

Licensing quality and compliance Framework

1. Purpose

The purpose of the Licensing quality and compliance Framework (the Framework) is to ensure the licensing regime for Children's Residential Facilities (CRF), Foster Care Agencies (FCA) and Kinship Care Agencies (KCA) managed by the Department for Child Protection (DCP) is holistic, transparent and consistent. The Framework aligns with National and State principles, standards and best practice guidelines to ensure children and young people who are living in out of home care are in nurturing, stable and secure environments, where their rights and safety are of paramount importance. The Framework outlines the requirements for all people, service providers and/or organisations who are required to hold a CRF, FCA or KCA licence.

2. Scope

The requirements outlined in the Framework apply to all people and/or organisations who, as defined within the *Children and Young People (Safety) Act 2017* (CYPS Act) and declared by the *Children and Young People (Safety) Act Regulations 2017* require a CRF, FCA or KCA licence.

This includes all DCP contracted and uncontracted service providers, as well as any residential care facility where a child or young person under the custody or guardianship of the Chief Executive is being cared for under the same circumstances as defined in section 103 of the CYPS Act. These requirements apply regardless of the number of children and young people residing in the facility and is a DCP contractual requirement.

3. Authority

3.1 Legislative context

- [Children and Young People \(Safety\) Act 2017](#)
- [Children and Young People \(Safety\) Act Regulations 2017](#)
- [Child Safety \(Prohibited Persons\) Act 2016](#)
- [Family and Community Services Act 1972](#)
- [Work Health and Safety Act \(SA\) 2012](#)

3.2 Whole of Government requirements

The Framework follows:

- the [National Principles for Child Safe Organisations](#) (NPSCO) ratified by the Prime Minister of Australia and all State Premiers on 1 February 2019
NPSCO is a key national reform. All Commonwealth, state and territory governments have endorsed the principles, which assert that a child safe organisation consciously and systematically:
 - creates an environment where children and young people's safety and wellbeing are the centre of thought, values and actions

- places emphasis on genuine engagement with, and valuing of children and young people
- creates conditions that reduce the likelihood of harm to children and young people and increase the likelihood of identifying harm
- responds to any concerns, disclosures, allegations or suspicions.
- the [National Standards for Out of Home Care](#)
- the [Charter of Rights for Children and Young People in Care](#)

The Charter of Rights for Children and Young People in Care sets out the rights of children and young people who are under the guardianship of the Chief Executive of DCP. It is based on the United Nations Conventions on the Rights of the Child and was developed with the help of children and young people who have lived in care. The CYPS Act states that anyone formally involved with children in care must 'seek to implement to the fullest extent possible, the terms of the Charter'.

- [Safe and well: Supporting families, protecting children](#)

The *Safe and well* strategy is the South Australian Government's commitment to supporting vulnerable families, protecting children and young people, and investing in their future to keep them safe and well. It outlines the actions the government is taking to support families, protect children from harm when they come into care, and to enhance quality and safeguarding to ensure consistency and accountability in service design and delivery.

3.3 DCP requirements

Quality Accreditation pre-requisite	<p>DCP requires licensed organisations to demonstrate evidence of accreditation under one of the following approved quality standards:</p> <ul style="list-style-type: none"> • Australian Service Excellence Standards (ASES) Certificate Level • Quality Improvement Council (QIC) Standards and Accreditation Program <p>Organisations (both within SA and across other jurisdictions) who wish to provide contracted services to DCP but do not hold accreditation against ASES or QIC should contact an authorised accreditation body to discuss whether other certifications or accreditation held can be utilised towards gaining suitable accreditation.</p>
DCP Strategic Plan	<p>The DCP Strategic Plan is the overarching strategic document that guides the work DCP prioritises to improve the future operations and broader child protection system in SA.</p>
DCP Disability Access and Inclusion Plan	<p>The Disability Access and Inclusion Plan outlines the steps DCP will take over four years to improve outcomes for children and young people, carers and the workforce with disability, as well as improving accessibility of the services DCP funds and delivers.</p>
DCP Contract Management Framework	<p>The Contract Management Framework provides a clear and standardised approach to managing and administering contracts. It identifies contract management requirements for all DCP contracts including specific requirements associated with contracts directly relating to children and young people.</p>
Service provider personnel requirements	<p>The Service provider personnel requirements stipulate qualifications, mandatory requirements, nationally accredited or endorsed training and in-house training requirements for service provider personnel working in or volunteering with children and young people in care. This is only applicable to service providers that provide specific services to DCP.</p>

