



Key Obligations for the Continued Approval of Child Care Services

It is the responsibility of the operator of the child care service and the key personnel involved in the management and operation of the service to be aware of, understand and meet their continuing obligations under the family assistance law.

The key obligations of an approved child care service are as follows:

Obligation to notify the Department of all enrolments, any updates and corrections to enrolment information

- Notify the Department of all enrolments (including re-enrolments of children whose previous enrolment has ceased), any updates and corrections to enrolment information.

Obligation to notify the Department of enrolments of children certified by the service, or determined by the Department, to be at risk – if the service is eligible for CCB by fee reduction for the child

- Notify the Department of enrolments of children certified by the service, or determined by the Department, to be at risk - if the service is eligible for CCB by fee reduction for the child.

Obligation to pass on fee reduction

- Ensure that the amounts of fee reduction calculated for an individual in respect of an enrolled child and notified by the Department are passed on to the individual.
- Repay the Department any fee reduction amounts paid to the service that could not be passed on to the individual.

Obligation to charge no more than usual fee (Special CCB, Grandparent CCB and JET)

- Ensure that a fee charged for care provided to a child, in respect of whom the service or the Secretary has determined the special 'child at risk' or 'hardship' rate, does not exceed the fee the service would charge for the same care for the same child if that special rate did not apply.
- Ensure that a fee charged for care provided to a child of a person eligible for the special grandparent rate of CCB does not exceed the normal fee that the service would charge for the same child if that person were not eligible for that special grandparent rate.
- Ensure that a fee charged for care provided to a child of a person receiving Jobs Education and Training (JET) Child Care fee assistance does not exceed the normal fee that the service would charge for the same child if that person were not eligible to receive JET Child Care fee assistance.

Obligation to provide periodic statements

- All services are required to provide parents with periodic statements covering fees and CCB entitlement. For detailed information on this obligation, please refer to the instruction sheet (Instruction Sheet 1 – Child Care Service Statements), a Statement example and a set of Questions and Answers that are available online:
<http://www.deewr.gov.au/EarlyChildhood/Programs/ChildCareforServices/Operation/Pages/InstructionSheets.aspx>

. Obligation to provide information relating to child care places

- Ensure that information relating to child care places is provided to the Department within the required timeframe. For detailed information on the reporting obligation, please refer to the DEEWR website at:
<http://www.deewr.gov.au/EarlyChildhood/programs/ChildCareforServices/Operation/Pages/ReportingyourVacancyandusageinformation.aspx>

Obligation to keep records

- Ensure that accurate attendance records, enrolment forms and other required records are kept. For detailed information on your record keeping obligation, please refer to *A New Tax System (Family Assistance) (Administration) (Child Care Benefit- Record Keeping) Rules 2006*, included in the Legislative Extracts. An instruction sheet on the record keeping obligation (Instruction Sheet 2 - Child Care Service Record Keeping) is also available online:
<http://www.deewr.gov.au/EarlyChildhood/Programs/ChildCareforServices/Operation/Pages/InstructionSheets.aspx>
- Ensure that copies of all required records are kept for at least 36 months from the end of the calendar year in which the relevant care was provided. This record-keeping obligation applies to operators of child care services and to former operators of approved child care services who are also obliged to keep the Department informed of the location of records for as long as the records are required to be kept.

Cooperation with authorised officers

- Cooperate with authorised officers visiting your premises to inspect records and monitor the service's compliance with the conditions for the continued approval of the service, and provide them with access to records and assistance so that they can undertake compliance activities.

Notification obligations – when ceasing operations

- Notify the Department (using the template provided by the Department) at least 42 days before the person who applied for approval of the service ceases to operate the service. Where a service closes due to circumstances beyond their control, the Department must be notified immediately.
- Within seven days, provide the Department with additional information about the intended cessation of the service if requested to do so by the Department.

Notification obligations (other than ceasing operations)

- Give the Department written notice of at least 30 days before changing the address of the service given in the application for approval.
- Notify the Department of any changes to details provided in the application form (other than change of address) within 14 days and of changes to the suitability of staff to provide care within seven days.

Electronic reporting obligations

- Fulfil the obligations to report details of child care usage for enrolled children and other information to the Department as required. The use of software registered with the Department for Child Care Management System (CCMS) purposes is necessary to fulfil these obligations.

Obligation to provide further information upon request

- Provide further information about enrolled children upon request from the Department.

Suitability rules

- Ensure that the child care operator and key personnel are, and continue to be, suitable people to operate a child care service.
- Ensure staff of the child care service are, and continue to be suitable people to provide care – this includes the carers in Family Day Care and In Home Care.

