



Australian Government
Department of Education

In Home Care

Eligibility assessment procedures

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1 Introduction

The purpose of this document is to detail the In Home Care (IHC) eligibility procedures to be used by delegates of the Secretary of the Department of Education (the department). This process ensures IHC eligibility decisions are transparent and consistent.

A decision regarding whether a family meets the eligibility for IHC as prescribed under the [Child Care Subsidy Ministers Rules 2017](#) (Minister's Rules), is subject to internal and external merits review provisions under Family Assistance Law. Approved Specified Personnel must adhere to principles of administrative law in undertaking assessments and making decisions on IHC eligibility.

Further information about IHC can be found in the [In Home Care National Guidelines](#) and [In Home Care Handbook](#).

2 Authority

The Secretary of the department may delegate authority to determine a parent or carer's eligibility to receive IHC to approved 'Specified Personnel' in an IHC Support Agency in accordance with the Secretary's Delegation 19-017.

Only approved Specified Personnel, as described in the IHC Support Agency contracts and approved by the department, may determine a parent or carer's eligibility to receive IHC. The power to make decisions about IHC eligibility cannot be exercised by any other person in the IHC Support Agency apart from the approved Specified Personnel.

3 Enquiries

IHC Support Agencies may receive and respond to informal enquiries regarding IHC eligibility. However, any correspondence regarding a family's potential eligibility in response to an informal enquiry does not constitute a formal decision about IHC eligibility.

4 Application for In Home Care eligibility

Parents or carers wishing to formally test their eligibility for IHC must lodge a written application with the IHC Support Agency in their state or territory. The IHC Eligibility Application Form is available on the department's website.

IHC Support Agencies must not discourage families from lodging an application for a formal IHC eligibility assessment to be undertaken.

The delegate will determine a parent or carer's IHC eligibility against the criteria prescribed in the Ministers Rules:

The requirements are as follows:

- the individual (parent or carer) is eligible for Child Care Subsidy (CCS), and
- can demonstrate that no other kinds of approved child care are suitable or available.

If a parent or carer satisfies the above requirements, then at least one of the following must apply:

- the parents or carers of the child work non-standard or variable hours that are outside normal child care service hours
- the parents or carers of the child are geographically isolated from other types of approved child care, including because they reside in a rural or remote location
- the family of the child has challenging or complex needs.

An acknowledgement receipt will be sent by the IHC Support Agency when an application is received.

5 Formal assessment

A formal assessment is undertaken by the IHC Support Agency Specified Personnel to determine a family's eligibility for IHC against the criteria prescribed in the Minister's Rules. A formal assessment includes an assessment of the family's supporting documentation and any other relevant information that is available to the decision maker. A formal decision (eligible or ineligible) can only be made by approved Specified Personnel, and only after a formal assessment has been completed.

5.1 Valid application

Applications for IHC must be lodged by the individual who receives CCS for the child(ren) requiring IHC. Applications lodged by third parties are not valid applications. Incomplete or unsigned applications are not valid. Where possible, these applications will be returned to the parent or carer for completion and/or correction.

Valid applications will be formally assessed by the delegate.

6 Supporting information/evidence

IHC eligibility decisions must be based on evidence. Parents or carers are responsible for providing evidence to support their application for IHC. Delegates may consider any evidence relevant to the application for IHC.

Any evidence provided must:

- clearly identify the person it relates to
- state the name and contact details of the organisation responsible for the document, and
- state the date the evidence was given.

Where the evidence is a letter, a statement, an email or similar, it must also clearly state:

- the name of the person giving the evidence
- the person's title and/or position in the organisation.

Where appropriate for the type of evidence (for example, a letter) it must be signed by the author. An electronic signature is acceptable.

All supporting evidence must be dated within 6 months of the application and is valid for 6 months.

Statutory Declarations should only be used in conjunction with other documentation to further strengthen the eligibility for IHC. A statutory declaration will only be considered on its own in the following circumstances:

- where a parent or carer is self-employed, or
- where the parent or carer has been unable to obtain third-party evidence for their **initial** application for IHC eligibility.

Statutory declarations should indicate the steps the family have taken and why they have not been able to obtain third-party evidence.

Additional information for parents or carers and IHC Support Agencies regarding supporting evidence, is included in the [In Home Care National Guidelines](#) and [In Home Care Handbook](#).

