

Guardianship Family Day Care Procedure

1. Purpose

This document provides practice guidance about the approval of Guardianship Family Day Care (GFDC) carers under the *Children and Young People (Safety) Act 2017* (CYPS Act); section 72 - Approval of carers.

2. Scope

This procedure applies to all Department for Child Protection (DCP) staff involved in the approval, review and cancellation of GFDC carers.

2.1 Definition of Guardianship Family Day Care Carer

A GFDC carer is a self-employed family day care service provider who has undergone an educator application process that assesses their suitability to provide family day care (FDC) services. The Department for Education (DfE) operates a regulated FDC scheme. Through the operation of a Memorandum of Administrative Agreement (MoAA) between the DCP and DfE's Service Model, a GFDC carer has been:

1. identified by DfE as someone who may be suitable to provide care (with response capability of 24 hours a day, 7 days a week), in their own home, for a child or children under custody or guardianship of the Chief Executive (DCP), and
2. approved by the Chief Executive of the DCP, or their delegate, to provide care, in their own home, for children under custody or guardianship of the Chief Executive.

GFDC carers provide immediate short-term family-based placements for children under the age of six years, and their siblings, who are under the custody or guardianship of the Chief Executive, in instances where no family based care options are available and the child would otherwise be placed in a residential care arrangement.

Long-term family-based care options will continue to be explored by DCP case workers while a child is placed with a GFDC carer.

While falling within the broad category of family-based care provision, GFDC carers are a stand-alone category of family-based care (as distinct from foster, kinship and specific child only (SCO) care) as they are a discrete group of self-employed FDC service providers, with registration through DfE's family day care scheme being a pre-requisite to being considered for engagement as an immediate/short-term carer for children under custody or guardianship of the Chief Executive.

The term 'guardianship' is used in the category title to distinguish these carers from family day carers.

3. Authority

3.1 Legislative context

A GFDC carer has been established as an approved category of carers by the Chief Executive (DCP) under section 70(1) of the CYPS Act. The nature of care provision by GFDC carers fits within the interpretation of out of home care under section 69 of the CYPS Act. Section 71 of the CYPS Act stipulates that out of home care must only be provided by approved carers.

- [Children and Young People \(Safety\) Act 2017](#)
 - Section 69 - Interpretation
 - Section 70 – Chief Executive may establish different categories of approved carers
 - Section 72 – Approval of carers
 - Section 73 – Ongoing reviews of approved carers and
 - Section 74 – Cancellation of approval.
- [Education and Early Childhood Services \(Registration and Standards\) Act 2011](#)
- [Criminal Law Consolidation Act 1935](#)

Section 64A and 65 of the *Criminal Law Consolidation Act 1935* outlines additional responsibilities for DCP employees (including students, volunteers and agency carers) in responding to allegations of sexual harm perpetrated by another DCP employee.

3.2 Whole of Government requirements

Not applicable.

3.3 DCP requirements

- The Memorandum of Administrative Arrangement (MoAA) between the DCP and the DfE in regard to the delivery of GFDC for children under the guardianship of the Chief Executive (DCP).
- [Carer Reviews for Family Based Carers Procedure](#)
- [Information checklist for family based carers](#)
- [Carer Agreements for Family Based Carers Procedure](#)

3.4 Principles

The paramount consideration in providing care to children placed under the CYPs Act is to ensure they are protected from harm.

- Children should be placed in a safe, nurturing, stable and secure environment.
- Each child should have the opportunity to do well at all levels of learning and to have skills for life, enjoy a healthy lifestyle and to be an active citizen with a voice and influence.
- Account should be taken of the culture, disability, language and religion of children and young people and those in whose care the children and young people are placed.
- The outcomes for all Aboriginal and Torres Strait Islander children and young people in care should not be any different to those for children and young people generally.
- DCP is responsible for ensuring GFDC educators are supported to adequately educate and care for children under guardianship of the Chief Executive (DCP) in their care.

Aboriginal and Torres Strait Islander Child Placement Principle as it pertains to:

- Promoting the cultural safety, social, emotional wellbeing, participation and empowerment of Aboriginal children by learning together about the child or young person's connections to family, community, Country and culture.
- Understanding cultural respect and sensitivity to culturally competent and responsible service delivery.
- Recognising our individual and collective responsibility to prevent racially prejudicial attitudes, beliefs, behaviours or practices.

4. Procedure requirements

The MoAA between the DCP and the DfE outlines the requirements for the delivery of GFDC for children under the guardianship of the Chief Executive (DCP). The DfE have developed a Service Model, aligned to the MoAA, which outlines the service delivery requirements.

GFDC is a service which:

- children under guardianship of the Chief Executive (DCP) are matched and placed with GFDC carers
- provides an alternative short-term quality family-based care that is safe and dependable to assist with the positive recovery from experience of abuse and/or neglect
- supports a reduction of children placed in residential care arrangements.

