



5.1 Absences from Care Policy

Policy number: 5.1
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Reviewed by: Child Care Team

This policy relates to	
Child Care Provider Handbook	
National Quality Standards Early Childhood Education & Care	7.1

Purpose

The service implements the requirements of the Department of Education and Training’s Child Care Provider Handbook regarding absence days and additional absence days.

Policy

Child Care Subsidy is paid in certain circumstances when a family is charged for care that their child does not attend. Absences are categorised into two groups: absence days and additional absence days.

Subsidy is paid for up to 42 absence days for each child per financial year across all approved services.

Absence days are referred to as ‘Initial 42 days absence’ in the family assistance law.

- Each child receives a new set of initial 42 absence days at the beginning of the financial year.
- These absence days can be taken for any reason (provided the day being reported as an absence day is a day on which care would have otherwise been provided).
- These absence days **cannot** be reported before a child has begun care or after a child has left care.

If a child is absent for one session, or more than one session on the same day, it is counted as one absence day. For example, one absence day is counted where a child is absent from one or both sessions of before and after school care in a day.

Absences are counted only if the session of care would have attracted subsidy. If, for example, the hours charged have used all of a child’s eligible hours, then the subsidy will not be payable for the absence, and the absence will not be counted.

Absences on a Public Holiday

In most circumstances a service must be open and available to provide care to report children as absent from a session of care. If your service is closed on a public holiday you may report children as absent from care under the following conditions:

- The child would normally have attended the service or individual educator on the day if it were not a public holiday, **and**
- Fees are charged in respect of the absent child for the day.

All absent days must be submitted, parents will accept through electronic sign in the absences submitted on their next actual day of care when they sign in. After the first 42 absent days have been used, Child Care Subsidy is payable for any additional absences where:

- The absence is one taken for an additional absence reason, **and**
- The service obtains and keeps the required documentation, **and**
- Requirements for recording attendance and absences are met, **and**
- Child care fees are charged.

Additional Absence Reasons

Absences Initial 42 days absence Child Care Subsidy and Additional Child Care Subsidy are payable for up to 42 absence days for a child in a financial year, in relation to sessions of care where an individual still incurs a genuine fee liability to pay for the care. A reason does not need to be provided for a child's initial 42 days of absence. Additional absence days Once 42 absence days have occurred in a financial year, Child Care Subsidy and Additional Child Care Subsidy can only be paid for any additional absences where they are taken for a reason defined in the Family Assistance Law. These reasons can include any of the following:

- the child, the individual who cares for the child, the individual's partner or another person with whom the child lives is ill
- the child is attending preschool.
- alternative arrangements have been made on a pupil-free day.
- the child has not been immunised against a particular infectious disease, the absence occurs during an immunisation grace period and a medical practitioner has certified that exposure to the infectious disease would pose a health risk to the child.
- the absence is because the child is spending time with a person other than the individual who is their usual carer as required by a court order or a parenting plan.
- the service is closed as a direct result of a period of local emergency.
- the child cannot attend because of a local emergency (for example, because they are unable to travel to the service), during the period of the emergency or up to 28 days afterwards
- the individual who cares for the child has decided the child should not attend the service for up to seven days immediately following the end of a period of local emergency.

In shared care arrangements (where separated parents both claim Child Care Subsidy for the child's care), the allocation of 42 absences relates to the child, not to each individual claimant.

Reporting absences when a service is closed If a service is closed for any reason other than a public holiday or a local emergency (as determined by the Department of Education and Training state or territory office), the provider cannot report children as absent from care. For example.

If a service is closed for renovations on the premises or administrative reasons and the provider advises families that care is unavailable on that day, the provider cannot report children as absent and claim Child Care Subsidy for enrolled sessions of care. A child who has not yet received care or who has ceased receiving care

Child Care Subsidy will not be paid for absences where a provider charges a family to reserve a place for a child who has not yet physically started care.

