A Guide to Special Child Care Benefit
Updated September 2017
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1. Glossary of terms

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<th>Definition</th>
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<tbody>
<tr>
<td>Department of Human Services (DHS)</td>
<td>Australian Government Department that has responsibility for delivery of payments to families.</td>
</tr>
<tr>
<td>Department of Education and Training (Education)</td>
<td>Australian Government Department that has responsibility for early childhood and child care policy.</td>
</tr>
<tr>
<td>Department of Social Services (DSS)</td>
<td>Australian Government Department that has responsibility for family policy.</td>
</tr>
<tr>
<td>Child Care Benefit (CCB)</td>
<td>Australian Government payment that helps families with the cost of child care.</td>
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<tr>
<td>Child care service/CCB Approved Service Provider (ASP)</td>
<td>Child care service approved for CCB purposes under family assistance law. To align with legislation in preparing this document Education has used the descriptor – child care service - rather than the DHS term - CCB Approved Service Provider (ASP).</td>
</tr>
<tr>
<td>Special Child Care Benefit (SCCB)</td>
<td>Australian Government payment provided to an individual who is conditionally eligible for CCB to assist children at risk of serious abuse or neglect, or where families are experiencing temporary financial hardship, by covering up to the full cost of child care.</td>
</tr>
<tr>
<td>Service Special Child Care Benefit (S-SCCB)</td>
<td>Australian Government payment provided when there is no eligible individual. To assist children at risk of serious abuse or neglect, or where families are experiencing temporary financial hardship, by covering up to the full cost of child care.</td>
</tr>
<tr>
<td>Special Child Care Assessment Team (SCAT team)</td>
<td>The team within DHS responsible for processing SCCB applications.</td>
</tr>
<tr>
<td>Child Care Management System (CCMS)</td>
<td>The CCMS is the electronic system used for the administration of child care payments. Approved child care services submit attendance information to Education using CCMS.</td>
</tr>
<tr>
<td>Child Care Service Handbook (the Handbook)</td>
<td>A publication produced by Education for CCB approved service providers operating under the CCMS. The Handbook is available on the Department of Education website</td>
</tr>
</tbody>
</table>
### Key Term | Definition
--- | ---
Child Care Rebate (CCR) | Australian Government payment available to families using CCB approved child care and who are working, training or studying during the week. Families can receive 50 per cent of out-of-pocket child care expenses up to an annual cap.
Grandparent Child Care Benefit (GCCB) | Australian Government payment for grandparents who are the primary carer of their grandchild/ren and in receipt of an eligible income support payment. GCCB covers the full cost of child care fees for each child in CCB approved care for up to 50 hours a week.
Jobs, Education Child Care fee assistance (JETCCFA) | Australian Government payment that provides additional help with the cost of care for eligible parents to participate in work, study or job search activities (voluntary or mandatory participation requirements) to help them enter or re-enter the workforce.

**Note:** See [Appendix A](#) for more detail about child care payments.

### 2. Purpose of the guide

This Guide contains information for officers of Education and DHS who are involved in the administration of SCCB.

The Guide is intended to assist:

- DHS in its role in assessing SCCB applications and where applicable, the assessment of increased hours due to exceptional circumstance
- Education in its roles in assessing requests from services for exemption to the 18% per quarter approval limit and applications from services for SCCB for a child at risk where no one is eligible for CCB
- approved services to understand what supporting information is required to assist DHS decision makers to assess applications for additional periods of SCCB and/or increased hours due to exceptional circumstance.

The [A Guide to Special Child Care Benefit](#) is available on the [Department of Education website](#). This document should be used in conjunction with the [Child Care Service Handbook](#) and other resources.

The Guide aims to:

- provide an overview of the SCCB legislative and policy framework to promote a consistent and shared understanding
- support consistent decision making and administration, especially in areas that are complex and sensitive
• ensure that SCCB and the assessment of exceptional circumstance for increased hours are managed in accordance with legislative obligations and relevant policies and processes.

3. Legislation

The main legislation underpinning SCCB is:

• A New Tax System (Family Assistance) Act 1999
• A New Tax System (Family Assistance) (Administration) Act 1999
• Child Care Benefit (Rates and Hardship) Determination 2000. This determination sets out the situations in which a service may be satisfied that an individual is experiencing temporary hardship financial, the limits on making a hardship determination, and specifies further rules relating to giving certificates for temporary financial hardship
• Child Care Benefit (Hours of Eligibility Rules) Determination 2000. This determination sets out rules relating to the giving of certificates for an additional limit of hours for a child at risk, amongst other things.

Education Secretary’s powers under the Act(s) have been delegated to officers of Education and DHS. Appendix B provides a list of the relevant legislative references for SCCB, including related instruments and determinations.

RECENT CHANGES TO LEGISLATION

Family Day Care changes - Child Care Benefit (Session of Care) Amendment Determination 2017

From 13 March 2017 the Government determined that child care provided by an approved FDC service is not a ‘session of care’ for SCCB purposes where reported fees involve amounts for which no individual has incurred a genuine liability, or the reported fees exceed a maximum amount of $12.67 per hour (indexed to $12.84 on 1 July 2017).

Also included in the 13 March changes, no one is eligible for child care fee assistance for Family Day Care provided to an individual who has turned 18.

No-one is eligible for child care fee assistance for Family Day Care provided to a child aged 14 years or older, or who attends secondary school, unless a specified circumstances applies.

4. Policy context

SCCB is part of the range of assistance provided by the Australian Government to assist families to access quality early childhood learning and care.

SCCB is administered under the family assistance law. The family assistance law provides that SCCB may be approved where:

• a child is at risk of serious neglect or abuse
• a family is experiencing temporary financial hardship.
In some circumstances, an increase in the weekly limit of hours may also be accessed when claiming SCCB. Increased hours of child care may also be provided due to exceptional circumstances, for example, where a customer requires SCCB for temporary financial hardship (loss of employment) and also required CCB increased hours for exceptional circumstance.

Where a child is at risk of serious abuse or neglect, SCCB can help support their connection with, and engagement in, quality early learning and child care, and in turn assist their safety, wellbeing, resilience and development.

SCCB also has a role in supporting families with the cost of child care where they are experiencing a temporary financial hardship event that impacts significantly on their ability to pay child care costs. This includes unforeseen circumstance such as loss of employment, failure of a business, death or serious illness in the family and natural disasters and/or periods of local emergency. See C5 Emergencies/Service closures.

Where SCCB is granted in accordance with the law, services may receive up to the full cost of approved child care through SCCB. Where SCCB is approved, SCCB is not subject to parental income tests.

Under the family assistance law, approved child care services approve up to 13 weeks of SCCB in a financial year for a child using their care. The decision of an approved child care service to grant SCCB cannot be appealed. DHS does not oversee service approvals of SCCB, except in the circumstances outlined at C13 Special Child Care Benefit 18%.

If a child needs more than 13 weeks of SCCB, the service may apply to DHS for consideration of further SCCB assistance. Approval of further periods of SCCB is considered for periods of up to 13 weeks on each application. Services may reapply to DHS for additional periods of SCCB. DHS is the decision maker on these applications for SCCB.

DHS will advise both the service and the family of the outcome of a SCCB Temporary Financial Hardship claim. However for SCCB child at risk, only the service will receive the advice from DHS on the approval or rejection of the claim.

Note: DHS is required to approve all applications for increased hours due to exceptional circumstances for SCCB. For more information about what is considered an exceptional circumstance go to B5 Increased eligible hours for exceptional circumstances.

There are limits on the proportion of care for which services can approve SCCB. The total amount of SCCB (for both ‘child at risk’ and ‘temporary financial hardship’) that a service can approve in one quarter is normally limited to 18 per cent of the total CCB, GCCB and SCCB paid to the service in the quarter before last. If a service reaches this 18 per cent SCCB approval limit, any further SCCB must be obtained either by the service successfully applying to Education for a higher approval limit or by seeking approval of individual applications by DHS in the normal way. See C13 Special Child Care Benefit 18% for additional information around 18% usage. Education not DHS oversees services’ compliance with their SCCB limit.
Information for child care services considering approval of SCCB is contained in the Child Care Service Handbook published on Education’s website. The Handbook includes detailed information for services including limits on the proportion of care for which services can grant SCCB, and advice how to seek an extension to this limit if circumstances warrant.

