



# Child Care Subsidy Approval – Provider and Service Eligibility Requirements

## Provider eligibility requirements

To be eligible for CCS Provider Approval:

- The provider must hold the required approvals or licences to provide child care in the state or territory in which each of its child care services will operate. Evidence of these approvals and licences must be provided to the department before CCS approval can be granted.
- The provider and any individual who is or will be a *Person with Management or Control of the Provider* must be a fit and proper person to administer CCS and Additional Child Care Subsidy (ACCS). To decide whether the provider and any *Person with Management or Control of the Provider* is fit and proper, the Secretary will consider whether individuals meet the fit and proper requirements set out at Section 194E of the Act. More detailed information about the requirements of Section 194E is set out in the [Fit and Proper Requirements for Child Care Providers and their Personnel](#) fact sheet available from the [Applying for CCS Approval](#) website.
- Be financially viable and likely to remain so if the provider is a large Centre-based Day Care provider (i.e. provider of 25 or more Centre-based Day Care services). The Secretary may ask for additional information or supporting documentation to ensure that large providers meet this requirement.
- The provider must ensure that required fit and proper checks are carried out for each *Person with Management or Control of the Provider, Persons with Responsibility for Day-to-Day Operation of the Service and In-Home Care and Family Day Care Educators*. The provider is required to provide evidence of these checks in their application and be able to produce a written record at the request of the department. The Secretary may ask for additional information where this is necessary. Detailed information about the fit and proper checks required for each of these personnel roles is set out in the [CCS Specified Personnel Roles](#) fact sheet which is available from the [Applying for CCS Approval](#) website.

## Service eligibility requirements

To be eligible for CCS service approval:

The service **must not be** one of the following types:

- Informal care provided through personal arrangements.
- A service primarily conducted to provide instruction in an activity such as sport or music.
- A service primarily conducted to provide a disability or early intervention service.
- A service where the parent primarily provides the care or is readily available and retains responsibility for the child such as a playgroup.
- A service primarily providing short term irregular care at premises where the parent is a visitor or guest and is readily available such as a gym or hotel.
- A service primarily providing an early education program to children in the year that is 2 years before grade 1 of school such as a preschool or kindergarten.

The Secretary will consider various factors when assessing whether or not a service is one of the above types. Further information about how the Secretary decides whether a service is ineligible is provided in the [Services Ineligible for CCS Approval](#) fact sheet which is available from [Applying for CCS Approval](#) website.

The service **must** meet the additional criteria for its service type:

### Centre Based Day Care

A Centre-Based Day Care service must:

- Be approved as a centre-based service under the *Education and Care Services National Law* (the National Law) or be licensed to operate as an occasional care under state or territory law; or
  - Where the service is not an education and care service under the National Law, be a service in respect of which the provider holds any other approvals or licences that are relevant to providing child care and which are required to operate the service under the law of the state or territory in which the service is situated; or
  - Not be required to meet state or territory regulatory requirements for child care services;
- **Not primarily operate as an outside school hours care** by providing care to a majority of children who attend school.

## Outside School Hours Care

An Outside School Hours Care service must:

- Be approved as a centre based service under the National Law; or
  - Be a service in respect of which the provider holds any other approvals or licences that are relevant to providing child care and which are required to operate the service under the law of the State or Territory in which the service is situated; or
  - Not be required to meet state or territory regulatory requirements for child care services;
- Primarily provide care outside normal school hours to children who attend school.

## Family Day Care

A Family Day Care (FDC) service must:

- Be approved as an FDC service under the National Law unless it is not required to meet state or territory regulations for child care services.

## Other Requirements

The provider of the service must hold the required approvals or licences for child care in the state or territory in which the service is situated. Evidence of this approval must be provided to the department before CCS approval can be granted.

Any individual who is or will be a Person with Responsibility for the Day-to-Day Operation of a Service must be a fit and proper person to administer CCS and Additional Child Care Subsidy (ACCS). To decide whether the provider and any Person with Management or Control of the Provider is fit and proper, the Secretary will consider whether individuals meet the fit and proper requirements set out at Section 194E of the Act. More detailed information about the requirements of Section 194E may be found in the [Fit and Proper Requirements for Child Care Providers and their Personnel](#) fact sheet available from the [Applying for CCS Approval](#) website.

## Service Types with Allocation Rules

Where the service is of a type to which Allocation Rules apply, for example an In-Home Care (IHC) service, the Secretary must allocate places.

The Secretary must consider it appropriate to approve the service taking into account:

- any conditions already imposed on the provider
- any non-compliance by the provider with the law of the Commonwealth, State or Territory;
- the provider's record of administering public funds;
- the capacity for service staff to use the Child Care Subsidy System;

- any act of an *FDC or IHC Educator* involving fraud or dishonesty;
- arrangements in place to ensure an *FDC or IHC Educator* and any person they are responsible for, to comply with family assistance law;
- any other matter the Secretary considers relevant to the applicant.

## **Legislative Reference for CCS eligibility rules and requirements**

Sections 194C and 194D of the [A New Tax System \(Family Assistance\) Act 1999](#) (referred to as the Act) describe the eligibility requirements for child care providers and services seeking CCS approval.

In assessing an application for provider or service approval, the Secretary must be satisfied that each of these requirements have been met and may request information or documentation additional to that collected in the CCS application.

## **More information**

Information about how to apply to become a CCS approved service is available through the Department of Education, Skills and Employment website.

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)