



Process to apply for an initial Kinship Care Agency licence

1. Summary

Department for Child Protection (DCP) has the legislated mandate under the [Children and Young People \(Safety\) Act 2017](#) (“the Act”) to grant (either with or without conditions), renew and cancel licences for Kinship Care Agencies (KCA) (see definition below). The paramount consideration in applying the Act is to ensure that children and young people are protected from harm.

DCP has established criteria against which a KCA will be assessed to determine whether a licence will be granted, renewed or cancelled. DCP also has a compliance and monitoring role to ensure it is appropriate for agencies to remain licensed and that any licence conditions are being complied with. The current licensing criteria is designed to:

- Ensure agencies meet their legislative responsibilities under the [Children and Young People \(Safety\) Act 2017](#)
- Ensure agencies meet their legislative responsibilities under the [Child Safety \(Prohibited Persons\) Act 2016](#)
- Reflect agencies’ obligations under the [Family and Community Services Act 1972](#), [Children’s Protection Act 1993](#) and [Work Health and Safety Act \(SA\) 2012](#)
- Ensure compliance with the [South Australian Standards of Alternative Care 2008](#) and other relevant frameworks, policies and legislation
- Reflect the principles of the [Charter of Rights for Children and Young People](#).

The current licensing criterion also incorporates the themes present in the [National Out of Home Care Standards 2009-2020](#).

2. Legislative provision for a kinship care agency licence

- 2.1 A kinship care agency falls under the legislative definition of a Foster Care Agency under section 97 of the Act as it involves the placement of children and young people in the care of approved carers (whether on a commercial basis or otherwise).
- 2.2 Any agency that wishes to administer the placement of a child or young person in a kinship care arrangement in South Australia must hold a Kinship Care Agency (KCA) Licence. This licence must be approved by DCP in accordance with the requirements of Chapter 7, Part 6 of the Act.
- 2.3 Section 98 of the Act refers to the penalties for operating a KCA without a licence and states:
‘A person must not carry on the business of a kinship care agency unless the person is the holder of a licence under this Part.
Maximum penalty:
 - (a) in the case of a natural person—Imprisonment for 2 years; or
 - (b) in the case of a body corporate—\$120 000’
- 2.4 Section 99 of the Act describes the granting of a licence and sets out the factors that the Chief Executive, DCP must be satisfied of prior to granting a licence.



2.5 Section 99(3) states:

‘(3) The Chief Executive must not grant a licence to a person unless satisfied that –

- (a) the person is a fit and proper person to hold a licence (including by having regard to the qualifications and experience in the field of kinship care, or any other related field, of the persons who will be carrying on or managing the business, and of any employees of the business); and
- (b) the person (or, in the case of a body corporate, each director of the body corporate) is not a prohibited person under the *Child Safety (Prohibited Persons) Act 2016*; and
- (c) a working with children check has been conducted in relation to the person (or, in the case of a body corporate, in relation to each director of the body corporate) within the preceding 5 years; and
- (d) the system of management within the agency is appropriate; and
- (e) the procedures proposed by the agency for the selection, approval, training and support of approved carers are appropriate; and
- (f) the procedures proposed by the agency for the placement and supervision of children and young people are appropriate,

and may refuse to grant a licence for any reason the Chief Executive thinks fit.’

2.6 Section 99 (7) of the Act provides that a licence remains in force for a period of 12 months from the day on which it was issued and may be renewed in accordance with the regulations for successive periods of 12 months.

Section 100 (1) of the Act determines the basis on which a licence may be cancelled by the Chief Executive, DCP.

3. Initial application

Any agency wishing to apply for a Kinship Care Agency licence should contact the DCP licensing officer in the Service Contracts and Licensing Unit on 8226 7005 or 8463 6102, email: DCPLicensing@sa.gov.au.

3.1 The DCP licensing officer will discuss details with the Agency and help determine if they are required to apply for a KCA licence. If so, DCP will send the agency an application pack for for completion. The application pack includes the following:

- application form for an initial Kinship Care Agency licence
- checklist of documentation that is required from the agency, including relevant policies and procedures; and
- relevant regulations and legislative provisions.

3.2 DCP licensing officers can provide advice to the agency about completing the forms and meeting legislative requirements.

4. Criteria

4.1 The licensing criteria are based on legislative requirements and are consistent with the [National Out of Home Care Standards 2009-2020](#), [South Australian Standards of Alternative Care 2008](#) and the [Work Health and Safety Act \(SA\) 2012](#). Further work is being undertaken



to ensure the criteria outlined below is in line with current standards. This document will be updated to reflect this upon completion.