3.4 Principles

The safety of children and young people is the paramount consideration. The licensing process has been developed to align with the following principles, which have been derived from the National Principles for Child Safe Organisations:

- **Principle 1: Committed leadership, governance and organisational culture**
Child safety and wellbeing is central to organisational leadership, governance and culture. Organisational policies and procedures promote inclusive and welcoming environments, ensure a culture of accountability, safety and wellbeing, and are subject to a continuous quality improvement cycle.
- **Principle 2: Partnering for the best outcomes**
Children and young people are kept informed about their rights, participate in decision making that affects them, know how to make complaints, and are taken seriously. They are supported physically and emotionally, their education and extracurricular activities support their growth and align with their future goals, family, community and cultural contact is maintained and their identity supported, respected and celebrated by the people who care for them.
- **Principle 3: Suitable and supported staff and carers**
People working with and caring for children and young people are suitable, equipped with the required knowledge and skills, and supported in the delivery of care. This includes a commitment to developing and increasing cultural knowledge to provide culturally safe and responsive services and quality care to Aboriginal children and young people.
- **Principle 4: Safe physical and online environments**
Physical and online environments promote safety and wellbeing, while minimising the opportunity for children and young people to be harmed. This includes ensuring cultural safety and creating culturally safe and welcoming spaces.

4. Framework requirements

The Framework consists of several components which assist both DCP and service providers during the licensing process to maintain the safety of children and young people whilst also maintaining transparency and consistency:

- Application and assessment requirements
- Approval and renewal process
- Changes to licences and licensing requirements
- External licensing requirements
- Monitoring, compliance and cancellation
- Licensing evidence resource
- Managing complaints.

4.1 Licensing categories

Licensing categories underpin the abovementioned principles. These categories assist in the classification of licensing requirements to increase clarity and to ensure the ongoing safeguarding of children and young people.

Governance and quality systems	Organisations implement sound governance and quality systems to set a benchmark for the delivery of high quality care, maximising the outcomes for children and young people.
People	Organisations ensure that the people providing direct care to children and young people are safe, supported and adequately trained with the required skills, qualifications and experience to safeguard children and young people.
Partnering with consumers	Organisation systems are designed and used to support children, young people, carers, families and consumers to be partners in the delivery of care.
Property, assets and maintenance	The organisation provides and maintains properties and assets to ensure safe environments for children and young people.
Connection to culture and diversity	The organisation has systems of support to enable children, young people, carers and families to actively participate as valued members of their chosen community.

4.2 Safeguarding commitment

DCP is committed to the provision of high quality, effective, child-centred services. The safety and wellbeing of children and young people is the paramount consideration. Protecting the rights of children and young people to be safe, connected, supported, culturally strong and empowered is the driving motivation behind DCP practice. DCP has a responsibility to identify and implement strategies to safeguard children and young people. For children and young people receiving services from DCP, safeguarding is more than preventing further harm. Safeguarding is the responsibility to implement preventative and responsive systems, policies and practices to ensure children and young people are:

- safe from harm
- supported to heal from trauma
- empowered
- connected to family, community and culture
- cared for in a way that ensures their physical, emotional, cultural and spiritual wellbeing and promotes healthy development so they can reach their full potential.

4.3 Application and assessment requirements

The licensing process is divided into three stages as depicted in Figure 1. Specified requirements must be provided during each stage and are assessed by DCP licensing and compliance officers (LCOs). Service providers are required to follow the three-stage process to obtain a licence.

The [Licensing Services: Evidence Resource](#) (the Evidence Resource) provides clarity on standards and evidence required to be provided during the application and assessment process. The Evidence Resource ensures the

standards required to be met are clear and accepted evidence for each standard can be interpreted and applied consistently.

