

Licensing Services: Fit and proper assessment Procedure

1. Purpose

This procedure has been developed to support the aims and objectives of the Department for Child Protection's (DCP) [Licensing quality and compliance Framework](#) (the Framework). It is intended to be read in conjunction with other established procedures and endorsed documents relating to the provision of licensing services.

This procedure describes the process of the DCP Fit and proper assessment process as applied to Foster Care Agencies (FCA), Kinship Care Agencies (KCA) and Children's Residential Facilities (CRF), and is intended to ensure organisations and/or individuals are assessed as suitable prior to holding a DCP licence.

2. Scope

This procedure applies to staff within the DCP Licensing Unit who assess and monitor licensing standards and requirements and who have responsibility for the issuing of licences. This procedure also applies to the DCP Licensing and Compliance Panel (the Panel) who have responsibility for assessing Fit and proper applications and for the provision of endorsement and recommendations to the DCP Authorised Delegate in regards to suitability to hold a licence. Those with specific roles and responsibilities related to this procedure include the Manager, Licensing Quality and Compliance, the DCP Licensing and Compliance Officers (LCO) and members of the Panel.

Please note that in this document, the term Aboriginal, refers to all people who identify as Aboriginal, Torres Strait Islander or both Aboriginal and Torres Strait Islander. This term is used as the First Nations Peoples of South Australia are predominantly Aboriginal peoples and it is their preferred term. We acknowledge and respect that it is preferable to identify Aboriginal peoples, where possible, by their specific Language group or Nation.

3. Authority

3.1 Legislative context

- [Children and Young People \(Safety\) Act 2017](#) (the CYPS Act) – Chapter 7: Children and young people in care, Part 6: Foster care agencies and Part 7: Licensed children's residential facilities
- [Children and Young People \(Safety\) Act Regulations 2017](#) – regulations 27, 28, 29, 30, 31, 31A and 32
- [Child Safety \(Prohibited Persons\) Act 2016](#) – Part 4: Restrictions on working with children and Part 5: Working with children checks
- [Child Safety \(Prohibited Persons\) Regulations 2019](#) Part 7: Child related work
- [Family and Community Services Act 1972](#) – section 251: Regulations
- [Work Health and Safety Act \(SA\) 2012](#) – section 17, 18, 19, 28, 29 and 44
- Alignment with Sections 99, 100, 105 and 106 of the [Guide to authorisations and delegations – by legislative provision](#)

3.2 Whole of Government requirements

- [National Principles for Child Safe Organisations \(NPSCO\)](#)
- [National Standards for Out of Home Care](#)
- [Charter of Rights for Children and Young People in Care](#)
- [Safe and Well: Supporting Families, Protecting Children](#)

3.3 DCP requirements

- [DCP Strategic Plan](#)
- [Disability Access and Inclusion Plan](#)
- [DCP Service Provision Requirements](#)
- [Aboriginal Child Placement Principles](#)

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:

- **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 are 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. Procedure requirements

Sections 99 and 105 of the CYPs Act require the DCP Chief Executive to be satisfied that persons are deemed 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.

4.1 Application submission

As part of the DCP licence application process, persons or organisations seeking a licence must complete a Licensing Services [Fit and proper assessment application Form](#). This is a five yearly DCP requirement for all organisations or individuals seeking to hold a licence for a FCA, KCA and/or CRF and requires endorsement by the relevant organisation's Responsible Person/Officer prior to submission.

Organisations are required to complete a [Fit and proper assessment application Form](#) and submit via email to DCPlicensing@sa.gov.au. The application form includes details of the documents and evidence required for submission (Refer to 4.1.2 Supporting documentation). DCP uses the completed forms and supporting evidence provided to assess if an organisation meets requirements.

Organisations can opt to provide the application form and supporting documentation via email or by USB. Once received, all information and attachments provided as supporting evidence will be saved by the LCO within a folder dedicated to the individual organisation on the Service Contracts and Licensing shared drive. Application details and all associated dates will be recorded by the LCO on the Fit and Proper Assessment Tracker. The LCO will email the organisation to acknowledge receipt of the documentation.

4.1.1 Applicants

The [Fit and proper assessment application Form](#) is a desktop assessment process and is to be completed by the service provider in the first instance. Application forms must be completed by all intended licence holders of the organisation.

If an individual person intends to solely hold the licence, then that person must complete a [Fit and proper assessment application Form](#) (Individual).

If an organisation intends to hold the licence, then a [Fit and proper assessment application Form](#) (Organisation) is required to be completed for the organisation, in addition to a [Fit and proper assessment application Form](#) (Individual) for each executive officer of the organisation. Examples of executive officers include directors of the board, members of the governing body and the Chief Executive Officer (CEO).

DCP will notify organisations in writing if additional applications from other people associated with their organisation are required. If the organisation requires assistance completing the Form, they should contact the DCP Licensing team via email at DCPlicensing@sa.gov.au.

4.1.2 Supporting documentation

DCP may seek further information from the service provider once the Fit and proper assessment application forms have been submitted to ensure all requirements have been sufficiently met. DCP LCOs will work with organisations to address any identified gaps before forwarding to the Manager, Licensing Quality and Compliance for endorsement.

Organisations seeking a licence must provide the following:

- a completed and signed [Fit and proper assessment application Form \(Organisation\)](#)
- a current Company Extract issued by the [Australian Securities and Investments Commission](#) (ASIC) which contains details of any shareholders and the proportion of the shares any such people have in the company
- an organisational chart showing all office holders
- the organisation's most recent Annual Report
- a current strategic plan.