6.1 Insufficient information

If additional information and/or supporting evidence is requested by the IHC Support Agency, this must be provided **within 14 days** from the date of notification that additional information is required. If additional information and/or supporting evidence is not provided within this timeframe and there has been no request for an extension the delegate will make their decision on the basis of the available evidence.

6.2 Extension to provide supporting documents

Parents or carers may request an extension to provide additional information and/or supporting evidence.

All requests must be in writing and made within 14 days from date of notification. The written request must include the following but is not limited to:

- reason for requesting extension
- steps already taken to gain additional information and/or supporting evidence, and
- timeframe required to obtain the supporting evidence.

The IHC Support Agency will determine whether to grant an extension based on information provided in the parent or carer's written request. All decisions must be applied consistently across all parents or carers in the IHC Support Agency's jurisdiction.

An extension up to a maximum of 42 days from the first date of notification is considered reasonable. If supporting documentation cannot be provided in the 42-day timeframe the application will be determined on the basis of available information.

6.3 CCS eligibility

Parents or carers must provide supporting evidence to the IHC Support Agency that they are currently eligible to receive CCS. This can include, but is not limited to:

- screen shot from Services Australia (via myGov or the Express Plus Centrelink app) demonstrating current CCS eligibility, CCS percentage and subsidised hours. Must include the CCS eligible customer reference number, individual's name and the child(ren)'s name

- letter from Services Australia demonstrating current CCS eligibility, CCS percentage and subsidised hours. Must include the CCS eligible customer reference number, individual's name and the child(ren)'s name
- statement from another approved child care service showing CCS eligibility, including the above details.

Parents or carers on the waitlist who are affected by the 26 week rule, whereby CCS eligibility determinations cease after 26 weeks if no sessions of care are reported against an enrolment, are able to remain on the waitlist and will be required to put in a new CCS claim once care is about to commence. Parents or carers will be required to provide the new supporting evidence of CCS eligibility to the IHC Support Agency prior to care commencing.

6.4 Other approved child care types are not suitable or available

Parents or carers must provide supporting documentation to the IHC Support Agency that no other approved child care types are **available** or **suitable**. Other approved child care types include Centre Based Day Care (CBDC), Family Day Care (FDC), and Outside School Hours Care (OSHC).

'Available child care service' means a child care service with a vacancy at the times that care is required. Evidence to support the parent or carer's application may include:

- written statements, emails or screen shots from other approved child care services within area:
 - expressing unavailability of places; or
 - inability to provide child care at the time required by the family; or
 - waitlist notification; or
 - inability to support child's complex needs, noting the Inclusion Support Program is available to support inclusion of children with additional needs.

'Suitable child care service' means a child care service which can reasonably meet the needs of the family. Evidence to support the parent or carer's application may include and have regards to:

- signed, or otherwise validated documentation, by a treating relevant professional that confirms the nature of why the child is unable to attend other types of approved care
 - because of medical reasons. This should identify why the medical needs cannot be met in mainstream care or why the child might be at risk in such settings
 - any hardship the family would suffer as a result of using the service
 - any risk to the health of the family as a result of using the service
 - whether using the service would cause detriment to the employment of a parent or carer of the child

but without regards to:

- any personal preference of the family
- any manageable or minor inconveniences the family may experience as a result of using the service
- screen shot of child care location (Google Maps/ABS Aria classification) compared with current address.

Research shows that children benefit most when they participate in early childhood education and care alongside their peers. IHC Support Agencies have a responsibility to ensure, where appropriate and possible, parents or carers continue to explore other approved care types.

A 'preference' to not travel to a child care centre is not considered under the category of 'not suitable'.

6.5 Non-standard or variable hours

The parent or carer of the child will need to provide evidence that **all** adult members of the household work non-standard or variable hours when care is required, that are outside normal child care service hours. IHC is not available where there is an adult member of the household available to provide care to the child(ren):

Evidence may include:

- Work roster showing days and hours worked – must contain employer's details.
- Letter from employer confirming employment conditions and typical working hours. Letter must be on employer's letterhead and contact details for company, indicating nature of work and variability.
- Contract between employee and employer outlining the non-standard hours or variability of the work required.
- Calendar extract indicating rostered days. Must have supporting letter with company details outlined.
- A signed Statutory Declaration *may* be accepted for self-employed applicants. A Statutory Declaration must include, business name, address, contact details, ABN, website of business, nature of the work, hours of variability, timeframe of variability of hours and any other relevant supporting documentation such as evidence showing that work must be undertaken outside of standard business hours.
- Studying – Confirmation of Enrolment or an Enrolment Confirmation letter and course timetable showing that classes are outside of usual child care hours.

