



Australian Government
Department of Education and Training

IN HOME CARE NATIONAL GUIDELINES

Effective 2 July 2018

Revised Guidelines as at December 2018 – version 1.4



Opportunity through learning

The *In Home Care National Guidelines* provide information on the revised In Home Care (IHC) service type and its delivery through a networked brokerage model of IHC Support Agencies. IHC is an approved child care service type that will be offered under the Australian Government's new child care package commencing 2 July 2018, and will align with the key elements of the package.

IHC supports families' workforce participation and early childhood education and care requirements where other approved child care services are not available or appropriate, particularly for families with complex and challenging needs. Families unable to access Centre-based Day Care (CBC), Family Day Care (FDC) or Outside School Hours Care (OSHC) services due to their unique circumstances may be able to access education and care provided in the family home through IHC.

These guidelines have been developed to provide clear and consistent information about the service type, criteria to access it and requirements underpinning the service offering. The guidelines also provide information about the national In Home Care program delivery model including the role of IHC Support Agencies established to provide support to families and assist services and educators in delivering care.

These guidelines take into account feedback received through the public consultation process undertaken by the Department of Education and Training from 18 December 2017 to 12 January 2018.

The guidelines come into effect on **2 July 2018**, and will be updated periodically by the department and published on its [website](http://www.education.gov.au) (www.education.gov.au)

Any questions about these guidelines should be emailed to: inhomecare@education.gov.au

Version control

Date of change (Published)	Version	Description of Changes
December 2017	1.0	Initial Draft for public consultation.
February 2018	1.1	Feedback from the public consultation incorporated <ul style="list-style-type: none"> • how the \$25 rate applies to IHC • guidance on state and territory legislation and requirements • Out of scope of IHC activities for example IHC educators must not be family members • clarification on distribution and allocation of places across jurisdictions
March 2018	1.2	<ul style="list-style-type: none"> • qualification transitional provisions for remote and very remote educators
June 2018	1.3	<ul style="list-style-type: none"> • indexation of the hourly cap to \$25.48 • educator qualifications expanded to include primary teaching and NQF approved qualifications • quality requirements for IHC services as conditions of continued approval • cessation of enrolment advice • other minor revisions
December 2018	1.4	<ul style="list-style-type: none"> • distance education and homeschooling referenced to current legislation • Increase to the hourly rate cap to \$32.00 and IHC places to 3200 • clarification on distribution and allocation of places • Services can apply to the department for additional places

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Glossary/Acronyms

In these guidelines, the following definitions apply.

Term	Definition
Activity Test Result	The result of a test to determine the number of hours of subsidised care a CCS eligible family will be entitled to. A broad range of activities will meet the activity test requirements, including paid work, being self-employed, doing unpaid work in a family business, looking for work, volunteering or studying. This term is defined in the family assistance law.
Additional Child Care Subsidy (ACCS)	A separate payment to the Child Care Subsidy, providing targeted additional fee assistance to families and children facing barriers in accessing affordable child care. This term is defined in the family assistance law.
Approved Care	Care provided by Centre-based Day Care, Family Day Care, In Home Care and Outside School Hours Care services approved under family assistance law.
Approved Service	A service of an Approved Provider, approved under family assistance law that delivers care and is able to receive Child Care Subsidies on behalf of families.
Approved Provider	A person or entity who holds a provider approval under the family assistance law enabling them to apply for approval to operate an IHC Service.
Child Care Subsidy System (CCSS)	Families and services can use Child Care Subsidy System to interact with government. Through the new Families Portal, families are able to access public information on the CCS and assess their eligibility for assistance. The location of child care service providers and information on vacancies in child care services will also be accessible.
Child Care Subsidy (CCS)	A single means-tested subsidy paid as a fee reduction for the benefit of CCS eligible individuals to an Approved Service that replaces the previous Child Care Benefit and Child Care Rebate.
Child Care Subsidy Estimator	An online tool to help families estimate their subsidy under the new child care package including In Home Care (when available).
CCS Eligible Family	A family in which a parent or guardian is eligible for the CCS in respect of one or more children.
Complex or Challenging needs	An assessment criterion for In Home Care. See section 2.2 on criteria for accessing IHC.
Department of Human Services (DHS)	The Australian Government department that administers child care payments for families.
Educator	An educator engaged by an Approved Service to provide education and care to children.

Term	Definition
Family Assistance Law	Has the same meaning as in section 3 of the <i>A New Tax System (Family Assistance) (Administration) Act 1999</i> and includes the law as stated in: that Act; the the <i>A New Tax System (Family Assistance) Act 1999</i> ; and legislative instruments made under those Acts, including the <i>Child Care Subsidy Minister's Rules 2017</i> and the <i>Child Care Subsidy Secretary's Rules 2017</i> .
Family Management Plan	A plan agreed between a family and an In Home Care Support Agency that details the needs, requirements and expectations in relation to In Home Care. A Family Management Plan can help to identify the range of services, both in terms of In Home Care and other support services, required by the family.
Family member	For the purposes of section 3.6.1, in relation to the IHC educator or the partner of the IHC educator, a family member is one (or more) of the following: Family Tax Benefit child, regular care child, foster care child, biological or adopted child, child for whom the educator or partner has a legal responsibility as described in the family assistance law, brother, sister, half-brother, half-sister, step-brother, step-sister, niece, nephew, cousin, grandchild or great grandchild.
Flexible care	Child care and early learning that is responsive to the needs of individual families and communities.
Grandparent	This term has the same meaning as in section 85CJ of Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Act 2017.
Immunisation schedule	The immunisation requirements as they are set out in legislation are provided for in section 6 of the family assistance law.
IHC Service	A service of an Approved Provider, approved as an IHC Service under family assistance law that delivers Approved Care for children in the family home.
IHC Support Agency	A central agent servicing each state and territory, funded by the department to deliver In Home Care through a networked brokerage model.
In Home Care (IHC)	A flexible service type that provides education and care in the family home where other approved child care options are not available or appropriate.
National Quality Framework (NQF)	A jointly governed uniform national approach to the regulation and quality assessment of education and care services including: a legislative framework that applies as mirror legislation in participating State and Territory jurisdictions and consists of the Education and Care Services National Law and National Regulations; a National Quality Standard and an assessment and rating system.
Place	A place allocated to an approved child care service under section 198B of the <i>A New Tax System (Family Assistance) (Administration) Act 1999</i> .
Transition Consultant	An independent consultant engaged by the department to help families transition to the revised IHC care type and where appropriate identify other support services available.

1. Introduction

1.1. What is In Home Care?

In Home Care (IHC) is an approved child care service type created under the Australian Government's new child care package commencing 2 July 2018.

The revised IHC program is a capped program of up to 3,200 places (from 1 January 2019), providing up to 100 hours of subsidised care per child per fortnight with an hourly rate cap of \$32.00 per family, subject to Child Care Subsidy (CCS) and Additional Child Care Subsidy (ACCS) eligibility criteria.

The revised program provides access to Government subsidised child care in the family home and is targeted to assist parents or carers who are unable to access other mainstream child care options such as those who work non-standard hours, are geographically isolated or have families with challenging and complex needs.

The new arrangements reset In Home Care, replace the Nanny Pilot Programme, and align with the key elements of the new child care package. IHC supports families' workforce participation and early childhood education and care requirements where other approved child care services are not available or appropriate, particularly for families with complex and challenging needs.

Families unable to access Centre-based Day Care (CBC), Family Day Care (FDC) and Outside School Hours Care (OSHC) due to their unique circumstances may be able to access subsidised education and care provided in the family home through IHC.

The Government is committed to avoiding unnecessary disruption to service delivery for families receiving IHC prior to 2 July 2018, and has put in place arrangements to transition eligible families to the new child care system. Where required, families will also be assisted in accessing other support services. Further information about the transition arrangements can be found in [Section 4](#) of these guidelines.

1.2. Purpose of the guidelines

The *In Home Care National Guidelines* have been developed to provide clear and consistent guidance for IHC Support Agencies, IHC Providers, IHC Services and IHC educators in delivering care, and families receiving care.

The guidelines provide information on:

- the IHC service type
- national program delivery arrangements
- distribution of IHC places
- families who can access care under IHC
- the roles and responsibilities of the various parties in delivering care
- other relevant information.

These guidelines must be read in conjunction with the *In Home Care Handbook* and any information relating to the Child Care Subsidy provided by the [Department of Education and Training](http://www.education.gov.au) (the department)(www.education.gov.au) , including [the Child Care Provider Handbook](#), and the [Department of Human Services \(DHS\)](http://www.humanservices.gov.au) (www.humanservices.gov.au).

