CCS PERSONNEL POLICY

A provider approved under Family Assistance Law is responsible for satisfying obligations under both Commonwealth and state and territory laws. This obligation includes ensuring the child care provider and relevant personnel are fit and proper persons to have the role of receiving and passing on of Child Care Subsidy payments.

(Child Care Provider Handbook)

NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 7: GOVERNANCE AND LEADERSHIP		
7.1	Governance	Governance supports the operation of a quality service
7.1.2	Management Systems	Systems are in place to manage risk and enable the effective management and operation of a quality service
7.1.3	Roles and responsibilities	Roles and responsibilities are clearly defined, and understood, and support effective decision making and operation of the service.

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS	
2.1	Provider approvals
2.2	Service approvals

RELATED POLICIES

CCS Account Policy	Privacy and Confidentiality Policy
CCS Data Security Policy	Professional Development Policy
CCS Governance Policy	Recruitment Policy
CCS Notifications Policy	Record Keeping and Retention Policy
Cyber Safety Policy	Staffing Arrangement Policy
Fraud Prevention Policy	

RELATED LEGISLATION

A New Tax System (Family Assistance) Act 1999
A New Tax System (Family Assistance) (Administration) Act 1999
Child Care Subsidy Minister's Rules 2017
Child Care Subsidy Secretary's Rules 2017
Education and Care Services National Law Act 2010

Education and Care Services National Regulations (2011). (Amended 2023) Family Law Act 1975 Family Assistance Law – Incorporating all related legislation as identified within the Child Care Provider Handbook in https://www.education.gov.au/early-childhood/resources/child-care-provider-handbook

PURPOSE

Our Service aims to comply with the Child Care Subsidy legislation and supporting policy provisions in relation to key personnel roles involved in the purpose of administering Australian Government child care fee assistance to eligible families (see sections below for an explanation of who are these key personnel). As a condition of ongoing CCS approval our Service will ensure personnel details are supplied to the Department of Education about each of the individuals in these roles and provide notification of any change to the information within the timeframe specified.

SCOPE

This policy applies to the approved provider, nominated supervisor, management, staff and educators of the Service.

PERSONNEL

Personnel permitted to undertake related actions through the Child Care Subsidy System need to be identified as personnel as described below. Our Service will ensure persons of management or control and persons of responsibility of day-to-day operations are fit and proper persons and have the appropriate PRODA registration in line with our CCS approval. The service will ensure all persons with management or control or persons with responsibility of day-to-day operations will be identified during the service application.

Persons with management or control of the provider

These are people who participate directly or indirectly in the decision-making or management of the provider (the legal entity) that operates the child care service.

- a member of the group of persons responsible for the executive decision of the provider
- a person who has authority or responsibility for, or significant influence over, planning, directing or controlling the activities of the provider
- a person who is responsible for the day-to-day operations of the provider (whether or not the person is employed by the provider)

- a person who is responsible for the day-to-day operation of a child care service, for which the provider is approved or seeking approval (whether or not the person is employed by the provider).
- a person who has authority or responsibility for, or significant influence over, planning, directing or controlling the activities of the provider

Depending on the structure of the organisation and involvement of the individual, this may include the executive officers, board members, officers of the body corporate, the partners or a member of the organisation's governing body and persons in management positions.
Provider Personnel may complete the following actions in relation to the Child Care Subsidy System (subject to their authority and capacity to do so within the provider's organisation):

- change bank account details and other information regarding the child care service
- add and remove other persons, such as persons responsible for the day-to-day operation of the Service, from the Child Care Subsidy System
- authorise data submission transactions to the Child Care Subsidy System
- notify the Department of Education of the cessation of operations
- apply to add or remove a service.

Person or persons responsible for the day-to-day operation of the service

These are persons nominated by a person with management or control of the provider to be responsible for day-to-day operation of the service. When nominated to do so by the persons with management or control of the provider, they may:

- add and remove persons responsible for the day-to-day operation of the service and service contacts
- authorise data submission transactions to the Child Care Subsidy System
- notify the Department of Education of changes regarding the service for which they are responsible, excluding bank account details and cessation of operations.

Service contacts

These are people nominated by the persons with management and control of the provider or responsible for day-to-day operation of the service who are authorised to discuss family entitlements and transaction processing results with the Department of Education.

They can notify the Department of Education of non-financial contact details, including addresses and phone numbers, but they cannot notify the Department of Education about any other changes to information about a service.

PROVIDER AND SERVICE PERSONNEL REQURIED CHECKS

Under Family Assistance Law, the provider will ensure that:

- all relevant key personnel and decision makers meet fit and proper requirements
- evidence can be provided that the necessary fit and proper checks have been undertaken for all personnel involved in the administration of receiving and passing on of the Child Care Subsidy and the Additional Child Care Subsidy to families
- a written record of these checks, including the evidence provided in support of the applications is able to be provided at any time if requested

Provider Personnel

Persons with Management or Control of the Provider will undergo the following relevant checks as part of their PRODA registration to administer CCS on behalf of the Service:

- a copy of the results of a Bankruptcy Register Search conducted through the Australian Financial Security Authority website, no more than three (3) months old.
- 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, no more than six (6) months before the date of the application
- a current and historical personal name extract obtained through the Australian Securities and Investments Commission website, no more than three (3) months old.
- 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), no more than three (3) months old.

Service Personnel

Persons Responsible for the day-to-day operation of a Service will undergo the following relevant 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, no more than six (6) months before the date of the application.
- Details of the working with children cards required to be held under state or territory regulation.