6.6 Geographically isolated

The parent or carer must demonstrate they are geographically isolated from other approved child care types, including because they reside in a rural or remote location.

A parent or carer may be assessed as geographically isolated even if not determined by ABS maps and/or ARIA scores as living rural, remote, or very remote. This could be due to the significant distance required to travel to access other approved child care. Alternatively, a family located in a rural location as determined by ABS maps and/or ARIA score, may have approved child care options available in the area.

The evidence would need to show a significant distance from the family home to the nearest approved service. Evidence may include:

- recent utility bill or rates notice, showing parent or carer name and current address
- current drivers' licence

- current tenancy agreements displaying address, parent or carer name
- ABS maps and/or an ARIA score indicating family home is in a rural or remote location
- maps of nearest approved child care indicating distance from family home.

A significant distance is generally considered to be 30 km or more from the family home to the nearest available approved child care option.

6.7 Challenging or complex needs

Every family presenting with challenging and complex needs has a unique set of circumstances and are assessed on an individual basis taking into account all their needs. The definition of 'challenging and complex' is deliberately broad in recognition that each family's circumstances are unique to that family. However, having challenging and complex needs is not enough on its own for a family to be eligible for IHC. The family must also demonstrate that other mainstream care types are not available or suitable and the care required must be within the scope of IHC.

Parents or carers must demonstrate the family, within the home, have challenging or complex needs. For example, a parent or carer in the family undergoing cancer treatment could meet the IHC eligibility criteria as the current treatment may suppress the immune system and exposure to an infectious disease would pose a health risk to the parent or carer.

Supporting evidence may include letters from a relevant treating professional. Relevant treating professionals include (but is not limited to):

- qualified medical practitioners
- registered psychologists
- allied health professionals (for example, speech pathologists, physiotherapists, and audiologists) or social workers and family counsellors
- registered nurses or nurse practitioners.

Relevant treating medical, health and welfare professionals should hold recognised qualifications and registrations as a medical/health practitioner, or recognised qualification and/or membership to a professional health/welfare association.

Evidence may include:

- directives from courts and/or authorities that outline the challenges and/or complexities
- letter describing the family's complex and challenging circumstances and the reasons why other approved child care types are not suitable
- any relevant medical diagnosis, including date of onset, whether the condition is permanent or temporary
- the reasons why other approved child care types are not suitable, noting that research shows children benefit most when they participate in early education and care alongside their peers
- whether the condition is expected to remain unchanged, improve, or deteriorate
- where a parent or carer is immunocompromised, a medical professional must provide a letter advising the severity of the condition and any limitations on the family's ability to

interact with others outside of the home. NOTE: IHC is not intended to provide care where a member of the family is immunocompromised but able to interact in society with minimal restriction.

7 Out of scope for In Home Care

The primary focus of the session of IHC must be to provide early education and care. Support services not directly related to early childhood education and care including parental support, respite care, allied health and disability support services are considered out of scope for IHC sessions.

7.1 Parenting support

IHC sessions cannot be used primarily to provide parenting support. Parenting support provides early intervention and prevention support to children and their parents or carers. Early intervention and presentation strategies aim to influence children's and parent or carer's behaviours to risks of an emerging issue. A key component of early intervention and prevention is to increase protective factors to enable children and parents or carers to be resilient when issues arise.

7.2 Respite care

IHC sessions cannot be used primarily to provide respite care. Respite care provides carers a short break from their caring responsibilities. Carers are people who provide unpaid care and support to family members who have a disability, mental illness, chronic condition, terminal illness, an alcohol, or other drug issue.

7.3 Medical

IHC sessions cannot be used primarily for medical, nursing assistance or allied health services. If applications are received that indicate these types of services are the primary reason for care, they will be deemed ineligible for IHC session of care.

