



# Information for child care providers when a period of local emergency occurs

This fact sheet provides general information to assist child care providers to meet their obligations regarding reporting of children's absences from sessions of care during a period of local emergency (additional absences).

Child Care Subsidy (CCS) and Additional Child Care Subsidy (ACCS) can be paid for an absence when a child does not attend a session of care on a day they were scheduled to attend, and the family has not already reached their fortnightly entitlement of subsidised hours.

CCS and ACCS can be paid for up to 42 absence days per child, per financial year without the need for families or providers to provide documentation and reasons for those absences, provided the family is liable to pay child care fees on each occasion.

An 'additional absence' is an absence day that occurs after a child has already been subsidised for 42 initial absence days in a financial year. CCS and ACCS can **only** be paid for additional absence days for specific reasons defined in the Family Assistance Law. This includes in specific circumstances when there is a **'period of local emergency'** (as detailed below).

Providers are required to contact the Australian Government Department of Education, Skills and Employment (the department) before reporting additional absence days due to a local emergency. This is in order for the department to assess whether a period of local emergency applies under the legislation.

Information about reporting sessions of care and the operation of absences in the event of a local emergency can also be found in the [Child Care Provider Handbook](#).

## What is a period of local emergency?

Family Assistance Law defines a period of local emergency as:

- an event which has occurred and affects a widespread area and has a severe impact on the lives of a significant number of inhabitants of an area; and prevents, or may prevent, children from attending the

service, or may make such attendance hazardous (for example, where there is major damage to homes, businesses and infrastructure over a large area such as from a bushfire or flood);

or

- a disaster declaration is made by a state emergency service, the police, or another Commonwealth, state or territory agency and the disaster prevents, or may prevent, children from attending the service, or may make attendance hazardous (for example, declaration of a catastrophic (code red in Victoria) fire danger rating).

## How is a period of local emergency determined when families need additional absences?

It is providers' responsibility to establish, by contacting the department, that a specific event or disaster declaration gives rise to a 'period of local emergency' as defined in the Family Assistance Law. Providers must first contact the department **before** reporting additional absences from sessions of care with this reason where a child's allowance of 42 initial absences days per year has been exhausted.

It is then the department's role to determine whether a period of local emergency meets the legislative requirements, and to approve that period of local emergency in the Child Care Subsidy System (CCSS). Only after the department has approved the period of local emergency in the Child Care Subsidy System will families have access to additional absences due to the local emergency.

If a provider believes there is a period of local emergency, they should contact the department's office in the state or territory in which the service operates via the department's central contact centre on **1300 363 079**, and request whichever state or territory office is required. When the call is answered, the provider should request to speak with a member of the child care team.

## What is not a period of local emergency

Events that are **not** considered as giving rise to a period of local emergency include: break-ins, vandalism, localised storm damage or minor flooding affecting one service. For example, water damage at the service from a burst water pipe would not give rise to a period of local emergency.

Providers should have appropriate insurance and/or business continuity arrangements in place in preparation for adverse events. In such circumstances, where a service is closed for unforeseen, adverse reasons, which do not constitute a period of local emergency, any additional absences incorrectly reported in session reports as due to a local emergency will not be paid.

## When can a provider report additional absences for a period of local emergency?

Providers must not report, or attempt to report, any additional absence unless all 42 of the child's initial absence days have been used.

The general requirements for reporting an absence from a session of care apply where:

- the session meets the definition of a [‘session of care’](#) (the individual must be liable to pay child care fees for the session); and
- the child is enrolled for the session; and
- the session of care occurs after the child’s first physical attendance and before the child’s last physical attendance at the service.

If the above conditions are met, and the service and/or the family is in an area the department has confirmed is affected by a ‘period of local emergency’, as defined in the Family Assistance Law and recorded in the CCSS, then additional absences may be reported where:

- the child care service was closed as a direct result of the period of local emergency; or
- the child cannot attend as a direct result of the period of local emergency (for example, because they are unable to travel to the service), if:
  - the period is still underway; or
  - the period ended not more than 28 days before the absence; or
- the individual caring for the child decides the child should not attend the service for up to seven days immediately following the end of a period of local emergency.

## Submitting session reports

Session reports are required to be submitted no later than **14 days** after the end of the week in which a session (including an eligible absence) occurred.

Before submitting session reports for children absent due to a period of local emergency, providers should first check whether the child has already used their allowance of 42 initial absence days for the year. If the child has initial absence days remaining, providers may submit the report as an absence without the need to contact the department or provide a reason for the absence in the session report.

If the local emergency compromises the provider’s ability to submit session reports on time, for example because the provider has no access to a computer or the internet during the period of local emergency, the provider must contact the department as soon as possible, through the CCS Helpdesk on 1300 667 276.

When submitting additional absences, providers should always indicate in the session report if an absence is due to a period of local emergency (as determined by the department).

More information on absences can be found in the [Absences from child care fact sheet](#).

## Local emergency and Additional Child Care Subsidy (temporary financial hardship) – financial hardship provisions

Additional Child Care Subsidy (ACCS) (Temporary Financial Hardship) is a short-term payment from the Australian Government to help families experiencing significant financial stress with the cost of child care. This payment will help with the continuity of child care for children and provide support to families when they need it most.

## Is a family eligible?

ACCS (TFH) is available to families who are eligible for the Child Care Subsidy (CCS) and where an individual is experiencing temporary financial hardship which has caused a substantial reduction in their ability to pay child care fees.

If a family:

- is affected by a natural disaster like a bushfire or flood, and
- is currently using child care and having difficulty in paying child care fees,

then they may be eligible for ACCS (TFH).

It is important to note that a family must be eligible for and claiming CCS. This means that new families who were not previously attending care or claiming CCS must apply for CCS at the same time as lodging an application for ACCS (TFH).

## What does a family need to do?

- Families must apply online by accessing their Services Australia online account through myGov. In limited circumstances families may be able to apply in person by visiting a Services Australia office.
- Families must apply within six months from the date of the event.
- Evidence will be required to support the application that outlines the nature of the temporary hardship and how it has reduced the family's ability to pay for child care fees.
- The earliest a family may be granted ACCS (TFH), as with all ACCS payments is the Monday of the beginning of a week. It is not possible to backdate prior to the date of the circumstance or event that gave rise to the temporary financial hardship. However ACCS (TFH) payments, like all child care subsidies, cannot be backdated for more than 28 days meaning the period that the payments will apply will vary depending on when a family submits their application to Services Australia.

## How many hours of subsidy will an eligible family receive?

Families who are eligible for the Additional Child Care Subsidy (TFH) will not have to meet the activity test. This means they will be entitled to access up to 100 hours of subsidised child care per fortnight.

Eligible families will receive a subsidy equal to the actual fee charged by the child care service, up to 120 per cent of the Child Care Subsidy hourly rate cap, whichever is lower. In most cases, the full cost of child care will be covered.

More information on ACCS (temporary financial hardship) can be found in the [Child Care Provider Handbook](#) or the fact sheet [What is the Additional Child Care Subsidy \(temporary financial hardship\)?](#)

## Should a child care service close during a period of local emergency?

Each state and territory has its own rules around when and how communities should protect themselves during a local emergency. Providers are encouraged to contact the appropriate state or territory government authority for specific advice and guidance during a period of local emergency about whether the child care service should close.

## Legislative references

Section 6 of the [Child Care Subsidy Minister's Rules 2017](#) provides the circumstances for additional absences where 'a period of local emergency' exists.