1.3. New Child Care Package

The new child care package, that commenced on 2 July 2018, is designed to improve access to affordable, flexible and quality child care. The centrepiece of the new package is the Child Care Subsidy (CCS), which replaces the Child Care Benefit (CCB) and Child Care Rebate (CCR). CCS will be simpler than the previous multiple payment system, and will be paid directly to providers to be passed on to individuals as a fee reduction. CCS will be supported by the Child Care Safety Net, which aims to give the most vulnerable children a strong start, while supporting parents into work.

Generally, the percentage of the subsidy to which an individual is entitled to will be based on the family's combined adjusted taxable income, and will be up to 85 per cent of the actual fee charged or 85 per cent of the relevant hourly rate cap, whichever is lower.

As adjusted taxable income increases, the rate of subsidy will decrease, reaching zero at the combined annual income of \$351,258. Families with adjusted taxable income at or above this level will not be entitled to the CCS. For families with income between \$186,958 and \$351,258, there is an annual subsidy cap of \$10,190 per child. For families with income below \$186,958, there is no annual cap on the subsidy amount.¹

Families are required to discharge the remainder of their child care fees by paying the provider the difference between the fee charged and any subsidy amount that has already been paid and passed on as a fee reduction. CCS is not intended to, nor will it cover, the full costs of child care. Co-contribution towards child care fees ensures that families consider their child care options and the sustainability of the program.

The number of hours of subsidised child care to which families are entitled to per fortnight will be determined by a three-step activity test. In the case where both persons meet different steps of the activity test, the hours of activity of the person with the lowest entitlement will determine the hours of subsidised care for the child. Recognised activities include: paid work, study or training, unpaid work in the family business, such as a family farm, looking for work, volunteering and self-employment.

As part of the Child Care Safety Net, low-income families on \$66,958 or less a year who do not meet the activity test will be able to receive CCS for up to 24 hours of child care per child per fortnight without having to meet the activity test. Families may also be eligible for the Additional Child Care Subsidy, a top up payment in addition to the CCS amount, which will provide targeted additional fee assistance to families and children facing barriers in accessing affordable child care (section 1.3.2).

Five per cent mandatory withholding

As outlined above, the applicable percentage of CCS families receive during the year will be based on their estimated combined annual income. Each family's actual subsidy entitlement will be worked out at the end of year reconciliation, usually after they have completed their tax returns and their actual adjusted taxable income is known. To help families avoid an end of year debt resulting from an incorrect income estimate, five per cent of the weekly CCS entitlement will be withheld. Following reconciliation, any outstanding amounts owed to the family will be paid to them directly as a lump sum. Families will also be able to update their income estimate at any time during the year, for example if their circumstances change, and their CCS percentage will be adjusted.

Further information can be found at <https://www.education.gov.au/ChildCarePackage..>

¹ Income thresholds, the annual cap and the hourly rate caps are as at 2 July 2018, and will be increased by the Consumer Price Index annually thereafter.

1.3.1. CCS for In Home Care

To access IHC, families must be eligible for CCS. Given the unique family aspect of IHC, a family's CCS entitlement for IHC will be based on a **family hourly rate cap** of \$32.00 per hour and not an hourly rate cap per child.

In line with the income measures in the child care package, families using IHC will be entitled to a CCS rate of zero to 85 per cent of the actual fee charged, or zero to 85 per cent of the family hourly rate cap of \$32.00, whichever is lower. This is dependent on their combined annual family income. Further information about the CCS can be found at [Child Care Subsidy](http://www.education.gov.au/child-care-subsidy-1) (www.education.gov.au/child-care-subsidy-1).

Example:

Family 1 is charged \$100 per session for three 5-hour sessions – that is, \$20 per hour. As this is less than the CCS family hourly rate cap of \$32.00 for IHC, the percentage of subsidy would be based on what they are charged –\$20 per hour. If the combined family income is \$66,958 or less they would be entitled to a subsidy of \$17 per hour (85 per cent of \$20).

Family 2 is charged \$165 per session for three 5-hour sessions – that is, \$33 per hour. As this is more than the CCS family hourly rate cap of \$32.00 for IHC, the percentage of subsidy would be based on the family hourly rate cap of \$32.00. If the combined family income is \$66,958 or less they would be entitled to a subsidy of \$27.20 per hour (85 per cent of \$32.00).

1.3.2. Additional Child Care Subsidy (ACCS)

Families receiving IHC may also be eligible for ACCS, which is a key component of the Child Care Safety Net.

The ACCS provides assistance in the following circumstances:

- families who require practical help to support their child's safety and wellbeing
- grandparent primary carers on income support
- families experiencing temporary financial hardship.

Eligible families will receive a subsidy equal to the actual fee charged, up to 120 per cent of the CCS family hourly rate cap of \$32.00, taking the family hourly rate cap to \$38.40. Families eligible for ACCS (Child Wellbeing), ACCS (Grandparent) or ACCS (Temporary Financial Hardship) will not be subject to the activity test, and will be entitled to up to 100 hours of care per child, per fortnight.

ACCS is also available for:

- parents transitioning to work from income support.

Eligible families for ACCS (Transition to Work) will receive a subsidy of 95 per cent of the actual fee charged or up to 95 percent of the CCS family hourly rate cap of \$32.00, whichever is lower. Hours of subsidised care will be determined by the Child Care Subsidy Activity Test.

Note:

- Eligibility for the ACCS does not automatically mean a family meets the criteria for IHC and vice versa, as the criteria are different.
- The five per cent mandatory withholding of the fortnightly entitlement will not apply to ACCS payments and neither will the annual cap.
- Families experiencing exceptional circumstances may be able to access additional support to meet their child care costs. Eligibility for this additional support will be determined on a case-by-case basis by the delegate of the Secretary of the department, and depend on the overall situation of the family.

Further information on the ACCS is available at [Additional Child Care Subsidy](http://www.education.gov.au/child-care-safety-net-2) (www.education.gov.au/child-care-safety-net-2).

1.4. Review of the In Home Care program and the Nanny Pilot Programme

The previous In Home Care (IHC) program commenced in 2001 with the principle of supporting families through short term challenging situations. Drawing on the recommendations of the 2015 Productivity Commission *Inquiry into Childcare and Early Childhood Learning*, the Australian Government also implemented an Interim Home Based Carer Subsidy Programme, the Nanny Pilot Programme, in 2016.

Independent reviews of the previous In Home Care program and Nanny Pilot Programme were conducted by the Institute of Social Science Research, University of Queensland in 2016 and 2017. The reviews aimed to profile the families and educators using care under these programs, and provide evidence to support future policy for care in the family home.

The reviews found these programs provided access to child care for families who would not typically have access to more formal types of care due to geographical isolation, special needs of the children or families, or care required during non-standard hours. However, the IHC review also identified there was variability across services regarding their adherence to the IHC interim standards, their interpretation of those standards and of the IHC criteria. The reviews highlighted irregular geographic distribution of places and issues in matching educators with families living in remote areas, seeking variable hours of care, or with children having special needs. In some geographical areas, demand for IHC exceeded the number of subsidised hours that service providers had been allocated, leading to 'bottlenecks', with some families being unable to access IHC when needed.

The review of IHC also found that the scope of the IHC program had broadened over time beyond its origins as early childhood education and care and that service offerings delivered through IHC Services are broader than the program's original intent. The review found that some IHC educators are delivering social support to families including cleaning, meal preparation, respite care and parental support, in addition to child care. This raised issues around the appropriateness of paying for non-child care services using a program aimed at early childhood education and care. Around 40 per cent of the families accessing IHC were fully subsidised by the Government and were unaware of the fees the services are charging.

The findings of the [In Home Care review](https://docs.education.gov.au/documents/key-findings-home-care-program-review) (docs.education.gov.au/documents/key-findings-home-care-program-review) and the [Nanny Pilot Programme evaluation](https://docs.education.gov.au/node/47826) (docs.education.gov.au/node/47826) have been taken into consideration in designing the new delivery model.

1.5. Principles for the In Home Care service type

The key principles for IHC are to:

- focus service delivery primarily on early childhood education and care
- ensure consistency in the assessment of families' suitability for IHC
- support families to transition to other approved child care services where appropriate
- improve consistency in service delivery at a national level
- establish referral pathways to support services, where required.