Further information on out of scope activities for IHC are set out in the [In Home Care National Guidelines](#) and [In Home Care Handbook](#).

8 Notice of Decision

Notice must be given in writing for all IHC eligibility decisions and must contain a statement of reasons.

If the delegate is satisfied the parent or carer is eligible for IHC a **Notice of Decision – Eligible for In Home Care** will be issued setting out the period of eligibility.

If the delegate is not satisfied the parent or carer is eligible for IHC a **Notice of Decision – Ineligible for In Home Care** will be issued.

Note: A decision as to IHC eligibility may also specify the sessions in a week a parent or carer is eligible to receive CCS for IHC (should the parent or carer wish to access IHC during those times). For example, the decision may specify that a parent or carer is eligible for CCS for sessions of IHC in a week falling on a Tuesday and Thursday, as they are the times that one parent is working non-

standard hours and there are no alternate care types available (therefore satisfying the IHC eligibility criteria).

9 Review of In Home Care eligibility

IHC eligibility is reviewed quarterly with the review of the Family Management Plan. However, a review of eligibility can be conducted at any time, initiated by either the IHC Support Agency or the parent or carer, triggered by a change in circumstances or new information.

Parents or carers **must** advise the IHC Support Agency of any change in their circumstances within 14 days. Supporting documentation provided by a parent or carer at application for IHC or at reviews of eligibility must be issued within the past six months.

9.1 Currency of supporting documentation

For the purposes of continuing to meet the IHC eligibility criteria, parents or carers must provide current evidence relating to their eligibility criteria. If the parent or carer is unable to demonstrate current eligibility, during their review, then a new period of IHC eligibility may not be approved.

Documentary evidence that supports permanent disability may not be required to be re submitted during quarterly reviews, however current evidence of how that disability is presently affecting their ability to interact with society or attend mainstream child care will be requested every six months.

For example:

- A complex disease such as Multiple Sclerosis (MS), which is a chronic, autoimmune disease that attacks the central nervous system. The person may have periods of 'attacks' or 'relapses' which at a point in time may affect their ability to interact with society or attend mainstream child care.
- Other long term autoimmune diseases impacting individuals, such as type 1 diabetes, Crohn's or graves, may from time-to-time impact on limitations of their social interactions due to suppressed immune systems, however being diagnosed with an irreversible immunocompromised disease does not automatically meet the criteria for IHC eligibility.
- Medication for cancer patients may for a period require isolation due to the current risk of being severely immunocompromised.

9.2 Review requested by a parent or carer

Parents or carers who require a change to the specified IHC sessions of care may request a review at any time. Parents or carers who have had a change in circumstances directly relating to their original eligibility criteria **must** advise the IHC Support Agency.

9.3 Review by In Home Care Support Agency

The delegate must consider the supporting documentation provided during the review. If the delegate is satisfied that the parent or carer continues to meet the eligibility requirements for IHC, a new **Notice of Decision – Eligible for In Home Care** will be issued setting out the new period of eligibility.

Where the IHC Support Agency considers a family may no longer be eligible for IHC, a **Notice of Intent to Revoke IHC Eligibility** must be given inviting the family to provide any additional documentation in support of their continuing eligibility, prior to making a final decision. Families will have 14 days to provide additional information to the delegate. The delegate must consider the submission prior to making a final decision about eligibility. If the delegate is not satisfied the parent or carer is eligible for IHC a **Notice of Decision – Ineligible for In Home Care** will be issued. If the delegate is satisfied the parent or carer is eligible for IHC a **Notice of Decision – Eligible for In Home Care** will be issued setting out the new period of eligibility.

10 Record Keeping

All IHC eligibility decisions must be recorded in writing and filed with all supporting evidence relied upon in making that decision, in accordance with the requirements of Family Assistance Law and the IHC Eligibility Decisions Document Management Protocol. This information includes:

- an index of documents contained in the file
- the application
- acknowledgement of the application
- any submissions received
- all evidence relied upon in making the decision
- the notice of proposed decision, and
- the notice of decision.

11 Reviewable decisions

Decisions regarding IHC eligibility are subject to internal and external merits review provisions in accordance with section 109A of the *A New Tax System (Family Assistance) (Administration) ACT 1999*. All decision notices must contain information about how to appeal the decision.

