

# HELP GUIDE

## *Person to act in place of a family day care licensee*

*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**

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# HELP GUIDE

## *'Person to act in place of' a family day care licensee*

Child Care Services Act 2007

Child Care Services (Family Day Care) Regulations 2006

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

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# Introduction

## *Person to act in place of a family day care licensee*

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

➤ **How long will it take to process an application to become a 'person to act in place of'?**

For a straight forward application, from the time you receive notice in writing your application has been lodged, you can expect the process to take approximately 45 days to be notified of the final outcome.

➤ **Who is the supervising officer?**

A supervising officer is the person responsible for the day to day supervision and control of a child care service. In a family day care or outside school hours family day care service the licensee is always the supervising officer.

➤ **Who is a 'person to act in place of'?**

A 'person to act in place of' is a person approved by the Chief Executive Officer of the Department for Communities as fit and proper to act in place of a supervising officer (family day care licensee). A person to act in place must undergo an assessment of his/her suitability to effectively supervise a child care service.

➤ **When can I use a 'person to act in place of'?**

An approved person must act in place of the licensee at all times, apart from the exceptions stated in the relevant regulation (*Presence of supervising officer at place*). The person approved to act in place of the supervising officer is the supervising officer for the period of time he/she is acting in place of the supervising officer named on the licence document.

A person to act in place of the licensee is therefore used where for example, the licensee —

- is on leave such as unpaid, annual or special leave
- is on sick leave for more than two consecutive days
- cannot be present for the minimum 25 hours or 70%, whichever is the lesser. For example if a supervising officer can only be present for 20

hours in one week for whatever reason, a person must act in the supervising officer's position for at least the remaining 5 hours in order to meet the minimum regulatory requirement of 25 hours per week.

➤ **Can I be the supervising officer or the 'person to act in place of' for more than one service?**

A person approved to act in place of a supervising officer may hold this status for more than one service at a time. But a person appointed to the position of supervising officer, who acts in place of the family day care licensee, cannot be the supervising officer for another service at the same time.

A person must complete separate applications for each family day care licensee they wish to act in place of.

➤ **How is my application assessed?**

The assessment to become a supervising officer or person to act in place of is based on whether you are considered to be a 'fit and proper' person to be involved in the provision of a child care service.

To determine your suitability, an assessment is made using the following:

- criminal record check
- *Working with Children* check
- reference checks
- Departmental record check
- any training and experience in child care or outside school hours care, as the case requires, or related fields
- evidence of appropriate qualifications as prescribed by the relevant Regulations
- medical clearance
- assessment of the understanding of (young) children, the Act and the Regulations (please see the separate *Help guide: Applicant assessment* included in this application kit).

➤ **What is the Applicant assessment and when is it sat?**

The Applicant assessment tests your understanding of child development and your understanding and knowledge of the *Child Care Services Act 2007* and the *Child Care Services (Family Day Care) Regulations 2006* or the *Child Care*

*Services (Outside School Hours Family Day Care) Regulations 2006*, as the case requires. You must sit and meet the Applicant assessment criteria *before* your application can be lodged. You must contact a Children's Services Officer at a local office of the Department for Child Protection. Please read the separate *Help guide: Applicant assessment* included in this application kit for further information.

➤ **How do I get a criminal record check?**

A criminal record check, known as a 'National Police Certificate', lists all disclosable court outcomes recorded against a person in any Australian state or territory. This certificate is used to assist in determining whether a person is 'fit and proper' to operate a child care service. Applicants must apply (taking suitable identification evidence) in person at an Australia Post outlet. The certificate will be posted directly to applicants. This must be included with the licence application. For more information about a National Police Certificate please refer to the [WA Police website](#).

Importantly, if you do not include a criminal record check in your application, your application will not be lodged.

➤ **Do I need to apply for a Working with Children check?**

Yes, from 1 January 2007, individual licensees, managerial officers and supervising officers must obtain a *Working with Children Card* (WWC Card) before any licence application can be processed.

For advice and assistance related to applying for a *Working with Children Check* contact the Working with Children Screening Unit on telephone 6217 8100, 1800 883 979 (toll-free), or the website [www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au).