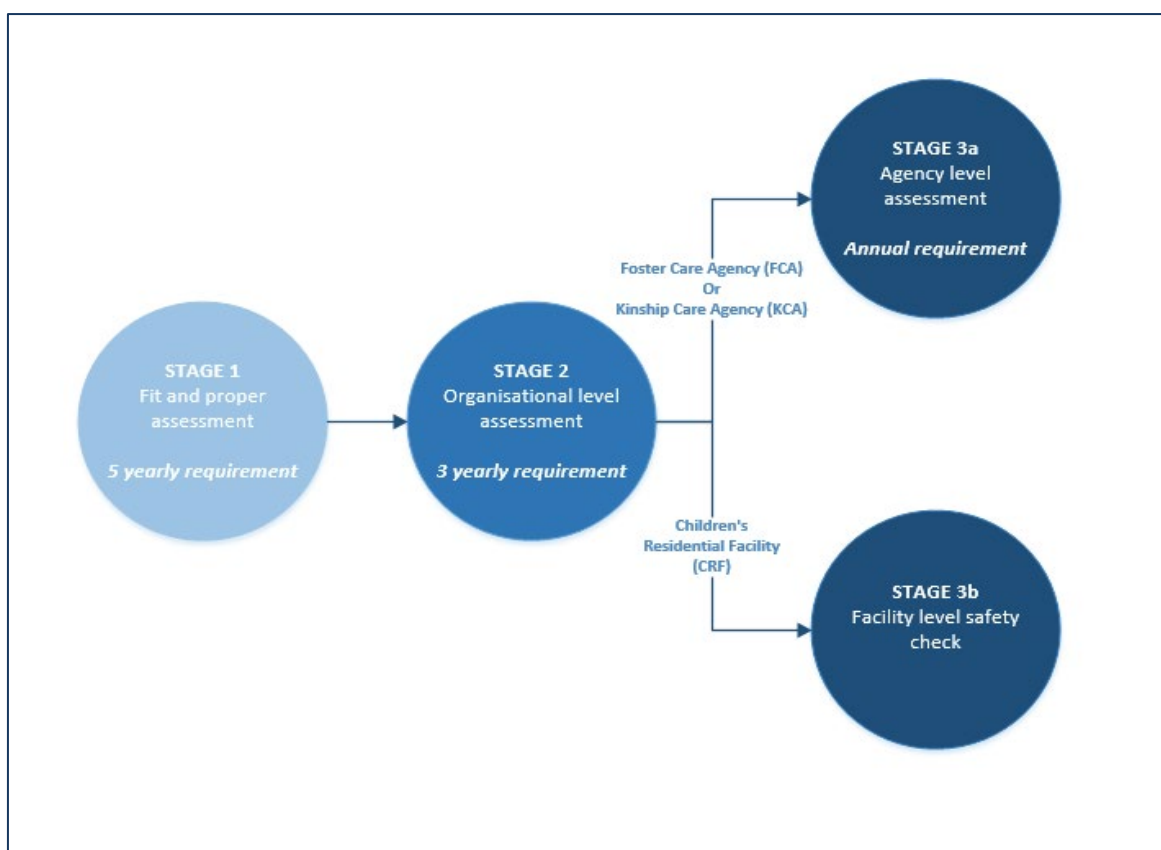
DCP Licensing and Compliance Panel

To support consistent decision making in relation to assessing applications and adherence to the Framework, a Licensing and Compliance Panel (the Panel) has been established. The Panel will provide governance, support the implementation of the legislative requirements of licensing CRFs, FCAs and KCAs under the CYPS Act, and ensure safeguarding priorities are maintained by all facilities/agencies falling under the definition of requiring a DCP licence.

The Panel also supports the Senior Executive Group (SEG) in discharging their responsibilities. This includes the provision of recommendations and advice to SEG on relevant operational issues, in particular those that impact the safeguarding of children and young people and the strategic direction and function of DCP's licensing services.

Membership of the Panel consists of subject matter experts from the DCP Service Delivery and Practice, Quality and Practice Directorate, Out of Home Care Directorate, Strategy, Partnerships and Reform Directorate and the Aboriginal Practice Directorate. The Panel is chaired by the Director, Quality and Practice and includes an external member.

Figure 1 – Stages of licensing



Stage 1: Fit and proper assessment (five yearly requirement)

The CYPS Act requires that persons are fit and proper to hold a licence (including suitability, qualifications and experience) to:

- carry on the business of a FCA and/or KCA
- operate a CRF.