Appendix C provides a list of relevant resources.

5. Protection of privacy and personal information

Information about families and child care services collected by the Australian Government is subject to confidentiality provisions contained in the A New Tax System (Family Assistance) (Administration) Act 1999 and the provisions of the Privacy Act (1988). In summary, these provisions limit the use and disclosure of protected and personal information.

Education and DHS should only provide protected and personal information where it is authorised (e.g. where the disclosure is to fulfil the purposes of the family assistance law) and necessary for assessing circumstances to determine eligibility for the SCCB claim.
Part B - Satisfying the eligibility criteria

1. General advice

Part B provides information to assist decision makers in the assessment of SCCB and increased eligible hours for exceptional circumstances applications.

Decisions on applications for SCCB and Increased eligible hours for exceptional circumstances are made on a case-by-case basis, having regard to all information available about the circumstances of each application.

Exceptional circumstances allow for additional hours of care while SCCB provide a higher rate of Child Care Benefit where a situation causes a family temporary financial hardship or a child is identified as being at risk of serious abuse or neglect.

SCCB and exceptional circumstances are a separate assessment, however, in some cases may be used together. It is important to note that an application may be made for:

- SCCB only
- increased Eligible Hours for Exceptional Circumstance only
- a combination of SCCB and Increased Eligible Hours for Exceptional Circumstances.

While each case must be considered on its circumstances, consistent decision making will have regards to the:

- family assistance law requirements for SCCB. In particular for SCCB ‘at risk’ to be approved a child must be considered to be in a situation where they are at risk of serious abuse or neglect at the time of care
- intent of the National Framework for Protecting Australia’s Children to encourage and support usage of SCCB where this is appropriate
- complexity of cases/circumstances and that variations in these circumstances or sets of circumstances may impact on the assessment made
- other forms of support such as disability, respite care or foster carer support (state/territory responsibilities) may not be available or may be inadequate for the support needs of some families, exacerbating the likelihood of parents becoming overwhelmed and children being at risk.

2. SCCB for child at risk of serious abuse or neglect

Definition of ‘at risk of serious abuse or neglect’

‘At risk of serious abuse or neglect’ is not defined in family assistance law. As such, the word serious should be defined in its plain usage, which is ‘significant, not slight or negligible’.

Appendix D of this Guide provides supplementary information regarding indicators of risk for serious abuse or neglect, and guidance to other resources. Chapter 14 of the Child Care Service Handbook provides guidance around this term for child care services and it covers circumstances in which it
may be appropriate to approve SCCB for a child at risk. Circumstances where approval for SCCB for a child at risk could be considered and the information that might be used to be satisfied that a child is at risk including indicators of possible abuse or neglect, events, circumstances, observations or disclosures and other risk factors are also included in the Handbook.

All assessments must rely on the advice and evidence submitted by a child care service. Given that reliance, the focus of assessment should be on whether the situation outlined by the child care service, along with any supporting documentation, sufficiently demonstrates eligibility for SCCB.

SCCB policy recognises that the kinds of evidence provided by a child care service to support a claim for SCCB are diverse and may range from observations of the child’s behaviour to advice from welfare and health professionals. Any form of evidence is acceptable and sufficient in itself as long as it clearly demonstrates that the child care service has a reasonable belief that the child is at risk of serious neglect or abuse. This belief should be based on an assessment which refers to and addresses the eligibility criteria for SCCB. This means that a SCCB claim for a child at risk may be based on the observations of the supporting child care service alone (i.e. evidence from a third party is not required). However, the more supporting evidence that a service provides (including from a third party) the easier it will be for DHS to assess eligibility for the child at risk. All evidence must be provided in written form. Verbal advice from a service provider is not acceptable except when requested by DHS.

For more advice see C4 Documentary Evidence. Appendix E provides a list of forms of documentary evidence and appropriate sources.

If a claim for SCCB at risk from a child care service does not provide sufficient information against the eligibility criteria to support the assessment process, DHS should contact the service provider and ask for clarification and further information. For example, in the case of SCCB applications where the key presenting issue is the disability/illness of a parent, it is appropriate to ask the service provider to provide further information about how these circumstances affect the child such that the child is at risk of serious abuse or neglect at the time of care, if this is not already clear.

For SCCB at risk applications, DHS will only correspond with the service when requesting further information or advising on the approval or rejection of the claim. This is to ensure that the child is not placed in a further at risk situation.

3. SCCB for temporary financial hardship
The aim of SCCB is that it covers the cost of care for children at risk to support their connection to, or ongoing participation in child care in order to improve developmental outcomes and improve the safety and wellbeing of a child. The principal concern is a child’s physical safety, health and wellbeing.

The Child Care Benefit (Rates and Hardship) Determination 2000 provides that ‘when a person experiences an event that substantially reduces his or her ability to pay child care fees, this is a specified kind of temporary financial hardship’. The Determination lists some examples of the kinds of hardship that may be considered a hardship event, but the list is not exhaustive.
The Determination provides for SCCB for temporary financial hardship to be approved for up to 52 weeks ‘for the one hardship event’.

The consideration of a temporary financial hardship event should include the impact the event has on the family’s ability to pay child care fees due to significant income reduction or increased expenditure or need for hours/increased hours of care arising from the event.

For SCCB temporary financial hardship applications, DHS will correspond with both the service and the family when requesting further information or advising on the approval/rejection of the claim.

Chapter 14 of the Child Care Service Handbook and Appendix F of this Guide provide further detail regarding the definition of temporary financial hardship and the role of child care services in relation to dealing with families experiencing temporary financial hardship.

4. Overlap – Is it risk or temporary financial hardship?
There may be instances where the grounds for SCCB are not clearly based on risk or temporary financial hardship. Examples may include, but are not limited to situations where:

- a family is in temporary financial hardship and the emotional stress that this places on a family may lead to a child being at risk of serious abuse or neglect
- a parent is escaping domestic violence which causes a serious risk of neglect and at the same time causes temporary financial hardship for the parent
- a family is in temporary financial hardship due to medical expenses associated with a parent or child who is seriously or terminally ill and child care may be necessary as one partner is working and the capacity of the other to care for his/her children is seriously diminished.

In these cases the decision maker should confirm that the child care service has identified the SCCB claim correctly as either at risk or temporary financial hardship. Factors to consider may include:

- whether the strongest case can be made for at risk or for temporary financial hardship
- the need for additional hours of care as well as the SCCB rate:
  - SCCB for at risk offers the opportunity for a service to approve additional hours of care if the service believes that these additional hours would assist in keeping the child safe and reducing the risk of serious abuse or neglect.
  - While additional hours can be paid for exceptional circumstances, a temporary financial hardship event may not necessarily be considered an exceptional circumstance. More information on Increased Eligible Hours for exceptional circumstance is provided further down in this section.

Where there is a discrepancy between the reason for claiming SCCB and the evidence provided (the application is made for a Child at Risk, however evidence suggests it would more appropriate to assess under Temporary Financial Hardship or vice versa) a Service Officer should make two attempts via telephone to contact the service to seek clarification.
Where a resolution regarding the claim type is unable to be reached, Services Officers should confirm with the service if it is advisable to contact the customer and if practicable, do so to seek further information.

5. Increased eligible hours for exceptional circumstances

In some circumstances an increase in the weekly limit of hours may also be covered by SCCB. Increased hours of child care may also be provided due to exceptional circumstances for example, where a customer requires SCCB for temporary financial hardship and also requires CCB increased eligible hours due to exceptional circumstances.

An increase in eligible hours for exceptional circumstances applies to families who do not satisfy the work/training/study test for Child Care Benefit. Exceptional circumstances related to short-term family crises that result in the parent or person liable for to pay child care fees, and their partner if they have one, being unable to care for their child for periods longer than 24 hours per week.

Exceptional circumstance for Child Care Benefit can be paid for more than 24 hours of care per child per week without the customer (and their partner) satisfying the work/training/study test.