➤ **What is a departmental record check?**

Routinely, the Department for Child Protection records any involvement a person may have with the Department. As part of a normal check to determine whether a person is fit and proper to be involved in the provision of a child care service, that person will be subject to a departmental record check of all records the Department may hold on him/her.

You must give written consent for the Department to carry out the departmental record check. The *Departmental record check consent form(s)*, included in this application kit, must be completed and lodged with your application. Where this form is not completed and included with your application, your application will not be lodged.

- **How are Departmental record check consent forms completed?**  
The Departmental record check consent form should ideally be completed at the same time as an applicant or supervising officer sits the Applicant assessment (*see the Help guide: applicant assessment*) at a local office of the Department for Child Protection. The Children's Services Officer, another Department for Child Protection officer or another authorised person must sight original identification documents and witness the applicant's signature of consent for the Department to carry out the check. If any identification documents are copies, they must be certified by an authorised witness (*see page 16 for a list of people who qualify as an authorised witness*).

Where it is not practicable for a Department for Communities officer to do so, a Justice of the Peace or another Public Servant can sight original and sign photocopies of identification documents and witness the applicant's signature.

The types of documents accepted as evidence include:

- birth certificate (or extract), and if the name is different because of marriage, a marriage certificate
- current passport/international travel document
- citizenship certificate
- driver's licence/permit
- social security benefits ID card
- tertiary student ID card
- a signed written reference from a financial institution
- Medicare card.

Signed photocopies of identification documents to be attached to the Departmental record check consent form.

Where Aboriginal or Torres Strait Islanders are unable to produce the above documents, two referees may be provided as proof of identity.

For more information, please read the *Departmental record check consent form* carefully, and/or speak with a local Children's Services Officer.

➤ **What does it mean when the application is lodged (made)?**

When the Department for Communities deems an application lodged, the application can then proceed to the next step of the application process. Importantly, the Department will only accept an application as lodged (made), when the application, including all the appropriate attachments, is completed correctly and in full.

On receipt of your application by the Department you will be notified in writing that either:

- the application has been received in full and officially lodged, or
- the application is incomplete and/or inaccurate, and not considered lodged.

An application that is incomplete, that is an application that does not include all the appropriate attachments, or has information outstanding, will be returned directly to you without delay. In addition, you will be told what information needs to be included for the application to be registered as lodged (made). Where you require further help to complete your application, you can contact a local Children's Services Officer of the Department for Communities for assistance.

➤ **When does my status as a person to act in place of expire?**

Your status as a supervising officer or a person to act in place of is valid up until the expiry of the licence to which it relates. When the licence is renewed you will also be assessed as part of the renewal process to determine that you are still a fit and proper person to be involved in the provision of a child care service.

➤ **What happens if the original family day care licensee, to which my approval is attached, ceases to operate?**

Your approval to act in place of a family day care licensee will remain valid when you are still providing care to other family day care licensees for which you have been approved. Your approval status will then be attached against the next licensee. However, your status as a person to act in place of a family

day care licensee cannot continue beyond the original maximum three years period.


- **Who can I contact for enquiries about my application?**  
When official notice from the Department for Communities is received that your application has been lodged, the contact details of the Licensing Officer handling your application will be included.
  
- **Where can I go for more information?**  
More advice and support about your application may be obtained from a Children's Services Officer at a local office of the Department Child Protection, or from the Department for Communities website, [www.childcare.wa.gov.au](http://www.childcare.wa.gov.au).
  
- **What happens if my application is refused?**  
If your application is refused, you will be given a reason why it did not meet the required standard. You may apply again if in the future you assess you can meet the standard required. You can get advice and support from your local Children's Services Officer if you wish to apply again.
  
- **What can I do if I disagree with the outcome of my application?**  
If your application is refused and you disagree with the reason given or you are dissatisfied with the fairness applied to the process, you may appeal to the Department for Communities in the first instance. Contact a local Children's Services Officer for more information.

## Application Process - Steps 2 and 3

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



The Application



Approval  
/ refusal

1

- You must sit and pass the Applicant assessment test at a local office of the Department for Child Protection.

