



Australian Government
Department of Education

In Home Care

Place allocation and reduction procedures

Last updated September 2022

Contents

- 1 Introduction 3**
- 2 Allocation, reduction and reporting of In Home Care places 3**
 - 2.1 Conflict of interest..... 3
 - 2.2 New In Home Care Services 3
 - 2.3 Application for increase in allocation of In Home Care places..... 4
 - 2.3.1 Valid application 4
 - 2.4 Review of IHC place allocation 4
 - 2.4.1 IHC places not to be exceeded 5
 - 2.4.2 Unused IHC places 5
 - 2.4.3 Reduction of IHC places..... 5
 - 2.5 Service closures 6
- 3 Notice of decision 6**
- 4 Record Keeping 6**
 - 4.1 Decisions..... 6
 - 4.2 Register of allocated places..... 7
- 5 Reviewable decisions..... 7**
- Attachment A – Notice of initial allocation of In Home Care places 8**
- Attachment B – Notice of decision – request for additional In Home Care places..... 10**
- Attachment C – Notice of proposed reduction of allocation of In Home Care places 12**
- Attachment D – Notice of reduction of In Home Care places 14**

1 Introduction

The purpose of this document is to detail the In Home Care (IHC) place allocation and reduction procedures to be used by delegates of the Secretary of the Department of Education (the department). This process ensures IHC place allocation and reduction decisions are transparent and consistent with the requirements of the In Home Care National Guidelines, the In Home Care Handbook and Family Assistance Law.

An IHC place is equivalent to 35 hours of IHC care per week, per child. Further information about IHC can be found in the [In Home Care National Guidelines](#) and the [In Home Care Handbook](#).

2 Allocation, reduction and reporting of In Home Care places

The Secretary of the department may delegate authority to determine the allocation or reduction of IHC places to approved Specified Personnel in an IHC Support Agency in accordance with the Secretary's Delegation 19-017.

Only Specified Personnel, as described in the IHC Support Agency contracts and approved by the department, may make IHC place allocation or reduction decisions. This power is not delegated to other staff in the IHC Support Agency.

2.1 Conflict of interest

To manage conflict of interest, where an organisation operates both an IHC Support Agency and an IHC Service, all decisions involving allocation or reduction of places to the IHC Service operated by the organisation, will remain with the department.

2.2 New In Home Care Services

When an Approved Provider wishes to establish a new IHC Service or a provider is applying for CCS approval to operate a new IHC Service, they must contact the IHC Support Agency servicing that state or territory in the first instance and register with the agency. The Approved Provider or new applicant must provide evidence of their registration with the IHC Support Agency when making an application to the department for provider or service approval. The availability of places should be considered and discussed with the Approved Provider or new applicant at the point of registration.

Once CCS service approval is obtained, Approved Providers can then apply to IHC Support Agencies for an initial allocation of IHC places for their IHC Service. Providers applying for an initial allocation of IHC places must provide evidence to the IHC Support Agency of provider and service CCS approval. For Approved Providers applying to provide IHC in Tasmania and South Australia they must also provide the IHC Support Agency evidence of licence approval under the *Child Care Act 2001* in Tasmania, and the *Early Childhood Services (Registration and Standards) Act 2011* in South Australia. Approved Providers of new IHC Services will receive an initial allocation of IHC places, taking into consideration:

- initial requirements
- future growth
- availability of IHC places in the jurisdiction, and

- utilisation of IHC places in the jurisdiction.

Approved Providers will be notified in writing of the [initial allocation of IHC places](#). Communications with Approved Providers should be with individuals specified as a Person with Management or Control of the provider (PMC) and recorded in the Child Care Subsidy System as such. IHC Support Agencies will be required to confirm appropriate contact details of Approved Providers and approved IHC Services with the department via the inhomecare@education.gov.au mailbox.

2.3 Application for increase in allocation of In Home Care places

Approved Providers may make an application to increase the number of IHC places allocated to their IHC Service at any time. Requests for additional places must be made in the form and manner approved by the Secretary. The [application to increase or decrease allocation of In Home Care places](#) must be signed by a PMC and recorded in the Child Care Subsidy System as such, and submitted to the IHC Support Agency in the relevant state or territory.