1.6. Legislative authority

The key legislation of the family assistance law includes:

- *A New Tax System (Family Assistance) Act 1999*
- *A New Tax System (Family Assistance) (Administration) Act 1999*

The following instruments are relevant to users of these guidelines:

- [Child Care Subsidy Minister's Rules 2017](http://www.legislation.gov.au/Details/F2017L01464) (www.legislation.gov.au/Details/F2017L01464)
- [Child Care Subsidy Secretary's Rules 2017](http://www.legislation.gov.au/Details/F2017L01463) (www.legislation.gov.au/Details/F2017L01463)

This legislation underpins the commencement of the CCS and ACCS from 2 July 2018. Amendments to the Minister's and Secretary's Rules to enable the IHC service type and the IHC family rate of payment were made in 2018.

Authority for the IHC program is made under Schedule 1AB Part 4 section 267 of the *Financial Framework (Supplementary Powers) Regulations 1997*.

A provider approved for CCS, including one that operates an IHC Service, must comply with all conditions for continued approval as set out in the *A New Tax System (Family Assistance) (Administration) Act 1999* and the *Child Care Subsidy Minister's Rules 2017*. Certain requirements imposed on child care providers under these *In Home Care National Guidelines* will be outlined as conditions of continued approval of IHC Services under the *Child Care Subsidy Minister's Rules 2017*. An Approved Provider may be subject to a range of compliance measures (including cancellation or suspension of its approval) if it fails to comply with a condition for its continued approval – this includes failure to comply with any obligation imposed on it under the family assistance law.

IHC is out of scope of the National Quality Framework for Early Childhood Education and Care (NQF), including the *Education and Care Services National Law Act 2010* and the *Education and Care Services National Regulations 2011*.

The IHC Support Agencies and IHC Providers and Services must comply with relevant state and territory legislation including relevant standards and requirements, including IHC regulation and licensing requirements under the *Child Care Act 2001* in Tasmania, and the *Early Childhood Services (Registration and Standards) Act 2011* in South Australia.

1.7. IHC contacts

Questions regarding In Home Care policy and the interpretation of these guidelines should be emailed to: inhomecare@education.gov.au

2. In Home Care

2.1. Objective of the In Home Care type

The objective of IHC is to provide a high quality, flexible early childhood education and care option to families for whom other approved child care options are not available or appropriate due to their unique circumstances.

It is a condition of continued service approval that the IHC Services provide care only to families who can demonstrate that access other approved child care options is not available or appropriate, and meet the criteria for IHC outlined in [section 2.2](#).

2.2. Criteria for In Home Care

IHC Services are required to provide subsidised sessions of care only for children in families eligible for the CCS which can demonstrate that the other types of approved child care are not suitable or available **and** where one or more of the following criteria apply:

- parents or carers are working non-standard or variable hours, outside normal child care service hours
- parents or carers are geographically isolated from other types of approved child care, particularly in rural or remote locations
- the family has challenging or complex needs, including where families are experiencing challenging situations, and other approved child care services are not able to meet the needs of the child or the family.

Families accessing IHC due to challenging or complex needs may have circumstances which include one or more of the following:

- a child with additional needs or a disability whose early childhood education and care requirements cannot be catered for in another approved child care setting, or through other government funded or community-based services
- a family where a parent is undergoing treatment for a serious illness
- other complex family situations that prevent families from accessing other approved child care types.

Further information on the challenging and complex needs will be available in the *In Home Care Handbook*.

2.3. About In Home Care

IHC is an approved child care service type, delivered in the family home for children from the same family, whose access to early childhood development opportunities would otherwise be limited due to their families' challenging circumstances.

The department has allocated up to 3,200 IHC places nationally. For administration purposes, an IHC place represents 35 hours of care per week per child, but this is not related to the actual number of hours of subsidised care to which a family is entitled. As discussed in [section 1.3](#) above, the number of hours of subsidised care per fortnight a family is entitled to be determined by the Activity Test Result. A family may require, and be eligible for up to 100 hours a fortnight of subsidised care. For example, where a family is eligible for 28 hours of care per week, then the service will be allocated 0.8 place and where a family is eligible for 42 hours of care per week, the service will be allocated 1.2 places.

To give effect to the CCS family hourly rate cap, where more than one child receives care provided by an IHC Service during the same session of care, an individual can only be eligible for CCS in respect of one of those children, the nominated child. If the nominated child reaches the \$10,190 cap, the subsidy may apply to another nominated child.

The initial allocation of places reflected utilisation as at 1 July 2018, however, places will be re-allocated to enable an equitable distribution across states and territories within a two-year timeframe. The department will review the target distribution as required.

The department has contracted IHC Support Agencies to service each state and territory. IHC Support Agencies provide recommendations to the department on the allocation of places. Taking these recommendations into account, the department allocates places to services for families who meet the criteria for the IHC service type, with the focus being on an equitable distribution.

IHC Support Agencies will match families to educators/services able to meet their needs and refer families to other support services as required. The IHC Support Agencies will be the primary conduit between families and services, and will advocate for families. They will monitor care delivery by IHC Services to ensure service offerings remain focussed primarily on education and care, and fee-charging practices are appropriate.

IHC Services will be responsible for engaging, managing, and supporting suitably qualified educators, including ensuring workplace health and safety for educators.

2.4. Key elements of IHC

Key elements of IHC are:

- consistent service delivery and a focus on early childhood education and care
- program delivery through a networked brokerage model of state and territory based IHC Support Agencies
- consistent application of the criteria for accessing the IHC service type
- move towards a more equitable distribution of 3,200 places
- CCS family hourly rate cap of \$32.00 per hour
- parental co-contribution towards child care fees
- regular review mechanisms to ascertain families' continued need for IHC
- support for transitioning families to other approved child care service types, where appropriate
- help for families to access additional support services beyond early childhood education and care, such as disability support funded through Commonwealth or state and territory government programs, respite care and allied health services, where required
- minimum qualification requirements for educators and support for their professional development.

2.5. Scope of IHC

2.5.1. Activities outside of scope of IHC

An IHC educator may be engaged by a family to provide services outside of scope of IHC, however CCS and ACCS will not be payable for these hours of care. Funding for the other services may be available from other sources including government programs.

The following activities are outside the scope of IHC:

- household chores such as cleaning, shopping and meal preparation, unless undertaken in relation to caring for the child/children in the session of care
- education and care provided by unqualified educators, except where exemptions apply
- support services not directly related to early childhood education and care, including parental support and disability support
- multi-care (i.e. where care is provided for children from more than one family)
- transport only (i.e. the session of care cannot be only for the purposes of transporting children)
- any activities out of scope of CCS
- allied health services
- supervision of distance education and home schooling (see [section 2.5.2](#))
- respite care (see [section 2.5.3](#))
- any other activities unrelated to early childhood education and care.

2.5.2. Distance education and home schooling

Commonwealth funding is provided to state and territory governments for the purposes of providing distance education, including School of the Air arrangements. Families cannot receive child care subsidies during the time a child is engaged in formal schooling, including for a tutor or governess to supervise the provision of distance education during schooling hours where the care (or part thereof) is for the purpose of the child to undertake a state or territory education program. This longstanding policy was previously outlined in section 43(1)(ba) of the *A New Tax System (Family Assistance) Act 1999* and will remain with the new child care package (now section 85BA(1) of the *A New Tax System (Family Assistance) Act 1999* and further clarified in Part 2, Section 8 of the *Child Care Subsidy Minister's Rules 2017*). Care provided while a child is completing homework does not constitute formal schooling.

2.5.3. Disability support and respite care

Respite care is not considered in scope of IHC, in that the purpose of care is not to give respite to parents or guardians, but to meet the child's needs for early childhood education and care and to facilitate the parents' workforce participation. Sessions of care must have a primary focus on early childhood education and care. In some cases, this may include some level of disability support for the child or respite care. Where there is a dispute about the nature of the care, the service must consult with the IHC Support Agency.

2.5.4. Maximum number of children

IHC can be used for a maximum of four CCS eligible children preschool age or under, and a maximum of five CCS eligible children in one session of care. All children must be from the same family. If there are more than five children in the family requiring IHC, then an additional educator may be engaged for another session of care, and subsidy will be payable to the family for the additional session of care.

2.5.5. Accessing other child care service types

Children should be supported to attend other child care service types such as CBC, FDC and OSHC where possible so they can benefit from socialisation with their peers. IHC may be used in combination with other types of care but must not be used as a substitute option. For example, shift-working families may be able to access a FDC service for some hours of the week but require IHC for the hours where the FDC service is not available. A family cannot meet the criteria for IHC at the same time they have an option of accessing another care type (see [section 2.2](#)).