*See the separate Help guide: Applicant assessment included in this kit*

2

- You must post your completed application with the appropriate attachments to the Child Care Licensing and Standards Unit, Department for Communities.

*See the Application instructions, page 11.*

3

- You receive notice, in writing, that your application is lodged.

*Note, incomplete applications are not considered lodged and will be returned.*

4

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

# The Application

## Application instructions



The *Help guide* and *Change of supervising officer/Person to act in place of application* must be read in conjunction with the *Child Care Services Act 2007* (the Act) and the *Child Care Services (Child Care) Regulations 2006* or the *Child Care Services (Outside School Hours Care) Regulations 2006* (the Regulations).

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

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

## Section 1: Family day care licensee details

*This section provides the Department for Communities with the licence details to which your application relates.*

Importantly, where this is your first application to become a person to act in place of family day care or outside school hours family day care licensee, it is this licence to which your approval will be attached.

*Please note*, separate approval processes apply for each service type. That is, if you have already been approved as a person to act in place of a family day care licensee under the *Child Care Services (Family Day Care) Regulations 2006* and you wish to be a person to act in place of an outside school hours care family day care licensee, you must apply for approval under the *Child Care Services (Outside School Hours Family Day Care) Regulations 2006*. In this

case your separate approvals will be attached to, two separate licensed services.

## Section 2: Personal details of applicant

*This section outlines the personal details of the applicant applying to become either a supervising officer or a person to act in place of a supervising officer or individual licensee.*

### *Question 2.6*

Question 2.6 asks whether you have already been approved as a person to act in place of a licensee of the service type for which you are applying. When you have already been approved as a person to act in place of a licensee and your contact details and other relevant information have not changed then only need to complete Sections 3 and 5 of the application.

### ➔ Experience and qualifications of applicant

#### *Questions 2.16 and 2.17*

These questions ask you to detail the time you have spent engaged in either –

- children’s educational or human services if you are applying to become a person to act in place of a family day care licensee, OR
- children’s educational, recreational services or in child development if you are applying to become a person to act in place of an outside school hours family day licensee.

Importantly, if you have had any previous experience operating a child care service please ensure you include the following details in your curriculum vitae:

- the name of the child care service
- the address of the child care service
- the dates when you operated the child care service.

### *Question 2.18 & 2.19*

All persons to act in place of either a family day care or outside school hours family day care licensee are required to have an approved, current first aid qualification as a minimum. Where you have also gained a child care qualification or other equivalent training please provide a copy of this qualification.

### Questions 2.20

Notably, if you sat your Applicant assessment less than 12 months prior to the date of this application, you do not have to sit it again. Please attach a copy of your original Applicant assessment receipt. If not available, please attach the yellow copy.

#### ➤ Health of applicant

Please note any information you disclose in questions 3.18 to 3.20 will be treated in confidence.

### Question 2.21

You must attach a medical certificate from your general practitioner confirming your ability to care for young children. When requesting a medical certificate please give your general practitioner the information sheet included in this application kit.

Notably, medical certificates must not be issued more than six months from the date of application<sup>1</sup>, and all information included in the medical certificate must be current and answer the points highlighted in the information sheet. Medical clearances that do not include these points will not be accepted.

#### ➤ Licence or equivalent authority cancelled

The Act requires all nominated supervising officers to declare whether a licence or equivalent authority has been issued within five years of the date of application. Where a licence or equivalent authority has been cancelled in the past five years the licence would not be issued.

#### ➤ Supervising officer for another service

You can apply to become the supervising officer when you are currently a supervising officer for another child care service that is operating at the same time as the proposed new child care service, however, a licence for the new service would not be issued before proof is received by the Department that you are no longer (or will no longer) be the supervising officer for the original child care service. The licence would normally be issued the day after the final date you were responsible for the original service.

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<sup>1</sup> The date of application is the most recent date the Department for Communities *receives* the application. The date the application is made will occur as soon as reasonably practicable after the date of application.

