



Suspension on Request of Child Care Subsidy Approval

A voluntary suspension (referred to as Suspension on Request under family assistance law) is a suspension that has been granted at the request of the provider rather than a suspension imposed because of a compliance sanction. The corresponding provision under the Education and Care Services National Law (National Law) is described as a voluntary suspension. For consistency, the term 'voluntary suspension' has been used throughout this document.

Regulation of child care in Australia

Most child care services in Australia hold two separate approvals:

- Approval under the National Law which is regulated by the relevant child care regulatory authority in their State or Territory. This approval is required to operate a service and is focussed on meeting standards for the safety, health and wellbeing of children and improved educational outcomes and development for children.
- Approval under the family assistance law which is administered by the Department of Education, Skills and Employment. This approval is required for a service to administer CCS on behalf of families and is focussed on business viability and suitability to administer CCS.

It is important to understand that a condition of CCS approval is that the provider and service are also approved under the National Law.

If a voluntary suspension of National Law Provider or Service Approval is granted by the State or Territory Regulatory Authority, the corresponding CCS approval will be suspended for the same period as the National Law suspension.

Impact of a voluntary suspension under National Law

If a child care service is voluntarily suspended under Education and Care Services National Law, it cannot legally operate or provide care to children until after the period of voluntary suspension has ended.

Impact of a voluntary suspension under family assistance law

If a service is granted a voluntary suspension under family assistance law, that service cannot receive CCS payments for families during the period the suspension is in effect.

If the provider has been granted a voluntary suspension under family assistance law, none of the services they operate can receive CCS payments for families during the period of voluntary suspension.

Services with a suspended CCS approval have a reduced requirement for the minimum number of operating weeks in the 12 month period in which the suspension occurs.

Services with a suspended CCS approval may still operate and provide care to children if they continue to be approved under the National Law.

Difference between a temporary closure and a voluntary suspension of CCS Approval

Temporary Closure

A service which is temporarily closed remains CCS approved for the closure period. It must continue to comply with all ongoing requirements of CCS approval. This includes meeting the annual minimum operating requirements for their CCS approved service type.

Entities holding CCS Provider and Service Approval must notify the department if their service closes for one or more days. These notifications should be made through either the software product or the Provider Entry Point.

This notification establishes a record when a service is open and closed. The department uses this information to ensure that services are meeting their annual minimum operating requirements for their CCS approved service type. A service is considered to be open if it provided any care on a particular day (regardless of the session length).

Voluntary Suspension

A voluntary suspension of CCS approval means the specified service/s do not need to meet their annual minimum operating week requirements because of being closed. The specified service/s are not approved to administer CCS payments during the suspension period.

Requirement to apply for voluntary suspension of CCS Approval

If a child care provider or service becomes voluntarily suspended under the National Law, they are **not** required to request a suspension of their CCS Approval. In this instance, the CCS approval is automatically applied for the same period as the National Law Approval suspension.

Providers are only required to apply for a voluntary suspension of their CCS Approval if:

- they have not voluntarily suspended their National Law approval but are temporarily closed and the closure will mean they will not meet their CCS Approval minimum operating week requirements; or
- a service they operate is 'out of scope' of the National Law (for example, In Home Care) and that service is unable to meet their minimum operating week requirements.

Note

1. A notification of temporary closure submitted through a provider's child care software or the Provider Entry Point is **not** a request for voluntary suspension of CCS approval.
2. The [Notification of Closure, Sale or Transfer of Ownership Form](#) or equivalent notification in the Child Care Provider Entry Point or registered software, will also **not** be accepted for the purposes of a voluntary suspension application under family assistance law.
3. If you intend to cease operating a child care service, please complete and submit the [Notification of Closure, Sale or Transfer of Ownership Form](#) to the department at least 42 days before the intended closure date.

More information

Information relating to CCS Approval requirements (including voluntary suspension requirements under family assistance law) is available on the department's [Applying for CCS Approval website](#) or from the [Child Care Provider Handbook](#).

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