Exceptional circumstances are, generally, short term in nature and may include:

- hospitalisation
- physical incapacity
- episodes of psychological or psychiatric illness
- carer responsibilities of other family members
- serious illness of a sibling
- intensive medical treatment
- voluntary work in an emergency or disaster, such as bush fires, storms or floods,
- out of town travel associated with:
  - attendance at a funeral or bereavement
  - resolution of a family member’s estate
- jury duty of appearance as a witness
- child at risk.

If a claim for increased hours and an SCCB category are submitted, it is important to note that evidence is required to support both the reason for the initial application (i.e. Child at Risk or Temporary Financial Hardship) and exceptional circumstance in this instance. For further information about evidence requirements see C4 Documentary Evidence. Appendix E provides a list of forms of documentary evidence and appropriate sources.

DHS will correspond with both the service and the family if requesting further evidence for a SCCB Temporary Financial Hardship claim. However for SCCB child at risk, DHS will only correspond with the service.
6. 24 hour periods of care

In cases when 24-hour care is required, services that have the capacity may want to offer short-term 24-hour care.

Child care services are approved to provide up to fourteen 24 hour periods per child per year if needed and these may be taken consecutively or intermittently, throughout the year (the year commences on 1 July.) After the 14 periods are used, the service must seek approval from DHS before care is provided. The care must be:

- due to work related reasons; i.e. both the customer and their partner (if applicable) have work related commitments
- if not work related, due to exceptional circumstances
- no longer than 28 days, unless there are exceptional circumstances.

If the above conditions are met and the criteria for eligibility for SCCB are also met, SCCB can also apply for periods of 24-hour care.

SCCB cannot be paid unless a child is deemed to be at risk of serious abuse or neglect and exceptional circumstances exist. SCCB cannot be paid for a period of 24-hour care for reasons of a child being at risk of abuse or neglect only. A child who is approved for SCCB for an ‘at risk of abuse and neglect’ reason is not considered to meet the criteria for exceptional circumstances.

The exceptional circumstances provision relates to short-term family crises that result in the need for more than 24 hours of care in the week. It is designed to ensure that families in short-term exceptional circumstances, who are not otherwise eligible for more than 24 hours of CCB, have access to CCB for up to 50 hours per child per week.

The exceptional circumstances provision cannot be used to meet ongoing problems, although it may be possible to use it when a problem first arises.

Exceptional circumstances may include, but are not limited to:

- serious illness, hospitalisation or short-term incapacity of a person or a member of the person’s family (family may include a person directly connected to and/or residing with the child, for example a mother, father, sibling, step-parent, grandparent, care-giver)
- attendance at a funeral or bereavement service, or resolution of the estate of a deceased family member, requiring long distance travel
- a need to provide short-term care for a member of the person’s family
- helping at an emergency or disaster such as a flood or bushfire
- attendance at court as a party to proceedings, a juror or a witness.

The following example demonstrates the combination of child at risk of serious abuse and neglect and exceptional circumstances to support access to SCCB.

A family has a high needs child who requires constant attention and monitoring of medical equipment. The father is disabled and unable to check the child’s condition without assistance. His
partner is in the armed forces and is unexpectedly deployed overseas, leaving the family without the alternative support which has enabled it to manage until now. It would be reasonable to assess this family as eligible for 24-hour care because the unanticipated absence of the mother would meet the exceptional circumstances criteria. With the loss of that support, and the improbability that the father on his own would be able to meet the support needs of the child, it would be in keeping with SCCB policy to assess the child as being at risk of serious abuse or neglect. The combination of exceptional circumstances and the assessment of the child as being at risk of serious abuse or neglect would qualify the child for 24-hour care with cost met by SCCB.

See C12 When is it no longer appropriate to pay SCCB for more information on exceptional circumstances.
Part C - Factors to consider in making a decision

1. Cost as a barrier

Chapter 14 of the Child Care Services Handbook states that SCCB should only be approved where the cost of child care is a barrier to the child’s participation in approved child care.

It is reasonable for DHS decision makers to expect that this criterion has been considered by the child care service before lodging a SCCB application.

Unless there is a reasonable suspicion that this factor has not been considered by the child care service it is not necessary to seek additional advice from the service provider with regard to cost, or for DHS to give consideration to cost as a barrier in their own assessment.

2. Developmental delay

Developmental delay can be an indicator of child abuse or neglect. A child care service may apply for an additional period of SCCB on the basis that it believes that a child in its care is at risk of serious neglect or abuse and this is resulting in developmental delay. It should be noted that developmental delay observed in a child would not in itself be reason to approve a period of SCCB.

Where a child care service is applying for a further period of SCCB on the basis that a child is at risk of serious neglect or abuse and as a result it is seen that there is a developmental delay, the service should be able to support with evidence what it is that the caregiver has failed to do and what harm or potential harm this has caused. It is expected that the service would have a competent knowledge of mental, physical and social development milestones in as they apply to young children of different ages. The service should also have adequate knowledge of the difference between acceptable and unacceptable margins around these developmental milestones and can support how this is impacting the child through relevant supporting evidence.

3. Disability/medical illness of parent/caregiver and/or child

SCCB for a child at risk of abuse or neglect may be appropriate in some cases where:

- children with disabilities and serious medical illnesses require high levels of care
- a parent has a disability or serious medical condition, including mental health issues.

If one of these risk factors exists, the documentary evidence in support of these SCCB claims should explain the link between the parent/caregiver/child’s disability or medical condition and the risks to the child as a result of this. The decision maker may only approve a SCCB claim if satisfied that the child/ren is at risk of abuse or neglect.

4. Documentary evidence

Child care services are responsible for gathering and submitting sufficient information/evidence to allow Education and DHS to make a reasonable assessment of the application. It is expected that as much documentary evidence as possible is provided to support a SCCB application.
When documentary evidence is supplied from other sources than the child care service, the service should provide written evidence of the observations that led the service to a reasonable belief that it was appropriate to claim SCCB. Only written evidence in support of a claim will be accepted.

It is not mandatory for a child care service to provide documentary evidence from an external agency to support an application for a period of SCCB.

Appendix E and Appendix F provide detailed information on documentary evidence required to support an application for SCCB. These also include examples of types of professionals from whom documentary evidence would be appropriate.

DHS will correspond with both the service and the family if requesting further evidence for a SCCB Temporary Financial Hardship claim. However for SCCB child at risk, DHS will only correspond with the service.

Note – If a child care service does not support and/or does not sign the declaration for a further period of SCCB ‘child at risk’ or ‘temporary financial hardship,’ the service should not be submitting the claim to DHS for assessment. Refer to Part D for information on reviews and appeals.

5. Emergencies/service closures

SCCB for ‘temporary financial hardship’ can be provided to assist families whose capacity to pay child care fees has been reduced due to a hardship event associated with a period of local emergency.

DHS requires documentation to support SCCB claims for local emergencies. In circumstances where a period of local emergency has been declared it may be difficult for families to obtain and provide appropriate documentation in support of their claims for temporary financial hardship. The minimum supporting documentation required is a statutory declaration outlining the circumstances and providing details of the period of local emergency.

A claim for SCCB for temporary financial hardship may be considered for a period past that of the declared local emergency where the event continues to impact on individual families, even though the official period of local emergency is lifted. The range of situations which might arise for those affected by a major event like a bushfire and the impact they may have on the families capacity to pay their child care fees and for how long, should be considered. Factors that would help determine whether SCCB was still appropriate include the current financial circumstances of the family and the availability of additional or alternative means of support which would impact on the families’ ability to pay child care fees.

It would be reasonable to approve a retrospective claim for SCCB where it is clear that care was provided and the SCCB criteria were met during that time but the child care service was unable for some reason to lodge a claim. For example, if a family lost its home in a fire, a service provider may have provided support swiftly and without waiting for SCCB approval, recognising the family’s need.

Factors to consider include the:
- impact of timing of insurance claims and provision of other assistance measures which may now be reducing or ceasing
- time it may take for families to adjust to the loss of a family member or to recover from the impact of a serious injury of a family member
- timeframes involved in re-building homes and re-establishing businesses and employment and the impact this may have on a family’s capacity to pay their usual child care fee a year or more after the event. For example, the family has claimed SCCB Temporary Financial Hardship 12 months after the local emergency as they are experiencing financial hardship due to rebuilding costs.