If a parent or carer does not agree with the decision, they can apply to the department for an internal review in accordance with section 109A of *A New Tax System (Family Assistance) Act 1999*. The application for internal review must be made no later than 13 weeks after you are notified of the decision (the date of this notice). The application for review should be sent to childcareinternalreviews@education.gov.au. Please note that the decision remains in force whilst a review is undertaken.

12 Parents or carers assessed as eligible for In Home Care

Parents or carers are required to formally test eligibility for IHC and provide a completed application form with current supporting evidence to the IHC Support Agency. Eligibility for IHC will be determined for a period set out in the Notice of Decision. Parents or carers wishing to test their eligibility for IHC beyond this date should contact the IHC Support Agency four weeks before IHC eligibility ceases to commence a review of eligibility.

Parents or carers that do not have a current IHC eligibility decision will not be eligible to receive IHC.

13 Next steps

The IHC Support Agency will act as a conduit between the family and IHC Service to advocate for the family and their needs.

13.1 Education and care requirements – out of scope

In certain circumstances, the parent or carer may be assessed as *eligible* for IHC but not be offered a place in the IHC program. This may be because the child(ren)'s care requirements are out of scope of the IHC program. Out of scope activities include parental and/or disability support, allied health services, respite care and household chores. If *eligible* and a place is available (noting IHC is a capped place program) and where the education and care requirements are within scope of the IHC program, the parent or carer will be offered a place in the program. A comprehensive list of out of scope activities can be found in the [In Home Care National Guidelines](#).

13.2 Family Management Plan

IHC Support Agency and the eligible IHC parent or carer will work closely to develop a Family Management Plan. The Family Management Plan will document the parent or carer's eligibility for IHC and expectations of the education and care to be provided by the IHC Service and any additional support services required.

The IHC Support Agency and the parent or carer **must** review the Family Management Plan **quarterly**. The review will confirm that IHC eligibility continues to be met and that care provided is meeting the current educational and care requirements of each child and parents or carers.

A quarterly review date will be recorded on the Family Management Plan and should consider the period of eligibility as detailed in the most recent Notice of Decision. The parents or carers are required to participate in the review process and provide any information and supporting documentation requested. Where a parent or carer refuses to participate in the review process, or fails to provide supporting information as requested, IHC eligibility will cease as per the most recent Notice of Decision. The IHC Support Agency may grant extensions for the provision of supporting information, but this does not automatically extend the eligibility for IHC.

Parents or carers **must** notify the IHC Support Agency within 14 days if any of their circumstances change. The IHC Support Agency will advise the parent or carer if a reassessment of IHC eligibility is required as a result of the change in circumstances.

The Family Management Plan is a shared resource for use by the parent or carer, the IHC Support Agency, Approved Provider of IHC Services, IHC educators and the department. Personal details contained in the Family Management Plan are protected under the *Privacy Act 1988* ('the Privacy Act').

The [Family Management Plan Template](#) is available on the department's website.

Additional information for parents or carers and IHC Support Agencies regarding Family Management Plans, is included in the [In Home Care National Guidelines](#) and [In Home Care Handbook](#).

13.3 Matching a family with the In Home Care Service

IHC Support Agencies work closely with approved IHC Services and will provide where possible, in writing, a minimum of 3 IHC Services operating in the parent or carer's location that match the educational and care needs of the family.

It is the parent or carer's responsibility to contact the approved IHC Services provided by the IHC Support Agency to assess if the service is appropriate for them. Parents or carers are encouraged to ask the IHC Services about vacancies, fees (including administration fees and other charges), and availability of IHC educators. It is considered best practice for IHC Services to provide parents or carers with a copy of their handbook and fee schedule.

Parents or carers who have an approved IHC Service or qualified IHC educator in mind must still contact the IHC Support Agency to test eligibility and be approved for IHC and complete the Family Management Plan. The IHC Support Agency may provide contact details of other IHC Services or refer the parent or carer to other support services that the parent or carer may not be aware of.

Eligible IHC parents or carers that are not able to access IHC immediately will be placed on a waitlist.

13.4 Waitlists

IHC Support Agencies in each jurisdiction must maintain a waitlist of eligible parents or carers.