Approved Providers operated by an organisation that also operates an IHC Support Agency **must** apply directly to the department for increases in the number of IHC places allocated to their IHC Service. In limited circumstances, Approved Providers can apply directly to the department for additional places to be allocated to their IHC Service.

A delegate of the Secretary will decide whether to grant the application for additional places. The delegate will notify the Approved Provider of their decision in writing.

2.3.1 Valid application

Only applications made in the form and manner approved by the Secretary are valid applications. The assessment of the application cannot proceed without a valid application. Invalid applications will be returned to the applicant for completion and/or correction.

Additional information to support the request may include:

- Justification and business case for the request
- Number of families
- Number of children, and
- Number of additional hours of care required each week.

Valid applications will be decided based on the information contained in the application and in reference to the distribution of places within the jurisdiction.

Notice must be given in writing of [all allocation decisions](#).

2.4 Review of IHC place allocation

IHC place allocations will be reviewed by IHC Support Agencies at least quarterly to ensure that each IHC Service is allocated the appropriate number of places. The department will provide place utilisation data to the IHC Support Agencies to support the agencies' role in monitoring and managing IHC places.

As a result of the review, there may be no change to the allocation of places to services, or place allocations to services may increase or decrease. Where possible, IHC Support Agencies will ensure the allocation to each service allows for flexibility and growth as new families are matched to services.

All IHC place decisions will be communicated to the Approved Provider of the IHC Service in writing.

For practical purposes, IHC places do not need to be reallocated each time a family is enrolled with, or leaves, a service as long as the service allocation is not exceeded or the place does not remain vacant for more than a month, refer section 2.4.6 of the [In Home Care Handbook](#).

2.4.1 IHC places not to be exceeded

IHC Services must not provide subsidised care in excess of their allocated places. A place equals 35 hours of care per week per child. The actual number of hours of subsidised care to which a family is entitled per fortnight may be higher or lower depending on the activity test result. A family may require, and be eligible for up to 100 hours a fortnight of subsidised care. As such, a place may be represented by a decimal number.

If a service has exceeded their allocation, the IHC Support Agency must notify the department within 3 business days of identifying the potential breach. If places are available, the IHC Support Agency may increase the allocation of IHC places to the service.

2.4.2 Unused IHC places

Where IHC Services are not using the IHC places allocated, places may be reduced to ensure that places are readily available to be re-allocated as new families require IHC and to support areas of growth.

2.4.3 Reduction of IHC places

Where a potential need to reduce the number of IHC places allocated to a service is identified, the Approved Provider of the IHC Service will be notified and given the opportunity to make a submission prior to a decision being made.

In undertaking a reduction of IHC places, consideration will be given to the following:

- state or territory distribution
- current allocation, utilisation, and projected future trends
- the need to manage places across the jurisdiction
- week to week volatility, and
- any submission from the Approved Provider of the IHC Service.

Approved Providers may also make an application to reduce the number of IHC places allocated to their service at any time, using the [application to increase or decrease allocation of In Home Care places form](#).

Any decrease in an allocation to a service will only be made after informing the Approved Provider of the IHC Service of the intent to reduce the number of IHC places in writing. Approved Providers will be given opportunity to provide a submission for consideration by the delegate prior to the [delegate making a decision to reduce places](#).

The delegate will consider any submission made by the Approved Provider and [advise of the decision in writing](#).

2.5 Service closures

When an IHC Service ceases to provide IHC, the number of IHC places held by the closing IHC Service will return to the allocation pool and may be reallocated to a service or a number of services which have the capacity to meet the existing families' needs.

3 Notice of decision

Notice must be given in writing of all allocation and reduction decisions and must contain a statement of reasons.

- [Notice of Initial Allocation of IHC Places](#) – This letter should be used to advise the initial allocation of places to a new service.
- [Notice of Decision – Request for Additional Allocation](#) – This letter should be used to advise the outcome of an application for additional IHC places.
- [Notice of Proposed Reduction of IHC Places](#) – This letter should be used when advising an Approved Provider of the IHC Service that the IHC Support Agency intend to reduce their allocation of places. **This template is not to be used to advise of a reduction to the place allocation.**
- [Notice of Reduction of IHC Places](#) – This letter should be used to advise the Approved Provider of the outcome of the decision following the notice of Proposed Reduction of IHC Places (Attachment E).