The Fit and proper assessment maintains alignment to *Principle 1 – Committed leadership, governance and organisational culture*. As part of the application for licence approval, persons or organisations seeking a licence must complete a [Licensing Services: Fit and proper assessment application form](#). This is a five yearly DCP requirement and requires certification by the organisation's Responsible Person/Responsible Officer. A Responsible Person/Responsible Officer should be an individual with a degree of responsibility within an organisation who has been delegated the authority to act on behalf of the organisation. For example, the Chief Executive Officer or Chief Operating Officer, or for smaller organisations, this could be the Business Manager or Business Owner.

The DCP Licensing and Compliance Panel are responsible for assessing all fit and proper assessment applications.

The Panel considers a number of factors in determining whether the applicant is 'fit', such as:

- competence and experience, including whether there are reasonable grounds to believe that the person possesses the necessary skills and expertise to hold a licence; and
- reference to attributes such as educational, professional memberships and technical qualifications, knowledge, skills and prior work experience.

In determining if the applicant is 'proper' the Panel considers factors such as:

- the person's character, including whether there are reasonable grounds to believe that the person has demonstrated appropriate professional conduct, sound judgement, and diligence to hold a licence;
- compliance with the law, previous conduct and management and financial history;
- whether the person has been convicted of an offence involving dishonesty, fraud, money laundering, theft or any other crime in any jurisdiction in Australia or internationally; and
- whether the person is currently involved in proceedings before a court or tribunal.

Stage 2: Organisational level assessment (three yearly requirement)

The Organisational level assessment is a three-yearly requirement and aligns to *Principle 1 – Committed leadership, governance and organisational culture* and *Principle 3 - Suitable and supported staff and carers*. This assessment determines organisational compliance, quality accreditation, governance, policies and procedures.

Organisations are required to complete a [Licensing Services: Organisational level assessment application Form](#) and a [Licensing Services: Organisational level assessment Tool](#). Both forms include details of the documents and evidence required for submission. DCP uses the completed forms and evidence provided to assess if an organisation meets the requirements.

DCP may seek further information from the service provider once the Organisation level assessment forms have been submitted to ensure all requirements have been met. DCP LCOs will work with organisations to address any identified gaps.

Stage 3: Agency level assessment OR Facility level safety check

Stage 3 provides alignment to *Principle 2 – Partnering for the best outcomes*, *Principle 3 – Suitable and supported staff and carer* and *Principle 4 – Safe physical and online environments*.

Whether an organisation requires a licence for FCA, KCA or CRFs determines if an organisation is required to undertake **Stage 3a** or **Stage 3b**.

Stage 3a: Agency level assessment (FCA/KCA) <i>Annual requirement</i>	Stage 3b: Facility level safety check (CRF)
<p>All organisations required to hold a FCA and/or KCA licence must complete an annual Agency level assessment. This is a DCP requirement for both new licences and licence renewals.</p> <p>The Agency level assessment includes:</p> <ul style="list-style-type: none"> • submission of a Licensing Services: Facility/Agency licence application Form and supporting documentation • desktop assessment of application and supporting documentation • meeting with the organisation to discuss findings from the desktop assessment. 	<p>All organisations required to hold a CRF licence must complete a Facility level safety check. This is a three-yearly DCP requirement for both new licences and licence renewals.</p> <p>The Facility level safety check includes:</p> <ul style="list-style-type: none"> • submission of a Licensing Services: Facility/agency licence application Form and supporting documentation • onsite assessment of facility • maintenance audit within 12 months of the approval of a three year CRF licence being granted.

4.4 Approval and renewal process

This section of the Framework articulates the approval and renewal process for each stage of licensing:

- Fit and proper assessment
- Organisational level assessment
- Agency level assessment (FCA/KCA)
- Facility level safety check (CRF).

4.4.1 Approval process for Fit and proper assessment

Part 1: Assessment	<p>Organisations will contact DCP to express an interest in becoming a licence holder. DCP will send the organisation a Licensing Services: Fit and proper assessment application Form for completion.</p> <p>Once the organisation has submitted the completed form and provided all relevant documentation, a preliminary review of the documentation is undertaken by LCOs and forwarded to the Panel for assessment.</p> <p>DCP may contact organisations should further information be required to supplement the application.</p>
---------------------------	---

Part 2: Approval process	<p>The Panel will meet to make a recommendation regarding the application for approval by an authorised DCP delegate. If the organisation meets the criteria, a member of the DCP Licensing team will contact the organisation to advise them in writing of the outcome. Documentation required for the next stage of the process will also be provided at this time.</p> <p>DCP will confirm the outcome of all assessments in writing within two months of receipt.</p>
---------------------------------	---

