



Australian Government

Department of Education, Employment
and Workplace Relations



A Guide to Special Child Care Benefit

A Guide to Special Child Care Benefit

**For Department of Education, Employment and
Workplace Relations
and
Department of Human Services**

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PART A - INTRODUCTION

1. GLOSSARY OF TERMS

<u>Key Term</u>	<u>Definition</u>
Department of Human Services (DHS)	Australian Government Department that has responsibility for delivery of payments to families
Department of Education, Employment and Workplace Relations (DEEWR)	Australian Government Department that has responsibility for early childhood and child care policy.
Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA)	Australian Government Department that has responsibility for family policy.
Child Care Benefit (CCB)	Australian Government payment that helps families with the cost of child care.
Child care service/CCB Approved Service Provider (ASP)	Child care service approved for CCB purposes under family assistance law. To align with legislation in preparing this document DEEWR has used the DEEWR descriptor – child care service - rather than the DHS term - CCB Approved Service Provider (ASP).
Special Child Care Benefit (SCCB)	Australian Government payment provided 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.
Special Child Care Assessment Team (SCAT team)	The team within DHS responsible for processing SCCB applications.
Child Care Management System (CCMS)	The CCMS is the electronic system used for the administration of child care payments. Approved child care services submit attendance information to DEEWR over the internet using CCMS.
Child Care Service Handbook	A publication produced by DEEWR for CCB approved service providers operating under the CCMS. The Handbook is available on http://www.deewr.gov.au/EarlyChildhood/Programs/ChildCareforServices/Operation/Pages/ccservicehandbook.aspx
The Guide	<i>A Guide to Special Child Care Benefit (SCCB)</i>

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 and Training 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 TO SCCB

This Guide contains information for officers of DEEWR 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
- DEEWR 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.

The Guide is also available to approved services to help them to understand what supporting information is required to assist DHS decision makers to assess applications for additional periods of SCCB.

The Guide is available on DEEWR's website (www.deewr.gov.au), and DHS' E-reference on its 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; and
- ensure that SCCB is managed in accordance with legislative obligations and relevant policies and processes.

The Guide is intended to be used as a working document and will be updated regularly. Editorial or other suggestions to enhance this document must be submitted to the Family Payments Operational Policy Section in DEEWR.

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 hardship, the limits on making a hardship determination, and specifies further rules relating to giving certificates for hardship; and
- *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.

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

The following link is to the powers that have been delegated under the *A New Tax System (Family Assistance) Act 1999* and the *A New Tax System (Family Assistance) (Administration) Act 1999*:

<http://dnet.hosts.network/projects/LegislativeRegister/Lists/Delgations/Attachments/259/DEEWR%20FAL%204%20of%202009.pdf>

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; or
- a family is experiencing temporary hardship.

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 hardship event that impacts significantly on their ability to pay child care costs. This includes hardship that results from natural disasters and/or periods of local emergency. SCCB is identified as an additional form of Commonwealth assistance for families as part of the FaHCSIA Commonwealth Disaster Recovery Taskforce's response to natural disasters. 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 *C14 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.

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 'hardship') that a service can approve in one quarter is normally limited to 18 per cent of the total CCB 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 DEEWR for a higher approval limit or by seeking approval of individual applications by DHS in the normal way. See *C14 Special Child Care Benefit 18%* for additional information around 18% usage. DEEWR, not DHS oversees services' compliance with their SCCB limit.

Information for child care services in considering approval of SCCB is contained in the Child Care Handbook published by DEEWR. 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.

History

SCCB has been available since CCB was introduced in July 2000.

SCCB is an important element of the Government's Protecting Children is Everyone's Business – National Framework for Protecting Australia's Children 2009-2020. The Framework recognises and supports the importance of inclusion of children at risk of serious abuse or neglect in quality early childhood development and child care.

SCCB also reflects and supports the National Early Childhood Development Strategy – *Investing in the Early Years*. The Strategy, which was endorsed by the Council of Australian Governments (COAG) in July 2009, aims to improve the health, safety, early learning and wellbeing of all children and recognises support for vulnerable children as a priority area.

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.

DEEWR and DHS should only provide protected and personal information where it is authorised (eg 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 applications.

Decisions on applications for SCCB are made on a case by case, having regard to all information available about the circumstances of each application.

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

- the family assistance law legislative requirements for SCCB. In particular for SCCB 'at risk' to be approved a child must be considered to be in a **current** situation where they are at risk of serious abuse or neglect
- the intent of the National Framework for Protecting Australia's Children to encourage and support usage of SCCB where this is appropriate
- the complexity of cases/circumstances and that variations in these circumstances or sets of circumstances may impact on the assessment made; and
- that 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, that 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. 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 risk factors.