2.5.6. Change in family circumstances

The IHC Support Agency will review a family's circumstances at quarterly intervals. The extent of this review will depend on the family's circumstances. The family will also be asked to advise the IHC Support Agency of any change in their circumstances.

A change in the family's circumstances could affect:

- the child care support the family receives; and/or
- their suitability for IHC.

In the event that there is a change in the family's circumstances, the family must update their details with the Department of Human Services (DHS) on the Child Care Subsidy System.

- Further information about '[change in circumstances](#)' (www.humanservices.gov.au/individuals/enablers/change-circumstances) including the details the family is required to update
- Further information on [changes in circumstances that affect the child care support](#) (www.humanservices.gov.au/individuals/enablers/changes-circumstances-affect-your-child-support).

2.6. Allocation of Places

There are two levels of allocation:

- The department will distribute places to states and territories initially based on utilisation as at 1 July 2018, with the aim to moving towards an equitable distribution within two years from implementation across states and territories.
- The IHC Support Agencies will recommend places to be allocated to services based on the Family Management Plans. The IHC Support Agencies will prioritise families receiving IHC under the previous program to assess their suitability for IHC, and match them to services approved for the CCS as IHC Services, if they meet the criteria for the new program. The department will take into consideration recommendations made by IHC Support Agencies and allocate places to individual services.
- Services can apply directly to the department for additional places however the allocation will be reviewed with the support agency to ensure it fits within the jurisdictional distribution.
- IHC Support Agencies may recommend the allocation of additional places to services, taking into consideration current utilisation and future needs.

In summary, the allocation cycle includes the following steps:

- the department will distribute places to each state and territory on an annual basis, or as required. Places will be closely monitored to ensure alignment with the target distribution
- the IHC Support Agencies will recommend to the department the number of places to be allocated to each service – the agencies will use a nationally consistent approach to distributing places to services, on a quarterly basis
- the department will take into account the IHC Support Agencies' recommendations and allocate places to services

- IHC Support Agencies and services will monitor families' continuing need for IHC places as families' circumstances change
- IHC Services will advise the relevant IHC Support Agency the number of places not utilised nor required in the next quarter
- the IHC Support Agency will match other families to suitable services, and the allocation cycle continues.

Where the number of families meeting the IHC criteria exceed the allocation, IHC Support Agencies will be required to prioritise the allocation of places for these families. More details on a nationally consistent basis on which families are prioritised will be provided in the [In Home Care Handbook](#). As the IHC Support Agencies play a key role in the allocation of places, the department will closely monitor their adherence to the nationally agreed basis on which places are distributed to services, and to facilitate an equitable distribution across states and territories within the first two years of the program.

IHC Services must not provide subsidised care in excess of their allocated places.

Further details on the process of reallocation of places will be provided in the *In Home Care Handbook*.

3. IHC operating model

3.1. Networked IHC Support Agencies

IHC is delivered through a network of up to eight IHC Support Agencies servicing each state and territory. A key role of the IHC Support Agencies is to ensure the integrity of the care type, and assist the department in monitoring compliance. The IHC Support Agencies will work closely with approved IHC Services and IHC educators to deliver care in an equitable and structured manner. This networked broker model of service delivery, where IHC Support Agencies act as 'brokers' and advocate for families, will increase assurance for families in the service offering they receive, as well as national consistency in service delivery.

Service delivery is based on a Family Management Plan agreed between the IHC Support Agency and the family. Services will engage qualified educators to provide care in the family home, and will monitor the day-to-day provision of care.

The IHC Support Agencies will:

- assess families' needs to determine their requirements for child care and other support services
- act as an advocate for families and as a conduit between families and services/educators
- develop a Family Management Plan
- match families to IHC Services with educators that can meet their needs
- make recommendations to the department on the allocation of places to IHC Services
- review Family Management Plans on a quarterly basis, and where appropriate, transition families to other approved child care types and/or support services
- monitor IHC service provision to ensure a focus on quality early childhood education and care
- provide professional development support for educators
- provide quarterly reports to the department on agreed indicators
- promote IHC across their jurisdiction, to:
 - support market development by identifying potential new IHC Services
 - ensure families who cannot access other approved child care service types are aware IHC may be an option for them
 - establish networks with family support services including referral pathways.

IHC Support Agencies assess families' suitability for IHC. The Department of Human Services (except for ACCS (Child Wellbeing), where IHC Services will have a role in assessing families' eligibility) will assess families' eligibility for CCS or ACCS.

3.2. IHC Support Agency responsibilities

3.2.1. Support for families

The IHC Support Agency will act as a conduit between the family and IHC Service to advocate for the family and their needs, and provide an important 'gatekeeper' function, independent of the IHC Service. The IHC Support Agency will work with the family to develop a Family Management Plan tailored to meet the family's unique needs, including the education and care needs of each of the children in the family requiring IHC.

The IHC Support Agency will, with the consent of families who wish to use IHC:

- assess the family's circumstances
- develop a Family Management Plan tailored to meet each family's unique requirements including the education and care needs of each of the children in the family receiving IHC
- review and update Family Management Plans at quarterly intervals

- match the family with service(s) that have qualified educators able to provide care that meets the family's unique requirements and circumstances
- recommend to the department the allocation of places to services
- in the first year (2018-19), support families who were receiving IHC under the previous program to transition to the revised IHC service type or to other suitable approved child care services with minimal disruption
- identify referral pathways to disability and family support services including government funded and community-based services, where appropriate
- ensure transparency and accountability of fee setting practices and ensure the integrity of the care type i.e. the focus of service delivery remains education and care
- provide the necessary resources and professional development opportunities for the educators
- assist families to transition to other types of approved child care when the family circumstances allow for the transition.

3.2.2. Support for IHC Services

The IHC Support Agency will assist IHC Services by:

- ensuring consistency in the interpretation of the program's criteria for IHC
- working with services to ensure service delivery is of a high quality, and meets the needs of individual families
- promoting IHC to approved child care providers within the state and territory that do not offer IHC.

Role of IHC Support Agencies vs IHC Services

IHC Services and IHC Support Agencies have distinct roles and do not duplicate each other's functions. Services will continue to provide education and care services. They will be responsible for the service delivery, engaging and supervising educators and all employment related activities. IHC Support Agencies will work with services to ensure service delivery is of high quality and achieve national consistency in service delivery. IHC Support Agencies and IHC Services will work closely to ensure the families receive the care they require. The IHC Support Agencies will act as an intermediary between families and services, where required. IHC Support Agencies will monitor the fee charging practices of IHC Services to ensure integrity of the service type.

Appendix B provides further information on the role of IHC Support Agencies compared to that of the IHC Service and Australian Government.

3.2.3. Support for educators

The IHC Support Agency will support educators by:

- providing guidance material such as resources for providing education and care in the family home and tips for working with families who have complex needs
- establishing a community of practice amongst educators to promote good practices in delivering IHC
- being an independent party with whom the educator can discuss concerns relating to the safety of the physical environment in which they are working.

3.2.4. Other program requirements

The IHC Support Agency will assist the department by:

- ensuring service delivery under the program is of high quality, meets the needs of the families and children, and aligns with the *In Home Care National Guidelines*
- providing recommendations to the department on the allocation of IHC places

- advising the department on a quarterly basis of any unmet demand for IHC and outstanding places not utilised nor required
- reviewing the Family Management Plan quarterly to ensure IHC is provide only to families that continue to meet the criteria for the service type
- establishing referral pathways to and from the IHC program
- raising known compliance issues with the department
 - a compliance issue raised by the family or the educator, or a dispute between the family and the service, may trigger a review of the Family Management Plan
- establish a complaints handling mechanism
- establish a governance structure, and declare/manage any conflicts of interest that may arise
- provide an audited financial statement for the preceding financial year.

3.3. Family Management Plans

The details of the care provided under the program should be based on a Family Management Plan agreed between the family and the IHC Support Agency. The purpose of a Family Management Plan is to:

- identify the family’s unique circumstances and child care requirements
- identify if a family may be eligible for additional assistance through other relevant support programs
- develop a strategy to transition the family to other approved child care service types over time, where available and appropriate.

The Family Management Plan will help ascertain the family’s suitability for IHC and document the family’s expectations of the education and care to be provided by the IHC service type and any additional support services required. The plan will establish the family’s needs in terms of education and care and other support services. Once the family is matched to a suitable service that can meet the education and care requirements of the family, the service will design service delivery arrangements in relation to the family’s education and care requirements as outlined in the Family Management Plan. The service will also clearly outline what the family can expect of the IHC educator.

