Commonwealth Law Changes to ‘Child Swapping’ in Family Day Care services

The Australian Government has changed the law around ‘child swapping’ in Family Day Care services.

What is ‘child swapping’?
Child swapping is where a Family Day Care educator, or their partner, receives child care assistance for a session of Family Day Care provided to their child on the same day that they themselves provide Family Day Care. This is no longer allowed, except in some specified circumstances.

Who is affected by the changes?
Family Day Care services now need to check if parents of children enrolled in their service are, or become, Family Day Care educators. If so, services must keep some new records. Educators need to know how care for their own children may be affected.
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Why the laws around child swapping have changed

Child swapping is contrary to the intent of family assistance law which did not envisage that Family Day Care educators would be eligible to receive child care fee assistance for their own children while caring for other people’s children as an educator.

What do services have to do?

- Ask families to tell you if they or their partner are a Family Day Care educator, or if they become one. You may wish to put this on your enrolment form.
- Establish and maintain a register for Family Day Care educators with specified circumstances you provide care to (the Department of Education and Training has released a register template for use. Visit www.education.gov.au)
- Keep copies of documentary evidence about specified circumstances.
- If an educator has a Centrelink Reference Number (CRN), you must enter it into your CCMS software package.

What do educators have to do?

- Provide their Centrelink Reference Number (CRN) to their service.
- Be aware that they can no longer claim benefits for their children who are in Family Day Care on the same day that they provide care unless specified circumstances apply.

What do families have to do?

- If specified circumstances apply, provide relevant information and documents to the service.
- Tell their Family Day Care service if anyone in the family is or becomes a Family Day Care educator.
- Tell their Family Day Care service if their specified circumstances changes.
When can an educator claim child care fee assistance payments for their own children?

An educator can only claim child care assistance payments when they or their partner are working as a Family Day Care educator if:

- Their child is in a type of education and care other than Family Day Care, e.g. long day care;
- Their situation qualifies as a specified circumstance.

What are specified circumstances?

An educator can claim child care assistance payments under specified circumstances:

- Their child has been diagnosed with a particular disability or medical condition, or is in the process of diagnosis (and the service is receiving inclusion support funding for the child);
- The educator’s child lives in a remote or very remote area;
- The educator needs care because they have to work for at least two hours in another job (that is, not as an educator or for a Family Day Care service in another role on the care day); or
- The educator is enrolled in a programme or course of education and training towards a qualification at Certificate III level or above by a Registered Training Organisation, such as TAFE, and be engaged in activities for the purposes of the programme or course (e.g. attending the Registered Training Organisation) on the care day.
Are your service details up to date?
Did you know your service must tell the Department of Education and Training of any changes to the information you gave them on your original CCB approval form? This is referred to by the Department as a Notifiable Event.

Legally, you have to inform the Department of all Notifiable Events, e.g.: changes to the details on your original approval form such as address, phone or email address; changes to your organisation or company’s legal structure; changes in company directors; or changes to bank account details.

Family Day Care services also need to make sure they give the Department of Education and Training the full details of every educator who works for their service, including:
- the full name and date of birth of the educator;
- the address where the care is being provided;
- the educator’s phone number;
- the educator’s unique educator ID; and
- the educator’s highest relevant qualification.

You have to let the Department of Education and Training know when any of these details change.

How do you update your information?
You can update most of your service details via the Child Care Management System (CCMS) through your registered CCMS software.

You will not be able to report the following information through your CCMS registered software:
- financial email address for the receipt of remittance advice;
- bank account details;
- number of places offered;
- changes to your service’s legal entity.

To report this information, you will need to submit a form to the Department of Education and Training. You can find the forms on the Department’s webpage under Notification of changes to your child care services.

Please note:
Only someone who has been notified to the Department of Education and Training as Key Personnel or an Authorised Person for the operator of an approved service has permission to change almost all of the details the Department of Education and Training holds about an approved service.

Do you have more questions about the child swapping changes?
EMAIL: childswappingrule@education.gov.au
WEBSITE: www.education.gov.au

For more information go to: www.fdcsupport.org.au