If a child is booked in to start at a service on a particular date, and does not start on that day, no Child Care Subsidy will be paid until the child physically attends a session of care.

Similarly, a child care service is taken to have permanently ceased providing care for a child on the day the child last physically attends a session of care. This means that Child Care Subsidy will not be paid for absences submitted after a child last physically attends a session of care.

If a family has confirmed their child's last day at a service, but that child does not attend their last booked session of care, no Child Care Subsidy will be paid for any days after the child's last physical attendance at the service.

If a provider continues to charge fees for sessions on days after a child has left the service because the family did not give the agreed period of notice, Child Care Subsidy will not be payable for these sessions of care. If absences are reported in the above circumstances and Child Care Subsidy is incorrectly paid, these amounts will be recovered from the service.

Long absences If a long absence is anticipated, the plans for this, and how it will be managed, can be specified in the Complying Written Arrangement. However, where a child does not attend a service within a period of 14 weeks or more, the enrolment will be taken to have ended by government and all child care subsidy will be reversed back to the last actual day of care. Even where an absence longer than 14 weeks is planned in the Complying Written Arrangement, a new enrolment notice will need to be submitted when care recommences after the absence. If a long absence is planned, the family may prefer to end the enrolment and submit a new notice when physical attendance recommences, so that the child's initial 42 day absences are not used up.

If a family does not return to care for any reason they are not eligible for any of the child care subsidy and this will be recovered by government. The educator will be required by law to return the subsidy that they have received for all absences claimed.

Claiming absences beyond 2 weeks is a high risk for educators and the service and must be discussed with the Manager before agreeing to hold bookings for the families. Parents would still need to pay gap fees weekly to hold their place and return to care before 14 weeks.

Absence days taken for the above reasons, after the first 42 absence days have been used, may be meet 'additional absence days'. There is no limit on the number of these days for which the subsidy may be paid, as long as:

- They are taken for the reasons specified above; and
- Supporting documentation (where required) is provided; and
- They are days on which care would otherwise have been provided.

Cancellation of child care subsidy due to no care occurring 26 weeks

If no care has occurred for 26 weeks government will automatically cease the child's child care subsidy and the parents will need to reapply for subsidy.

Illness

Child Care Subsidy is payable for additional absence days where a child, parent, sibling or another individual with whom the child lives is ill. A medical certificate is required to support the payment of Child Care Subsidy in these cases. However, a parent on workers' compensation, or a parent or child with a medical certificate specifying that he/she has a long-term illness, does not need a separate medical certificate for each absence day.

Once the initial 42 absence days are used, Child Care Subsidy can only be paid for absences due to illness where supporting documentation is provided.

You must ensure you keep copies of this documentation.

Rotating Shifts or Rostered Days Off

Child Care Subsidy is payable for additional absence days where a parent is not at work because he/she is working a rotating shift or is obliged to take a rostered day off from full or part-time employment, provided that:

- Care is available for the child, if required; **and**
- The service holds a written statement from the claimant's employer confirming that the claimant works rotating shifts or has rostered days off.

For Child Care Subsidy purposes, a rotating shift requires a worker to work, in rotation, either different periods of the day over a specified period of time, or different days of the week over a period of time. Rotating shifts follow regular patterns.

For Example: A worker could be required to work a morning shift at regular hours of one week. At the end of that period they could transfer to the afternoon shift for a period, and then the evening shift. The rotation of shifts follows a regular pattern.

Another type of rotating shift is a shift system that rotates to cover the seven days of the week, rather than a specified number of days each week. So, during one week, a worker may work Monday to Friday, while the next week the worker may work Tuesday to Saturday, and so on. This may happen in combination with the first example of a rotating shift.

Where travel away from home is involved, for example fly in/fly out arrangements with remote mines, regular patterns including weeks rather than days can also be considered rotating shifts. Rotating shifts or rostered days off do not cover:

- School holidays for teachers as they are on annual leave; or
- Breaks from study (even for individuals receiving JETCCFA) as this provision specifically relates to work arrangements with written evidence from an employer; or
- Periods which include casual or 'on call' types of employment).