Reporting absences

- Where a child is absent from care for any reason – such as sickness, holidays, rotating shift or any other – the service must enter the type of absence on the attendance record. A parent must provide supporting documentation for “additional absence days” after the first 42 absence days have been used. For detailed information on your record keeping obligation, please refer to *Child Care Benefit (Absence from Care – Permitted Circumstances) Determination 2000 and A New Tax System (Family Assistance) (Administration) (Child Care Benefit- Record Keeping) Rules 2006*, included in the Legislative Extracts. An instruction sheet on the absences reporting obligation (Instruction Sheet 4 - Definitions of Absences for Child Care Services) is also available online: <http://www.deewr.gov.au/EarlyChildhood/Programs/ChildCareforServices/Operation/Pages/InstructionSheets.aspx>

Priority of Access Guidelines

- Ensure that where demand for child care exceeds supply, Priority of Access Guidelines are applied. More information can be found in the *Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Determination 2000*, included in the Legislative Extracts. An instruction sheet (Instruction Sheet 10 - Priority of Access Guidelines for Child Care Services) on this obligation is also available online: <http://www.deewr.gov.au/EarlyChildhood/Programs/ChildCareforServices/Operation/Pages/InstructionSheets.aspx>

Rules on insurance

- Ensure the service has the required insurance, such as workers compensation and public liability insurance.

Provision of care

Family Day Care services

- Ensure that most of the children to be provided with care will attend the service on at least one day a week.
- Ensure that the service operates on all normal working days in at least 48 weeks of the year.

- Ensure that the service remains available to provide care for any child for at least eight continuous hours on each normal working day on which it operates.

Long Day Care services

- Ensure that most of the children to be provided with care will not have started school, and are children that attend at least one day a week.
- Ensure that the service operates on all normal working days in at least 48 weeks of the year.
- Ensure that the service remains available to provide care for any child for at least eight continuous hours on each normal working day on which it operates.

Outside School Hours Care services

- Ensure that the service provides care mainly for school children.
- If the service provides before or after school care, ensure that it operates on each school day.
- If the service provides vacation care, ensure that it remains available to provide care for any child for at least eight continuous hours on each normal working day for at least seven weeks of school holidays in a year.

Occasional Care services

- Ensure that most of the children provided with care will not have started school.
- Ensure that the service operates for a maximum of nine hours per day.

In Home Care services

- Ensure that the service provides child care places only to children who cannot be cared for by other child care services, or who cannot otherwise be suitably cared for in certain circumstances. For detailed information on these circumstances, please refer to the *Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Determination 2000*, included in the Legislative Extracts.
- Ensure that the service operates on all normal working days in at least 48 weeks of the year.
- Ensure that the service remains available to provide care for any child for at least eight continuous hours on each normal working day on which it operates.

QA participation

- Ensure that the service participates in the Quality Assurance System (not applicable for Occasional Care or In Home Care) and makes satisfactory progress towards improving the quality of care provided for children and continue to be accredited. More information can be found in the *Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Determination 2000*, included in the Legislative Extracts.

Other obligations

- Ensure that state and territory licensing requirements are met.
- Ensure that when a child attends a session of care, the service does not prevent the child from attending any part of that session.
- Ensure that change of the operator (change of legal entity) is notified at least 42 days before the change occurs.
- Ensure that personal information about a member of any family that uses the service is not disclosed, unless the disclosure is legally required.

- Ensure that 24 hour care is not provided to a child unless the period of 24 hour care has been approved.

CCMS TRANSITIONAL OBLIGATIONS

Obligation to give reports

- Submit to the Family Assistance Office, any reports (Statement of Child Care Usage and Statement of Payment Summary) for children of fee reduction customers for the reporting period (usually a quarter) during which the service's application day occurred. These reports should be provided by the end of the following quarter.
- Submit to the Family Assistance Office, any reports (Statement of Child Care Usage) for children of full fee-paying customers for the period requested prior to your service's application day. These reports must be provided by the end of the second financial year following the financial year during which the service's application day occurred; or if the Department requests a report earlier, then within 30 days after the request is made.

More information about CCMS transitional obligations can be found in Attachment H in the Legislative Extracts for Approval and Continued Approval under the Family Assistance Law. The Legislative Extracts are updated regularly and can be viewed and downloaded from the Department of Education, Employment and Workplace Relations website at:

<http://www.deewr.gov.au/EarlyChildhood/Programs/ChildCareforServices/Operation/Pages/InstructionSheets.aspx>