



AMENDMENT APPLICATION KIT

How to amend a family day care licence

*Child Care Services Act 2007
Child Care Services (Family Day Care) Regulations 2006
Child Care Services (Outside School Hours Family Day Care) Regulations 2006*

Family day care licence **amendment application** kit

This Amendment application kit includes:

- Help guide: How to apply for a family day care licence amendment
- Licence amendment application
- Departmental client and child protection consent form

The **act and regulations**

You are responsible for knowing and understanding the *Child Care Services (Family Day Care) Regulations 2006* or the *Child Care Services (Outside School Hours Family Day Care) Regulations 2006* (the Regulations), as the case requires. The *Family day care amendment application* and the accompanying *Help guide* must be used in conjunction with the Regulations and the *Child Care Services Act 2007* (the Act).

The Act and Regulations are legally binding. Failure to comply with the Act and the Regulations may result in an amendment application being refused, or the cancellation or suspension of an existing licence, and/or pecuniary penalties.

It is essential you have an up-to-date copy of the Act and the Regulations from the State Law Publisher. Please refer to website, www.slp.wa.gov.au or telephone on 08 9321 7688.

Privacy statement

The Department for Communities needs the information provided in your *Amendment application* to help assess your capability to operate the service with the requested amendment. All information provided will be handled with care and will only be used for the purpose stated above.

For **more information**

For further advice and support on amendment applications, speak to a Children's Services Officer located at the local office of the Department for Child Protection or our website www.childcare.wa.gov.au.

HELP GUIDE

How to amend a family day care licence

Child Care Services Act 2007

Child Care Services (Family Day Care) Regulations 2006

Child Care Services (Outside School Hours Family Day Care) Regulations 2006

*This Help guide is a simple interpretation of the Act and Regulations.
It is intended as a guide only and does not constitute legal advice.*



**Department for
Communities**

**Child Care Licensing
and Standards Unit**

1st Floor, 111 Wellington Street, East Perth WA 6004
PO Box 6242, East Perth Business Centre, East Perth WA 6892
Tel. (08) 6210 3333 (Metro) Fax (08) 6210 3300
Tel. 1800 199 383 (Freecall STD)
Web www.childcare.wa.gov.au

This page is left blank intentionally.

HELP GUIDE

How to amend a family day care licence

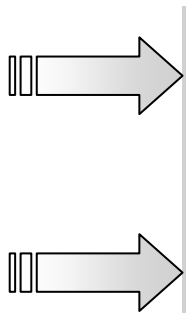
*Child Care Services (Family Day Care) Regulations 2006
Child Care Services (Outside School Hours Care Family Day Care) Regulations 2006*

The Licence Amendment Process	4
Licence amendment in 3 easy steps	4
Introduction	5
➤ What is an amendment to a licence?	5
➤ In what situations must I apply to amend the place specified in my licence?	5
➤ How will my application to amend the place specified in my licence be assessed?	5
➤ How long will the process take to get an approval for my licence to be amended?	6
➤ Can I amend the maximum number of children I have enrolled?	6
➤ How will my application to amend the number of children specified in my licence be assessed?	6
➤ If I amend my licence must I review my public liability insurance?	7
➤ Should I expect a monitoring visit?	7
➤ What happens if my licence amendment application is refused?	7
➤ How can a review of the decision be made?	7
➤ Where can I get more information?	8
The Application	9
Application instructions	9
Section 1: Service Details	9
Section 3: Amendment to days and/or hours of operation	10
Section 5:	11
☰ Post your application	12

The Licence Amendment Process

Child Care Services (Family Day Care) Regulations 2006
Child Care Services (Outside School Hours Family Day Care) Regulations 2006

Licence amendment in 3 easy steps



1

- You must post your completed licence amendment application with the appropriate attachments to the Department for Communities.
See the Application instructions, page 9.

2

- Depending on the circumstances, you may expect a monitoring visit.



3

- You receive notice, in writing, about the outcome of your licence amendment application.



Introduction

How to amend a family day care licence

Child Care Services (Family Day Care) Regulations 2006
Child Care Services (Outside School Hours Family Day Care) Regulations 2006

➤ **What is an amendment to a licence?**

An amendment to a licence may be issued to include any new condition and or to change or remove any existing condition placed on a family day care service licence. This may be initiated by you or the Chief Executive Officer (CEO) of the Department for Communities.

➤ **In what situations must I apply to amend the place specified in my licence?**

You must make an application to amend the conditions on your family day care licence if for example you:

- add or delete areas or rooms from the licensed area as specified in your licence;
- change the days and/or hours of operation your family day care is licensed for; or
- move to a new address (place) entirely.

Importantly, you cannot begin to operate from the proposed new licensed area or from the new address (place) until you have received written approval from the Department for Communities.

➤ **How will my application to amend the place specified in my licence be assessed?**

Your application will be assessed against the minimum standards required in the *Child Care Services (Family Day Care) Regulations 2006* or the *Child Care Services (Outside School Hours Family Day Care) Regulations 2006* (the Regulations), as the case requires. Additionally, your service's compliance and exemption history may be reviewed.

