



# ACCS (child wellbeing) for children known to child protection

Information for state and territory child protection agencies on the application process for Additional Child Care Subsidy (child wellbeing) including the eligibility and evidence requirements.

Additional Child Care Subsidy (ACCS) (child wellbeing) assists children at risk by providing a top up payment in addition to the Child Care Subsidy (CCS) (100% of the actual fee charged (up to 120% of the hourly rate cap), up to 100 hours of assistance per fortnight).

## Quick Facts

- Only child care providers are able to make application for ACCS (child wellbeing) in relation to a child in their care. Families and child protection agencies are not able to apply.
- ACCS (child wellbeing) is a subsidy applied for on behalf of the individual (parent/carer/foster parent) – not the child.
- The carer must have lodged a claim and be eligible for CCS for the child. This process needs to take place in circumstances where a child's care arrangements change, a child commences a new placement with a new carer or a child returns home to their parent's care.
- There are a number of factors that may mean an assessment of an individual's eligibility for CCS can take some time, and eligibility may not be confirmed during the period that the service is caring for the child. CCS claims can only be backdated up to a maximum of 28 days before the CCS claim was made. Until the individual is linked to the child, is CCS eligible and an approved certificate/determination is granted, the individual or state/territory child protection/safety agency will need to agree to cover the costs of child care.
- When making an initial application for an ACCS (child wellbeing) determination, child care providers must submit relevant documentation, for example, a copy of the court order and/or a letter from the relevant authority confirming that the order or agreement is still current.
- Current supporting evidence is required to support a child care provider's application for ACCS (child wellbeing) even for children in formal foster care arrangements; it is not an automatic process.

- Sometimes families enter into voluntary arrangements with child safety/protection agencies and agree the child should live with a foster carer for an agreed amount of time. While there may not be a court order in place, if the child is 'at risk', they may be eligible for ACCS (child wellbeing).

## Definition of 'at risk' for ACCS (child wellbeing)

For the purposes of ACCS (child wellbeing), a child is taken to be at risk of serious abuse or neglect if the child is at risk of experiencing harm, as a result of current or past circumstances or events that resulted in the child being subject to, or exposed to one or more of the following:

- serious physical, emotional or psychological abuse,
- sexual abuse,
- domestic or family violence, or
- neglect (failure to be provided with the basic needs that are essential for the child's physical and emotional wellbeing).

'At risk' also includes situations where the child is likely to experience those circumstances in the future, in that the risk is 'real and apparent'.

Where a child is in a foster care arrangement that is recognised in a decision of a court or tribunal under relevant state/territory law the child will be taken to be 'at risk' for the purpose of ACCS (child wellbeing).

**Note:** The definition of 'at risk' for the purposes of ACCS (child wellbeing) may be broader than the definition applied by state and territory child protection agencies.

## Where a child is not necessarily at risk of serious abuse or neglect

There are certain circumstances that, on their own, do not mean that a child should be taken to be at serious risk of abuse or neglect, such as:

- the income of the individual or individuals who have care of the child
- the ethnic, cultural, religious or racial background of the child or the child's immediate family
- the geographical location in which the child and the child's immediate family resides
- the child's place of residence is statistically an area of socio-economic disadvantage
- the child is likely to benefit from early childhood education and care programs
- the child has a disability.

## Eligibility and application process

The individual must ensure the below steps are completed in order to be eligible for ACCS (child wellbeing).

1. Apply for and be granted CCS eligibility (it does not matter if the entitlement is zero due to the activity test requirements as once ACCS is granted, the individual is exempt from this requirement).
2. Complete a Complying Written Arrangement (CWA) enrolment with the child care provider and accept liability for the child care fees.

Once the above steps are complete, the child protection case worker should provide the child care provider with a support letter to confirm the child is 'at risk'. The child care provider is able to give a certificate for

up to six weeks. If the child continues to be 'at risk' for longer than six weeks, the child care provider will make an application for a determination to Services Australia for further periods of ACCS (child wellbeing). Determinations can be made for up to 13 weeks at a time.

The Individual or child protection agency can enrol the child immediately into care before the above steps are complete however, they will need to agree to pay full fees until the family is CCS/ACCS eligible.

## Acceptable types of evidence

In cases where the child is in care under state or territory law and on a court order, a copy of the court order and/or a letter from the relevant authority confirming that the order or agreement is still current is sufficient evidence to support an application for a determination.

In cases where the child is not on a court order but the relevant state/territory child protection agency is actively involved with a family, child care providers must submit relevant documentation as evidence to support their application for a determination. Child protection agencies may be asked by a child care provider, family or carer to provide evidence to support this.

A range of evidence is acceptable for the purposes of ACCS (child wellbeing) including:

- Letters, statements and referrals
- case plans
- court orders
- documentary evidence from a child safety/protection agency if relevant

## Minimum details

Where a child is in formal foster care or where the relevant state/territory child protection agency is actively involved with a family, providers can submit a copy of the court order or a letter from child protection, confirming their involvement to fulfil their evidence requirements.

For children in other situations, as a minimum, the evidence provided must give a high-level description of the circumstance that resulted in the child being at risk.

The evidence provided should:

- focus on the presence of risk of serious abuse or neglect (or evidence of actual abuse or neglect), for example by referencing indicators of abuse or neglect or risk factors
- describe the child's circumstances in a way that they can be clearly linked to the definition of 'at risk'
- explain how the circumstances of the family are linked to the risk to the child (where applicable)
- highlight how the family's issues are a barrier to the family caring appropriately for the child thereby leaving the child at risk.

If available, evidence should:

- indicate the period that the child will likely be at risk
- give an indication that child care is part of the child's case management plan of an appropriate support organisation

- outline an overarching support package that responds to the child continuing to experience any ongoing trauma resulting from past abuse or neglect.

## **Currency of evidence**

Any supporting evidence should not be dated more than six months old. This is to ensure any information and statements made in the evidence are current and up-to-date; consequently, a new letter of support will be sought every six months.

Six months also applies to currency of evidence for children in need of care and protection under state or territory law and subject to a long term care placement. If original court documentation is older than six months the evidence should include an accompanying letter from a state based child protection agency (no more than six months old) advising that the care arrangements are still in place. Either of these documents need to show: the child's name (or children's names), name/s of the carer/s that the child has been placed with and indicate the period the child is likely to be 'at risk'.

## **Liability of child care fees**

In most cases where a family/carer is eligible for ACCS (child wellbeing), the full cost of care will be covered. Where the fee charged is higher than the ACCS hourly rate cap, third parties (including state/territory governments), can consider paying some or all of the gap fee. Family Assistance Law does not prescribe how such an arrangement should be formalised; however, in most cases it can be expected that some form of contract or agreement is negotiated between the third party and the individual.

## **More information**

To find out more about the following:

- ACCS (child wellbeing) go to [dese.gov.au/additional-child-care-subsidy-0](https://dese.gov.au/additional-child-care-subsidy-0).
- Liability to pay go to [what is 'liability to pay' for child care fees?](#)
- What is the CCS? go to [what is the Child Care Subsidy?](#)