



Child Care Subsidy Specified Personnel Roles

Approved providers must supply details of all specified personnel to the department

The Child Care Subsidy (CCS) legislation and supporting policy provisions specify key personnel roles involved in the structure of a provider or service (see sections below for an explanation of who are these key personnel). An approved CCS provider must supply details to the department about **each of the individuals** in these roles and provide notification of any change to the information. This is a condition of ongoing CCS approval.

In addition, the provider must undertake to ensure that each of these individuals meet fit and proper requirements and be able to provide evidence that the necessary fit and proper checks have been undertaken.

What are the key personnel roles?

Persons with Management or Control of the Provider

Who are they?

- Any person who has, or will have, management or control of the Provider.
- Anyone who participates directly or indirectly in the decision making or management of the Provider (the legal entity) that operates the child care service/s.
- Examples of Persons with Management or Control of the Provider are all partners in a partnership, all directors of a company or organisation board, all members of an executive committee.

What is their authority for CCS?

- Communicate with the department about any aspect of their approved service's operation and family payments.
- Submit an application for CCS provider or service approval to the department.
- Notify the department of all Changes of Circumstance for all their approved services.
- Change Bank Account Details.

- Add or remove Provider Management or Control Personnel, Persons Responsible for the Day-to-Day Operation of the Service and Service Contacts.
- Authorise enrolment and attendance data submissions.

Required evidence for fit and proper checks

For each individual who is a Person with Management or Control of the Provider, the provider must be able to produce the following evidence of fit and proper checks:

- A copy of the results of a bankruptcy search conducted through the Australian Financial Security Authority website.
- A copy of the results of an Australian National Police Criminal History Check obtained from the relevant state or territory police service or an agency accredited by the Australian Criminal Intelligence Commission.
- A current and historical personal name extract obtained through the Australian Securities and Investments Commission website.
- Evidence that the person does not appear on the banned and disqualified register held by the Australian Securities and Investments Commission (in the form of a computer printout of the results of the search).
- Where the provider is a Family Day Care or In-Home Care provider, a declaration of any existing conflict of interest circumstances regarding the Person with Management or Control and their interest in a Registered Training Organisation or other child care related enterprise.
- Details of the working with children cards required to be held under state or territory regulation.

Can the role of Person with Management or Control or the Provider be delegated to others?

Yes, but **this does not exclude** the members of the governing body as Persons with Management or Control of the Provider. Many organisations have governance rules, constitutions and even acts of parliament, providing for delegation mechanisms where management and financial authority can be delegated to particular individuals. For example, a committee might delegate management authority in respect of a child care service to an administrative employee.

Where the delegated officer routinely makes high level decisions without requiring approval 'higher up', they fall within the definition of Management or Control and must also be identified to the department.

An example of this might be an individual in the role of Regional Manager for a large provider with a company entity. The directors of the company are taken to be Persons with Management or Control of the Provider as they make decisions about the legal entity. However, the Regional Manager, who makes executive decisions of behalf of the provider would also be considered to be a Person with Management or Control of the Provider in this scenario.

Similarly, a local council may have a General Manager in charge of the 'Community Services' branch of a local council. This individual would be taken to be a Person with Management or Control of the Provider on the basis that they can make decisions about the child care service without approval from a higher authority. However, it is likely that some of the authorities held by the General Manager would be delegated to other officers within the council. For example, while the General Manager has overall responsibility for the child care service, decisions about major expenditure or entering into funding agreements might also be able to be made by officers in subordinate roles within the council to whom the authority has been delegated. Where this is the case, the delegated officers are also taken to be Persons with Management or Control of the Provider.

Persons Responsible for the Day-to-Day Operation of a Service

Who are they?

- Each person who is, or will be, responsible for the day-to-day operation of the service and this includes persons from external management agencies.
- Examples of a Persons Responsible for the Day-to-Day Operation of a Service are a Service Director, Manager or Authorised Supervisor.

What is their authority for CCS?