As the Family Management Plan will be a resource shared amongst the family, IHC Support Agency, service and the educator, it will foster a shared understanding of the care to be delivered to the family through IHC and support services that could be accessed through other programs.

Where more than one service has been identified by the IHC Support Agency as having the capacity to provide IHC to the family, then the family may be able to make a choice of preferred IHC Service.

The Family Management Plan will capture all relevant information relating to the child care requirements including education and care needs of each of the children requiring IHC, and will typically include the following information:

- age of the child/children and relevant information about the care required for example, medical conditions and medication schedule
- sessions/hours of care required
- any special needs of the child/children, and additional support services being accessed from other appropriate sources such as disability support and allied health services
- details of the physical environment and safety provisions for child/children and IHC educators
- what the family can expect of the IHC educator.

As Family Management Plans are reviewed regularly, they will capture the family’s current requirements at any given time. The Family Management Plan will create a common understanding of

the family's requirements. This will help the family in accessing a holistic program of assistance, which is critical to support the early childhood development of the children receiving care.

A key element of the Family Management Plan is a strategy to transition the child/children to other approved types of child care if/when this becomes possible. To this end, the IHC Support Agency will discuss the Family Management Plan with the family quarterly, and update it to reflect any change in circumstances of the family and evolving education and care requirements of the child/children receiving care.

The Family Management Plan will be a shared resource for use by the family, IHC Support Agency, IHC Service and IHC educator to foster a common understanding of the family's requirements and what services they can expect to receive. All these parties have a shared responsibility to exchange information about any changes in family circumstances. Further information about changes in circumstances can be found in [section 2.5.6](#).

Personal details contained in the Family Management Plan will be protected under the *Privacy Act 1988* ("the Privacy Act") and, in particular, the department, service providers and the IHC Support Agency will be required to secure that information and only use it for the purpose of providing IHC. Please see a note on Privacy Requirements in [section 5.1.2](#).

3.4. Families' responsibilities

3.4.1. Key responsibilities

The family will be asked to:

- provide the necessary details to the IHC Support Agency to assist with the preparation of the Family Management Plan
- submit a claim for CCS
- update their details on the Child Care Subsidy System, where there is a change in the family's circumstances
- advise the IHC Support Agency and the IHC Service when:
 - there is a change in family circumstances, or
 - the family has concerns in relation to the education and care being provided
- take all the necessary steps to ensure the physical environment is safe for the provision of care, both for the children and the educator
- give the IHC Service access to the family home to facilitate a safety assessment of the home before care commences
- ensure each child meets the immunisation requirements for CCS
- agree to participate in evaluation activities and work with the organisation engaged by the department to conduct the evaluation. Please see a note on Confidential Information in [section 5.1.3](#).

3.4.2. Provision of information

Families will be asked to provide documentary evidence to the relevant IHC Support Agency to support their request for IHC ([section 2.2](#) outlines the criteria) and any changes in circumstances.

Documentary evidence may include:

- certified advice from a registered health professional that the family or child has complex or challenging needs
- advice from the employer that parent(s) are required to work non-standard and/or variable hours
- advice from approved child care service(s) that they are not able to meet the family's requirements

- distance and estimated travel time to the nearest available approved child care service and/or
- any other relevant documentation requested by the IHC Support Agency.

3.4.3. Physical environment

It is a condition of approval that a service only provides care in a safe home environment. Families will be asked to take steps to ensure the physical environment is safe for the child/children and the IHC educator.

The service will conduct site visits, with consent of the family, before service delivery begins to be satisfied that the physical environment is safe for the children and the IHC educator. If the service has concerns about the safety of the physical environment, it must raise these concerns with the family and provide advice on ways to address the safety issues. The service must monitor the situation and assess the physical environment once the situation has been resolved. The service must provide reports of the site visits to the relevant IHC Support Agency.

If safety concerns continue, the service must, in consultation with the IHC Support Agency, explore further options to address these concerns including suspending IHC until the physical environment is safe for the children and the educator.

Should the IHC educator have any concerns about the safety of the physical environment, the educator must advise the family of these concerns, in the first instance. The educator must also notify the service of these concerns and provide an update to the service once these concerns have been addressed. The service will act as an intermediary where there is a dispute between the educator and the family about the safety of the physical environment.

3.5. IHC Providers and Services

3.5.1. IHC Providers

An Approved Provider that operates an IHC Service must comply with all conditions for continued approval as set out in the family assistance law.

Providers and services must be approved for CCS under the Family Assistance Law, and must also have registered with the relevant IHC Support Agency to operate IHC Services in that state or territory. Where an Approved Provider wishes to operate IHC Services in more than one state or territory, they must contact each of the relevant IHC Support Agencies.

An Approved Provider may operate one or more services, and across service types for example, the provider may have approval to operate a FDC service and also one or more IHC Services.

When an Approved Provider wishes to establish a new IHC Service, it must contact the IHC Support Agency servicing that state or territory in the first instance and register with the agency. When the provider submits an application for approval to operate the new IHC Service, it will be required to provide evidence of contact with the IHC Support Agency in their jurisdiction.

The Minister's Child Care Subsidy Rules 2017 list the conditions of continued approval for IHC Services, including the following requirements:

- Approved Providers of IHC services must be equipped to provide high quality child care appropriate to the needs of families, and are required to:
 - provide a tailored, individual education program based on each child's knowledge, ideas, culture, abilities and interests
 - develop a program that acknowledges and strengthens the cultural identity of children to whom care is provided

- ensure children are adequately supervised at all times
- ensure reasonable precautions are taken to protect children from harm or injury and any hazard likely to cause harm or injury
- ensure that at least one IHC educator who is caring for children at residential premises holds a current first aid qualification
- obligation to share information with the IHC Support Agency and the department about family circumstances and changes in family circumstances.

3.5.2. IHC Services

An Approved Service that provides IHC must comply with all conditions for continued approval as set out in the family assistance law.

The IHC Support Agency will match families with approved services with educators with the capacity to provide care that meets the family's needs. Services will be allocated places to deliver care based on the needs of the families as assessed by the IHC Support Agency.

Services are required to register with the IHC Support Agency servicing their state or territory before they start to provide IHC. The IHC Support Agency will maintain a register of IHC Services in their state or territory. Information on approved services is publically available.

3.5.3. Responsibilities of IHC Services

Services must:

- be approved as child care services under the family assistance law
- ensure children have a current enrolment for the IHC service type created in the Child Care Subsidy System, and provide attendance records
- provide care in accordance with the Family Management Plan agreed between the family and the IHC Support Agency
- engage educators who have, as a minimum, a relevant Certificate III qualification or are working towards a Certificate III qualification
- undertake home inspections to ensure the physical environment is safe for the children receiving care and the educators, and submit site visit reports to the IHC Support Agency
- support educators by providing the necessary resources and guidance for working in a family environment, in particular with families experiencing complex situations
- monitor the quality of care provided by the educator
- maintain a register of educators including details of the necessary checks, expiry dates and dates the checks have been verified
- adhere to the requirements set out in this document (*In Home Care National Guidelines*)
- report quarterly to IHC Support Agencies in relation to:
 - number of places not utilised in the current quarter
 - number of places not expected to be used in the next quarter
 - details of any issues raised by educators, particularly in regards to physical safety
 - other information as required
 - a child ceasing to be enrolled (the Provider must inform the relevant IHC Support Agency within 7 days of the cessation of the enrolment of a child)

3.6. IHC educators

3.6.1. Working with IHC Services

All educators providing IHC must be engaged by an approved IHC Service, and may be engaged either as an employee or a contractor. Further information about the employment arrangements is available from the Australian Taxation Office and Fair Works Commission, including on the respective websites of these agencies at: [ATO](http://www.ato.gov.au) (www.ato.gov.au) and [Fair Works Ombudsman](http://www.fairwork.gov.au) (www.fairwork.gov.au).

IHC educators will be required to have a minimum Certificate III level qualification in a relevant course, or be working towards a Certificate III qualification and provide documentary evidence. Educators who do not hold relevant qualifications will be required to be enrolled by 2 July 2018 to be able to provide IHC. This requirement reflects the renewed focus on education and care and the findings of the IHC review that indicated families' support for IHC educators to have education and care qualifications.

Families who received IHC under the previous program and wish to retain their educators will be able to do so provided the educator is engaged by an approved IHC Service and the educator meets the requirements for IHC, including minimum qualifications.