- **How long will the process take to get an approval for my licence to be amended?**

For a straight forward licence amendment, you can expect the process to take approximately 30 days before you will be notified of the final outcome. If for some reason your application has been held up, the Department for Communities will send you a notice of the delay and a new time frame will be set.

- **Can I amend the maximum number of children I have enrolled?**

You may amend the total number of children you are licensed for, where your licensed numbers are less than those described below.

Family day care

The maximum number of children present during a family day care session must not exceed 7 children including your own children.

A family day care provider may provide for a maximum number of five children below *pre-primary* school age provided at least one of these children attends a school kindergarten programme. Enrolled children must not have commenced a secondary programme.

Outside school hours family day care

An outside school hours family day care provider may provide a service for seven children of school age under the age of 15 years and 6 months of age, with only a maximum of five children attending a school kindergarten programme.

- **How will my application to amend the number of children specified in my licence be assessed?**

When amending the number of children you are licensed to care for, the Department for Communities will review your exemption and compliance history and assess whether your family day care service has the capability to cater for more children and still meet the Regulations.

- **If I amend my licence must I review my public liability insurance?**
Yes. You must always review your public liability insurance with your insurer any time you make a change to your family day care service that may affect your insurance coverage. Your insurer will be able to advise you whether your public liability insurance must be altered to cater for any amendments you make to your licence.
- **Should I expect a monitoring visit?**
A monitoring visit will be conducted depending on the circumstances.
- 1. Amendment to the place specified in your licence*
In this case a monitoring visit will be necessary where it is considered:
- the amendment may significantly impact on the wellbeing of children, and/or
 - the amendment needs to be checked against the Regulations.
- 2. Increase to the number of children specified in your licence*
It may be necessary to conduct a monitoring visit to assess whether your current family day care service has enough excess capacity to accommodate the extra enrolled children.
- **What happens if my licence amendment application is refused?**
If your amendment application is refused, you will be given a reason why the application did not meet the required standard. You may apply again if in the future you assess you can meet the standard required.
- **How can a review of the decision be made?**
If the licence amendment application is refused and you do not agree with the reason given or you are dissatisfied with the fairness applied to the amendment application process, you may apply to the State Administrative Tribunal (SAT) within 28 days for a review of the decision. The SAT website is www.sat.justice.wa.gov.au

➤ **Where can I get more information?**

You can get more advice and support about amending a family day care licence from a Children's Services Officer in your local area, for a list of Children's Services Officer visit the Department for Communities website, www.childcare.wa.gov.au.



The Application

Application instructions



The *Help guide* and *Licence amendment application* must be read in conjunction with the *Child Care Services Act 2007 (the Act)* and the *Child Care Services (Family Day Care) Regulations 2006* or the *Child Care Services (Outside School Hours Family Day Care) Regulations 2006 (the Regulations)*.

It is important, as the licensee, you are familiar with the minimum standards prescribed by the Act and the Regulations. Failure to comply with the Act and the Regulations may result in an application for a licence amendment being refused, or the cancellation or suspension of an existing licence, and/or pecuniary penalties.

- You must answer all sections of the licence amendment application.
- Where a box is provided, please indicate your choice with a tick (☑) or a cross (☒).
- All relevant details and attachments must be completed and received by the Department for Communities before your licence amendment application will be assessed.
- Your licence amendment application will be assessed according to the minimum standards set out in the Regulations.

Section 1: Service Details

This section helps the Department for Communities contact the right person in case of a general enquiry.

➤ Contact details

Your full name and contact details in case there are any general enquiries about your licence amendment application.

Section 2: Change of place

This section asks you to describe your proposed amendment to your proposed new family day care place.

If you do *not* wish to amend the location specified in your licence, you can move on to Section 3.

➔ Checklist for site and floor plans

Please read regulations *change of place* carefully with respect to the type of documents you should attach to your application and what scale your plans should be drawn to.

Additionally, your drawings must clearly mark the following features:

- the scale used
- the dimensions of the site, building(s) and room(s)
- the use of rooms
- all exits
- fences, outbuildings, and service areas

Importantly, the Department for Communities will not process incomplete applications. If you do not attach a particular document please provide a reason.

Please **do not send original** documents.

Section 3: Amendment to days and/or hours of operation

This section outlines the criteria to be considered when making an amendment to the days and/or hours of operation specified in your licence.

If you do *not* wish to amend the days and/or hours of operation specified in your licence, you can move on to Section 4.

Importantly where you wish to change the days and/or hours of operation specified in your licence, you must still meet the requirements set out in the Act and Regulations.

Section 4: Amend or remove any other existing condition

This section asks you to describe the proposed amendment or removal of any other existing condition not mentioned above.

If you do *not* wish to amend or remove any other existing condition specified on the licence, you can move on to Section 6.

