

HELP GUIDE

How to renew a family day care licence or an outside school hours 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)
www.childcare.wa.gov.au

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Introduction

How to renew a family day care licence

Child Care Services Act 2007

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➤ **When must my renewal application be in by?**

At the very latest, your licence renewal application must be lodged with the Department for Communities 60 days prior to the licence expiry date. If your licence renewal application is not lodged within this time frame, there is a risk of your current licence expiring before the renewal process can be finalised.

Note however, where your application has been lodged within the prescribed time frame and in a form approved by the CEO with all the required attachments, and where the Department cannot make a decision within the licence expiry date, your licence will continue to have effect until a decision is made on your application.

An exception to this is where the CEO has, in accordance with section 25 or 29 of the Act, suspended or cancelled your licence.

➤ **My licence currently operates with an exemption. Does it carry forward?**

No, it will not be carried forward. Any current exemptions will expire at the end of the current licence. In special circumstances it may be appropriate to re-apply for an exemption. An application for an exemption must be made 60 days prior to the expiry of the current licence. The Child Care Licensing and Standards Unit will review the application and advise the outcome prior to the expiry of the current licence.

➤ **What happens if my licence expires?**

If your licence expires, you will **not** be able to operate the family day care service specified in your current licence. Importantly, it is an offence in accordance with section 9 of the *Child Care Services Act 2007*, to operate a family day care service without a valid licence.

It is your responsibility to ensure the licence renewal application is lodged within 60 days of the licence expiry date.

- **Will I receive any other notices my licence will expire?**
No. The enclosed letter and application is the first and final warning reminding you of your obligation to renew your licence. Again, it is stressed, it is your responsibility to ensure your licence renewal application is lodged within 60 days of the licence expiry date.
- **How long will the licence renewal process take?**
For a straight forward licence renewal, from the time you receive notice in writing your application has been lodged, it is reasonable to expect the process to take approximately 60 days before notification of the final outcome.
- **How is my licence renewal assessed?**
Your licence renewal will be assessed by the CEO and will not be renewed unless the CEO is satisfied that —
- you are capable of providing a family day care service in accordance with the regulations and conditions of the licence;
 - the place at which your family day care service is to be provided is suitable for that purpose;
 - a licence or equivalent authority granted or issued to you has not been cancelled in the previous 5 years before the date of this application;
 - you are of sound financial reputation and stable financial background;
 - each usual occupant is a fit and proper person to associate with children;
 - you have not been found guilty of a prescribed offence unless the CEO is satisfied there are exceptional reasons for doing so;
 - you have the ability to supervise and control on a day-to-day basis the provision of the family day care service to which your application relates;
and
 - you are otherwise a fit and proper person to provide a family day care service.

Importantly, your compliance history will be a significant indicator of your ability to provide a family day care service that meets the requirements of the Regulations.

➤ **Should I expect a licence renewal visit?**

It is expected licensing visits will be conducted during the term of a licence. In addition a Licensing Officer may inspect your place to ensure you are meeting the requirements of the Regulations prior to the licence expiry date.

➤ **What happens when the CEO renews my licence?**

The CEO may renew your licence to provide a family day care service subject to any existing condition, impose any new condition or change or remove any existing condition. Your licence renewal is valid up to a maximum period of three years after which time you may apply to renew your licence again.

Once the CEO renews your licence you —

- may provide a family day service only from the place specified in your licence;
- may provide a family day care service for the maximum number of children specified in your licence;
- must maintain familiarity with the Act and Regulations;
- must operate the service in compliance with the Regulations and any condition imposed by the CEO;
- can expect visits by Licensing Officers from time to time to ensure the service is operating in compliance with the Regulations; and
- must notify the Department for Communities of any change which affects the operation of your family day care service such as modifications to the place.

➤ **Do I need to sit the Applicant assessment?**

Yes, all renewal applicants must sit the Applicant assessment. The Applicant assessment tests your understanding of childhood development and your understanding and application 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 pass the Applicant assessment *before* the renewal application can be lodged. You must contact the Children's Services Officer responsible for the area where your family day care service is located to make a time to sit your assessment. Please read the separate *Help guide: Applicant assessment* included in this Renewal application kit for further information.

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

A National Police Certificate is issued by WA Police after a criminal record check is completed. This certificate lists all disclosable court outcomes recorded against a person in any Australian state or territory and 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 and a copy 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 provide a current National Police Certificate the Department for Communities will not process your renewal application.

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

Yes, Family day care licensees and Supervising officers must obtain a Working with Children card (WWC card) prior to expiry of the current licence.