4 Record Keeping

4.1 Decisions

All IHC place allocation 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 department's IHC Place Allocation and Reduction 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.

4.2 Register of allocated places

A register of IHC place allocations and reductions must be updated to accurately reflect allocations in the jurisdiction. The department will provide a template for IHC Support Agencies to use.

5 Reviewable decisions

Decisions regarding IHC places 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.

Applications for review of place allocation decisions can only be made by the Approved Provider of the IHC Service and must be made no later than **14 days** after the date of notification of the decision (the date of the notice). All applications for review should be sent to childcareinternalreviews@education.gov.au.

Decisions under review will remain in force while any review is undertaken.

Attachment A – Notice of initial allocation of In Home Care places

[IHC Support Agency Letterhead]

[If a company/organisation] [The Proper Officer]
[If a sole trader or partnership] [Name of sole trader/partners]
[Provider Name]
[Approved Provider Address]
[Approved Provider Email]

NOTICE OF INITIAL ALLOCATION OF IN HOME CARE PLACES

[Provider Name] in respect of [Service Name]

The purpose of this letter is to inform you of the initial allocation of In Home Care (IHC) places for your approved child care service, [service name] [CRN] operating in [jurisdiction].

Authority to issue decision

I am a delegate of the Secretary of the Department of Education (the department) for the purposes of Section 198B (1) of the A New Tax System (Family Assistance) (Administration) Act 1999.

Section 198B(1) of the A New Tax System (Family Assistance) (Administration) Act 1999 prescribes that if an approved child care service is subject to the allocation rules, the Secretary of the department must allocate child care places to the service in accordance with the rules.

As a delegate of the Secretary for this purpose, I advise that the initial allocation is [XX] as per the table below.

[Service name] [CRN]

Jurisdiction	Initial allocation as at [DATE]
[STATE]	[XX]

Reasons for decision

The initial allocation is provided based on the following reason/s:

[State reasons for decision – below are examples only]

- Consideration of initial requirements
- To allow for future growth
- To ensure the allocation does not exceed the distribution for the jurisdiction.

Under Family Assistance Law, the allocation of places is subject to your service’s continued provision of IHC. IHC Services must not provide subsidised care in excess of their allocated child care places. An Approved Provider may apply for additional child care places at any time.

Further guidance on the delivery of the child care package and the requirements and responsibilities in delivering IHC can be found in the [In Home Care National Guidelines](#) and the [Child Care Provider Handbook](#).

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 **14 days** 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.

Thank you for your participation in the IHC program.

[Signature]

[Name of Delegate]

[Approved Specified Personnel]

[Organisation]

[Date]

Attachment B – Notice of decision – request for additional In Home Care places

[IHC Support Agency Letterhead]

[If a company/organisation] [The Proper Officer]
[If a sole trader or partnership] [Name of sole trader/partners]
[Provider Name]
[Approved Provider Address]
[Approved Provider Email]

NOTICE OF DECISION – REQUEST FOR ADDITIONAL IN HOME CARE PLACES

[Provider Name] in respect of [Service Name]

I write in response to our request for an additional allocation of In Home Care (IHC) places for your service, [service name] [CRN] operating in [jurisdiction].

Section 198B(2) of the *A New Tax System (Family Assistance) (Administration) Act 1999* prescribes that if an approved child care service has been allocated a number of child care places, the Approved Provider of the service may apply to the Secretary of the Department of Education (the department) for additional child care places.

Authority to issue decision

I am a delegate of the Secretary of the department for the purposes of Section 198B(2) of the *A New Tax System (Family Assistance) (Administration) Act 1999*.

I have reviewed this request and your request for an increase to the allocation of IHC places. The allocation of places [remains at/is increased to] [XX].

[Service name] [CRN]

Jurisdiction	Allocation prior to application	Additional places requested	Revised allocation effective [DATE]
[STATE]	[XX]	[XX]	[XX]

Reasons for decision

[State reasons for decision – below are examples only]

- Attendance data confirms that the service will not exceed their current allocation of places
- Current allocation is adequate for utilisation and allows for growth
- The service has had unutilised places for more than 3 months.