Note: SCCB for Temporary Financial Hardship is available for a maximum of 52 weeks for any one hardship event.

6. Foster/kinship care

Foster or kinship carers may be conditionally eligible for CCB by fee reduction and may also be eligible for SCCB (at risk) in circumstances where the child care service or DHS are satisfied that the child(ren) is at continuing risk of abuse or neglect in their foster or kinship/relative care placement. The fact that the child is in foster or kinship care does not in itself mean that they are/are not ‘at risk’ nor does it mean they are automatically eligible for SCCB.

SCCB for Temporary Financial Hardship reasons could also be considered if the CCB eligible foster carer’s situation meets the criteria for SCCB for a ‘hardship’ event.

Where a child is in foster or kinship care and no-one is conditionally eligible to receive CCB on the child’s behalf and a child care service considers the child is at risk of serious abuse or neglect, the service may make itself eligible, allowing SCCB to be approved.

The following table describes some circumstances where children in foster/kinship care may/may not be eligible for SCCB.

<table>
<thead>
<tr>
<th>Circumstances</th>
<th>Comments on Eligibility for SCCB At Risk</th>
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<tbody>
<tr>
<td>Foster/kinship carer is seeking additional (financial) support.</td>
<td>Not eligible. While child remains very vulnerable they are not at direct risk of abuse and neglect.</td>
</tr>
<tr>
<td>Circumstances</td>
<td>Comments on Eligibility for SCCB At Risk</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Out of home care arrangement where child may still be at risk from:</td>
<td><em>May be eligible.</em></td>
</tr>
<tr>
<td>- contact with parents (s)</td>
<td>Need to consider individual circumstances and advice from child protection or other relevant authorities.</td>
</tr>
<tr>
<td>- unsatisfactory out of home care arrangements with risk posed by foster/kinship carer or care environment</td>
<td>There is a tension in determining that child in foster/kinship care is at risk of serious abuse or neglect when they have been placed informally or formally in such a care arrangement by state/territory child protection agencies. However there is evidence and recognition from within States and territories that children placed in foster care may be subject to further abuse or neglect.</td>
</tr>
<tr>
<td>- unsatisfactory out of home care arrangements due to particular characteristics, for example challenging behaviours in children can place additional stress on carers which can increase the child’s vulnerability.</td>
<td></td>
</tr>
<tr>
<td>Out of home care placement is at risk of breaking down.</td>
<td><em>Not generally eligible.</em></td>
</tr>
<tr>
<td>Recognise that it can be very difficult for foster carers to provide the care and support needed by a very vulnerable and/or traumatised child and this can lead to placement breakdown. Evidence shows that multiple placements lead to worse outcomes for children including poor attachment, lower academic performance and a higher prevalence of mental illness such as depression and behavioural disorders.</td>
<td>May need to consider individual circumstances and advice from child protection or other relevant authorities. Generally while child remains very vulnerable this is not the intent of SCCB or legislative base as not at direct risk of abuse or neglect.</td>
</tr>
</tbody>
</table>

*Note:* SCCB for temporary financial hardship may apply in foster care situations.

7. **In home care**

The decision about eligibility for In Home Care is separate to the decision about eligibility for SCCB and is not the responsibility of DHS. The eligibility criteria for In Home Care can include a child or parent/carer with a disability. Eligibility for In Home Care is a matter for the In Home Care provider to determine in accordance with the current In Home Care program guidelines and requirements.

For issues of eligibility for SCCB related to disability/medical illness of parent/caregiver and/or child, including when care is provided by an In Home Care provider, refer to [C3 Disability/Medical Illness of Parent/Caregiver and/or Child](#).

8. **Interaction with other DHS payments**

*Jobs, Education Child Care fee assistance and Special Child Care Benefit (JETCCFA)*
JETCCFA is a payment made to CCB approved child care services on behalf of eligible parents to reduce the cost of child care while they are undertaking activities such as work, study or training, as part of an Employment Pathway Plan, to help them enter or re-enter the workforce.

JETCCFA can help meet the cost of care in CCB approved services by paying most of the ‘gap fee’ – that is the difference between the full fee and CCB, for sessions of care used by parents to participate in JETCCFA- approved activities. All parents receiving JETCCFA will be liable to pay a small contribution to the cost of the care they used.

JETCCFA is available to parents receiving the following Centrelink payments:

- Parenting Payment.
- Newstart Allowance.
- Youth allowance (for job seekers, not full-time students).
- Widow B Pension.
- Widow Allowance.
- Carer Payment.
- Special Benefit (who would otherwise be eligible for Parenting Payment or Newstart Allowance but who do not meet residency requirements).
- Means-tested ABSTUDY payments.

Services must not claim both the SCCB rate and Jobs, Education Child Care fee assistance (JETCCFA) for a child for the same session of care.

When a family is receiving JETCCFA and a child care service approves SCCB for the family, or when a family is receiving SCCB and becomes eligible for JETCCFA, **SCCB takes priority**. A service should claim only SCCB, not JETCCFA, for the sessions of care when the family is eligible for both SCCB and JETCCFA.

If the family is still eligible for JETCCFA when a period of SCCB finishes, the family reverts to receiving both CCB and JETCCFA fee reductions.

**Changes to JETCCFA from 2015**
From 5 January 2015, there were two changes to JETCCFA. [Details on Education’s website](#).

**9. Overseas absences**
Much of this advice can be applied to all absences and does not only apply to overseas absences.

**Definition of absence days and additional absence days**
Absences from care fall into two categories that relate to eligibility for the payment of CCB – absence days and additional absence days.

Each child is eligible for CCB for the initial 42 days absence from care across all approved child care services during each financial year. (The rules relating to the initial 42 absence days do **not** apply to
Occasional Care services.) These absences can be taken for any reason and do not require supporting documentation. They are only available on a day on which care would otherwise have been provided if the child was not absent, and the family was charged for that care.

Additional absence days may be granted once an individual has exceeded their initial absence days in circumstances such as:

- illness (with medical certificate)
- non-immunisation (with written evidence)
- rostered days off/rotating shift work (with written evidence)
- temporary closure of a school or pupil free days
- local emergency
- shared care arrangements due to a court order, parenting plan or parenting order (with a copy of documentation)
- attendance at preschool
- exceptional circumstances (with written evidence).

SCCB is CCB at a higher rate and/or higher weekly limit of hours. Therefore the same absence rules apply to an eligible child in receipt of SCCB.

Before making a SCCB claim a child care service should confirm that the child is eligible to receive SCCB for the absence/s claimed e.g. advise the number of initial absences used and still available (which may cover the overseas absence) and/or provide copies of documentation supporting initial absences. SCAT should confirm absences with the service if the situation is unclear.

While all SCCB eligibility criteria are important, in the case of a child absent from care (while overseas), it is particularly important to consider:

- the impact of the absence overseas on the risk to the child
- whether access to child care would improve the child’s situation.

**Proving a child absent overseas is at risk**

The decision maker should consider whether the risk to the child is affected by the overseas absence. For example if a child was determined to be ‘at risk’ due to a pattern of behaviour of a person with whom the child lives, and the child went overseas **without** that person, it is unlikely that the child would be ‘at risk’ during that time (unless a new reason that would affect the child at that time could be shown to exist).

Previous approval of an additional period of SCCB by DHS is only relevant if there is evidence to show that the child’s circumstances have not changed.

The absence of the child overseas can impact on the ability of the child care service to show that a child is at risk and eligible for SCCB as in the following situations.

- If the child is overseas and not in care, and will not be in care, for the whole period for which additional SCCB is sought:
  - the service needs to provide evidence that the circumstances of the child have not changed or will not change
if the service cannot provide firsthand evidence that the child is at risk, evidence from another source would be required e.g. welfare agency, medical practitioner.

- If the child has spent or will spend some time in care within the period for which the application is lodged, the child care service would still have to demonstrate that the child’s situation is unchanged. It is up to DHS to accept that view after considering the evidence, seek more advice or reject the claim. DHS can only grant SCCB for the period that the child actually was, or will be, in care.