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 child at risk may be based on the observations of the supporting child care service alone (ie 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, of whatever type, 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 currently at risk of serious abuse or neglect, if this is not already clear.

Cost as a Barrier

Chapter 14 of the *Child Care Services Handbook 2011-12* 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 consider cost as a barrier in their own assessment.

3. SCCB FOR TEMPORARY FINANCIAL HARDSHIP

It is an underlying premise of SCCB 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 well being.

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 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 hardship to be approved for up to 52 weeks 'for the one hardship event'.

The consideration of a 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.

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

4. OVERLAP – IS IT RISK OR TEMPORARY FINANCIAL HARDSHIP?

There may be instances where the grounds for SCCB are not clearly risk or hardship based. 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 financial hardship for the parent; or
- 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 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; and
- whilst additional hours can be paid for exceptional circumstances, a hardship event may not necessarily be considered an exceptional circumstance. For example:
 - the short term illness of a family member is considered an exceptional circumstance because it is an exceptional event which is short term in nature

PART C - FACTORS TO CONSIDER IN MAKING A DECISION

1. 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 service 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;
- if not work related, due to exceptional circumstances; and
- not 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; or
- 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 *C13 When is it no longer appropriate to pay SCCB?* for more information on exceptional circumstances.

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 seen in a child would not in itself be a sufficiently good 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 articulate in the 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 milestones in regards to mental, physical and social development as they apply to young children of different ages. Inherent in this would be the services' knowledge of the difference between acceptable and unacceptable margins around these developmental milestones and these aspects, relevant to the child, are covered in the evidence. The evidence provided by a child care service needs to indicate the accepted level and how the child is below those levels.

3. DISABILITY/MEDICAL ILLNESS OF PARENT/CAREGIVER AND/OR CHILD

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

- children with disability and serious medical illnesses require high levels of care; or
- parents have a disability or serious medical condition, including mental health issues.

If the evidence indicates one of these risk factors exist, the documentary evidence in support of these SCCB claims should explain the link between the parent/caregiver and the risks to the child. 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 providing sufficient information to allow 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 from other sources than the child care service, the service should provide written evidence of the observations that led them to a reasonable belief that it was appropriate to claim for 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 F provides more information on documentary evidence and some examples of types of professionals from whom documentary evidence would be appropriate.

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’ they should not be submitting the claim to DHS for assessment.

5. EMERGENCIES/SERVICE CLOSURES

SCCB for ‘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.

Generally 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 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 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 assist to determine whether SCCB was still appropriate include the current financial circumstances of the family, 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:

- impact of timing of insurance claims and provision of other assistance measures which may now be reducing or ceasing
- the 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; or
- the 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 current 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.

Circumstances	Comments on Eligibility for SCCB At Risk
Ongoing impact of the abuse or neglect on a child after they have been removed from the situation.	<i>Not eligible.</i> While child remains very vulnerable this is not the intent of SCCB or legislative base as abuse or neglect is not current .
Foster/kinship carer is seeking additional (financial) support	<i>Not eligible.</i> While child remains very vulnerable they are not at direct risk of abuse and neglect.
Out of home care arrangement where child may still be at risk from: <ul style="list-style-type: none">- contact with parents (s)- unsatisfactory out of home care arrangements with risk posed by foster/kinship carer or care environment- 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.	<i>May be eligible.</i> Need to consider individual circumstances and advice from child protection or other relevant authorities. 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.

<p>Out of home care placement is at risk of breaking down.</p> <p>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. (<i>Commission for Children and Young People and Child Guardian in Queensland, 2006 paper</i>).</p>	<p><i>Not generally eligible.</i></p> <p>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.</p>
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Note: SCCB for hardship may apply in foster care situations.

7. INCREASED HOURS

All families who are eligible for CCB are eligible for up to 24 hours of CCB a week.

A family can receive up to 50 hours of CCB a week if:

- they meet the work, training, study test or they have an exemption (this includes people who are in receipt of carer payment, carer allowance or are caring for a disabled child)
- they are a grandparent with primary care of a grandchild; or
- in limited cases where the service has a 24 hour exemption (eg for sole providers in rural or remote areas).

A family can receive **more** than 50 hours of CCB if, amongst other things

- they have employment commitments for more than 50 hours a week (including travel time and sleeping time), and
- neither parent can care for the child in that time.

