



# Determining the Difference Between Centre Based Day Care and Outside School Hours Care

## Service Approval under the National Law

In most cases, a child care provider intending to be Child Care Subsidy (CCS) approved to offer either Centre Based Day Care or Outside School Hours Care (OSHC) must also hold approval under the National Law. The National Law does not differentiate between Centre Based Day Care and OSHC and the service approval granted for both service types will be a centre-based service approval.

## Service Approval under the Family Assistance Law

When seeking CCS approval, a provider of a child care service with National Law centre-based service approval under the National Law must decide whether it will operate as a Centre Based Day Care Service or an OSHC Service under the family assistance law. This is important because there are different eligibility criteria and operational requirements for both service types that must continue to be met as a condition of ongoing CCS approval. It is not possible to change from one service type to another under the family assistance law without cancelling the existing approval and seeking a new CCS approval. How do I know whether my service is a Centre Based Day Care Service or an OSHC Service for CCS?

A service's approval under the National Law will take into account the type of care provided ensuring that the service has age appropriate facilities, programming and educator to child ratios. A centre-based service approved to care for children aged 0 to 6 will have different requirements than one approved to provide care to school aged children. Service information held on the National Register such as opening hours may indicate whether the service should be CCS approved as Centre Based Day Care or OSHC.

A small number of services do not require National Law approval, either because they are out of scope of the National Law or because they are exempt from the requirement in the Child Care Minister's Rules 2017 (the Minister's Rules).

Regardless of whether the service has National Law approval, a CCS approved Centre Based Day Care Service is defined differently to a CCS approved Outside School Hours Care service.

## **What does a CCS Centre Based Day Care Service look like?**

Under the provisions of the Child Care Subsidy Minister's Rules 2017 (the Minister's Rules), a Centre Based Day Care service is described as one that will primarily provide care within normal school hours to children who are not yet school aged.

Given this requirement, the department defines a Centre Based Day Care Service as a service where more than 50 per cent of the children attending over a 12-month calendar period of normal school days are non-school aged.

In making a determination that a service is a Centre Based Day Care Service for the purposes of CCS approval, the department may consider the following indicators:

- the service usually offers long continuous sessions of care during the middle part of the day; and
- the physical environment and programming of the service caters for the needs and safety of children aged between and 0 and 6 years.

## **What does a CCS OSHC Service look like?**

The provisions of the Minister's Rules identify an OSHC as one that primarily provides care to school aged children outside normal school hours.

Given this requirement, the department defines an OSHC Service as a service where more than 50 per cent of children attending over a 12-month calendar period of normal school days are school aged.

In making a determination that a service is an OSHC service for the purposes of CCS approval, the department may consider the following indicators:

- the service usually offers shorter sessions of care in the hours immediately before and after normal school hours on a school day (although additional sessions may be offered during the middle part of the day); and
- the physical environment and programming of the service is suited to the developmental and supervisory needs of children aged more than 6 years.

## **What if my service provides both Centre Based and OSHC?**

A Centre Based Day Care service may offer sessions of care to school aged\* children (i.e. wraparound or vacation care) where this suits the needs of its families. Similarly, an OSHC service may also offer care to non-school aged children (such as siblings of school-aged children using the service) during normal school hours where this care meets family requirements. However, it is the type of care that the service predominately provides that determines the CCS service type.

## **Can a service be approved as both Centre Based Day Care and OSHC?**

No. A service cannot hold simultaneous Centre Based Day Care and OSHC approvals. This is because the service cannot be primarily (i.e. greater than 50 per cent) caring for both non-school aged and school aged children. A service must be primarily caring for one or the other cohort of children.

## **Can a Centre Based Day Care Service and an OSHC operate from the same location?**

Not at the same time. Two approved services can share the use of the same facility, but they cannot operate from the same place at the same time. In doing so, they would be operating as a single service and thus not complying with the requirement to be primarily one type of care. Where two or more services choose to use the same venue to provide care, they must be able to satisfy the Secretary that each service operates independently using separate resources such as equipment, staffing, administration etc and that the care is provided at different times.

### **\*What is a school aged child?**

For the purposes of the CCS hourly rate, a school-aged child is a child who meets one or more of the following conditions:

- has turned six years of age
- attends the year of school before grade one, or primary or secondary school
- is being home schooled as recognised in the state or territory in which they reside or would be attending school except that they are absent from school, or on holidays.

### **More information**

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