4.4.2 Renewal process for Fit and proper assessment

Part 1: Assessment	<p>Organisations are required to lodge a Licensing Services: Fit and proper assessment application Form and accompanying documentation at least six months prior to expiry to remain compliant with legislative requirements.</p> <p>The documentation received is reviewed by LCOs prior to a recommendation being made by the Panel for consideration and approval.</p> <p>DCP may contact organisations should further information be required to supplement the application.</p>
Part 2: Approval process	<p>The Panel will meet to assess the application and to make a recommendation. DCP will contact the organisation to advise them in writing of the outcome. Documentation required for the next stage of the process will also be provided at this time.</p> <p>DCP will confirm the outcome of all assessments in writing within two months of receipt.</p>

4.4.3 Approval process for Organisational level assessment

Part 1: Assessment	<p>Organisations are required to complete a Licensing Services: Organisational level assessment Application Form and a Licensing Services: Organisational level assessment Tool and submit via email to DCPlicensing@sa.gov.au for review by LCOs.</p>
Part 2: Approval process	<p>LCOs will review all information provided for the Organisational level assessment and, if all requirements are met will forward to the DCP Licensing and Compliance Panel for assessment. Following assessment, approval by an authorised DCP delegate is required.</p> <p>DCP will contact the organisation in writing to inform them of the outcome of the assessment within four weeks of receipt.</p>

4.4.4 Renewal process for Organisational level assessment

Part 1: Assessment	To ensure an organisation maintains compliance with the Organisational level assessment, each organisation is required to submit a Licensing Services: Organisational level assessment application Form and a Licensing Services: Organisational level assessment Tool at least six months prior to expiry.
Part 2: Approval process	<p>LCOs will review all information provided for the Organisational level assessment and, if all requirements are met will forward to the DCP Licensing and Compliance Panel for assessment. Following assessment, approval by an authorised DCP delegate is required.</p> <p>DCP will contact the organisation in writing to inform them of the outcome of the assessment within four weeks of receipt.</p>

4.4.5 Approval process for Agency level assessment (FCA/KCA)

Part 1: Assessment	<p>For each organisation that requires a FCA/KCA licence, an Agency level assessment is conducted. Organisations are required to complete a Licensing Services: Facility/agency licence application Form and submit via email to DCPLicensing@sa.gov.au for assessment by LCOs. The Licensing Services: Agency level assessment Tool will be completed in collaboration with LCOs and form part of the assessment process.</p> <p>LCOs assess the agency against the stipulated requirements and prepare an action plan report which is provided to the organisation for review. The organisation is provided with information regarding further actions required and given the opportunity to rectify any areas requiring attention. If all actions have been addressed, the licence application is endorsed by the Manager, Licensing Quality and Compliance prior to approval by the Manager, Service Contracts and Licensing.</p>
Part 2: Approval process	<p>Following approval of the licence, the organisation is issued with a 12-month FCA and/or KCA licence in line with the CYPS Act. A letter and a certified Licence Certificate is sent to the organisation via email.</p> <p>As per the CYPS Act, a licence may be conditional or unconditional. Conditions imposed are at the discretion of DCP. Conditions are placed on licences if additional evidence is necessary to meet requirements. These conditions are documented on the Licence Certificate and licence confirmation letter. Conditions must be met by providing the applicable evidence to DCP by the date outlined in the licence confirmation letter. Failure to comply with conditions may result in penalties as outlined in the CYPS Act.</p>