Importantly, this must be undertaken without delay. Licence renewal applications cannot be processed without proof that an individual licensee, or person to act in place of a licensee has obtained a WWC card.

➤ **What is a Department for Child Protection record check?**

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

You must give written consent for the Department for Child Protection to carry out the record check. The *Department for Child Protection Record Check Consent Form(s)*, included in this Renewal application kit, should be completed and lodged with your Licence renewal application.

If you do not complete and include all necessary consent forms in your renewal application, the renewal licence application will not be lodged.

➤ **How do I complete my Department for Child Protection Record Check Consent Form?**

The Record Check Consent Form should ideally be completed at the same time as you sit the Applicant assessment (*see the Help guide: applicant assessment*). Your local Children's Services Officer, another Department for Communities officer or another authorised person must sight original and sign copies of identification documents and witness your 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 17 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
- working with children card
- a signed written reference from a financial institution
- Medicare card

Signed photocopies of identification documents to be attached to the original (not a photocopy) 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 *Record Check Consent Form* carefully, and/or speak with a local Children's Services Officer.

➤ **Do my usual occupants need a criminal record check?**

All of your adult usual occupants require a National Police Certificate before your application can be lodged. An adult is a person of at least 18 years of

age. The *Child Care Services Act 2007* requires that all usual occupants are considered fit and proper to associate with children. The usual occupant will have to apply in person to obtain a National Police Certificate, please refer to the title “*How do I get a criminal record check?*” for more information on how to obtain a National Police Certificate.

➤ **Do my usual occupants need to complete a Department for Child Protection Record Check Consent Form?**

All adult residents of your household must complete their own *Record Check Consent Form*. Adult residents can make individual or group appointments with a local Children’s Services Officer to complete his/her *Record Check Consent Form*. Please remind each individual to prepare and take his/her documentary evidence proving his/her identity. The documentary evidence must equal 100 points. Please refer to “*How do I complete my Department for Child Protection Record Check Consent Form?*” for more information.

Failure to include the *Record Check Consent Forms* for all adult residents of your household will result in a delay of the outcome of your renewal application, and may result in the refusal to renew your licence.

➤ **What happens if my licence renewal application is refused?**

If your licence renewal application is refused, you will be given a reason in writing why the renewal application did not meet the required standard. Another licence renewal application may be made if in the future it is assessed the required standard can be met.

➤ **How can a review of the decision be made?**

If your licence renewal application is refused and you do not agree with the reason given or are dissatisfied with the fairness applied to the licensing renewal process, you may apply to the State Tribunal (SAT) within 28 days for a review of the decision. The SAT website is www.sat.justice.wa.gov.au.

➤ **What do I do, if I do not wish to renew my licence?**

If you choose not to renew your licence, you are required to fill out Section 1 and Section 5 of the Licence renewal application. You must then return your application to the Department at least 60 days prior to your licence expiry date.

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

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

A licence renewal application that is incomplete, that is a renewal application that does not include all the appropriate attachments or has information outstanding, may be returned directly to you without delay or in some cases the Department will telephone you for further information. In addition, you will be told what needs to be added to your application to be registered as lodged (made).

➤ **Who should I contact for enquiries about my renewal application?**

When official notice from the Department for Communities is received that your licence renewal application has been lodged, the contact details of the Licensing Officer handling the application will be included.

➤ **Where to for more information?**

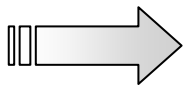
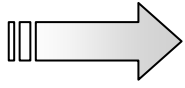
More advice and support about child care services and licensing may be obtained from your local Children's Services Officer or from the Department for Communities website, www.childcare.wa.gov.au.

Licence renewal in 4 easy steps

Child Care Services Act 2007

Child Care Services (Family Day Care) Regulations 2006

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The Application

1

- You must post your renewal application with the appropriate attachments to the Department for Communities.

See Application instructions, page 12.

2

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

Note: incomplete applications are not considered lodged.

3

- There may be a licensing visit before the licence expiry date.

4

- You will receive written notice about the outcome of your licence renewal application.

If your application is successful, you will receive the renewed licence.

- If it is proposed to refuse the licence renewal, you will receive written notice from the Department for Communities outlining the grounds on which your licence will be refused.

At this point you may apply, within 21 days of receiving the notice, for a review of the proposed decision.



The Renewal Application

Application instructions



The *Help guide* and *Licence renewal 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 you are familiar with the minimum standards prescribed by the Act and Regulations. Failure to comply with the Act and the Regulations may result in your licence renewal application being refused, or the cancellation or suspension of your existing licence, and/or pecuniary penalties.