A Certificate III, a diploma or a degree in Early Childhood Education or equivalent qualifications that have a major focus on Early Childhood Education are acceptable qualifications. The Australian Children's Education and Care Quality Authority (ACECQA), established under the *Early Childhood Education and Care Act 2010* to guide the implementation of the National Quality Framework for Early Childhood Education and Care (NQF) sets out acceptable qualifications for IHC Educators. ACECQA maintains a [current list of qualifications](http://www.acecqa.gov.au) approved under the NQF on its website: www.acecqa.gov.au Qualifications approved under the NQF are deemed acceptable qualifications for IHC educators.

ACECQA also publishes a list of approved first aid, emergency asthma and anaphylaxis qualifications, which are also acceptable additional requirements for IHC educators.

The primary school teaching qualifications of educators registered with the state and territory education boards / state-based Teacher Regulatory Authorities are also deemed as acceptable qualifications for IHC educators.

ACECQA sets out the criteria for an educator to be considered as actively working towards a Certificate III course. Whilst IHC Services do not come under the *Early Childhood Education and Care Act 2010*, the intention is for the requirement of working towards a qualification to be consistent. This criterion requires the educator to provide documentary evidence from the course provider to the service indicating that educator is:

- enrolled in a course and has started study
- making satisfactory progress towards completing the course
- meeting the requirements to maintain the enrolment.

Further information on other qualifications that are considered acceptable for IHC is provided in the *In Home Care Handbook*.

IHC educators must:

- be at least 18 years' old
- be engaged by an approved IHC Service
- have attained (or be working towards), as a minimum, a Certificate III qualification in Early Childhood Education
- hold a current police check and working with children check acceptable in the state or territory in which they intend to work
- hold a current first aid qualification
- be an Australian citizen or a permanent resident or have a relevant visa to allow employment on a continuous basis for 12 months or more.

Educators must provide to the IHC Service evidence of that they meet these requirements including proof of identity.

Transitional provisions for IHC educators working in remote and very remote areas (until 1 January 2020)

In recognition that IHC educators working in remote and very remote areas may experience difficulties in meeting the qualification requirements for IHC (a Certificate III or evidence of actively working towards this qualification), the following transitional provisions will apply until 1 January 2020.

- (1) An IHC Educator providing services in a remote or a very remote area will meet the qualification requirements for the IHC Educators if the IHC Educator has access to and utilises the expertise of an educator with at least a Certificate III in early childhood education and care for at least 20 per cent of the time care is provided to a family. This may be by means of information and communication technology
- (2) If the educator has been continuously employed at an early childhood education and care service located in a remote or a very remote area for a period of at least 15 years, then the educator does not need to hold or be actively working towards a Certificate III level education and care qualification.

These transitional provisions mirror the transitional regulations under the *Education and Care Services National Law Act 2010* that seek to address the difficulties in attracting and retaining Early Childhood Teachers in remote and very remote areas.

The IHC Educator must not be a family member, as detailed in the Minister's Child Care Subsidy Rules 2017. However, there is a limited exemption for IHC Educators in very remote areas. More information on this requirement can be found in the *IHC Handbook*.

IHC Educators must be willing to have the information they provide to the IHC Service to be shared with the provider, department and families (where relevant). IHC Educators must also agree to their information being shared with the third party engaged by the department to conduct the evaluation of IHC and the broader child care package.

IHC Educators can apply to work with more than one IHC Service, and they can be employees of other types of approved child care services.

3.6.2. Role of the educator

The educator will provide education and care and will be responsible for ensuring the quality of the early learning program. The educator should consider the Family Management Plan in preparing the early learning program. Educators cannot be engaged for the purpose of educating school-aged children, however, child care may be provided for eligible school aged children before and after school hours, provided there is no FDC or OSHC available during these hours. [Section 2.5.2](#) provides guidance on supervision of distance education and home schooling.

Where the educator provides wrap-around services including IHC, then only the sessions of care that have a focus on early childhood education and care as outlined in the Family Management Plan would be eligible for the subsidy. In some circumstances, educators may be required to board with the family for example, if the family home is in a remote area. The IHC educator will not be expected to undertake household chores such as cleaning, shopping, meal preparation or other household duties for the family unless they are undertaken as part of child care, and during the agreed hours for which they are being paid for providing subsidised child care. Should there be any dispute about the nature of services requested by the family, the educator must consult with the service.

The educator is required to:

- maintain the necessary checks

- seek the necessary support from the IHC Service, particularly where working conditions are not satisfactory or there are concerns about child safety and personal safety.

The educator should utilise the professional development support offered by the IHC Service and the IHC Support Agency where possible.

3.7. The Australian Government

3.7.1. The Minister for Education and Training

The Minister for Education and Training will prescribe Minister's Rules under the *A New Tax System (Family Assistance) Act 1999* to provide a legislative framework for the provision of IHC.

3.7.2. Department of Education and Training

The department will be responsible for administering the IHC program and ensuring its public accountability, and will:

- provide the *In Home Care National Guidelines* and *In Home Care Handbook* to focus the service type on the Government's policy intent for IHC, review these guidelines periodically and publish updated guidelines
- advise the initial and revised distribution of places to each state and territory
- engage IHC Support Agencies to support the delivery of the program in each state and territory, and manage the contractual arrangements
- establish a community of practice amongst the IHC Support Agencies to assist sharing of information about good practices and ensuring national consistency in the assessment of the families' suitability for IHC and their requirements
- allocate places to services, taking into account recommendations made by the IHC Support Agencies
- monitor providers' overall compliance with the legislative requirements and IHC guidelines
- undertake an evaluation of the implementation of the new IHC program with participation from IHC Support Agencies, services, educators and families, within two years from implementation
- provide support and information to IHC Support Agencies, and monitor their performance
- monitor compliance of individual services within the respective state or territory, and undertake site visits where required.

The Department of Human Services will administer payments for the CCS and ACCS through the new Child Care Subsidy System.

Appendix A provides an overview of the IHC program. Appendix B describes the roles of the department, the IHC Support Agencies and IHC Services.

4. Transition arrangements

The Government is committed to avoiding unnecessary disruption to families' care arrangements.

A Transition Consultant engaged by the department undertook a needs analysis of all families in receipt of care under previous arrangements. The consultant identified the range of services required by these families, including those in scope for the new IHC program and/or other support services.

The IHC Support Agencies work closely with the Transition Consultant in the initial phase of the implementation of the new IHC program to help families transition to the revised IHC care type, other approved child care types or to other family support services. The IHC Support Agencies are required to prioritise the assessment of these families to ensure transition was achieved with the least possible disruption to the families' existing care arrangements. As discussed in [section 2.6](#), the department will allocate places initially to families receiving IHC under previous arrangements if they meet the criteria for the new program. As families leave this care type, the department will move towards an equitable allocation of places across states and territories within a two-year timeframe.

There was a period of transition where the Transition Consultant and the IHC Support Agencies provided overlapping services to facilitate the transition of families with the least possible disruption.

4.1. Transition of families to the revised IHC care type

In summary, the transition process for families will involve the following steps:

- The department will inform families of the engagement of the Transition Consultant.
- The Transition Consultant will make contact with all families to determine their ongoing child care needs and whether they meet the criteria for the new IHC program and future CCS requirements
- The Transition Consultant/IHC Support Agency will contact the family, and develop a Family Management Plan to identify their education and care needs and requirements for other support services, including potential sources of support services;
 - The Family Management Plan will broadly reflect the outcomes of the needs analysis conducted by the Transition Consultant
- The IHC Support Agency will recommend to the department, places to be allocated to a suitable IHC Service approved for the CCS
- Where required, the IHC Support Agency will refer the family to relevant support services including government-funded programs or other community-based programs.

For families who no longer meet the criteria for IHC, the Transition Consultant will identify other arrangements including other approved types of child care or other support services, where available and appropriate.

4.2. Provider and service approvals for previous IHC service providers

IHC can only be provided by Approved Providers and Approved Services. Providers engaged under the previous IHC program wishing to provide IHC post-2 July 2018 were deemed to be approved for CCS to offer IHC both at the provider and service levels. Providers that have been approved for CCS to offer other types of approved child care and wishing to offer IHC must also obtain a separate service approval for IHC. Further information for providers can be found at [Child Care Package \(providers\)](#) (www.education.gov.au/new-child-care-package-providers-2-july-2018)

5. Other legislative requirements and quality standards

5.1. Legislative requirements

IHC Support Agencies, providers and services must meet the legislative requirements of the states and territories in which they are located and where they provide services.

5.1.1. Conflicts of interest

All parties involved in or associated with IHC have an obligation to disclose potential, perceived potential or actual conflict of interest related to service delivery.