The Aboriginal Child Placement Principles set out in sections 11 and 12 of the CYPs Act will be applied when considering placement of an Aboriginal and Torres Strait Islander child with a GFDC carer.

The GFDC service will:

- give priority to the placement of children under the guardianship of the Chief Executive (DCP) who are under school age when entering out of home care. If no children under school age meet the criteria for GFDC careful consideration will be given to placing school age children under 13 years of age who have no alternative family-based placement option available
- siblings together, where possible noting older siblings are able to be placed with children under school age.

The DfE is responsible for the identification of GFDC carers within the context of the Family Day Care Program who meet the criteria to become GFDC carers. These requirements are outlined in the DfE Service Model. GFDC carers must be approved under the CYPs Act by DCP's Carer Approval and Review Unit (CARU) to provide GFDC.

The requirements of the GFDC program include, but not limited to, the following:

- The carer applicant is required to complete and submit an application form to DCP, which will include a recommendation from the DfE regarding approval of the GFDC carer.
- Based on the DfE assessment of the GFDC carer, CARU to approve the GFDC carer to provide out of home care under the CYPs Act and determine any conditions of approval.
- CARU will provide notice of the outcome to the DfE regarding the application and approval of the carer.
- DCP Placement Services is responsible for referrals to DfE's GFDC placement coordinator and for undertaking matching discussions. The referral may include children with a disability if there is an appropriate GFDC match.
- GFDC carers must be approved by the DCP to provide out of home care.
- Current, accurate information regarding GFDC carer approval will be maintained in C3MS and in carer files.
- Decisions regarding carer approval will be made in a timely manner. DCP will endeavour to determine an application for carer approval within four weeks of receiving all required information.
- CARU will document contemporaneous records in C3MS of decisions regarding carer approval, including decisions to share information. Carers will be advised in writing of decisions regarding GFDC carer approval, including determination of applications, conditions of approval and cancellation of approval with reasons. Carers will be informed of how they may make a complaint and their rights to seek an internal review of decisions regarding carer approval.

If at any time DCP staff suspect that a child or young person is at risk they must refer to the [Reporting a suspicion a child or young person is at risk procedure](#). In accordance with section 64A of the *Criminal Law Consolidation Act 1935*, it is an offence for a DCP employee (including students, volunteers or agency carers) not to report to South Australia Police (SAPOL) if they know or suspect sexual harm of a child or young person under the age of 18 years perpetrated by another DCP employee. Failure to report to SAPOL suspected child sexual abuse in accordance with section 64A has a maximum penalty of imprisonment for three years. In accordance with section 65 of the *Criminal Law Consolidation Act 1935*, it is also an offence for a DCP employee to negligently fail to reduce or remove a substantial risk of sexual harm of the child or young person allegedly perpetrated by a current DCP employee and has a maximum penalty of imprisonment for 15 years.

4.1 Carer application and assessment

Assessment of applicants to become approved GFDC carers is conducted by the DfE's Program Co-ordinator of the GFDC program, in accordance with the suitability criteria outlined in the DfE Service Model. Matters set out in section 72 of the CYPs Act are addressed through the assessment process outlined in the Service Model. The requirements of DfE in relation to determining eligibility of carers under the Service Model, the information collected as required for probity in that process, and completion of DCP's [Application for Carer Approval – Guardianship Family Day Care](#) will provide the basis for approval of GFDC carers under the CYPs Act.

4.2 Carer approval requirements

Applicants and the DfE assessor must complete the [Application for Carer Approval –GFDC](#) and submit the signed application to CARU, together with copies of current DHS Working with Children Checks (WWCC) for the applicant, their adult household members and regular guests, for review and approval. DfE holds responsibility for keeping all records pertaining to applicant assessment, including required documentation.

DCP child protection history checks must be completed by CARU for the applicant, their adult household members and regular guests to the premises to ensure that no risks to child safety, that cannot be mitigated, have been identified from child protection records held by the department.

DfE eligibility requirements to become a GFDC carer, as outlined in the MoAA and Service Model, are that carers must be registered as a family day care educator with the DfE to provide family day care pursuant to the *Education and Early Childhood Services (Registration and Standards) Act, 2011*

Please refer to the [Carer Approval Requirements Matrix](#) for GFDC checks.

4.3 Carer approval

4.3.1 Check carer approval application form and attachments (WWCC) to ensure application is complete

An application for GFDC carer approval must be facilitated by DfE, using [DCP's Application for Carer Approval - GFDC form](#) comprising:

- a signed application from the applicant seeking approval as a GFDC carer, including consent to carry out relevant screening checks and information sharing between DfE and DCP for the purpose of determining suitability to become an approved carer;
- signed Statement of Intent from the applicant regarding willingness to care for children and young people consistently with the CYPs Act, particularly Chapter 2; and

- signed carer approval recommendation from a person authorised on behalf of DfE, confirming they are satisfied the applicant has met the requirements for carer approval under the Act.