4.4.6 Renewal process for Agency level assessment (FCA/KCA)

Part 1: Application to renew	DCP LCOs will contact the organisation four months prior to the expiry of a licence. If the organisation wishes to renew the agency licence, DCP LCOs will send the organisation a Licensing Services: Facility/agency licence application Form to complete and return for assessment by LCOs.
Part 2: Assessment	<p>For each organisation that requires a FCA/KCA licence, an Agency level assessment is conducted. The Licensing Services: Agency level assessment Tool will be completed in collaboration with LCOs and form part of the assessment process.</p> <p>LCOs assess the agency against the stipulated requirements and prepare an Action plan report which is provided to the organisation for review. The organisation is provided with information regarding further actions required and given the opportunity to rectify any areas requiring attention. If all actions have been addressed, the licence application is endorsed by the Manager, Licensing Quality and Compliance and approved by the Manager, Service Contracts and Licensing.</p>
Part 3: Approval process	<p>Following approval of the licence, the organisation is issued with a 12-month FCA and/or KCA licence in line with the CYPS Act. A letter and a certified Licence Certificate is sent to the organisation via email.</p> <p>As per the CYPS Act, a licence may be conditional or unconditional. Conditions imposed are at the discretion of DCP. Conditions are placed on licences if additional evidence is necessary to meet requirements. These conditions are documented on the Licence Certificate and licence confirmation letter. Conditions must be met by providing the applicable evidence to DCP by the date outlined in the licence confirmation letter. Failure to comply with conditions may result in penalties as outlined in the CYPS Act.</p>

4.4.7 Approval process for Facility level safety check (CRF)

Part 1: Assessment	<p>For each organisation that requires a CRF licence, a Facility level safety check is conducted. Organisations are required to complete a Licensing Services: Facility/agency licence application Form and submit via email to DCPLicensing@sa.gov.au for assessment by LCOs. The Licensing Services: Facility level safety check Tool will be completed in collaboration with LCOs and form part of the assessment process.</p> <p>LCOs will assess the facility and then prepare an Action plan report, which is sent to the organisation for review. The organisation is given the opportunity to rectify any areas requiring attention. If all actions have been addressed, the licence application is endorsed by the Manager, Licensing Quality and Compliance and approved by the Manager, Service Contracts and Licensing.</p>
---------------------------	---

Part 2: Approval process	<p>Following approval of the licence, the organisation is issued with a three-year CRF licence in line with the CYPS Act. A letter and a certified Licence Certificate is sent to the organisation via email.</p> <p>As per the CYPS Act, a licence may be conditional or unconditional. Conditions imposed are at the discretion of DCP. Conditions are placed on licences if additional evidence is necessary to meet requirements. These conditions are documented on the Licence Certificate and licence confirmation letter. Conditions must be met by providing the applicable evidence to DCP by the date outlined in the licence confirmation letter. Failure to comply with conditions may result in penalties as outlined in the CYPS Act.</p>
---------------------------------	--

4.4.8 Renewal process for Facility level safety check (CRF)

Part 1: Application to renew	<p>DCP will contact the organisation four months prior to the expiry of a licence. If the organisation wishes to renew the agency licence, DCP will send the organisation a Licensing Services: Facility/agency licence application Form to complete and return for assessment by LCOs.</p>
Part 2: Assessment	<p>The Licensing Services: Facility level safety check Tool will be completed in collaboration with LCOs and form part of the assessment process.</p> <p>LCOs will assess the facility and then prepare an Action plan report which is sent to the organisation for review. The organisation is given the opportunity to rectify any areas requiring attention. If all actions have been addressed, the licence application is endorsed by the Manager, Licensing Quality and Compliance and approved by the Manager, Service Contracts and Licensing.</p>
Part 3: Approval process	<p>Following approval of the licence, the organisation is issued with a three-year CRF licence in line with the CYPS Act. A letter and a certified Licence Certificate is sent to the organisation via email.</p> <p>As per the CYPS Act, a licence may be conditional or unconditional. Conditions imposed are at the discretion of DCP. Conditions are placed on licences if additional evidence is necessary to meet requirements. These conditions are documented on the Licence Certificate and licence confirmation letter. Conditions must be met by providing the applicable evidence to DCP by the date outlined in the licence confirmation letter. Failure to comply with conditions may result in penalties as outlined in the CYPS Act.</p>

4.5 Changes to licences and licensing requirements

4.5.1 Changes to licences

If a Chief Executive Officer is replaced or there is a change to the Board, or if any details of the licence need to be altered during the licence period, (for example, number of beds licensed, age-range approved, facility name or cancellation of a licence) the organisation must complete a [Licensing Services: Change to licence/cancellation application Form](#). The form should be submitted via email to DCPLicensing@sa.gov.au as soon as practicable from when a change occurs within the organisation. It is the responsibility of the organisation to complete and submit the form to DCP.

4.5.2 Changes to licensing requirements

Changes to licensing requirements may result from accepted formal recommendations (for example, Coronial Inquests, Ombudsman recommendations), changes to legislation, or as stipulated by the Chief Executive of DCP. All changes to licensing requirements will be communicated to relevant service providers in line with established DCP communication process.