- Communicate with the department about any aspect of the approved service's operation and family payments.
- Notify the department of Changes of Circumstance, excluding change of ownership, at the service/s for which they have day-to-day responsibility.
- Add or remove Persons Responsible for the Day-to-Day Operation of a Service and Service Contacts (but only at the service/s for which they have day-to-day responsibility).
- Authorise enrolment and attendance data submission (but only at the service/s for which they have day-to-day responsibility).

Required evidence for fit and proper checks

For each individual who is a Person Responsible for the Day-to-Day Operation of a Service, the provider must be able to produce the following evidence of fit and proper checks:

- A copy of the results of an Australian National Police Criminal History Check obtained from the relevant state or territory police service or an agency accredited by the Australian Criminal Intelligence Commission.
- Details of the working with children cards required to be held under state or territory regulation.

Family Day Care or In-Home Care Educators

Who are they?

- A person who provides care for children either in their own home or the child's home on behalf of an approved Family Day Care (FDC) or In-Home Care (IHC) service.
- Operate as contractors or employees of the FDC or IHC service.

What is their authority for CCS?

- Create source records of children's care usage on behalf of the Provider (i.e. keep timesheets of care provided) which are later authorised by *Persons with Management or Control of the Provider* or *Persons Responsible for the Day-to-Day Operation of a Service*.

Required evidence for fit and proper checks

For each individual who is a Family Day Care or In-Home Care Educator, the provider must be able to produce the following evidence of fit and proper checks:

- A declaration on the application that all proposed educators are fit and proper persons having regard to any prior actions involving fraud or dishonesty and their capacity to comply with the family assistance law.
- A copy of the results of an Australian National Police Criminal History Check obtained from the relevant state or territory police service or an agency accredited by the Australian Criminal Intelligence Commission.
- Details of the working with children cards that are required to be held under state or territory regulation.

NOTE: Fit and Proper checks must also be undertaken for educators engaged after approval is granted.

A mandatory requirement of a CCS application is that a provider list every individual engaged at that time in their organisation as an FDC or IHC Educator and provide evidence within the application of fit and proper checks for each of these individuals.

It is important to note that, to remain CCS approved, **the provider must undertake fit and proper checks of educators engaged after approval** – providing details of the educator's identity and the fit and proper checks to the department.

The provider may also choose to nominate Service Contacts

Service Contacts are not a specified personnel role in the legislation. Therefore, there is no mandatory requirement for the provider to nominate Service Contacts or to undertake additional fit and proper checks on those individuals that are nominated.

Depending on the administrative arrangements within the provider's organisation, it may be useful to have Service Contacts authorised to communicate with the department in relation to family payments and service administrative details.

Who are they?

- Individuals who are nominated by either Persons with Management or Control of the Provider or Persons Responsible for the Day-to-Day Operation of a Service and who are required to communicate with the department about service or family payments.

What is their authority for CCS?

- Communicate with the department about any aspect of a family's payments (but only at the service at which they are Service Contacts).
- Notify the department of non-financial Changes of Circumstance but only for the service at which they are Service Contacts.

Can the same individual be nominated in multiple personnel roles?

Yes. Depending on the business arrangements of the provider, the same individual may have responsibility for multiple roles, and this is a likely scenario for smaller organisations. It is important to remember, however, that the provider cannot choose to exclude individuals when they nominate personnel to the department (e.g. they cannot choose not to identify one of the partners even if that partner is not actively involved in the operation of the child care service).

All individuals in specified personnel roles must be registered in PRODA¹ and linked to the provider or service (noting that Service Contacts are not a specified personnel role.)

More information

More detailed information about the key personnel roles and their fit and proper requirements is set out in the [CCS Fit and Proper Requirements for Child Care Providers and their Personnel](#) fact sheet and the [CCS Approval - Identifying Persons with Management or Control of Provider in Community Organisations, Schools and Local Councils](#) fact sheet.

Information about how to apply to become a CCS approved service is available on the department's [Applying for CCS Approval](#) website.

If you need additional information or assistance, you contact the department's CCS Assessment Team by email at CCSAssessments@dese.gov.au

¹ PRODA (Provider Digital Access) is an online authentication system that the department uses to check the identity of child care provider entities and their personnel.