**Improvement of the child’s situation through access to child care**

The purpose of SCCB is to remove a child from risk through access to child care. If access to child care is not possible because the child is overseas, payment of SCCB would not appear to be appropriate. However it may be reasonable to approve a claim if:

- a service provider has reason to believe that a child is at risk and that subsidising the cost of child care fees will increase the probability that a child will continue to attend child care or attend for extra hours or days on return from overseas.
- a service provider has reason to believe that a child is at risk and that continued use or increased use of child care could improve developmental outcomes and improve the safety and wellbeing of the child identified as being at risk.

**Note:** If a claim was approved for a specified period before the child went overseas, this approval may be changed retrospectively (reviewed under section 105 of the *A New Tax System (Family Assistance) (Administration) Act 1999*), so as to not apply the special rate for the period of an overseas absence, if the Secretary is not satisfied that the child was not at risk during that period.

**10. Third party payments**

Currently some families receive CCB and CCR for gap fees that have been paid in whole or in part by third parties, for example where State and Territory Governments, or some Government or non-Government agencies may have arrangements in place concerning fees for child care used by foster carers. SCCB is not payable for these situations and a service should not submit a claim for SCCB.

**11. Granting SCCB after the period for which it was requested**

**Backdating SCCB for a child at risk**

SCCB is given to facilitate the inclusion of a child at risk of serious abuse of neglect in care. It may be appropriate to backdate SCCB at risk when care was provided to a child at risk:

- prior to completion of the certification section of the *Claim for Special Child Care Benefit and/or increased weekly limit of hours form* (FA023)
- prior to DHS advising the child care service of approval of a further period of SCCB
- prior to completion of the *Application for SCCB for a Child at Risk when a service is eligible for Child Care Benefit (Service SCCB)* (08-311a)
- prior to the Education advising a child care service of approval to make the service eligible to receive fee reductions on behalf of a child.

**Backdating SCCB for temporary financial hardship**

It may be appropriate to backdate SCCB hardship rate when care was provided to a child:
prior to having completed the certification section of the Claim for Special Child Care Benefit and/or increased weekly limit of hours (FA023.1107) form;

prior to receiving approval from DHS; and

following this, the family experiences a hardship event which leaves the family unable to pay the child care fees for that period due to the hardship event.

An example where it might be appropriate to backdate is where a family intending to claim CCB as a lump sum at the end of the financial year has been assessed as conditionally eligible for CCB by fee reduction in order to receive the SCCB rate due to a temporary financial hardship event. If the fee reduction has been backdated by 28 days it may also be appropriate to backdate the SCCB rate.

12. When is it no longer appropriate to pay SCCB?

SCCB is an intervention payment. A decision maker should give particular consideration to the evidence provided with each additional application for SCCB to ensure that payment of SCCB is still appropriate. This is particularly the case for applications related to exceptional circumstances and temporary financial hardship.

The exceptional circumstances provision relates to short term family crises that result in the need for more than 24 hours of care in a week. It is designed to ensure that families in short-term exceptional circumstances, who are not otherwise eligible for more than 24 hours of care, have access to CCB for up to 50 hours per child per week.

The Child Care Service Handbook advises that the exceptional circumstances provision cannot be used to meet ongoing problems, although it may be possible to use it when a problem first arises (see B 6 24 Hour Care for a definition of exceptional circumstances).

Temporary Financial Hardship is a payment that can be accessed for a limited period of time while a family adjusts to its circumstances (52 weeks for each event). The SCCB rate is designed to assist families experiencing financial crises and is not to be used on a continuing basis.

For children both at risk of abuse and neglect and temporary financial hardship, it is appropriate for a delegate assessing the claim to consider the time passed since the initial event and whether the family has adjusted to their circumstances. For example, SCCB may be paid due to a natural disaster, once the family had achieved comparable circumstances to those prior to the disaster (i.e. accommodation, employment, schooling etc.) it may no longer be appropriate to grant further periods of SCCB beyond that.

13. Special Child Care Benefit 18%

The total amount of the SCCB rate (for both a child at risk of serious abuse or neglect and of temporary financial hardship) that a child care service can approve in one quarter is limited to 18% of the total CCB, SCCB, and GCCB paid to the service in the quarter before last. Refer to the Child Care Service Handbook for further details.

If a service reaches its 18% SCCB approval limit, SCCB can still be granted, either by the service after the service applies successfully to Education for a higher approval limit, or by forwarding individual applications to SCAT in DHS.
SCAT is required to assess SCCB claims for the first 13 weeks of SCCB (normally approved by the service) if:

- the child care service has exceeded the 18% limit in granting SCCB and has not applied to the Education for an increase from 18%
- the child care service has exceeded the 18% limit and the higher approval limit application is still pending decision, in which case all initial claims must be sent to SCAT for assessment
- the child care service has exceeded the 18% limit and Education has refused an application of the increase of the 18% limit
- the child care service has exceeded the 18% limit and the child care service prefers SCAT to approve all claims for SCCB above the 18% limit
- the Secretary of Education has determined that a service cannot assess the initial 13 weeks for temporary financial hardship because of the ‘pattern of decisions’ displayed in the past by the service
- a new CCB approved service with no quarter before last to calculate their 18% on is seeking to grant SCCB on behalf of a family.

These are the only circumstances in which SCAT must assess the initial 13 week claim for SCCB.

The assessment of a child care service of a claim for the initial 13 weeks of SCCB is non-reviewable. However if the child care service assessed a claim in any of the circumstances above, a new or different decision by SCAT would not be considered a reversal of the child care service’s decision on an initial claim because the child care service should not have assessed the claim in these circumstances.

Services cannot self-select which cases to provide to SCAT for assessment once the 18% limit has been reached. If SCAT has concerns this is occurring, it should be escalated via Child Care Programs helpdesk who will contact the Child Care Compliance Branch within Education.
Part D - Reviews and appeals

1. Initial 13 week periods of SCCB

Decisions to approve or not approve access to SCCB for initial periods of up to 13 weeks in a financial year by an approved child care service are non-reviewable decisions. Family assistance law provides no avenue for appeal of the service decision by SCCB claimants or for Department of Education to overturn service decisions.

2. Additional periods of SCCB

An individual or child care service can apply to DHS for additional periods of SCCB for the reason of temporary financial hardship, but the claim must be supported, signed and lodged by the service.

The decision to apply to DHS for additional periods of SCCB for a child at risk rests with the service only. Family assistance law does not oblige a claim to be made by the service for a child if it does not believe the child to be ‘at risk’.

Note: A service who does not support the claim for SCCB should not submit a claim.

Decisions by Education or DHS to refuse initial or subsequent periods of SCCB are reviewable.

- For decisions made by Education the individual or child care service can apply to Education to have the decision reviewed. If the individual or child care service is not happy after this initial review, they can appeal to the Administrative Appeals Tribunal.
- For decisions made by DHS the individual or child care service can apply to DHS to have the decision reviewed. If the individual or child care service is not happy after this initial review, they can seek a review from an Authorised Review Officer (ARO) within DHS. If they believe the ARO decision is incorrect, then they can appeal to the Administrative Appeals Tribunal.

Where a child care service is aware that SCCB circumstances did not apply and has certified the SCCB rate (i.e. knowing that the child was not at risk of serious abuse or neglect or that the individual was not experiencing a temporary financial hardship event), and an amount of SCCB is paid as a result of that certificate, the service is in breach of its legislative obligations. The difference between the amount paid and the amount that should have been paid if the certificate had not been given is a debt and payable by the service to the Commonwealth (see Section 79 of the A New Tax system (Family Assistance) Act 1999. A range of other actions and sanctions are available under the family assistance law if a service fails to comply with its legislative obligations, including loss of CCB approval.

Education is responsible for overseeing the compliance of CCB approved services with these obligations. If there are concerns about service practice, these can be referred to Education Child Care Support Line on 1800 664 231 (email: tipoffline@education.gov.au).
Appendices

The Guide should be considered in conjunction with a number of other resources that provide background or additional detail. These include:

- Summary of child care assistance at Appendix A
- Legislative References at Appendix B
- Other relevant resources at Appendix C
- Supplementary information to assist in understanding and identifying children at risk of serious abuse and neglect at Appendix D
- Documentary evidence including list of professionals suitable to provide supporting information at Appendix E
- Supplementary information to assist in understanding and identifying families in temporary financial hardship at Appendix F
Appendix A - Summary of child care assistance

There are a range of family assistance payments available to assist eligible families with the costs of child care. These include Child Care Benefit, Child Care Rebate, Jobs Education Child Care fee assistance, Special Child Care Benefit and Grandparent Child Care Benefit. There are also situations where families can access child care payments for additional hours.