A conflict of interest arises where a person makes a decision or exercises a power in a way that may be, or perceived to be, influenced by either material personal interests (financial or non-financial) or material personal associations. Examples of when a conflict of interest arises includes where:

- decision makers or agency staff involved in spending activities have a direct or indirect interest in the recipient, which may influence the selection of a particular project or activity
- a recipient has a direct or indirect interest which may influence the selection of their particular activity during the application process. Conflicts may also arise when undertaking the activity.

The department has appropriate mechanisms in place for identifying and managing potential or actual conflicts of interest, such as requiring assessment staff to sign conflict of interest declarations prior to undertaking the assessment of applications. Procedures are in accordance with requirements of the *APS Code of Conduct* Section 13 (7) of the *Public Service Act 1999*.

5.1.2. Privacy

All parties involved in delivering IHC are bound by the provisions of the *Privacy Act 1988* (“the Privacy Act”). The Privacy Act contains the Australian Information Privacy Principles (APPs) which regulate the handling of personal information of individuals by government agencies and certain private sector organisations, including the collection, storage, use and disclosure of that information.

For further information about the department’s privacy policy, including how to access or correct personal information held by the department or how to make a privacy complaint, please go to our website: education.gov.au/privacy.

Or write to:

Privacy Contact Officer
Legal and Compliance Group
Department of Education
GPO Box 9880
Canberra ACT 2601

Or email: privacy@education.gov.au

Privacy complaints may be made directly to the Federal Privacy Commissioner, but will only be actioned where the complaint was made to the department in the first instance but was not dealt with to the complainant’s satisfaction.

5.1.3 Confidential Information

Any personal information provided by families is protected under the Privacy Act. It can only be disclosed to other parties (those not involved in the delivery of IHC):

- for the purposes of the delivery of IHC
- if the family has been given reasonable notice of the disclosure
- where disclosure is authorised by the family or required by law or is reasonably necessary for the enforcement of the criminal law
- if it will prevent or lessen a serious and imminent threat to a person's life or health, or
- if you have consented to the disclosure.

Questions or concerns about how personal information is handled should be directed to the Privacy Officer of the Department of Education and Training.

5.1.4. Fraud

The department is committed to preventing fraud in all aspects of its business. The department's Fraud Control Plan provides a framework for how to prevent fraud, detect incidents of fraud and respond to these incidents promptly and appropriately. A copy of the Fraud Control Plan can be provided upon request.

IHC Support Agencies and IHC Services must take all reasonable steps to prevent fraud upon the Commonwealth in relation to the services or funding. Any suspicion or evidence of fraud will be dealt with as per the department's fraud procedures and fully investigated. Further information can be found on the [department's website](http://www.education.gov.au/how-report-fraud) (www.education.gov.au/how-report-fraud).

If you think a service or an individual is doing the wrong thing or is trying to get an unfair advantage, please contact us on:

- Phone: 1800 664 231
- Email: tipoffline@education.gov.au

5.1.5. Discrimination

IHC must be administered in a way that supports the principle of non-discrimination. Under the [National Disability Strategy 2010-2020](http://www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/national-disability-strategy-2010-2020) (www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/national-disability-strategy-2010-2020), barriers which prevent people with disabilities having access to programs and services must be removed.

IHC must be delivered in a way where discriminatory practices are avoided, and must comply with the requirements of:

- *the Racial Discrimination Act 1975*
- *Sex Discrimination Act 1984*
- *Australian Human Rights Commission Act 1986*
- *Disability Discrimination Act 1992.*

5.1.6. Recordkeeping

Providers and services are required to retain all records under the *Archives Act 1983*. In particular:

- store all records in a secure location which is not accessible by unauthorised persons
- retain all records for a minimum period of seven years from the date the last action was completed.

In addition, financial records must be kept in accordance with accounting standards. For more information refer to section 7 of the Child Care [Handbook](https://www.education.gov.au/child-care-provider-handbook) - <https://www.education.gov.au/child-care-provider-handbook>

5.1.7. Complaints process

The IHC Support Agencies have established a complaints handling mechanism, and publish the process for handling complaints on their websites.

Any complaints relating to the IHC Support Agencies or potential breaches of family assistance law must be lodged in writing with the department. Further information is available in the *IHC Handbook*.

You can lodge a complaint by completing the [feedback and enquiry form](http://www.education.gov.au/feedback-and-enquiry-form) (www.education.gov.au/feedback-and-enquiry-form) available on the department's website. The complaint will be reviewed by one or more independent areas of the department.

If you do not agree with the way the department has handled your complaint, you may contact the Commonwealth Ombudsman. The Ombudsman will not usually look into a complaint unless the matter has first been raised directly with the department.

The Commonwealth Ombudsman can be contacted on:

Phone (toll free): 1300 362 072

Email: ombudsman@ombudsman.gov.au

Website: www.ombudsman.gov.au

South Australia

For complaints relating to the IHC Services in South Australia, complaints must also be sent to the Education Standards Board at:

Phone: 1800 882 413 (toll free) or (08) 8226 0077

Email: ESB.EarlyChildhoodServices@sa.gov.au

Website: www.esb.sa.gov.au

Tasmania

For complaints relating to the IHC Services in Tasmania, complaints must also be sent to the Department of Education, Education and Care unit at:

Phone: 1800 816 057 (toll free)

Email: ecu.comment@education.tas.gov.au

Website: www.educationandcare.tas.gov.au

5.2. Quality requirements

The quality requirements for IHC are included in the amendments to the Child Care Subsidy Minister's Rules 2017. IHC has a focus on education and early childhood development. The education and care requirements built into the Family Management Plan should reflect the quality requirements for IHC. The department will monitor IHC Services for adherence to the quality requirements.

5.3. Links to relevant programs

Australian Government Child Care

The Australian Government implemented a New Child Care Package which included a Child Care Subsidy and Additional Child Care Subsidy. Information on the Package can be found at:

- [New Child Care package](http://www.education.gov.au/new-child-care-package-families-2-july-2018) (www.education.gov.au/new-child-care-package-families-2-july-2018)
- [Child Care Subsidy](http://www.education.gov.au/child-care-subsidy-1) (www.education.gov.au/child-care-subsidy-1)
- [Additional Child Care Subsidy](http://www.education.gov.au/child-care-safety-net-2) (www.education.gov.au/child-care-safety-net-2)

- [Family Child Care Subsidy Estimator](http://www.education.gov.au/family-child-care-subsidy-estimator-0) (www.education.gov.au/family-child-care-subsidy-estimator-0)

Information about the requirements and responsibilities of child care providers and services that are approved under family assistance law can be found in the *Child Care Provider Handbook* (<https://www.education.gov.au/child-care-provider-handbook>)

Assistance for Isolated Children (AIC) Scheme

The AIC scheme provides a variety of allowances, including a boarding allowance and Distance Education allowance, for families of children who are unable to attend a local government school because of geographical isolation, disability or special needs. The scheme is managed by the Department of Social Services. More information can be found at [Assistance for Isolated Children Scheme](http://guides.dss.gov.au/assistance-isolated-children-scheme-guidelines) (guides.dss.gov.au/assistance-isolated-children-scheme-guidelines).

