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| Additional Child Care Subsidy (child wellbeing) |
| Factsheet for Child Protection, CSOs and ACCOs working with children who are at risk but not subject to an Interim Accommodation Order or Protection Order |

## What is the Additional Child Care Subsidy (child wellbeing)?

The Additional Child Care Subsidy (ACCS) (child wellbeing) assists eligible parents and carers who need help with the cost of child care to support children who are considered to be at risk in line with Commonwealth Family Assistance Law. The subsidy is paid to providers and passed to families through fee reduction.

## Who is eligible?

Vulnerable children may be ‘at risk’ for the purpose of ACCS (child wellbeing) if they are experiencing harm, as a result of current or past circumstances or events that resulted in the child experiencing, or exposed to: serious physical, emotional or psychological abuse; sexual abuse; domestic or family violence; or neglect. It also includes circumstances where risk of harm or neglect to a child is real and apparent.

Children who require care and protection under state child protection laws are considered to be ‘at risk’ for the purpose of ACCS (child wellbeing). Any parent or carer caring for a child who is subject to an Interim accommodation order or protection order under the *Children, Youth and Families Act 2005* is therefore eligible for ACCS (child wellbeing). See the *Additional Child Care Subsidy (child wellbeing)* *Factsheet for Child Protection, CSOs and ACCOs working with children who are subject to an Interim Accommodation Order or Protection Order* for further information about how the subsidy applies where a child is subject to a statutory child protection order.

## How is an application for ACCS (child wellbeing) made?

ACCS (child wellbeing) is managed by child care providers on behalf of parents or carers. If the provider considers that the parent or carer is eligible and the child is at risk, then the provider can immediately give access to the ACCS (child wellbeing) for up to six weeks. For further periods, the child care provider can apply to the Department of Human Services, for periods of 13 weeks thereafter. An eligible child may receive up to 100 hours of subsidised child care per fortnight. There is no limit on the amount of time that a child can receive ACCS (child wellbeing) so long as they continue to be eligible.

## What type of evidence is required to support an application for ACCS (child wellbeing)?

For a child to be eligible for the first six weeks of the ACCS (child wellbeing), a child care provider must:

1. Have concerns a child is ‘at risk’ as defined within the Minister’s Rules under Commonwealth Family Assistance Law. *Note: This definition of risk has a lower threshold of risk than statutory child protection laws. Being ‘at risk’ also includes situations where the child is likely to experience those circumstances in the future, in that the risk is ‘real and apparent’.*
2. Have a conversation with the family about their concerns and ‘provide notice’ by referring the family to an ‘appropriate support organisation’ within the first six weeks of issuing the ACCS certificate. An appropriate support organisation includes any state funded service responsible for dealing with matters relating to the welfare of children and families. For example:
* parenting assistance including Family Support Programs
* interpersonal conflict/ separation/ mediation services
* child and maternal health services, including antenatal services
* drug or alcohol or substance abuse services
* community health services including publicly funded general practitioner services (but not private services), mental health services, counselling services, women’s health services, bereavement counselling services (Psychology or Social Work), psychiatric services or palliative care services
* domestic violence, rape victim support or other similar support services (including State or Territory police)
* homelessness, crisis or public housing services
* financial or gambling counselling services
* Aboriginal health and support services
* school readiness programs, school counsellors and other education related services
* other early intervention services such as Child FIRST/Orange Door.

Once a child care provider has issued ACCS (child wellbeing) certificates for a total of six weeks in any twelve month period, the provider can then make an application to the Commonwealth Department of Human Services for a determination for additional periods of ACCS (child wellbeing) for 13 week blocks. This application must be accompanied by evidence (such as a letter from one of the organisations above) that supports the provider’s view the child continues to be at risk. There is no limit on the amount of time that a child can receive ACCS (child wellbeing) so long as they continue to be eligible.

## What if the child care provider believes the risk the child is experiencing meets the threshold for a report to child protection?

If the risk to the child indicates they may be in need of protection and a report is made by the child care provider to child protection intake, the making of this report will also qualify as ‘providing notice’, and the child will therefore be eligible for the first six weeks of ACCS (child wellbeing). There is no need for the provider to have a conversation with the family or ‘provide notice’ to an ‘appropriate support organisation’. It is at the discretion of the child care provider if they advise the family a report was made to child protection which then qualifies for the first six weeks of ACCS (child wellbeing).

Where this occurs, child protection intake should take the report and assess the alleged risk under the *Children Youth and Families Act 2005* as they would for any other report received under s.28.

## Can child protection intake provide evidence to child care providers to assist them obtain a further 13 week block of ACCS (child wellbeing)?

No. Even if the child care provider made a report to child protection about risk of harm concerns which qualified for the first six weeks of ACCS (child wellbeing), if this report was closed with or without a referral, child protection intake may not provide a letter, or other form evidence to assist the child care provider access a further 13 weeks of ACCS (child wellbeing).

Child protection may only provide evidence of risk for the purposes of ACCS (child wellbeing) when a case is open in the investigation and response phase or beyond, and the child is experiencing risk of harm in line with Commonwealth Family Assistance Law. In these scenarios, evidence outlining why the child is, or has been, or is likely to be at risk of experiencing harm must be provided to the child care provider.

There may be times where child protection did not provide evidence to assist a child obtain ACSS (child wellbeing) prior to case closure in the investigation phase, and a child care provider contacts intake to request child protection provide this evidence. If this request is made within three months of case closure, intake may refer the child care provider to the child’s previous case manager or team leader to consider if it is appropriate to assist with the provision of evidence, or refer the child care provider to another service the family may be engaged with to obtain with the provision of evidence.

The evidence provided by Child Protection Investigation and Assessment Teams or other services engaged with the family may be a formal letter that includes:

* the name of the child
* the child’s date of birth; or residential address; or name(s) of parent(s)/carer(s) to ensure that the evidence relates to the correct child
* the name and contact details of the organisation responsible for the document
* the type of harm experienced by the child
* the name of the person giving the evidence
* the person’s title and/or position in the organisation.

In line with Commonwealth Family Assistance Law, the harm may involve one or more of the following:

* serious physical, emotional or psychological abuse
* sexual abuse
* domestic or family violence
* neglect.

In this context:

* ‘harm’ means any detriment to the child’s wellbeing
* ‘neglect’ means a failure to be provided with the basic needs that are essential for the child’s physical and emotional wellbeing
* ‘serious’ means significant; not slight or negligible.

The harm may be as a result of current or past circumstances or events that resulted in the child being subject to, or exposed harm as stated above.

## Can child care providers make a report to child protection for the purposes of accessing ACCS (child wellbeing)?

Child care providers should not make a report to child protection intake solely for the purpose accessing ACCS (child wellbeing). Child protection intake, however, cannot refuse to take a report if the child care provider wishes to make it. As above, once the report is received, child protection intake should assess the alleged risk under the CYFA, as they would for any other report received under s.28.

## How will the Additional Child Care Subsidy be paid?

ACCS (child wellbeing) is paid directly to approved child care services to reduce the cost of child care for eligible families. Eligible families will receive a subsidy equal to the actual fee charged by the child care service, or up to 120 per cent of the Child Care Subsidy hourly rate, or whichever is lower. In most cases, the full cost of care will be covered.

Where the fee charged is higher than the ACCS hourly rate, the parent or carer may be asked by the child care provider to accept liability for future gap fees. It should be noted that another third party organisation (such as the department or a voluntary support service) can then pay the gap fee on behalf of the parent or carer. Family Assistance Law does not prescribe how these payments are made, however in most cases it can be expected that a formal agreement is negotiated between the third party organisation and the child care provider.

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