



# Complying written arrangements – transitioning enrolments

To be eligible for the new Child Care Subsidy parents must have incurred a liability to pay for child care under a *complying written arrangement* with the provider. This information sheet explains how this requirement applies to enrolments that started before 2 July 2018 ('transitioning enrolments'), including a new Minister's rule to provide more time to meet the requirements.

## What is a complying written arrangement?

A complying written arrangement is an agreement between a provider and an individual (one or both parents/guardians) to provide child care in return for fees. It must contain certain information as listed below, and in more detail in the [Child Care Provider Handbook](#) and section 9 of the [Child Care Subsidy Secretary's Rules 2017](#).

There is no requirement, or expectation, that a complying written arrangement must be a new or separate document from the current enrolment form, contract or other document(s) that providers typically use to establish (and update) a care arrangement. A complying written arrangement must be recorded in writing, in either paper or electronic form. They are not submitted to the Department of Education and Training (but must be provided if requested).

A complying written arrangement must contain basic details about an enrolment including:

- the parties to the arrangement
- the enrolled child
- when the arrangement started
- on what basis the parties intend care will be provided (routine days, casually)
- the usual fee/s the parent is accepting liability to pay.

## Will transitioning enrolments need a complying written arrangement?

Yes, liability under a complying written arrangement is a core eligibility requirement for parents to receive Child Care Subsidy. Many existing arrangements between providers and parents are likely to meet the requirements for a complying written arrangement.

## When do transitioning enrolments need to have a complying written arrangement?

The Government is extending the timeframe for providers to ensure arrangements for transitioning enrolments meet the requirements for a complying written arrangement (see diagram on next page).

Under this ‘transition rule’, some arrangements made between parents and providers before 2 July 2018 will be taken to be a complying written arrangement – whether or not the existing arrangement does in fact meet all the requirements for a complying written arrangement – until 23 September 2018. Specifically, this rule applies to transitioning enrolments that were ‘Active’ and ‘Formal’ in the Child Care Management System (CCMS) immediately before 2 July 2018. That is:

- the provider submitted an enrolment in CCMS before 2 July 2018, for which the parent was receiving Child Care Benefit/Child Care Rebate (whether by fee reduction or lump sum), and
- the enrolment does not cease before 2 July 2018.

For these transitioning enrolments, a complying written arrangement will be *taken to be in place* between 2 July 2018 and 23 September 2018. This will ensure parents can be eligible for Child Care Subsidy for sessions of care provided under these transitioned enrolments between 2 July and 23 September 2018. From 24 September 2018, a complying written arrangement – as set out in the [Secretary’s Rules](#) – must actually be in place for the parent to be eligible for Child Care Subsidy.

## How can existing arrangements meet the requirements for a complying written arrangement?

Firstly, while providers’ enrolment forms, contracts or other documents do need to cover the requirements for a complying written arrangement, they do not need to mirror the exact wording of the requirements as they written in the Secretary’s Rules.

In addition, it is possible that the requirements could be covered in more than one place. This means, for example, the original form or contract the parent agreed to could be taken, together with subsequent written communication with the parent about changes in fees, booked days and the like, to meet the requirements for a complying written arrangement.

Where the existing arrangement for a transitioning enrolment does **not** meet one or more requirements for a complying written arrangement, providers can either:

- develop a new form that covers all requirements for existing arrangements in one place (which will be needed for new enrolments), and ask parents to confirm their agreement based on the complete and updated details, **or**
- just confirm the missing detail/s with the parent in writing (e.g. through an exchange of emails or a short form) and attach this to the family’s existing record.

## Process overview – transitioning arrangements/enrolments

The diagram below summarises what providers need to do for transitioning enrolments – both in relation to the arrangement in place with the family, and the enrolment details in the new Child Care Subsidy System.

**Please note:** the department migrated ‘Active’ and ‘Formal’ enrolments from CCMS to the new Child Care Subsidy System on **29 March 2018**. This means there are slightly different processes for enrolments that were ‘Active’ and ‘Formal’ on 29 March 2018, and those created between 30 March and 1 July 2018. Specifically:

- For **enrolments that were migrated to the new system on 29 March 2018**, it will be possible for providers to submit session reports, and for Child Care Subsidy to be paid from 2 July 2018 where the provider has not yet updated the migrated enrolment with additional details required. However, this must be done by 23 September 2018. Parents should have confirmed these enrolments during their ‘Child Care Subsidy Assessment’ transition process.
- However, **for enrolments created between 30 March and 1 July 2018** (that were not migrated) providers will only be able to submit session reports and receive Child Care Subsidy for care provided in first week of July (without delay), if they have submitted a new enrolment notice in the Child Care Subsidy System, and the parent has confirmed the enrolment, by 8 July 2018.

Regardless of whether a transitioning enrolment was migrated from CCMS or not, providers will need to ensure their arrangement with the parent meets the requirements for a complying written arrangement by **no later than 23 September 2018**.