Child Care Benefit (CCB) is an income-tested government payment for eligible families using CCB approved child care services to assist with their child care fees. CCB is available to parents, eligible foster parents or grandparents with a child in their care attending a child care service approved for the purposes of the family assistance law by the Australian Government. All eligible families can receive CCB for up to 24 hours of care per week. For families to receive CCB for more than 24 hours of care per week, the person who is liable for the child care fees must meet the work, training, study test, or one of the other criteria set out in the relevant provisions of the A New Tax System (Family Assistance) Act 1999 must apply (see sections 54 and 55 of that Act). CCB is also available for work-related care provided by registered carers.

Child Care Rebate (CCR) is additional assistance for families using CCB approved child care. It covers up to 50% of out of pocket expenses up to a maximum limit of $7613 ($7500 in 2016-17) per child per year. CCR is available as a quarterly or fortnightly payment to a parent or direct to the child care service as a fee reduction or can be paid annually as a lump sum. To receive CCR a family must use CCB approved child care, be eligible for CCB (entitled at a rate of zero or more) and either have passed the CCR work, training, study test for the purposes of CCR, or one of the other criteria set out in the relevant provisions of the A New Tax System (Family Assistance) Act 1999 must apply.

1. Jobs, Education Child Care fee assistance (JETCCFA)

Provides extra help with the cost of CCB approved child care for eligible parents. Parents are eligible if they are on income support and they need to take up child care to either voluntarily participate in work, study or training, or meet their mandatory participation requirements as agreed with DHS. In addition, parents must be receiving the maximum rate of CCB to qualify.

2. Grandparent Child Care Benefit (GCCB)

GCCB is a special rate of CCB which covers the full cost of approved child care and is payable to grandparent carers who receive an income support payment and the primary carer of their grandchild.

3. Work, training, study test

The work, training, study test looks at whether a parent and their partner need child care for work related activities such as paid work, self-employment, setting up a business, training or studying, or looking for work or voluntary work to improve their work skills. To satisfy the test, both a parent and their partner must be undertaking such activities for at least 15 hours in a week, or 30 hours in a fortnight.
A parent and their partner may also satisfy the work, training, study test if they are on annual or long service leave, sick or other paid leave, on paid or unpaid parental leave (up to a maximum of 12 months), self-employment leave, receiving Carer Payment, receiving Carer Allowance, or caring for a disabled person.

4. Waiver of work test for grandparents

All grandparent carers can receive up to 50 hours per week of CCB or GCCB for each child without having to meet the work, training and study requirements that apply to other families. These special provisions apply to grandparent carers in recognition of the valuable role they play and the particular difficulties they face, in raising their grandchildren when the parents are unable or unwilling to do so.

5. Additional hours of care for a child at risk

The family assistance law recognises that children at risk of serious abuse or neglect may require increased hours of care (i.e. more than the standard 24 hour of care per week). Increased CCB eligible hours for children at risk are also therefore available, with the costs covered fully by SCCB if appropriate.

6. Additional hours of care for ‘Exceptional Circumstances’

Increased CCB eligible hours for exceptional circumstances are also available. Increased CCB eligible hours can be approved (where exceptional circumstances are met), irrespective of whether SCCB is sought/granted or not.

While this is a separate legislative provision, it may be used in conjunction with SCCB for temporary financial hardship if the service has reason to believe that the family is in temporary financial hardship AND there are exceptional circumstances which would warrant additional hours of care. (Exceptional circumstances are defined in the Child Care Benefit (Hours of Eligibility Rules) Determination 2000 and in the Child Care Service Handbook).
Appendix B - Legislative references

Person must be conditionally eligible for CCB by fee reduction (including 0%) (Section 43 FA Act, Section 50F FA Admin Act).

Service can certify itself at eligible for SCCB at risk where no-one is conditionally eligible for CCB (Sections 47, 75 FA Act).

Service level decision is non-reviewable (section 108 FA Admin Act).

Service approvals: (Sections 76-78 FA Act):

- Services can certify SCCB approval for a limit of 13 weeks in any financial year for:
  - SCCB at risk rate and increased hours.
  - SCCB temporary financial hardship rate (these decisions are not reviewable).
- For SCCB at risk the 13 week service approval limit includes both types of SCCB in current service (Section 77 FA Act).
- For SCCB for temporary financial hardship the 13 week service approval limit includes both types of SCCB in current service and SCCB for temporary financial hardship in other services attended during the financial year (Section 78 FA Act).

Secretary (powers delegated to and exercised by DHS) must make decisions for SCCB approval for SCCB at risk and temporary financial hardship beyond the 13 week service approval limit in a financial year (Section 81 FA Act provides for powers of Secretary). Generally considered in blocks of up to 13 weeks (administrative). Decisions are reviewable.

Secretary (powers delegated to and exercised by DHS) must make decisions for approval of increased CCB weekly limit of hours for exceptional circumstances (Subsections 54(8), (9) 55(4), (5). Decisions are reviewable.

Secretary (powers delegated to and exercised by Education must make decisions for approval for SCCB at risk where no-one is conditionally eligible for more than the 13 week service approval limit in a financial year. (Subsection 81(4) FA Act) Decisions are reviewable.

Decisions by service/DHS/ Education are linked to satisfaction of whether: (Sections 76 and 81 FA Act):

- Child(ren) is at risk of serious abuse of neglect.
- An individual is experiencing a temporary financial hardship event that substantially reduces the ability to pay child care fees.

Maximum allowable periods of SCCB for the same event/circumstance:

- At risk – No limit; (No limit provided for in legislation).
- Hardship – 52 weeks for a temporary financial hardship event. (Limit provided for in Section 6 of the Child Care Benefit (Rates and Hardship) Determination 2000).
18 per cent limit - maximum level of service approvals in a quarter is limited to 18 per cent of CCB, GCCB, SCCB paid to service in quarter before last. To exceed limit approval for a higher limit, services must apply to Education. If higher limit not approved applications can be provided to DHS. (Section 79 FA Act).

Amount of SCCB payable is up to full amount of usual fee. Higher than the usual fee cannot be charged because SCCB is applicable. (Section 75 and 71 FA Act, Section 219BB FA Admin Act).

Backdating of certification of SCCB – may be appropriate with careful consideration, appropriate justification must be documented. Sections 76(4) and 81(7) FA Act provide for period specified to start before or after certificate is given).

Service approvals for SCCB for child at risk - approval documentation is required. Supporting documentation is required where available. Retention in accordance with record keeping requirements (Section 219F of the FAA Act and Subsection 6(c) of the A New Tax System (Family Assistance) (Administration) (Child Care Benefit – Record Keeping) Rules 2006.

Services approvals for SCCB for temporary financial hardship – record keeping obligations are contained in section 219F of the FAA Act and subsection 6(c) of the A New Tax System (Family Assistance) (Administration) (Child Care Benefit – Record Keeping) Rules 2006.

DHS approvals (and Education approvals for at risk where no-one is conditionally eligible) - approval and supporting documentation is required.

Absences while receiving SCCB - provisions are as for CCB – see Section 10 of the FA Act.

JETCCFA - if both JETCCFA and SCCB are claimed for a child for the same week of care SCCB takes priority. Both payments cannot be received for the same child for the same period.


Appendix C - Relevant resources

The Guide is supported and complemented by the following material.