NOTE: Staff should not rely on a print copy of this guideline. Always refer to the intranet for the most up-to-date version.

4.2 Evidence of the following must be provided to DCP for a Kinship Care Agency licence application to progress:

<ul style="list-style-type: none">• Service Provider Constitution & Code of Conduct
<ul style="list-style-type: none">• Statement of Philosophy (Mission or Values statement)
<ul style="list-style-type: none">• Service Provider Insurance Policy Certificates (Public liability and professional indemnity)
<ul style="list-style-type: none">• Statement of Commitment to Aboriginal Culture, Diversity, Social Justice and Equality
<ul style="list-style-type: none">• Staff and Volunteer Recruitment Policy and Procedures
<ul style="list-style-type: none">• DHS Working With Children Check (WWCC) Policy and Procedure (including management of non-compliance)
<ul style="list-style-type: none">• Staff Compliance Register (Kinship Care Program Staff) including:<ul style="list-style-type: none">• DHS WWCC expiry dates, screening status and relevant information• Staff Training Details (both mandatory and optional)
<ul style="list-style-type: none">• Kinship Carer Compliance Register including:<ul style="list-style-type: none">• DHS WWCC expiry dates, screening status and relevant information for carers, adult residents aged 18+ years and regular visitors• Carer training details (both mandatory & optional)
<ul style="list-style-type: none">• Staff and Volunteer Training and Development Policy
<ul style="list-style-type: none">• Staff and Volunteer Support and Supervision Policy
<ul style="list-style-type: none">• Kinship Care Family Scoping and Finding Policy and Procedures
<ul style="list-style-type: none">• Kinship Carer Training and Development Policy
<ul style="list-style-type: none">• Kinship Carer Assessment Policy and Procedures (Including DCP Temporary Placement Assessment Tool)
<ul style="list-style-type: none">• Child Placement Policy
<ul style="list-style-type: none">• Supervision of Children and Behaviour Management Procedures
<ul style="list-style-type: none">• Complaints Policy and Procedure (for children, carers and staff)
<ul style="list-style-type: none">• Child Protection Policy - including ongoing maintenance and review of Safe Environment policies and procedures
<ul style="list-style-type: none">• Care Concerns Policy and Procedures
<ul style="list-style-type: none">• Confidentiality and Privacy Policy
<ul style="list-style-type: none">• Records Management Policy and Procedures (including children and young people records, carer and employee records)
<ul style="list-style-type: none">• Work Health & Safety Policy & Procedures
<ul style="list-style-type: none">• Motor Vehicle Policies and Procedures
<ul style="list-style-type: none">• Rights and Responsibilities of Children and Young People Statement (how will your Service Provider incorporate the principles out lined in Chapter 2 of the CYPS



Act 2017 in its everyday business e.g. Charter of Rights, inviting and actioning feedback from Children and Young People, supporting connection to culture and birth family contact where appropriate etc.)

Please see checklist of documentation for details of the full criteria requirements

NOTE: If the Agency is unable to meet a standard requirement, but can demonstrate a suitable equivalent, this may be considered and approved by the Deputy Chief Executive, Child Protection. Where this occurs it should be indicated in the comments section of the 'Checklist of Documentation' and supporting documentation provided.

Evidence can be provided electronically via email or on a USB. The signed original application form in hard copy must be posted to the Service Contracts and Licensing Unit. It is important that evidence is organised clearly. The evidence should be referenced in the checklist of documentation against the assessment criteria for each standard. The reference should include the specific policy and/or procedure name as well as the published date of the documents and specific pages on which the required information can be found.

- 4.3 When the completed application and supporting evidence has been received, a DCP licensing officer will assess the evidence against the checklist of documentation and will request additional information from the agency if required.

If the applying agency commences an application and no longer requires a licence due to a change of circumstances, they must notify the Service Contracts and Licensing Unit via email or phone immediately.

5. Approval process

- 5.1 If evidence has been provided to satisfy all legislative and other Departmental requirements, the DCP licensing officer will make a recommendation to the Chief Executive or Authorised Delegate for approval of a Kinship Care Licence.
- 5.2 Approval for the Kinship Care licence will be for 12 months only. The agency will receive a confirmation letter, a certified licence and a copy of the agency's checklist of documentation.

6. Conditional licence

- 6.1 The Chief Executive may impose conditions on Kinship Care licences. Non-compliance with those conditions can result in significant penalties. The agency will be notified in writing of the specific conditions on the licence and these may be revoked or varied by the Chief Executive.
- 6.2 If the licence is not approved, the applying Kinship care agency will receive feedback in writing and advice about the process for reapplication.