first been raised with the agency and the agency has been provided with a reasonable opportunity to respond.
92. The Commonwealth Ombudsman can be contacted on:

Phone: 1300 362 072

Post: PO Box 442, Canberra, ACT 2601

Email: [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)

Website: [www.ombudsman.gov.au](http://www.ombudsman.gov.au)

## Contacts

93. The FWO's Contact Officer for any queries or concerns in relation to these grants is:

Louise Peters

(02) 8293 4735

[Louise.Peters@fwo.gov.au](mailto:Louise.Peters@fwo.gov.au)

PO Box 9887, Sydney 2001