Individuals seeking a licence must provide the following:

- a completed and signed [Fit and proper assessment application Form \(Individual\)](#)
- a certified copy of the individual's current [Working with Children Check](#) (WWCC)
- a certified copy of the individual's current [National Police Check](#) (NPC)

- a certified copy of a current Australian Bankruptcy Check OR a completed [DCP Declaration of Financial Viability](#)
- a certified copy of any current professional registrations
- a current resume outlining educational qualifications, skills and experience.

4.1.3 Changes to applications

In the event an organisation or an individual decide to withdraw their application or become aware that information provided in their submitted application has changed or is incorrect, updated and correct details must be immediately emailed to DCPlicensing@sa.gov.au. Note it is the responsibility of the licence holder to advise DCP of any changes to the information provided in the initial application and to disclose to DCP any information which may impact upon a fit and proper assessment application outcome.

4.1.4 Renewal process

To ensure organisations with an existing licence maintain compliance with the Fit and proper assessment process, each organisation or individual is required to commence the Fit and proper assessment process at least six months prior to their current Fit and proper certification expiry date.

4.2 Undertaking the Fit and proper assessment

4.2.1 Reviewing the Fit and proper assessment application Form

Completed Fit and proper assessment application Forms will be sent by the applicant to DCP via email at DCPlicensing@sa.gov.au.

The allocated LCO will review the forms to ensure all sections have been accurately completed and that all supporting documentation has been attached and is current. In the event information is incomplete, the LCO will make contact with the person listed as the organisational contact on the application form advising of the requirement to provide further information and/or documentation.

The LCO will complete the 'Office Use Only' section of the form and add the information to the Fit and Proper Assessment Tracker.

Once all sections of the application have been completed and all supporting documentation and information has been provided, the LCO will forward to the Manager, Licensing Quality and Compliance for further review and endorsement.

4.2.2 Endorsing the Fit and proper assessment application Form

The Manager, Licensing Quality and Compliance is responsible for reviewing the responses provided by the applicant and for developing a recommendation to the Panel.

The Manager, Licensing Quality and Compliance is to check either the 'Endorsed' or 'Not Endorsed' box on the application form and for noting recommendations to the Panel on the application form in regards to whether or not fit and proper requirements are deemed to have been sufficiently met. The form is then to be forwarded to the Executive Officer of the Panel for tabling at the next Licensing and Compliance Panel meeting.

4.2.3 Assessing the Fit and proper assessment application Form

The Licensing and Compliance Panel is responsible for assessing all Fit and proper assessment applications.

The Panel considers a number of factors in determining whether the applicant is deemed 'fit' to hold a licence such as:



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



The Executive Officer is responsible for documenting information relating to the Panel's decision, any proposed actions and the Panel outcome on the Fit and Proper Assessment Tracker for reference and monitoring.

4.3 Approval process

The Panel is responsible for undertaking an assessment of all information available to determine whether a recommendation to the DCP Authorised Delegate to approve the application will be made.

Post Panel meeting, all endorsed Fit and proper assessment applications will be forwarded to the DCP Authorised Delegate for approval. Refer to sections 99, 100, 105 and 106 of the [Guide to authorisations and delegations – by legislative provision](#) for further information.

In the event application requirements are not met to a sufficient standard, licence applications for new organisations will be placed on hold until all supporting documentation is provided. Where requirements are not sufficiently met for existing licence holders, a risk assessment will be undertaken by the Manager, Licence Quality and Compliance prior to escalation to the Panel. The Panel will determine the recommended actions for approval by the DCP Authorised Delegate.

The Executive Officer is responsible for updating the Fit and Proper Assessment Tracker with the outcome for each application. The Manager, Licensing Quality and Compliance will contact the organisation in writing to inform them of the outcome of their assessment within five business days. Organisational level assessment documentation will also be forwarded at this point in time to organisations who have received Fit and proper certification.

4.4 Review of decisions

Under the CYPs Act, a person who is aggrieved by a decision of DCP made under Chapter 7 of the CYPs Act (other than a decision under Part 4 of that Chapter) can request that DCP carry out a review of that decision.

A review of the decision is undertaken through an internal review process. Further information about requesting an internal review can be found via the [DCP website](#).

If applicants are dissatisfied with the internal review undertaken by DCP, they may in some cases make an application to the South Australian Civil and Administrative Tribunal (SACAT) for external review. Information about applying for a SACAT review is available via the [SACAT website](#).

5. Compliance, monitoring and evaluation

It is the responsibility of the DCP Licensing team to monitor organisations for ongoing compliance with DCP licensing requirements for FCA, KCA and CRFs and to engage with organisations if additional supporting documentation or information is necessary to demonstrate compliance.

DCP LCOs are responsible for monitoring Fit and proper assessment expiry dates and for commencing engagement with service providers at least six months prior to their expiry date. Organisations are responsible for advising DCP of any changes to the information provided in their initial application and to disclose to DCP any information which may impact upon a Fit and proper assessment outcome.

6. Related documents

Related documents, forms and templates
DCP Licensing quality and compliance Framework
Fit and proper assessment application Form
DCP Declaration of Financial Viability
Licensing Services: Evidence Resource
DCP Licensing and Compliance Panel Terms of Reference
Guide to authorisations and delegations – by legislative provision
Working with Children Check guidelines

7. Glossary

Term	Meaning
ASIC	Australian Securities and Investments Commission
CRF	Children’s Residential Facility
COO	Chief Operating Officer
DCP	Department for Child Protection
FCA	Foster Care Agency
KCA	Kinship Care Agency
LCO	Licensing and Compliance Officer
NPC	National Police Check
NPSCO	National Principles for Child Safe Organisations
SACAT	South Australian Civil and Administrative Tribunal
TOR	Terms of Reference
WWCC	Working with Children Check

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