- All sections of the licence renewal 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 licence renewal application will be lodged and then assessed.
- Your licence renewal application will be assessed according to the minimum standards set out in the Act and the Regulations.



Renewal application form

Section 1: Individual applicant details

This section outlines the details of the individual applicant applying to renew the family day care licence.

- Individual applicant

Give your full name and contact details to be contacted in case there are any general enquiries about your licence renewal application.

➔ Renewal or non-renewal of licence

Question 1.8

Question 1.8 asks you whether you wish to renew your licence or not. Should you not wish to renew your licence, you need only complete Section 1 and Section 5.

If you wish to renew your licence you must complete every Section of the application.

➔ Emergency contact details

Question 1.11

The emergency contact details will be added to the Child Care Licensee Emergency Contact Register. This register will be used by the Department for Communities or other government agency to alert licensees about an emergency, such as an influenza pandemic or other disaster. This will allow important information to be quickly passed on to the child care sector.

➔ Financial Certification Statement

Question 1.17

The Act requires that the Chief Executive Officer of the Department for Communities must not grant a licence unless satisfied that the applicant is of *sound financial reputation and stable financial background*. To assist in this assessment the Department requires a Financial Certification Statement to be completed and attached as part of the licence renewal application. The applicant or a person with knowledge of the applicant's financial status must complete the Financial Certification Statement included in this package and attach it to the application.

➔ Experience and qualifications

Question 1.18

All family day care providers are required to have an approved current first aid qualification as a minimum; you are required to provide a copy of your current first aid qualifications.

Question 1.19

Question 1.19 asks you to detail any courses and/or qualifications which are relevant to children's services that you may have completed since you last applied for your family day care licence/ licence renewal.

➤ Licence or equivalent authority cancelled

Question 1.21

The Act requires all individual applicants to declare whether a licence or equivalent authority has been issued within the five years up to the date of this application. Where a licence or equivalent authority has been cancelled in the past five years a new licence would not be issued.

➤ Health of individual applicant

Questions 1.23 – 1.25

As a licence holder of a family day care service you must notify the Department of any medical conditions that may affect your ability to effectively supervise your family day care service. You must request a medical certificate from your general practitioner.

When requesting a medical certificate please give the general practitioner the information sheet included in this licence renewal kit.

Notably, medical certificates must not be issued more than six months earlier than the date of application, 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.

➤ Criminal record check

Question 1.26

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

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

Question 1.27

You must give details of any convictions or prescribed offences 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

➔ Working with Children Card

Question 1.29

Please attach a copy of your Working with Children card or a copy of the receipt of your application for a Working with Children card.

It is important that you apply for a Working with Children card without delay. Licence renewal applications cannot be processed without proof that an applicant has obtained a WWC card.



➔ National Police Certificate and *Working with Children* card

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

You must have a National Police Certificate and Working with Children card before the Department can process your application.

➔ Referees for the individual applicant

Question 1.31 & 1.32 require you to give details about your chosen referees.

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

- a referee who has experience in children's services
(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 the regulations, 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.

Section 2: Details of usual occupants

This section outlines the details of the usual occupants that usually live or are likely to be present at the place where the service will be provided.

➔ Criminal record check

Question 2.2

You must attach a current National Police Certificate for each adult usual occupant. An adult is someone who is at least 18 years of age.

➔ Department for Child Protection Record Check Consent Form

Question 2.3

You must attach a completed *Record Check Consent Form* for each adult resident of your household.

Any children residing in your household must be included on the appropriate parent/ guardian's *Record Check Consent Form*. Please refer to page 8 of this Help guide for more information on Record Check Consent Forms.

Section 3: General details of service

This section outlines the general details of your family day care service.

➔ Exemptions

In special circumstances, an exemption to a particular regulation may be granted to a family day care service, allowing the licensee to operate below the minimum standards set out in the Regulations.

Question 3.2 and 3.3

If there are any current exemptions in place, the applicant must include the exemption number and the exemption expiry date in the renewal application. It is important to note that all current exemptions will expire at the end of the current licence. They will not automatically be carried forward. In special circumstances, it may be appropriate to re-apply for an exemption. You must do so 60 days prior to the licence expiry date. The Child Care Licensing and Standards Unit will advise the outcome of the application prior to the expiry of the current licence.

Section 4: Checklist

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

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

Where the listed attachment is not applicable to the application, please tick () or cross () the 'not applicable' box.

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, the Departmental record consent form must be the original, photocopies can not be accepted.

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.

Post the application

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

*Child Care Licensing and Standards Unit
Department for Communities
1st Floor, 111 Wellington Street, East Perth WA 6004
PO Box 6242, East Perth Business Centre, EAST PERTH WA 6892*