Where appropriate, service providers will be provided with an appropriate timeframe to transition to meeting the new requirement. Consultation with the sector on changes to licensing requirements will occur where appropriate. The Panel may be required to approve proposed changes.

4.6 External licensing requirements

All organisations providing services to children and young people, must by law, provide child safe environments. For an organisation to be compliant with providing child safe environments, they must lodge a Child Safe Environments (CSE) Compliance Statement with the Department of Human Services. As part of the licensing process, DCP requires a copy of an organisations CSE Compliance Statement as part of the Organisational Level Assessment requirements.

CSE Compliance Statements are valid for up to five years and it is the responsibility of the service provider to update when necessary. Service providers should work with their allocated LCO in the event that their CSE Compliance Statement expires prior to the expiry of their Organisational level assessment.

4.7 Monitoring, compliance and cancellation

It is the responsibility of DCP Licensing to monitor organisations for ongoing compliance with licensing requirements for FCA, KCA and CRFs.

Conditions

As per the CYPS Act, a licence may be conditional or unconditional. Conditions imposed are at the discretion of DCP and conditions may be varied, substituted or revoked. Conditions are placed on licences if additional evidence is necessary to meet requirements. These conditions are documented on the Licence Certificate and licence confirmation letter. Conditions must be met by providing the applicable evidence to DCP by the date outlined in the licence confirmation letter. DCP will work closely with organisations to ensure conditions are met.

Failure to comply with conditions may result in penalties as outlined in the CYPS Act.

Audit activities

The safety of children and young people is of paramount importance. Audit activities are a mechanism that can be used throughout the period of a licence to ensure continuous compliance with licensing standards and to maintain an acceptable level of safety.

Audit activities may include announced and unannounced visits by DCP to agencies and facilities. These visits may be prompted by:

- reports of serious care concerns;
- poor performance in previous audits;
- ongoing non-compliance with requirements; or
- conditions routinely not addressed.

As a result of audit activities, new conditions may be imposed on licences. If conditions are not met within determined timeframes, or if the compliance standard is compromised to a level where DCP deem the agency or facility cannot continue to operate, DCP may seek to cancel the licence, as per the legislation.

Maintenance audits

To maintain ongoing compliance and to ensure continuous safeguarding of children and young people, maintenance audits will occur during the course of all three-year CRF licence periods. Maintenance audits will be conducted by LCOs ideally within the first 12 months of a CRF licence being granted, as per the DCP Licensing Audit Schedule. If areas of non-compliance are observed during the audit, additional conditions may be placed on the licence and may incur additional visits from DCP to observe adherence to licensing requirements.

Non-compliance

If there are matters of ongoing non-compliance that are unable to be resolved between the service provider and LCOs, such as conditions frequently overdue or failure to comply with requirements, LCOs will raise such matters with the Manager, Service Contracts and Licensing. The Manager, Service Contracts and Licensing will table concerns before the Panel for discussion and resolution.

Licence cancellation

DCP has the authority under the CYPS Act, to cancel a licence if it is reasonably suspected that:

- a child or young person in the licensed CRF is not being adequately cared for; or
- the provisions of the CYPS Act are not being complied with in respect of the licensed CRF to which the licence relates; or
- the holder of the licence has refused or failed to comply with a condition of the licence; or
- the holder of the licence (or, if the holder of the licence is a body corporate, a director of the body corporate) is a prohibited person under the *Child Safety (Prohibited Persons) Act 2016*; or
- a Working with Children Check (WWCC) has not been conducted in relation to the holder of the licence (or, if the holder of the licence is a body corporate, in relation to a director of the body corporate) within the preceding five years; or
- it is otherwise appropriate that the licence be cancelled.

4.8 Licensing Evidence Resource

A [Licensing Evidence Resource](#) (the Evidence Resource) is available to assist organisations and LCOs when undertaking compliance, assessment and audit activities. To maintain integrity during the licensing process, the Evidence Resource provides clarity for each criteria and standard, with accompanying rationales and outlines acceptable evidence. The requirements align with:

- the [Children and Young People \(Safety\) Act 2017](#)
- the [Child Safety \(Prohibited Persons\) Act 2016](#)
- the [Family and Community Services Act 1972](#)
- the [Work Health and Safety Act \(SA\) 2012](#)
- the [National Principles for Child Safe Organisations](#) (NPCSO)
- the [National Standards for Out of Home Care](#)
- the [Charter of Rights for Children and Young People in Care](#)
- formal recommendations accepted by DCP
- learnings from substantiated serious care concerns
- other best practice guidelines, including DCP guidance, and published reports.