IHC Services must notify the IHC Support Agency of any parents or carers that are offered a place. The parent or carer will remain on the waitlist until the IHC Service notifies the IHC Support Agency in writing that the family has commenced care.

Through the review of Family Management Plans the IHC Support Agency will verify that parents or carers on the waitlist still meet the eligibility criteria for IHC and still require IHC. At review, the IHC Support Agency should confirm with parents or carers on the waitlist that their chosen service is still their preferred service. Parents or carers who remain on the waitlist for extended periods should be provided contact information for alternative services to consider/contact.

Additional information regarding the waitlist, is included in the [In Home Care National Guidelines](#) and [In Home Care Handbook](#).

14 Protection of privacy and personal information

Information about families and providers collected by the Australian Government is subject to confidentiality provisions contained in the A New Tax System (Family Assistance) (Administration) Act 1999 and the privacy provisions of the Privacy Act 1988. In summary, these provisions limit the use and disclosure of protected information and personal information. The Department of Education, IHC Support Agencies and providers are restricted to using and disclosing protected information and personal information only where they are authorised to do so under law (for example, where the disclosure is to fulfil the purposes of the Family Assistance Law or consistent with any Privacy Act 1988 obligations). Approved providers are also required to comply with the provisions of the Privacy Act 1988 that limit the use and disclosure of protected and personal information.

Attachment A – Notice of Decision – Eligible for In Home Care

[IHC Support Agency Letterhead]

[First name] [Last name]

[Family address]

[Family email]

[CRN]

[Date]

NOTICE OF DECISION – ELIGIBLE FOR IN HOME CARE

Dear *[name]*

Thank you for your In Home Care (IHC) eligibility application received on *[date]*.

Assessment outcome:

I find you have been found eligible for IHC for the period *[insert date up to and including insert date]*.

Please note that your specific entitlements to CCS will be determined on a weekly basis subject to continuing to meet all eligibility criteria.

Reasons for decision:

The reasons for my decision are:

[INSERT REASONS FOR DECISION]

Next Steps

The IHC Support Agency will work with you to understand your education and care needs. Where your education and care needs are within scope of the In Home Care National Guidelines you will be offered a place in the IHC Program and referred to an IHC Service.

You are required to submit a new IHC application form with current supporting documentation to the IHC Support Agency for assessment before the end of the approved IHC eligibility period if wanting to continue with the IHC program.

IHC Services can only provide care to children who hold a current notice of approved IHC eligibility and who have been offered a place in the IHC program. If your notice of IHC eligibility expires you are no longer eligible for IHC and may lose your place in the program.

Authority to make decision:

I am a delegate of the Secretary of the Department of Education for the purposes of section 85BA(1)(e) of the *A New Tax System (Family Assistance) Act 1999*.

Section 85BA(1)(e) of the family assistance law provides that an individual must satisfy certain criteria prescribed in the Child Care Subsidy Minister's Rules 2017 (Minister's Rules) to be eligible for Child Care

Subsidy in relation to sessions of care provided by an In Home Care Service. These criteria are prescribed at section 8AA(2)(a) of the Minister's Rules.

The requirements are as follows:

- a) the individual (parent or carer) is eligible for Child Care Subsidy; and
- b) can demonstrate that no other types of approved child care are suitable or available; and where the above requirements are satisfied then at least one of the following eligibility criteria must apply:
 - (i) the parents or carers of the child work nonstandard or variable hours that are outside normal child care service hours
 - (ii) the parents or carers of the child are geographically isolated from other types of approved child care, including because they reside in a rural or remote location
 - (iii) the family of the child has challenging or complex needs.

Right of Review

If you do not agree with this decision, you can apply to the department for an internal review in accordance with section 109A of the *A New Tax System (Family Assistance) Act 1999*. The application for internal review must be made no later than 13 weeks after you are notified of the decision (the date of this notice). The application for review should be sent to childcareinternalreviews@education.gov.au. Please note that the decision remains in force whilst a review is undertaken.

[Signature]

[Name of Delegate]

[Approved Specified Personnel position (as per contract)]

[Date]

Attachment B – Notice of Decision – Ineligible for In Home Care

[IHC Support Agency Letterhead]

[First name] [Last name]

[Family address]

[Family email]

[CRN]

[Date]

NOTICE OF DECISION – INELIGIBLE FOR IN HOME CARE

Dear [name]

Thank you for your application of [date] for an In Home Care (IHC) eligibility assessment / I refer to your recent In Home Care (IHC) Family Management Plan review of [date] [DELETE INAPPLICABLE].