Checks required	A person with management or control of the provider	A person with responsibility for day-to-day operation of the service	A Family Day Care or In Home Care educator
A National Police Certificate from the state or territory police service (or an agency accredited by the Australian Criminal Intelligence Commission) no more than six months before the date of the application.	✔	✔	✔
A working with children card (if required to hold one).	✔	✔	✔
A National Personal Insolvency Index check performed using the Bankruptcy Register Search service provided by the Australian Financial Security Authority.	✔		
Evidence that the person does not appear on the banned and disqualified register held by the Australian Securities and Investments Commission.	✔		
A current and historical personal name extract search of the records of the Australian Securities and Investments Commission.	✔		

Source: CCS Provider Handbook https://www.education.gov.au/early-childhood/resources/child-care-provider-handbook

DETERMINING WHETHER A PERSON IS FIT AND PROPER

Our Service will adhere to *Family Assistance Law* to determine if a person is deemed fit and proper to be involved in the administration of the Child Care Subsidy, matters involving fraud, dishonesty, financial management, compliance with the law and administration of funds are all relevant considerations:

- evidence of activity that does not comply with criminal or civil law, including (but not limited to) activity related to children or indicating dishonesty or violence
- court proceedings and convictions or findings of guilt, including (but not limited to) activity related to children or indicating dishonesty or violence
- any past administrative decisions relating to a person's suitability to be involved in child care
- evidence of fraud or dishonesty
- the person's history of managing public funds; and any past or current debts to the Commonwealth
- arrangements in place to ensure that the person complies with the Family Assistance Law

- arrangements in place to ensure that any person managed by key personnel comply with Family Assistance Law
- the person's record of financial management, including any instances of bankruptcy, insolvency or external administration
- any potential conflicts of interest between managing or delivering the child care service and other business or financial interests of the person
- any other matter relevant to the suitability of the provider and their staff.

REVIEW OF PERSONNEL TO CONTINUE TO BE FIT AND PROPER

Our Service will ensure personnel registered with PRODA as a Persons with Management or Control of the Provider or Persons Responsible for the Day-to-Day Operation of a Service remain fit and proper as per Child Care Subsidy Handbook.

The Provider will notify the Department of Education within 7 days if they are aware:

- that a person:
    - has a conviction or finding of guilt for any of the following offences under a law of Australia or of a foreign country:
        i. an indictable offence punishable by a maximum of 2 years imprisonment or 40 penalty units;
        ii. an offence involving violence, or a sexual offence;
        iii. an offence involving fraud, stealing or dishonesty; or
    - is an undischarged bankrupt; or
    - was a director or secretary of a corporation when the corporation went into administration, receivership or liquidation, or at any time during the 12 months beforehand.
- of an event or circumstance in relation to a person with management or control of the provider or a person responsible for the day-to-day operation of any of the provider's approved child care services that reasonably indicates that the person is not likely to be a fit and proper person to be involved in the administration of CCS and ACCS
- if an educator obtains a qualification from a Registered Training Organisation in which the provider or a person with management or control of the provider has involvement or association.
- that the provider or person with management or control of the provider obtains, or is likely to obtain, an interest with a Registered Training Organisation or other child care related business enterprise.

The Provider will notify the Department of Education within 24 hours if they are aware:

- of a change in the status of a Working with Children Card for each individual who is required to have such a card under section 195D of the Family Assistance Administration Act. within 24 hours after the provider becomes aware of the change of status
- the provider enters into administration, receivership, liquidation or bankruptcy
- of a serious conviction or finding of guilt of:
    - a person with management or control of the provider or a person responsible for the day-to-day operation of any of the providers child care services; or
    - another educator, at any of their services.

The Provider will notify the Department of Education with information about any new person within seven days of the new person becomes a person:

- with management or control of the provider (including any person who becomes responsible for the day-to-day operation of any of the approved provider's approved childcare services)

Information must declare that the provider has undertaken all background checks required for the new person, including details of the new person's working with children card.

The Provider will notify the Department of Education within seven days after the person:

- stops having management or control of the provider (including when a person stops having day-to-day responsibility for the operation of any of the provider's approved childcare services) and
- when, and the reason, the person stopped having management or control of the provider.

All notifications will be made through Smart Central or PRODA or the Provider Entry Point. Notifications may also be made directly to the Department of Education either by phone or email. Checks will be made to ensure the software is updating the required information and notifications.

CONTINUOUS IMPROVEMENT/REFLECTION

Our CCS Personnel Policy will be updated and reviewed annually in consultation with families, staff, educators and management.

RELATED RESOURCES

CCS Compliance Checklist / Audit CCS Application Guide	CCS Procedures Guide

SOURCES

Australian Government Department of Education. *Child Care Package (2021)*
https://www.education.gov.au/child-care-package
Australian Government Department of Education. *Child Care Provider Handbook (2022)*
https://www.education.gov.au/early-childhood/resources/child-care-provider-handbook
Australian Government Department of Education. Applying for Child Care Subsidy (CCS) Approval
https://www.education.gov.au/early-childhood/approval
Australian Government Department of Education. *Provider tool kit* https://www.education.gov.au/early-childhood/provider-tool-kit

REVIEW

POLICY REVIEWED BY	Krystle Hills	Manager	29/01/2025
POLICY REVIEWED	January 2025	NEXT REVIEW DATE	January 2026
MODIFICATIONS	• annual policy maintenance • minor edits • sources checked for currency and updated as required		

POLICY REVIEWED	PREVIOUS MODIFICATIONS	NEXT REVIEW DATE
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