Under Family Assistance Law, the allocation of places is subject to your service’s continued provision of IHC.

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 **14 days** 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.

Thank you for your participation in the IHC program.

[Signature]

[Name of Delegate]

[Approved Specified Personnel]

[Organisation]

[Date]

Attachment C – Notice of proposed reduction of allocation of In Home Care places

[IHC Support Agency Letterhead]

[If a company/organisation] [The Proper Officer]
[If a sole trader or partnership] [Name of sole trader/partners]
[Provider Name]
[Approved Provider Address]
[Approved Provider Email]

NOTICE OF PROPOSED REDUCTION OF ALLOCATION OF IN HOME CARE PLACES

[Provider Name] in respect of [Service Name]

I am writing regarding the allocation of In Home Care (IHC) child care places to the approved child care service [service name] [CRN] for delivery of IHC in [jurisdiction]. In previous correspondence dated [insert date] we advised that the allocation of IHC places to [service name] is [XX].

Authority to issue Notice

I am a delegate of the Secretary of the Department of Education (the department) for the purposes of Section 198C of the *A New Tax System (Family Assistance) (Administration) Act 1999*.

Section 198C of the *A New Tax System (Family Assistance) (Administration) Act 1999* prescribes that the Secretary of the department may reduce the number of child care places allocated to an approved child care service if that number exceeds the number of child care places provided by the service.

This notice is proposing to reduce the allocation of IHC places for [service name] [CRN] by [XX] to [XX] IHC places.

Reasons for proposed decision

[State reasons for decision – below are examples only]

- The Approved Provider's submission provides evidence of future enrolments/increased attendance
- Attendance data confirms that the service has exceeded /will not exceed their current allocation of places
- Current allocation is adequate/inadequate for utilisation and does/does not allow(s) for growth
- The service has had unutilised places for more than 3 months.

I invite you to make a written submission about this proposed reduction within **5 working days** of the date of this letter. A nil response within this timeframe will be considered as acceptance of the proposed decision.

Further guidance on the delivery of the child care package and the requirements and responsibilities in delivering IHC can be found in the [In Home Care National Guidelines](#) and the [Child Care Provider Handbook](#).

Thank you for your participation in the IHC program.

[Signature]

[Name of Delegate]

[Approved Specified Personnel]

[Organisation]

[Date]

Attachment D – Notice of reduction of In Home Care places

[IHC Support Agency Letterhead]

[If a company/organisation] *[The Proper Officer]*
[If a sole trader or partnership] *[Name of sole trader/partners]*
[Provider Name]
[Approved Provider Address]
[Approved Provider Email]

NOTICE OF REDUCTION OF IN HOME CARE PLACES

[Provider Name] in respect of *[Service Name]*

In previous correspondence dated *[insert date]*, I advised of my intention to reduce the allocation of In Home Care (IHC) places to *[service name]* *[CRN]*.

I have given due consideration *[to your written submission dated DD Month 20XX/to this matter]* and have decided that the allocation of IHC places to *[service name]* *[CRN]* for delivery of IHC in *[jurisdiction]* is *[XX]* places, effective *[insert date]*.

Reasons for Decision

[State reasons for decision – below are examples only]

- The Approved Provider's submission provides evidence of future enrolments/increased attendance
- Attendance data confirms that the service has exceeded /will not exceed their current allocation of places
- Current allocation is adequate/inadequate for utilisation and does/does not allow(s) for growth
- The service has had unutilised places for more than 3 months.

Authority to issue decision

I am a delegate of the Secretary of the Department of Education (the department) for the purposes of Section 198C of the *A New Tax System (Family Assistance) (Administration) Act 1999*.

Under Section 198C of the *A New Tax System (Family Assistance) (Administration) Act 1999*, a delegate of the Secretary may determine to reduce the number of child care places allocated to an approved child care service, if that number exceeds the number of child care places provided by the service.

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 **14 days** 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.

Thank you for your participation in the IHC program.

[Signature]

[Name of Delegate]

[Approved Specified Personnel]

[Organisation]

[Date]