4.9 Managing complaints

DCP is committed to listening and responding to concerns about licensing services. If an organisation wishes to make a complaint about DCP or the licensing process, contact should first be made with the Manager, Service Contracts and Licensing to attempt to resolve the issue. The Manager, Service Contracts and Licensing may choose to table service providers concerns before the Panel to discuss conflict resolution strategies. In the event that the issue cannot be resolved via these avenues, the organisation should contact the Chief Financial Officer to attempt to seek resolution.

Should the issue remain unresolved after the above steps have taken place, the organisation should visit DCP's [Making a Complaint](#) website, or contact the Complaints and Feedback Management Unit to discuss the matter further.

5. Compliance, monitoring and evaluation

This Framework will be reviewed every three years by DCP to incorporate any updates to required evidence, standards and best practice recommendations. The Framework may be updated more frequently if required, to respond to new, emerging and urgent issues that have been identified, such as changes to legislation. Proposed recommendations for change will require endorsement by DCP Executive and the approval of the Panel.

6. Related documents

Supporting Documents:
Licensing Services: Fit and proper assessment application Form
Licensing Services: Organisational level assessment application Form
Licensing Services: Organisational level assessment Tool
Licensing Services: Facility/agency licence application Form
Licensing Services: Agency level assessment Tool
Licensing Services: Facility level safety check Tool
Licensing Services: Change to licence/cancellation application Form
Licensing Services: Evidence resource
Service provider personnel requirements

7. Roles and responsibilities

Role	Authority/responsibility for
Licensing and Compliance Officer	Undertaking compliance, assessment and audit activity
Senior Licensing and Compliance Officer	Undertaking compliance, assessment and audit activity and providing a quality assurance process for reports prepared by Licensing and Compliance Officers
Manager, Licensing Quality and Compliance	Endorsement of compliance, assessment and audit activity and issuing of licences
Manager, Service Contracts and Licensing	Approval of compliance, assessment and audit activity and issuing of licences
Delegate	Making decisions on behalf of the Chief Executive, as stipulated in Section 146 of the Act
DCP Licensing and Compliance Panel	Recommending outcomes of fit and proper assessments, taking action on licence conditions, cancelling or revoking licences and reviewing condition reports
Executive office holder/Executive Officer	Includes but is not limited to directors of a board, members of a governing body and Chief Executive Officers
Responsible Officer/Responsible Person	An individual with a degree of responsibility within an organisation, who has been delegated the authority to act on behalf of an organisation. For example the Chief Executive Officer or Chief Operating Officer, or for smaller organisations, this could be the Business Manager or Business Owner.

8. Glossary

Term	Meaning	Term	Meaning
ASES	Australian Service Excellence Standards	LCO	Licensing and Compliance Officer
CRF	Children's Residential Facility	NPCSO	National Principles for Child Safe Organisations
CSE	Child Safe Environments	Panel	DCP Licensing and Compliance Panel
CYPS Act	Children and Young People (Safety) Act 2017	QIC	Quality Improvement Council Standards and Accreditation Program
DCP	Department for Child Protection	SA	South Australia
FCA	Foster Care Agency	SEG	Senior Executive Group
Framework	DCP Licensing Quality and Compliance Framework	Staff	Staff, students and volunteers if applicable
KCA	Kinship Care Agency	WWCC	Working with Children Check

Document control

Reference No./ File No.			
Document Owner		Lead Writer (name, position)	
Directorate/Unit: Out of Home Care Directorate/Service Contracts and Licensing Unit		Senior Project Officer, Quality and Practice Directorate	
Accountable Director: Executive Director, Out of Home Care			
Commencement date	26 June 2023	Review date	1 May 2026
Risk rating Risk Assessment Matrix	Consequence Rating	Likelihood	Risk Rating
	Moderate	Moderate	Moderate

REVISION RECORD		
Approval Date	Version	Revision description
14 April 2023	V1.0	New document.
20 June 2023	V1.1	Minor amendments