

Licensing Services: Licence audit 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](#). 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 DCP licence audit process as applied to Foster Care Agencies (FCA), Kinship Care Agencies (KCA) and Children's Residential Facilities (CRF), and is intended to ensure licenced organisations maintain compliance against licensing standards, requirements and conditions.

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. Those with specific roles and responsibilities related to this procedure include the Manager, Licensing Quality and Compliance and the DCP Licensing and Compliance Officers (LCO). This procedure also applies to members of the DCP Licensing and Compliance Panel (the Panel) who provide endorsement and recommendations to the DCP Authorised Delegate in regards to the variation or revoking of licences.

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
- [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 Contract Management Framework](#) and [quality standard](#) accreditation 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

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.

4.1 Maintenance audits

4.1.1 Children's Residential Facilities (CRF)

To maintain ongoing compliance and to ensure continuous safeguarding of children and young people, midterm maintenance audits will occur during the course of all three year CRF licence periods. Maintenance audits will be conducted by the LCO within the first 12-18 months of a CRF licence being granted. The LCO will work closely with the organisation to schedule a suitable date for the onsite midterm maintenance audit.

4.1.2 Foster Care and Kinship Care Agencies

Due to the short licence period for FCA and KCAs (12 months maximum), maintenance audit activities will only be conducted for agencies on an as needs basis as determined by the Panel.

4.2 Allocation of a condition against a licence

If areas of non-compliance or safety concerns are observed during an assessment or audit, additional conditions may be placed on the licence and may incur additional visits from DCP to observe adherence to licensing requirements. Upon allocating an outstanding condition, the LCO will utilise the DCP Conditions Severity Rating matrix to:

4.3 Tabling conditions at the Panel meeting

The Manager, Licensing Quality and Compliance will review all conditions and associated information to identify operational and system level issues for tabling at the Panel meetings on a quarterly basis. Information is to include:

- the number of outstanding and high risk conditions
- themes/system level issues identified
- recommended timeframes and strategies for resolution
- conditions or risks requiring endorsement or decision.

4.4 Role of the Panel

Information regarding organisations who regularly fail to meet licensing requirements or who have high risk conditions will be tabled for review by the Panel. The Panel is responsible for reviewing all information provided to determine appropriate audit activities required and associated timeframes and for determining any variations or cancellations to existing licences. Refer to the [DCP Licensing and Compliance Panel Terms of Reference](#) for further information.

Actions and decisions made at the meeting in regards to the conditions are to be updated on the Outstanding Conditions Register and communicated in writing to the relevant organisation by the Manager, Licensing Quality and Compliance within five business days.

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 impose conditions on licences if additional evidence is necessary to meet requirements.

DCP LCOs are to log all outstanding conditions identified following either an [Agency level assessment](#) or a [Facility level safety check](#) on the Outstanding Conditions Register for review and monitoring by the Manager, Licensing Quality and Compliance.

On a quarterly basis, the Manager, Licensing Quality and Compliance will table all conditions identified following review to the Panel for consideration and/or decision. Refer to the [DCP Licensing and Compliance Panel Terms of Reference](#) for further information in regards to the role of the Panel.

6. Related documents

| Related documents, forms and templates |
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| DCP Conditions Severity Rating matrix |
| DCP Licensing quality and compliance Framework |
| Agency level assessment tool |
| Facility level safety check |
| DCP Licensing and Compliance Panel Terms of Reference |

7. Glossary

| Term | Meaning |
|-------|--|
| CRF | Children's Residential Facility |
| DCP | Department for Child Protection |
| FCA | Foster Care Agency |
| KCA | Kinship Care Agency |
| LCO | Licensing and Compliance Officer |
| NPSCO | National Principles for Child Safe Organisations |

| Term | Meaning |
|------|--------------------|
| ToR | Terms of Reference |

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