1. Child Care Service Handbook
   - Child Care Service Handbook

2. Information to assist child care compliance
   - Fact Sheet 8 - What are my responsibilities for receiving child care assistance from the Australian Government

3. Forms
   - Special Child Care Benefit for a child at risk when no one is receiving Child Care Benefit (08-311a)
   - Reporting Your Service has given/is giving a Certificate for Special Child Care Benefit for a Child at Risk when a service is eligible for Child Care Benefit (08-311b)
   - Completing the Claim for Special Child Care Benefit and/or increased weekly limit of hours (FA023)
   - Approving Special Child Care Benefit – Application for a higher approval limit where 18 per cent has been reached (08-310)
   - Approving the Special Child Care Benefit – Will my service exceed the 18 per cent limit (08-309)

4. Family Assistance Guide
   - Special Child Care Benefit (SCCB) - Eligibility Criteria
Appendix D - Risk of serious abuse or neglect - Supplementary information

This appendix is intended to supplement the SCCB chapter of the Child Care Service Handbook and the Guide’s SCCB for a Child at Risk of Serious Abuse or Neglect. It contains relevant supplementary information on:

- indicators of abuse or neglect (1.)
- risk factors that can contribute to the likelihood of abuse or neglect occurring, including attributes and personality of the parents, characteristics of the child and situational stressors. They are not predictors, but in families with a multitude of contributing factors, the likelihood of parents becoming overwhelmed increases, impacting on their ability to care well for their children (2.)
- protective factors that may be associated with a lower risk of abuse or neglect but need to be considered within the broader circumstances of the family (3.)
- the concept of ‘at risk’ (4.)
- types of agencies/professionals from whom documentary evidence would be appropriate; (5.) (See also Appendix F)
- links to sources of further information (6.).

1. Indicators of abuse or neglect

The indicators or signs of abuse or neglect outlined below are taken from the New South Wales Department of Family and Community Services.

While these are generally well accepted, there is some minor variation across jurisdictions and key organisations concerned with child safety, in the indicators they include or emphasise (see Other Sources of Information below for links to key sites). The presence of these signs does not necessarily mean abuse or neglect has been or is, occurring.

Possible signs of physical abuse

**Signs in children**

- Bruising to face, head or neck, other bruising and marks which may show the shape of the object that caused it e.g. belt buckle, hand print.
- Lacerations and welts.
- Drowsiness, vomiting, fits or pooling of blood in the eyes, which may suggest head injury.
- Adult bite marks and scratches.
- Fractures of bones, especially in children under three years old.
- Dislocations, sprains, twisting.
- Burns and scalds (including cigarette burns).
- Multiple injuries or bruises.
• Explanation of injury offered by the child is not consistent with the injury.
• Abdominal pain caused by ruptured internal organs, without a history of major trauma.
• Swallowing of poisonous substances, alcohol or other harmful drugs.
• General indicators of female genital mutilation e.g. having a ‘special operation’.

**Signs in parents and caregivers**
• Frequent visits with their child or children to health or other services with unexplained or suspicious injuries, swallowing of non-food substances or with internal complaints.
• Explanation of injury offered by the parent is not consistent with the injury.
• Family history of violence.
• History of their own maltreatment as a child.
• Fears injuring their child.
• Uses excessive discipline.

**Possible signs of sexual abuse**

**Signs in children**
• Bruising or bleeding in the genital area.
• Sexually transmitted diseases.
• Bruising to breasts, buttocks, lower abdomen or thighs.
• Child or child’s friend telling you about it, directly or indirectly.
• Describing sexual acts.
• Sexual knowledge or behaviour inappropriate for the child’s age.
• Going to bed fully clothed.
• Regressive behaviour e.g. sudden return to bed-wetting or soiling.
• Self-destructive behaviour e.g. drug dependency, suicide attempts, and self-mutilation.
• Child being in contact with a known or suspected paedophile.
• Anorexia or over-eating.
• Adolescent pregnancy.
• Unexplained accumulation of money and gifts.
• Persistent running away from home.
• Risk taking behaviours - self harm, suicide attempts.

**Signs in parents or caregivers**
• Exposing a child to prostitution or pornography or using a child for pornographic purposes.
• Intentional exposure of a child to sexual behaviour of others.
• Previous conviction or suspicion of child sexual abuse.
- Coercing a child to engage in sexual behaviour with other children.
- Verbal threats of sexual abuse.
- Denial of adolescent’s pregnancy by family.

Possible signs of psychological abuse
All types of abuse and neglect harm children psychologically, but the term ‘psychological harm’ or ‘emotional abuse’ applies to behaviour which damages the confidence and self-esteem of a child or young person, resulting in serious emotional deprivation or trauma.

Signs in children
- Constant feelings of worthlessness about life and themselves.
- Unable to value others.
- Lack of trust in people.
- Lack of people skills necessary for daily functioning.
- Extreme attention-seeking behaviour.
- Is obsessively eager to please or obey adults.
- Takes extreme risks, is markedly disruptive, bullying or aggressive.
- Is highly self-critical, depressed or anxious.
- Suicide threats or attempts.
- Persistent running away from home.

Signs in parents or caregivers
- Constant criticism, belittling, teasing of a child, or ignoring or withholding praise and attention.
- Excessive or unreasonable demands.
- Persistent hostility and severe verbal abuse, rejection and scapegoating.
- Belief that a particular child is bad or ‘evil’.
- Using inappropriate physical or social isolation as punishment.
- Domestic violence.

Possible signs of neglect, (but not limited too)

In children
- Low weight for age and/or failure to thrive and develop.
- Untreated physical problems e.g. sores, serious nappy rash and urine scalds, significant dental decay.
- Poor standards of hygiene i.e. child consistently unwashed.
- Poor complexion and hair texture.
- Child not adequately supervised for their age.
• Scavenging or stealing food and focus on basic survival.
• Extended stays at school, public places, other homes.
• Longs for or indiscriminately seeks adult affection.
• Rocking, sucking, head-banging.
• Poor school attendance.

**Signs in parents or caregivers**

• Unable or unwilling to provide adequate food, shelter, clothing, medical attention, safe home conditions.
• Leaving the child without appropriate supervision.
• Abandons the child.
• Withholding physical contact or stimulation for prolonged periods.
• Unable or unwilling to provide psychological nurturing.
• Has limited understanding of the child’s needs.
• Has an unrealistic expectation of the child.

2. **Risk factors for abuse or neglect**

There are generally accepted risk factors associated with an increased risk of abuse or neglect and an awareness of these may help to determine if a child is at risk. The risk factors outlined below may be useful to inform decision making, but should be considered in the context of evidence and information about the broader picture. In isolation the presence of these risk factors do not indicate serious risk of abuse or neglect.

Note that the list below contains generally well accepted risk factors however there is some variation across the literature, jurisdictions and key organisations concerned with child safety, in the risk factors for abuse or neglect that they include or emphasise.

Risk factors for abuse or neglect can be categorised into four groups: child, parent, family and social characteristics.

**Risk factors**

**Child**

• Very young age (infants and toddlers).
• Physical, intellectual or sensory disability.
• Indigenous ethnicity.
• Child aggression, behaviour problems or attention deficits.
• Female gender (particularly for sexual abuse.)

**Parental**

• Substance misuse, particularly alcohol.
• Mental health problems such as depression, low self-esteem, poor control of impulses, or antisocial behaviour.
• Intellectual disability.
• Young maternal age.
• Stress, such as financial pressures, job worries, medical problems or taking care of a family member with a disability.
• Significant lack of parenting skills, including unrealistic expectations that show a lack of understanding of a child’s developmental stages and behaviour.
• Low educational attainment.

**Family**

• Domestic violence and conflict between parents.
• Single parent families (are over-represented in investigations of child abuse or neglect).
• Family instability, where the composition of the household frequently changes as family members and others move in and out.
• Overcrowded households.
• Homelessness.
• Death of either parent before a child is 15 years old.
• Large numbers of children being cared for by a young single mother.

**Social**

• Social isolation and limited access to support networks can increase the risk, as can geographical isolation and a lack of access to extended family.
• Poverty and low socioeconomic status can heighten the risk of maltreatment. These factors alone are not considered to be risk factors for abuse or neglect, but may influence the level of risk and the degree of harm that may occur.

**3. Abuse or neglect - Protective factors**

It may be useful to be aware of protective factors. Research has shown that some factors are associated with a lower risk of abuse or neglect, which are known as protective factors. However, as with the risk factors outlined above, the protective factors should also be considered within the broader circumstances of the family. Protective factors can also be categorised into child, parent, family and social characteristics.

**Protective Factors**

**Child**

• Good health and a history of adequate development.
• Above-average intelligence.
• Good peer relationships and social skills.
• Personality factors such as easy temperament and a positive disposition.
• Positive self-esteem.
• Hobbies and interests.
• Balance between help seeking and autonomy.