Note: – where a customer requires a change in their CCB weekly eligible hours, ie due to changes in their work, training study test arrangements, they should contact DHS to update this information.

A service may approve an increase in the weekly limit of hours for a child at risk of serious abuse or neglect either in conjunction with or separate to SCCB approval, for up to 13 weeks.

A service cannot approve an increase in the weekly limit of CCB hours for hardship. A service can only approve the SCCB rate for the existing weekly limit of CCB hours. All applications for an increase in a family's weekly limit of CCB hours due to exceptional circumstances must be approved by DHS.

8. IN HOME CARE (IHC)

The decision about eligibility for IHC is separate to the decision about eligibility for SCCB and is not the responsibility of DHS. The eligibility criteria for IHC can include a child or parent/carer with a disability. Eligibility for IHC is a matter for the IHC 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 IHC provider, refer to *C3 Disability/Medical Illness of Parent/Caregiver and/or Child*.

9. INTERACTION WITH OTHER DHS PAYMENTS

Jobs, Education and Training Child Care fee assistance and Special Child Care Benefit (JETCCFA)

JETCCFA is a payment made to child care services on behalf of eligible parents to reduce the cost of approved child care while they are undertaking activities such as work, study or job search, 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 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)
- Community Development Employment Projects Participant Supplement (only when the parent had immediate previous entitlement to a JETCCFA eligible income support payment but it is no longer payable due to the Community Development Employment Program income); and
- Means-tested ABSTUDY payments.

Services must not claim both the SCCB rate and Jobs, Education and Training 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.

There is no legal restriction – whether it be by the same or different providers if JETCCFA is being granted for different sessions of care from which SCCB is being sought.

10. 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 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; or
- 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 eg 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; and
- 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 eg 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 could also **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 well being of the child identified as being at risk; and
- a service requires payment from the parent or guardian during the absence to hold the place for the child.

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.

11. THIRD PARTY PAYMENTS

Currently some families receive CCB and the 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.

12 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 or 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* (FA023.1107) form
- prior to DHS advising the child care service of approval of a further period of SCCB
- prior to completion of the *Application for Special Child Care Benefit for a child at risk when no one is receiving Child Care Benefit* (DEEWR 08-311) form; or
- prior to DEEWR advising a child care service of approval to make the service eligible to receive fee reductions on behalf of a child.

Backdating SCCB for 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 hardship event. If the fee reduction has been backdated by 28 days it may also be appropriate to backdate the SCCB rate.

In the instance above the child was identified as being at risk/in hardship prior to the care being provided and pending the appropriate application being finalised.

It would not be appropriate to approve backdating of applications where a child had not been assessed as being at risk/in hardship for a specific period and care had not been provided by the child care service for that reason. This means it would not be appropriate to approve a claim for a prior period because the service provider has identified risk/hardship for a later period and has determined that the same circumstances must have existed earlier. In such a case any care provided was not provided because the child was at risk or in hardship and it would not be appropriate to pay for the care provided at that time.

13 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.

SCCB and exceptional circumstances are separate but in some cases may be used together. Exceptional circumstances allow for additional hours of care. SCCB for hardship applies for situations that cause a family financial hardship.

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 *C1 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.

The limitation of payment for a hardship event to 52 weeks for one event reflects the policy expectation that the greater the time passed after an event, the less likely it is that SCCB is warranted. For both children at risk and temporary financial hardship, it is appropriate to consider the time passed since the event and whether it is sufficient for the family for which the claim was lodged to become accustomed to their circumstances. For example, SCCB may be paid due to a natural disaster but once the family had achieved comparable circumstances to those prior to the disaster (ie accommodation, employment, schooling etc) it may no longer be appropriate.

As a further example where partners have separated, it may reasonably be expected that there is a long term impact on a family, in one form or another. However it is likely that the family will have adjusted to their changed circumstances within 52 weeks, particularly in terms of their physical circumstances. Depending on the evidence it may only be appropriate to approve the first 1 or 2 applications for SCCB if sought.

14 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 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.

If a service reaches its 18% SCCB approval limit, SCCB can still be granted, either by the service after the service applies successfully to DEEWR 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 DEEWR for an increase from 18%;
- 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;
- has exceeded the 18% limit and DEEWR has refused an application of the increase of the 18% limit
- has exceeded the 18% limit and the child care service prefers SCAT to approve all claims for SCCB above the 18% limit; or
- the Secretary of DEEWR has determined that a service cannot assess the initial 13 weeks for hardship because of the 'pattern of decisions' displayed in the past by the service.