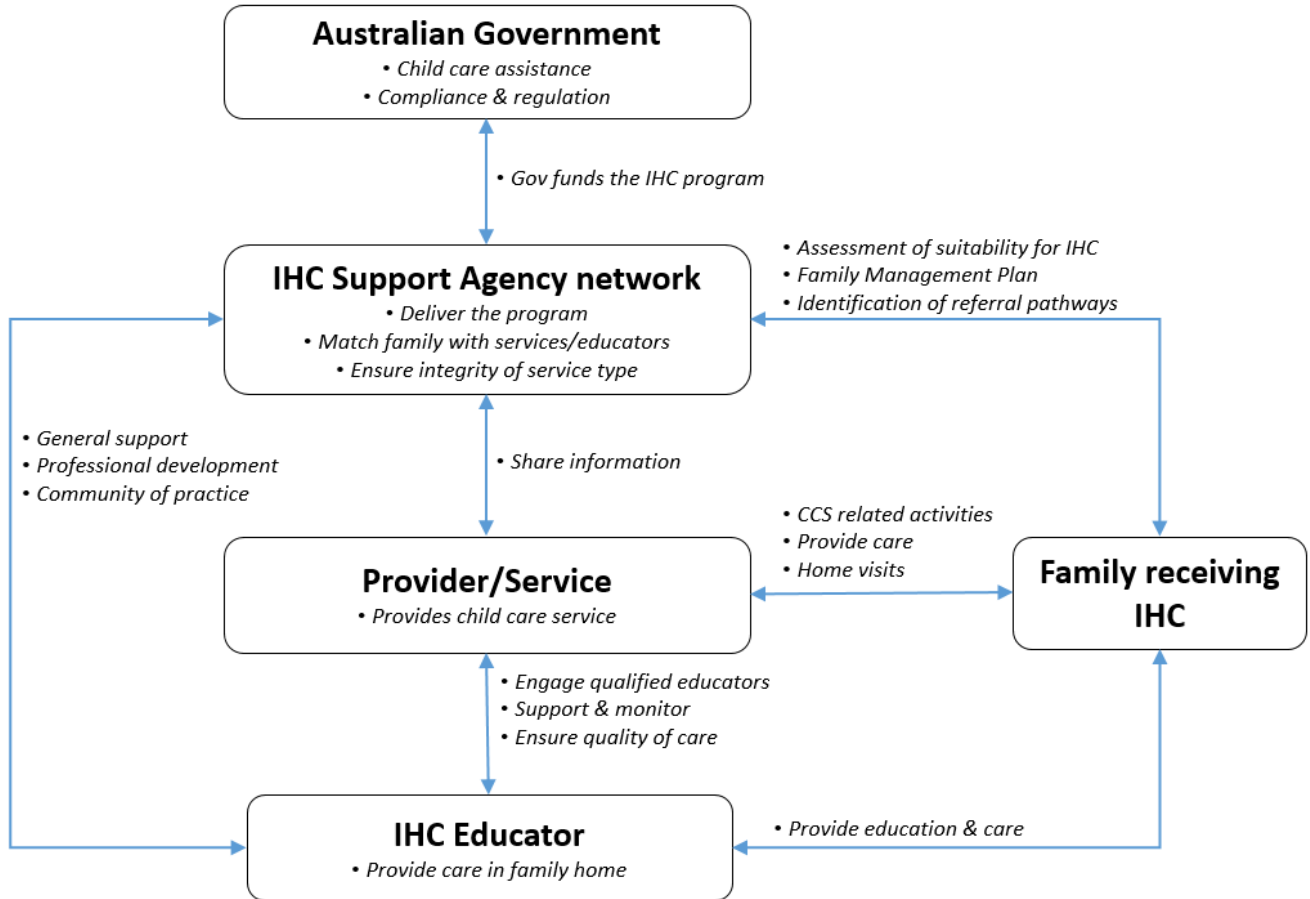
National Disability Insurance Scheme (NDIS)

The NDIS can be accessed by a person with an impairment that is likely to be permanent and the impairment makes it difficult to take part in everyday activities. Information on accessing the NDIS can be found at [NDIS](http://ndis.abilityoptions.org.au/support-coordination) (ndis.abilityoptions.org.au/support-coordination).

Australian Children's Education and Care Quality Authority (ACECQA)

[ACECQA](http://www.acecqa.gov.au) (www.acecqa.gov.au) is an independent national body which manages the National Quality Framework (NQF) and sets a high, national benchmark for early childhood education and care, and outside school hours care services in Australia. IHC is out of scope for the NQF. Information can be found at [National Quality Framework](http://www.acecqa.gov.au/national-quality-framework) (www.acecqa.gov.au/national-quality-framework).

Overview of the In Home Care Program Delivery



In Home Care Program: NETWORKED BROKERAGE MODEL

1. Objective of the Networked Brokerage Model

- a. Improve access for families that cannot access the other types of approved child care services
- b. Support families, IHC Services and educators
- c. Increase assurance of the IHC service type
- d. Assist with the consistent delivery of IHC across Australia.

2. Roles and responsibilities

Actor	Australian Government	IHC Support Agency	IHC Service/Provider
Primary Role	<ul style="list-style-type: none"> • <i>Policy development</i> • <i>Regulation</i> • <i>Integrity of payments and places (compliance)</i> • <i>Decision making</i> 	<ul style="list-style-type: none"> • <i>Support families, and advocate for families</i> • <i>Support department in allocating places</i> • <i>Engage with providers and services</i> • <i>Build community of practice for educators</i> 	<ul style="list-style-type: none"> • <i>Service delivery, quality of care</i> • <i>Engaging qualified educators and monitoring performance</i> • <i>Activities related to the CCS</i>
Establishment of services and place allocation	Department responsible for: <ul style="list-style-type: none"> • determining conditions for the IHC service type • setting directions for place allocation and priorities • determining IHC places to be allocated to states and territories • allocation of places to services • ensuring transparency in place allocation 	IHC Support Agency responsible for: <ul style="list-style-type: none"> • recommending to the department an allocation of places to IHC Services • advising the department of any unmet demand for IHC and unutilised places • working towards an equitable distribution of places within their jurisdiction 	Service responsible for: <ul style="list-style-type: none"> • meeting any conditions of approval for being an Approved IHC Service • working with IHC Support Agencies to maximise utilisation of places • tracking and reporting place utilisation • only providing subsidised care for families within their place allocation.
IHC criteria and subsidy	Department responsible for: <ul style="list-style-type: none"> • defining assessment criteria for the IHC service type • approving the family for CCS (through the standard claim process) 	IHC Support Agency responsible for: <ul style="list-style-type: none"> • building and managing relationships with existing and potential IHC Services • assisting new IHC Services to establish themselves • assess families’ needs and their suitability for IHC 	Service responsible for: <ul style="list-style-type: none"> • providing subsidised care only to eligible families, as a condition of ongoing approval • accurately reporting the hours of care provided • submitting ACCS claims

Actor	Australian Government	IHC Support Agency	IHC Service/Provider
		<ul style="list-style-type: none"> • ensuring families meet the IHC criteria on an ongoing basis • establishing referral pathways to support services such as disability services 	
Change of circumstances	Department responsible for: <ul style="list-style-type: none"> • monitoring change of circumstances • notifying the relevant IHC Support Agency, where required, to facilitate redistribution of places 	IHC Support Agency responsible for: <ul style="list-style-type: none"> • re-assessment of family needs (including place allocation and priority) as a result of a change of family circumstances 	Services are responsible for <ul style="list-style-type: none"> • notifying the IHC Support Agency and the department about change in family's circumstances • ensuring the family details in the Child Care Subsidy System are up to date.
Family support	Department responsible for: <ul style="list-style-type: none"> • developing policies and setting guidelines for IHC, and establishing a brokerage model to support families • establishing a community of practice amongst IHC Support Agencies to promote national consistency in the delivery of IHC 	IHC Support Agency responsible for: <ul style="list-style-type: none"> • promoting IHC to families • developing and reviewing Family Management Plans • determining the most appropriate type of child care and support services for families • matching families to IHC Services with educators that can meet families' needs • assist families transition to other support services and/or other types for Approved Care, where appropriate • ensuring pricing is transparent and appropriate 	Service responsible for: <ul style="list-style-type: none"> • engaging qualified educators • matching the family with a suitable educator • service delivery in accordance with the Family Management Plan • setting a fee schedule
Educator support	Department responsible for: <ul style="list-style-type: none"> • providing information resources and broad guidance including in relation to the qualification requirements for IHC educators 	IHC Support Agency responsible for: <ul style="list-style-type: none"> • establishing a community of practice among educators • providing guidance material and professional development resources • acting as an independent party with whom the educators can raise unresolved issues 	Service responsible for: <ul style="list-style-type: none"> • monitoring the quality of care provided by educators • site visits to ensure physical safety of educators and children • addressing educator concerns, including working conditions • supporting educators to undertake training to meet qualifications requirements

Actor	Australian Government	IHC Support Agency	IHC Service/Provider
Compliance monitoring	Department responsible for: <ul style="list-style-type: none"> • overall compliance monitoring of services • performance management of IHC Support Agencies • undertaking audits and checks as necessary • sanctions 	IHC Support Agency responsible for: <ul style="list-style-type: none"> • monitoring service provision to ensure focus on early childhood education and care • ensuring services' adherence to guidelines • notifying the department of known compliance issues 	Providers are responsible for: <ul style="list-style-type: none"> • complying with all conditions for continued approval under the family assistance law • adherence to the <i>In Home Care National Guidelines</i>
Quality of care	Department responsible for <ul style="list-style-type: none"> • defining IHC standards 	IHC Support Agency responsible for: <ul style="list-style-type: none"> • working with services to ensure quality of care and national consistency in service delivery 	Services responsible for: <ul style="list-style-type: none"> • engaging qualified educators • providing quality care and monitoring care provision