**Parental**
• Consistent parental employment.
• High parental education.
• Parents have good coping skills.
• Nurturing parenting skills.
• Secure attachment and a positive and warm parent-child relationship.

**Family**
• A supportive family environment.
• A stable home environment.
• Household rules and structure; parental monitoring of child.
• Family expectations of pro-social behaviour.
• Support and involvement from extended family.
• Adequate financial resources.

**Social**
• Mid to high socioeconomic status.
• Access to health care and social services.
• Consistent parental employment.
• Adequate housing.
• Supportive adults outside of family who serve as role models or mentors to child.

4. **Concept of ‘at risk’**
The concept of ‘at risk’ refers to the relative likelihood of something occurring in the future. ‘At risk’ pertains to concerns that fall on the right side of the scale, where something is possible, likely, or probably will occur. The likelihood of a risk can be conceptualised via a continuum; from unlikely to occur, remote possibility, possibility of occurring, likely to occur and probably will occur.

5. **Relevant state and territory government child protection agencies**

**New South Wales**
• Department of Family and Community Services
  

**Victoria**
• Department of Human Services
http://www.dhs.vic.gov.au

Queensland
   • Department of Communities, Child Safety and Disability Services
     www.childsafety.qld.gov.au

Western Australia
   • Department for Child Protection and Family Support
     www.dcp.wa.gov.au

South Australia
   • Department of Education and Child Development
     www.families.sa.gov.au

Tasmania
   • Department of Health and Human Services
     www.dhhs.tas.gov.au

Australian Capital Territory
   • Office for Children, Youth and Family Support

Northern Territory
   • NT Department of Children and Families
     www.childrenandfamilies.nt.gov.au

6. Links to sources of further information
   • National Association for the Prevention of Child Abuse and Neglect (NAPCAN)
     www.napcan.org.au/
   • Australian Institute of Family Studies (AIFS) - National Child Protection Clearinghouse -
   • Australian Institute of Health and Welfare - Children, Youth and Families - www.aihw.gov.au
   • Child Abuse Prevention Service (CAPS) - www.childabuseprevention.com.au
   • Centre for Community Child Health, The Royal Children’s Hospital Melbourne -
     www.rch.org.au/ccch
   • Association of Children’s Welfare Agencies (ACWA) and The Centre for Community Welfare Training (CCWT) - www.acwa.asn.au
   • Raising Children Network – Working with Parents -
     www.raisingchildren.net.au/working_with_parents/working_with_parents_landing.html
Appendix E - Documentary evidence

1. Temporary financial hardship
The following are considered to be appropriate forms of documentary evidence for temporary financial hardship:

- Independent documentation such as a letter from an employer (for loss of job or reduction in income), or from an independent professional such as those listed below under Agencies and professionals suitable to provide supporting information.
- A statutory declaration from the individual who is conditionally eligible for CCB as reduced fees outlining the nature of the temporary financial hardship event.

For SCCB temporary financial hardship applications, DHS will correspond with both the service and the family when requesting further information or advising on the approval/rejection of the claim.

2. Child at risk
The documentary evidence in support of SCCB claims from services and third parties needs to explain the link between the circumstances of the parent/caregiver and the risk to the child.

Practitioners/allied health professionals or other professionals should indicate in the information they provide, that they have considered the criteria and believe the child being assessed meet the definition of a child at risk of serious abuse or neglect as contained in the National Child Protection Clearinghouse (NCPC) resource sheet ‘What is child abuse and neglect’.

The information should also highlight how the family’s issues are a barrier to the family caring appropriately for the child/children thereby leaving the child/children at risk.

Documentary evidence of involvement by a child protection agency involving a substantiated case of abuse or neglect would be sufficient. Documentary evidence indicating involvement and reasonable concerns that a child is at risk of serious abuse or neglect by a range of other appropriate agencies would also be expected to be sufficient. Documentary evidence should be signed and dated with contact details provided and the organisation identifiable, through letterhead for example.

The more supporting evidence that a service provides (including from a third party) will make it easier for DHS to assess the eligibility for child at risk.

In order to assess a service’s claim for SCCB for a child at risk of serious abuse or neglect, third party evidence should be provided to support the claim, where possible. Where evidence from a third party is not provided by a service with their claim, the service should provide a reason as to why third party evidence was not available.

It is acceptable for the supporting documentation to be only provided by the service submitting the SCCB claim for child at risk (i.e. evidence from a third party is not required). However, the service’s own observations need to be well documented and able to demonstrate the need for access to SCCB to the decision maker’s satisfaction.
For SCCB at risk applications, DHS will only correspond with the service when requesting further information or advising on the approval or rejection of the claim. This is to ensure that the child is not placed in a further at risk situation.

3. Agencies and professionals suitable to provide supporting information

The following list sets out agencies and professionals considered to be appropriate providers of documentary evidence:

- State and territory Government Child Protection agencies (as listed here).
- State and territory Government prevention, early intervention and support programs and services for vulnerable children and families in place across states and territories.
- Other non-government agencies/organisations outsourced to provide early intervention and family support services, including as part of the above programs.
- Other state and territory government and non-government organisations that are providers of relevant services including those related to mental health, family violence and family law, homelessness, drug and alcohol rehabilitation, and indigenous services.

Care needs to be taken in accepting some documentary evidence, particularly from professionals, to ensure that it is sufficiently focussed on the presence of risk or evidence of actual abuse or neglect. This may take the form of reference to indicators of abuse or neglect, risk factors or multiple risk factors or reported disclosures.

The following is a list of professionals considered suitable to provide third party evidence in support of a SCCB claim:

- Medical practitioners.
- Hospital admission/emergency unit professionals.
- Registered nurses.
- Welfare agency personnel.
- Social workers.
- Psychologists.
- Counsellors.
- Physiotherapists.
- Occupational therapists.
- Speech pathologists.
- Dentists.
- Pharmacists.
- Police officers.
- School principals.
- School teachers.
- Members of the clergy.
- Mayors.
- Child care service professionals.

**Note:** There may be other appropriate professionals not included in the list who may be able to provide supporting documentation.
Appendix F - Temporary financial hardship - Supplementary information

This appendix is intended to supplement the SCCB chapter of the Child Care Service Handbook and the Guide’s SCCB for Temporary Financial Hardship. It contains relevant supplementary information on:

- what constitutes a hardship event
- examples of temporary financial hardship that meet the criteria
- examples of temporary financial hardship that do not meet the criteria.

1. What constitutes one event for the purposes of temporary financial hardship?

The Child Care Benefit (Rates and Hardship) Determination 2000 provides limited examples of temporary financial hardship events and excludes some kinds of temporary financial hardship. The Determination also states that ‘When a person experiences an event that substantially reduces his or her ability to pay child care fees, this is a specified kind of hardship...’ The legislation provides for SCCB for temporary financial hardship to be approved for up to 52 weeks ‘for the one hardship event’.

In determining what is a temporary financial hardship event, it is important to consider the impact of the event has on the family’s ability to pay child care fees due to significant income reduction or increased expenditure or need for hours/increased hours of care arising from the event.

The SCCB rate can be used to assist a family faced with an event that significantly reduces their ability to pay the child care fees normally charged.

Examples of such events include:

- loss of employment, including where individuals are compelled by their employer to accept a significant reduction in work hours or periods of unpaid leave
- the failure of a business
- a period of declared local emergency that reduces an individual’s capacity to pay fees (see C5 Emergencies/Service Closures)
- a natural disaster such as fire or flood
- destruction of or severe damage to the family’s home necessitating relocation of the family, or the need to place a child in care, or an increase in the need for child care
- significant additional expenses or reduction in income arising, for example, from a death or serious illness in the family
- family breakdown or the separation of parents/caregivers.

SCCB for temporary financial hardship is designed to assist families experiencing financial crises and is not to be used on a continuing basis to support ongoing financial problems or over-commitment.
Examples of events that do not meet the criteria are:

- foreseeable expenditure such as routine home repairs and maintenance
- discretionary expenditure such as additions to the house
- increases in child care fees
- ongoing low income
- multiple births. It is noted that other forms of child care fee assistance, such as CCB and CCR, take account of multiple children in the form of higher income.