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 good reason to believe this is occurring it should contact the CCB Approvals and Compliance Support Section in Payment to Families and Service Support Branch.

PART D - REVIEWS AND APPEALS

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 DEEWR to overturn service decisions.

Additional periods of SCCB

An individual or child care service can apply to DHS for additional periods of SCCB for the reason of 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 child if it does not believe the child to be 'at risk', and it is important to note that **a service who does not support the claim for SCCB should not submit a claim.**

Decisions by DHS or DEEWR to refuse initial or subsequent periods of SCCB are reviewable. For DHS reviewable decisions, 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 Social Security Appeals Tribunal and the Administrative Appeals Tribunal. Further information on reviews and appeals can be found from DHS's website.

Where a child care service is aware that SCCB circumstances did not apply and has certified the SCCB rate (ie knowing that the child was not at risk of serious abuse or neglect or that the individual was not experiencing a 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 due 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.

DEEWR 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 the DEEWR Approvals and Compliance Support Section via childcarecompliance@deewr.gov.au or the 1800 tip-off line (1800 664 231).

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**; and
- 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 and Training 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 cap per child per year. CCR is available as a quarterly or fortnightly payment, 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.

Jobs, Education and Training 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 job search activities, or meet their mandatory participation requirements as agreed with DHS. In addition, parents must be receiving the maximum rate of CCB to qualify.

Grandparent Child Care Benefit (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.

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, self employment leave, receiving Carer Payment, receiving Carer Allowance, or caring for a disabled person.

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.

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.

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 hardship if the service has reason to believe that the family is in 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) <ul style="list-style-type: none"> Services can certify SCCB approval for a limit of 13 weeks in any financial year for: <ul style="list-style-type: none"> SCCB at risk rate and increased hours SCCB 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 hardship the 13 week service approval limit includes both types of SCCB in current service and SCCB for 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 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 DEEWR) 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/DEEWR are linked to satisfaction of whether: (Sections 76 and 81 FA Act) <ul style="list-style-type: none"> child(ren) is at risk of serious abuse of neglect an individual is experiencing a hardship event that substantially reduces the ability to pay child care fees.
Maximum allowable periods of SCCB for the same event/circumstance: <ul style="list-style-type: none"> At risk – No limit; (No limit provided for in legislation) Hardship – 52 weeks for a 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 paid to service in quarter before last. To exceed limit approval for a higher limit, services must apply to DEEWR. 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 but careful consideration required and reasons 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 <i>A New Tax System (Family Assistance) (Administration) (Child Care Benefit – Record Keeping) Rules 2006</i>).
Services approvals for SCCB for hardship – record keeping obligations are contained in section 219F of the

FAA Act and subsection 6(c) of the <i>A New Tax System (Family Assistance) (Administration) (Child Care Benefit – Record Keeping) Rules 2006</i>
DHS approvals (and DEEWR 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 for example, 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.

Note The FA Act means *A New Tax System (Family Assistance) Act 1999*

The FA Admin Act means *A New Tax System (Family Assistance) (Administration Act 1999*

APPENDIX C - RELEVANT RESOURCES

The Guide is supported and complemented by the following material:

Document/Material	Link
Child Care Service Handbook	Child Care Service Handbook
Fact sheet for services - SCCB at risk	http://www.deewr.gov.au/EarlyChildhood/Resources/Documents/FINAL_SCCB%20at%20risk_241109.pdf
Fact sheet for services - SCCB for hardship	http://www.deewr.gov.au/EarlyChildhood/Resources/Documents/FINAL_SCCB%20hardship_241109.pdf
Information to assist child care compliance - Instruction Sheet 8	Instruction Sheets to Assist Child Care Services
DHS SCCB Claim Form	Claim for Special Child Care Benefit and/or increased weekly limit of hours (FA023.1003)
DEEWR Forms: <ul style="list-style-type: none"> - Special Child Care Benefit for a child at risk when no one is receiving Child Care Benefit (DEEWR 08-311) - Approving Special Child Care Benefit – Application for a higher approval limit where 18 per cent has been reached (DEEWR 08-310) - Approving the Special Child Care Benefit – Will my service exceed the 18 per cent limit (DEEWR08-309) 	Forms can be found at the Child Care Service Handbook page
Family Assistance Guide	2.6.7 Special Child Care Benefit (SCCB) - Eligibility Criteria
DHS Specific Resources	E reference links (publicly available) used by the SCAT team are as follows: <ul style="list-style-type: none"> - 007.91200 - Special Child Care Assessment Team (SCAT) functions - 007.91220 - Payment of Special Child Care Benefit (SCCB) - 007.91860 - Completing the Claim for Special Child Care Benefit and/or increased weekly limit of hours (FA023) - 007.20200 - Child Care Benefit (CCB) - Special Circumstances screens

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**) and
- 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 Human Services - Community Services.

www.community.nsw.gov.au/preventing_child_abuse_and_neglect/what_is_child_abuse/signs_of_abuse.html

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.