As proof, the Department would require written notification from the licensee you are currently working for that you are or will no longer be the supervising officer for that service. Notably, you would only be required to approach the licensee you currently work for after the licence application has been conditionally approved. However, if you choose to approach your current licensee sooner and the licensee notifies the Department that your position will cease with their service as of a particular date, this will help avoid any unnecessary delays with the application process.

### ➔ Referees for the applicant

*Questions 2.27 & 2.28 require you give details about your chosen referees.*

You must nominate two referees — one referee for each given category listed in the regulations, which are:

- a referee who has experience in children's services (Family day care) OR a referee who has experience in children's, educational, recreational or human services (Outside school hours family day care)  
*(Please note, this means a person who works, or has worked in the child care industry, or a person who has experience in the group care of children, e.g. child care worker, teacher, or similar.)*
- a referee who is a previous employer of the subject, or who has worked with the applicant in a paid or unpaid capacity.  
*(Please note, this can include a current employer of more than six months, work unrelated to child care or volunteer work, e.g. at school canteen, or your church, or similar.)*

Both nominated referees should —

- have known the applicant for at least six months
- be able to comment on the applicant's suitability to care for young children
- be available during business hours to speak to a Licensing Officer
- where possible, reside in Australia.

In addition, for each chosen referee, the applicant is required to provide details of the referee's:

- full name
- residential address
- contact phone numbers and if applicable, his/her email address.

In accordance with regulation 13(2), chosen referees must not be related, married or related by marriage to the applicant, or live with the applicant as a de facto partner. Additionally, a referee must not be a current employee of, or be supervised by, the applicant.

The Department will post the Referee report form to the nominated referees.

#### ➔ Criminal record check of the applicant

*Question 2.29*

As an individual applicant you must have a National Police Certificate that is issued not more than six months from the date of application.<sup>2</sup>

If you do not include a National Police Certificate, your licence application will not be lodged.

*Questions 2.30 and 2.31*

You must give details of any convictions of a prescribed offence that you may have been charged with since your National Police Certificate was issued. Please refer to regulation 2 (Prescribed offences) in the *Child Care Services Regulations 2007*. These regulations can be viewed online at [www.slp.wa.gov.au](http://www.slp.wa.gov.au).

#### ➔ Working with Children Check

*Question 2.29*

Please attach a copy of your *Working with Children* card and record the number and expiry date of the card.



#### ➔ National Police Certificate and *Working with Children* check

It may take several weeks for applications for a National Police Certificate and *Working with Children* check to be processed. Please apply for these checks without delay.

You must have a current National Police Certificate and *Working with Children* check *before* the Department will process the application.

## Section 3: Person already approved to act in place of licensee

*This section provides the Department for Communities with the licence details which your original approval is attached to.*

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<sup>2</sup> The date of application is the most recent date the Department for Communities *receives* the application. The date the application is made will occur as soon as reasonably practicable after the date of application.

### *Questions 3.1 to 3.2*

Questions 3.1 and 3.2 ask you to give details and the licence number of the family day care licensee your approval is attached to.

### *Questions 3.3*

Question 3.3 asks that if any of your details have changed or any matters referred to in section 2 have changed, you please complete the relevant questions.

## **Section 4: Checklist**

*This section is an important tool to help ensure your application is complete.*

The Department for Communities will not process incomplete applications. If a particular document is not attached please provide a valid reason.

Please attach copies of supporting documents to the application. Please do not send original documents.

Importantly, copies of identification documents in relation to the Departmental record check consent form must be certified copies; that is, witnessed and signed by an authorised witness.

### *Definition of 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—*

## **Section 5: Declaration & privacy statement**

*This section provides for a declaration that the information provided in the application is true and correct, and highlights to you the consequences of not providing true and correct information. Additionally this section states the Department for Communities commitment to uphold your privacy.*

Your application must be signed and your signature must be witnessed by an authorised witness.

The licensee of the service you are applying to become the supervising officer for or person to act in place of must also sign the application.

### **Post your application**

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

*Child Care Licensing and Standards Unit*

*Department for Communities*

*1<sup>st</sup> Floor, 111 Wellington Street, East Perth WA 6004*

*PO Box 6242, East Perth Business Centre, East Perth WA 6892*