Period of Local Emergency

Child Care Subsidy is payable for child care fees paid when a child does not attend a service, or a service is closed, because of a period of local emergency. Subsidy is paid for that part of the period for which the child would normally be in care at the service. A local emergency is an event that:

- Affects a widespread area and has a severe impact on the lives of a significant number of the inhabitants of the area (for example, major damage to homes and businesses, or personal injury to local residents); or
- Disrupts the normal operation of a substantial number of child care services in the area (for example, state health authorities order closure of all child care services because of a disease outbreak).

If you consider that your service, or a child who normally attends your service, has been affected by a local emergency, you should contact your Department of Education and Training state or territory office to find out whether a period of local emergency has been declared.

If a period of local emergency is declared that affects your service, you need to talk to their relevant Department of Education state or territory office about how and when to submit your Attendance Record Reports for that period.

Court Order, Parenting Plan or Parenting Order

Child Care Subsidy is payable for additional absence days where the child is absent due to a court order, parenting plan or parenting order that may, for example, require that the child has an access visit with the child's other parent. The service must retain a copy of the court order, parenting plan or parenting order to support the claim for subsidy.

The parenting plan can be an arrangement agreed between the parents, without any involvement by the courts or lawyers, but there must be an informal agreement that is signed by both parents, outlining the details of the agreed arrangements for care.

A parenting plan can take any form, but to be a parenting plan under the Family Law Act 1975 it must be in writing, signed and dated by both parents. It must be made free from any threat, duress or coercion. It is not sufficient to have a verbal agreement or a statutory declaration signed by just one parent, describing the arrangement.

Exceptional Circumstances

Once a child's first 42 absence days have all been used, subsidy may be payable for additional absences due to exceptional circumstances. This is in recognition that some families need to use high proportion of their initial 42 absences for specific reasons, leaving the family with a reduced number of days that can be taken for a break from care.

Services can only approve additional absences due to exceptional circumstances where a child has used more than 30 days of their first 42 absence days for one or more of the following specific reasons:

- The child's illness or illnesses covered by a Medical Certificate;
- Rotating shifts or rostered days off;
- Court order, parenting plan or parenting order.

The family must provide supporting documentation

A Child Who has not yet Received Care or Who has Ceased Receiving Care

Child Care Subsidy will not be paid for absences where fees are charged to reserve a place for a child who has not yet started education and care. Subsidy will not be paid for absences once a child has ceased education and care.

Fees Charged after a Child Ceases to be in Care

Some services continue to charge fees for sessions on days after a child has left the service because the family did not give the agreed period of notice. This is a business decision for the individual service. However, it is not possible under family assistance law for subsidy to be paid for sessions in these circumstances. Services cannot report absences in these cases.

Educator Absences

If absences from care are due to an educator being unavailable, fees do not apply and absences are not recorded.

Informing Families about Absence Days



The service must keep families regularly informed about the number of absence days each of their children has taken from education and care at your service. The total number of absence days taken in the period must be included on each statement.

Families can also view their absence count on the View Child Care Attendance Online Service Facility available through their mygov account, or via their HubWorks login.

Casual care

Casual care does not attract absences because it is not usual booked hours. Casual care can be claimed at a higher rate due to this.

Relevant Legislation

Education and Care Services National Law Act 2010
Education and Care Services National Regulations 2011
CCMS Child Care Provider Handbook

Key Resources

Australian Government Department of Education and Training: *Child Care Provider Handbook*
<https://www.education.gov.au/child-care-provider-handbook-0>

Key Re

Related Policies

[Appendix F QIP and Compliance](#)

School age children

Before and after school care bookings cannot be claimed during school holidays, only absences that the family has actually booked for can be claimed if there is a booking in place with booked hours for vacation care. School children bookings can only be claimed if the parent needs and wants the booking this would eliminate full weeks of care being claimed as absences because the parent did not need the care.