A Possible signs of physical abuse **(a) 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; and
- general indicators of female genital mutilation e.g. having a 'special operation'.

(b) 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; and
- uses excessive discipline.

B Possible signs of sexual abuse

(a) 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, 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; and
- risk taking behaviours - self harm, suicide attempts.

(b) 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; and
- denial of adolescent's pregnancy by family.

C 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.

(a) 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; and
- persistent running away from home.

(b) 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; and
- domestic violence.

D Possible signs of neglect, (but not limited too)

(a) 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; and
- poor school attendance.

(b) 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; and
- has unrealistic expectations 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 (partic. for sexual abuse)
Parental	Substance misuse, particularly alcohol and
	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

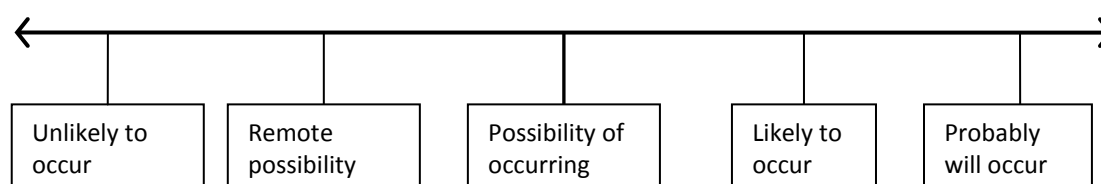
considered within the broader circumstances of the family. Protective factors can also be categorised into child, parent, family and social characteristics.

	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. The following diagram may be helpful for applying the concept of 'at risk' in everyday situations. 'At risk' pertains to concerns that fall on the right side of the scale, where something is possible, likely, or probably will occur.

The continuum of risk



There are many sources of additional information, including relevant state and territory agencies. These agencies websites also contain useful links. Some key links are:

5. Relevant State and Territory Government Child Protection Agencies

NSW Department of Human Services - Community Services www.community.nsw.gov.au

Victorian Department of Human Services (DHS) www.cyf.vic.gov.au

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

WA Department for Communities *and* Department for Child Protection
www.communities.wa.gov.au *and* www.childprotection.wa.gov.au

SA Department for Families and Communities www.dfc.sa.gov.au *and* www.families.sa.gov.au

Tasmanian Department of Health and Human Services (DHHS) www.dhhs.tas.gov.au/dcyfs

ACT Office for Children, Youth and Family Support www.dhcs.act.gov.au/ocyfs

NT Department of Health and Families www.nt.gov.au/health

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
www.aifs.gov.au/nch/

Australian Institute of Health and Welfare - Children, Youth and Families
www.aihw.gov.au/childyouth/index.cfm

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/index.cfm?doc_id=10556

Association of Children's Welfare Agencies (ACWA) and The Centre for Community Welfare Training (CCWT) www.acwa.asn.au/ccwt.php

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 under *Professionals Suitable To Provide Supporting Information*; and
- a statutory declaration from the individual who is conditionally eligible for CCB as reduced fees outlining the nature of the temporary hardship event

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?', found at www.aifs.gov.au.

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 (ie 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.

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 below)
- 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 hardship that meet the criteria; and
- examples of hardship that do **not** meet the criteria.

1. WHAT CONSTITUTES ONE EVENT FOR THE PURPOSES OF HARDSHIP?

The *Child Care Benefit (Rates and Hardship) Determination 2000* provides limited examples of hardship events and excludes some kinds of 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 hardship to be approved for up to 52 weeks 'for the one hardship event'.

In determining what is a 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; or
- the failure of a business; or
- a period of declared local emergency that reduces an individual's capacity to pay fees (see *C5 Emergencies/Service Closures*); or
- a natural disaster such as fire or flood; or
- 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 or
- significant additional expenses or reduction in income arising, for example, from a death or serious illness in the family; or
- family breakdown or the separation of parents/caregivers.

SCCB for 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; or
- discretionary expenditure such as additions to the house; or
- increases in child care fees
- ongoing low income; or
- multiple births. It is noted that other forms of child care fee assistance – CCB and CCR – take account of multiple children in the form of higher income test limits.