



## Purpose

The *Department of Child Safety, Out-of-Home Care Services - Licensing Manual* is designed to assist organisations providing out-of-home care services under the *Child Protection Act 1999* to undertake the necessary steps to obtain and maintain a valid care service licence.

The manual is made available as a ring-binder folder to enable updates to be incorporated with ease. The various sections and appendices should be read in conjunction with relevant legislation and policies.

The manual will be updated regularly, particularly during the implementation phase of the licensing framework. Organisations will be advised of changes via the department's website at [www.childsafety.qld.gov.au](http://www.childsafety.qld.gov.au).

Part 1 of the manual sets out the process to follow to ensure that your licence application can be processed and once approved can be monitored by the department. Part 2 introduces you to the minimum service standards and the *Self-Assessment Workbook*, the tool for your service to document evidence to demonstrate compliance with licensing requirements.

## Background

As a result of concerns with the child protection system in Queensland, the Crime and Misconduct Commission<sup>1</sup> (CMC) recommended that:

'A Quality Assurance Strategy be developed and implemented for all services (government and non-government organisations) and a minimum standard be set for licensing of non-government services' (recommendation 6.12).

In March 2004, the State Government released a Blueprint<sup>2</sup> for implementing the recommendations detailed in the CMC report. With reference to recommendation 6.12, the Blueprint required:

- Minimum care standards be developed that incorporate the Statement of Standards, the Charter of Rights and departmental policies
- A clear statement of minimum service standards be devised for both the non-government and the Department of Child Safety
- Licensing of all care services providing placement and support to children within the jurisdiction of the department be conducted, regardless of whether they receive departmental funding.

This manual supports the licensing framework developed as part of the Department of Child Safety's response to recommendation 6.12.

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<sup>1</sup> Queensland Government Crime and Misconduct Commission Report "*Protecting Children: An Inquiry into Abuse of Children in Foster Care*" January 2004.

<sup>2</sup> Forster, P. (2004). A blueprint for implementing the recommendations of the January 2004 Crime and Misconduct Commission Report "*Protecting Children: An Inquiry into Abuse of Children in Foster Care*".



## Legislation

The *Child Protection Act 1999* and the *Child Protection Regulation 2000* provide a system for licensing out-of-home care services. The licensing arrangements assist the Director-General to fulfil the statutory obligation to ensure that out-of-home care services provided to children and young people under child protection statutory intervention are consistent with the requirements of the *Child Protection Act 1999* and *Child Protection Regulation 2000*.

The *Child Protection Act 1999* provides:

- principles, procedures and legal obligations relating to the licensing and ongoing monitoring of out-of-home care services (Chapter 4)
- the prescribed standards with which out-of-home care services provided to children and young people under child protection statutory intervention must comply (Statement of Standards, s.122)
- the statutory rights that must be afforded children and young people in the custody or guardianship of the Director-General (Charter of Rights for a Child in Care, Schedule 1).

The *Child Protection Regulation 2000* includes:

- additional departmental and licensee obligations for licensed care service providers, including the requirement for an independent external evaluation of the care services provided (Parts 2, 4 and 6).

## Scope

As referred to above, the *Child Protection Act 1999* requires the Department of Child Safety to license out-of-home care services. Therefore, non-government services that have the primary purpose of providing out-of-home care to children subject to statutory child protection intervention are required to be licensed.

In assessing the primary purpose of the service, the department will consider whether the:

- primary function of the service is to provide a child protection out-of-home care service to children and young people subject to statutory child protection intervention, rather than placements to other target groups, such as homeless young people or people with disabilities
- service is made available specifically for departmental referrals
- majority of placements with the service are child protection placements
- majority of funding for the service is received from the Department of Child Safety.

## Entity to be licensed

Service providers are required to hold a licence at the geographical point of service delivery or service management depending on which is most appropriate. In most cases, the maximum geographical coverage for any licence is one departmental zone. This means that licensing will be at the point of program or service management. Where the same program or service management is responsible for two or more different out-of-home care services, each service will be licensed, but where possible, a single licensing assessment process will be undertaken.





Specifically:

- each premise at which child protection placements are provided by a residential service will be licensed
- each point of foster and kinship care service management, which is the point of the program manager responsible for the recruitment, training and support of foster carers will be licensed
- each point of service management, which is the point of the program manager for a supported independent living service will be licensed
- each point of service management and coordination for a service supporting multiple individual arrangements will be licensed.

However:

- where a licensed service also provides individual placements to children and young people through placement and support packages (PASP) or other similar arrangements, those placements will not require a separate licence, where those placements are consistent with the existing licensed service model
- a licensed residential service that offers a supported independent living service as part of the residential service will not require a separate licence for the supported independent living service as it will be included in the licence for the residential service.

## The licensing process

There are five phases to the licensing process.

- Phase One Complete the *Self-Assessment Workbook* by documenting evidence to demonstrate that your service is compliant with 11 minimum service standards. Departmental community resource officers will provide guidance and support to services during this process.
- Phase Two Submit an application for a Child Protection Care Service Licence to the community resource officer; this will include your completed *Self-Assessment Workbook*. Prior to accepting the application, the community resource officer will review and check that the application has been properly completed. This involves ensuring that the self-assessment workbook has been conducted properly and is inclusive of all mandatory evidence.
- Phase Three Once the application for a Child Protection Care Service Licence is accepted by the community resource officer, a referral is made for an independent external assessment.
- Phase Four Participate in an independent external assessment.
- Phase Five Receive licence and participate in the monitoring process.



## Monitoring

Scheduled monitoring activities will be undertaken by the community resource officer in order to regularly examine your service's compliance with the licensing requirements of the *Child Protection Act 1999*. The monitoring process will consist of regular service visits and quarterly review meetings to discuss compliance with minimum service standards. For those services receiving Department of Child Safety funding, funding agreement monitoring activities will be included in the quarterly meetings in order to avoid duplication of processes.

The licence monitoring process will also require a service to update and submit a *Self-Assessment Workbook* on an annual basis to the community resource officer.

## Renewals

A child protection care service licence is valid for three years.

Section 125 of the *Child Protection Act 1999* requires a licence-holder to lodge an application to renew a care service licence to the Department of Child Safety at least 30 days before the licence expires.

Once you have received written notification that the department has accepted your application for renewal, your current licence remains valid until a decision is made about the renewal application (*Child Protection Act 1999, s.143*).

The decision regarding the outcome of your application for renewal will again be based on consideration of the application, updated *Self-Assessment Workbook* and new independent external assessment.



## Further Information

Further information about licensing requirements and processes is available on the department's website: [www.childsafety.qld.gov.au](http://www.childsafety.qld.gov.au) or from the community support team closest to the site of your proposed service.

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