Assessment outcome:

After careful consideration of your [application/circumstances] [DELETE INAPPLICABLE] I am **not** satisfied, for the purposes of 85BA(1)(e), that the requirements prescribed by Minister's Rule 8AA in relation to IHC are currently being met. Accordingly, you have been found **ineligible** for IHC.

This decision applies to IHC only and does not affect your entitlement to CCS for care provided by other approved child care types. Your entitlement to CCS for other care types is determined by Services Australia.

If your circumstance change in the future you are welcome to submit a new application with current supporting documentation, to test IHC eligibility.

Reasons for decision:

[INSERT 'REASONS FOR DECISION' – must show consideration of supporting evidence]

Authority to make decision:

I am a delegate of the Secretary of the Department of Education, for the purposes of section 85BA(1)(e) of the *A New Tax System (Family Assistance) Act 1999*.

Section 85BA(1)(e) of the family assistance law provides that an individual must satisfy certain criteria prescribed in the Child Care Subsidy Minister's Rules 2017 (Minister's Rules) to be eligible for Child Care Subsidy in relation to care provided by an IHC Service. These criteria are prescribed at section 8AA(2)(a) of the Minister's Rules.

To be eligible, requirements are as follows:

- (a) the individual (parent or carer) is eligible for Child Care Subsidy; and
 - (b) can demonstrate that no other types of approved child care are suitable or available; and
- where the above requirements are satisfied then at least one of the following eligibility criteria must apply:

- (i) the parents or carers of the child work nonstandard or variable hours that are outside normal child care service hours
- (ii) the parents or carers of the child are geographically isolated from other types of approved child care, including because they reside in a rural or remote location
- (iii) the family of the child has challenging or complex needs.

Right of review:

If you do not agree with this decision, you can apply to the department for an internal review in accordance with section 109A of *A New Tax System (Family Assistance) Act 1999*. The application for internal review must be made no later than 13 weeks after you are notified of the decision (the date of this notice). The application for review should be sent to childcareinternalreviews@education.gov.au. Please note that the decision remains in force whilst a review is undertaken.

[Signature]

[Name of Delegate]

[Approved Specified Personnel position (as per contract)]

[Date]

Attachment C – Notice of Intent

[IHC Support Agency Letterhead]

[First name] [Last name]

[Family address]

[Family email]

[CRN]

[Date]

NOTICE OF INTENT TO REVOKE ELIGIBILITY FOR IN HOME CARE

It is a requirement under section 2.5.6 of the [In Home Care National Guidelines](#) that the *[insert jurisdiction]* In Home Care (IHC) Support Agency conducts a review of IHC eligible families on at least a quarterly basis or if a change of circumstance has occurred to determine ongoing eligibility for the IHC program.

The *[insert jurisdiction]* IHC Support Agency conducted a IHC eligibility review on *[date]*.

I have considered the following documents:

- *[LIST ALL EVIDENCE CONSIDERED e.g. Dr Medical's letter dated DD/MM/YY, parent or carer email dated DD/MM/YY, notes of discussion between parent or carer and IHC Support Agency staff on DD/MM/YY]*

Based on the information available to me, my preliminary view is that your family may not meet the requirements of section 8AA of the Minister's Rules in relation to IHC and so may be ineligible for IHC.

The reasons for my proposed decision are:

[INSERT 'REASONS FOR DECISION' – must show consideration of evidence]

[Delete if not applicable] Cancellation of Child Care Subsidy as determined by Service Australia is effective immediately.

[Delete if CCS has been cancelled by Service Australia] Prior to making a final decision, I invite you to provide any additional documentation or information in support of your family's eligibility for IHC, that may assist me in coming to a final decision. Should no further evidence be provided, I will proceed to make my decision after the 14-day period has expired.

Please contact the *[insert jurisdiction]* IHC Support Agency on *[insert contact details]* should you wish to discuss this matter further.

[Signature]

[Name of Delegate]

[Approved Specified Personnel position (as per contract)]

[Date]