Section 5: Declaration

This section asks you to declare the information provided in your application is true and correct, and that you are aware of the consequences of not providing true and correct information.


The family day care licensee must sign this section. An authorised witness must witness (attest) the signature of the family day care licensee.

Definition for authorised witness

The following is a list of people who qualify as an authorised witness to declare and attest documents in Western Australia —

Academic (post-secondary institution), Accountant, Architect, Australian consular officer, Australian diplomatic officer, Bailiff, Bank manager, Chartered secretary, Chemist, Chiropractor, Company auditor or liquidator, Court officer (Judge, magistrate, registrar or clerk), Defence force officer (Commissioned, Warrant or NCO with 5 years continuous service), Dentist, Doctor, Engineer, Industrial organisational secretary, Insurance broker, Justice of the Peace, Lawyer, Local government CEO or deputy CEO, Local government councillor, Loss adjuster, Marriage celebrant, Member of Parliament (State or Commonwealth), Minister of Religion, Nurse, Optometrist, Patent attorney, Physiotherapist, Podiatrist, Police officer, Post officer manager, Psychologist, Public notary, Public servant (State or Commonwealth), Real estate agent, Settlement agent, Sheriff or deputy sheriff, Surveyor, Teacher, Tribunal officer, Veterinary surgeon.

— *Note, Children's Services Officers and Licensing Officers are authorised witnesses* —

 **Post your application**

Please post your completed Licence amendment application, including all the appropriate attachments, to:

*Child Care Licensing and Standards Unit
Department for Communities
1st Floor Wellington Street, East Perth WA 6004
PO Box 6242, East Perth Business Centre, EAST PERTH WA 6892*



Department for
Communities
Child Care Licensing
and Standards Unit

Licence No.					
-------------	--	--	--	--	--

File No.									
----------	--	--	--	--	--	--	--	--	--

Licence amendment application

Child Care Services Act 2007
Child Care Services (Family Day Care) Regulations 2006
Child Care Services (Outside School Hours Family Day Care) Regulations 2006

1st Floor, 111 Wellington Street, East Perth WA 6004
Tel. (08) 6210 3333 (Metro) Tel. 1800 199 383 (Freecall STD) Fax. (08) 6210 3300

➤ Use this amendment application if you wish to apply to amend your current licence conditions with respect to:

- Days and/or hours of operation
- change of place from which your family day care service is authorised to be provided
- change or removing any other existing condition.

If you wish to apply to amend your licence for a change of person to act in place of Supervising Officer/individual licensee please complete the **Change of Supervising Officer / 'person to act in place of'** application.

➤ All relevant details and attachments must be completed and received by the Department for Communities before this application will be assessed.

➤ A licence amendment application will be assessed according to the minimum standards set out in the *Child Care Services Act 2007* and *Child Care Services (Family Day Care) Regulations 2006* or the *Child Care Services (Outside School Hours Family Day Care) Regulations 2006* (the Regulations), as the case requires.

It is important, as the licensee you are familiar with the minimum standards prescribed by the Act and the Regulations. Failure to comply with the Act and the Regulations may result in a licence amendment application being refused, or the cancellation or suspension of an existing licence, and/or pecuniary penalties.

➤ To help you complete this application more easily and accurately, please use the accompanying *Help Guide: How to amend a family day care licence*.

➤ You must answer every section of this application. Where a box is provided, please indicate your answer with either a tick (☑) or a cross (☒).

SECTION 1: Service details

1.1 Your full name

.....
Given & middle names Surname

1.2 Business phone or mobile number

		—																	
--	--	---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

1.3 Email address

.....

1.4 Licence number

--	--	--	--	--

1.5 Service type

Family Day Care

Outside School Hours FDC

1.6 Name of service

.....

1.7 Location of service

.....
Street address Suburb/Town

Are you applying to amend the location specified in your licence?

Yes ➔ See 2.1

Does the place have a swimming pool?

Yes ➔ See 2.9

Will there be any change to usual occupants at the place?

Yes ➔ See 2.11

Are you applying to amend the days and/or hours of operation specified in your licence?

Yes ➔ See 3.1

Are you applying to change or remove any other existing condition specified on the licence?

Yes ➔ See 4.1

SECTION 5: Declaration

Your signature must be witnessed by an authorised witness.

Declaration

I declare that:

- all the information given in this Amendment application, including any attachments, is true and correct
- I am aware penalties may be imposed in accordance with section 49 of the *Child Care Services Act 2007* for knowingly providing any false or misleading information in connection with this application

...../...../.....
Signature of applicant *Print name* *Date*

Signed in the presence of —

Privacy statement

The Department for Communities needs the information provided in this application to help assess your capability to operate your family day care service with the requested amendments. Any personal information will be handled with care and will only be used for the above stated purpose.

.....
Signature of authorised witness *Print name of authorised witness*

...../...../.....
Qualification as an authorised witness *Date*

— PLEASE KEEP A PHOTOCOPY OF THIS APPLICATION FOR YOUR RECORDS —