A copy of the DHS WWCC must be attached to the application for the applicant, their adult household members and regular guests.

CARU must follow up with the DfE GFDC Program Co-ordinator if the application is incomplete to request the required information.

4.3.2 Upload application documentation into C3MS, create hardcopy file and prepare documentation for allocation

CARU must upload the [Application for Carer Approval – GFDC form](#) and attached documentation into C3MS, create a hardcopy file for the carer and prepare the documentation for assessment within CARU.

4.3.3 Assess application, conduct DCP records checks, make approval recommendation and prepare approval letter for review by the Manager, CARU

Following confirmation that the carer's application is complete and CARU has entered application details into C3MS, the application will be further reviewed by CARU, to:

- conduct checks of C3MS and CIS and consider whether the carer, their household members (including children) and regular guests have previous child protection history.

To enable CARU to consider whether DCP records impact on the suitability of the carer to provide GFDC, the assessment will consider factors such as:

- whether any record has been found
- if a record is found, the nature of the information
- the number of records or incidents
- the severity of any allegation or concern
- how recently the allegation or concern occurred
- any patterns of concerning conduct
- whether any risks are identified
- substantiation of abuse or neglect
- whether any identified risks could reasonably be mitigated with a risk management plan.

Once the checks are completed, CARU will complete Part Three of the carer's Application for Carer Approval - Guardianship Family Day Care form and prepare a letter for the Manager, CARU to review and approve.

Relevant documents, including the carer's application form, history checks and assessment suitability, related to the carer's application will be uploaded to the carer's application file, and a copy placed in the carer's hard copy file, by CARU.

4.3.4 Review application and determine whether to approve applicant and approval conditions

The Manager, CARU (as delegate of the Chief Executive – see [delegations guide](#)) must review the application, including record of DCP records check, and determine whether to approve the carer having regard to the matters set out in section 72 of the CYPs Act.

If the Manager, CARU determines that the carer will not be approved, DCP will advise the carer of this in writing, providing reasons and allowing the carer an opportunity to respond within 28 days or such other period as the Manager, CARU considers appropriate in the circumstances.

Any information provided within the notice period will be considered prior to a determination of the carer's application for approval being made by the Manager, CARU. If a decision is made not to approve a carer, this will be recorded in C3MS, with a rationale for the decision. A letter from the Manager, CARU to the carer will inform the carer of the decision, the reasons and the carer's right to seek an internal review of the decision. DfE will also be informed of the decision.

If the Manager, CARU approves the carer as a GFDC carer, the Manager, CARU will also determine approval conditions. Conditions of GFDC carer approval will ordinarily include:

- approval of GFDC carers to provide out of home care as required by the CYPS Act
- identification of the maximum number of children the GFDC carer is permitted to have in their care as required by the CYPS Act
- current Working with Children Checks
- continuing employment through DfE as a Family Day Care educator.

The Manager, CARU may impose other approval conditions as appropriate.

The Manager, CARU will sign the carer approval and letter, including conditions, in preparation for processing within the CARU team.

Following carer approval the department will work with the DfE GFDC Coordinators to ensure all GFDC carers have access to the required post approval information and training included training related to the delivery of trauma informed care. This will be oversights by the GFDC Operational Group.

4.3.5 Record approval outcome and finalise in C3MS

CARU will finalise the approval and record all conditions and details of approval in C3MS.

4.3.6 Upload and send carer approval documentation to DfE

CARU will email the approval letter to DfE, with a copy to be provided to the carer, and upload the documents into C3MS.

4.4 Carer review

Reviews of GFDC carers will be completed every two years, aligned to the date of the carer's approval.

GFDC carers receive regular support and review of care provision from the DfE's GFDC Program Co-ordinator, in accordance with the MoAA's GFDC Service Model.

In addition, DfE and GFDC carers will be required to report to DCP any information they are aware of that reflects on the suitability of the carer at any time. This includes a GFDC carer ceasing work as a Family Day Carer educator and the reasons.

4.4.1 Receive review documents and prepare file for allocation

DfE will submit confirmation of ongoing reviews of the carer to DCP every two years.

CARU will check a GFDC Carer Review Report has been received from DfE and will follow up with the DfE's GFDC Program Co-ordinator if a review is overdue. On receipt of each GFDC Carer Review Report, CARU will upload the report into C3MS and place into the carer's hardcopy file for allocation within CARU.

4.4.2 Assess review information, including DCP records checks

CARU will assess the review information received and conduct DCP records checks before finalising the review within a reasonable time:

- CARU will consider whether there has been any change in circumstances or concerns raised regarding the carer's provision of care and if so, whether the concerns are of a nature that reflects the suitability of the carer to provide out of home care as an approved carer or the appropriateness of approval conditions. This may include information provided in the GFDC Carer Review Report and DCP records checks. CARU will consider whether the review information indicates the carer is receiving support, relevant training or other assistance, including maintaining mandatory training and child-related employment screening.
- CARU may make a recommendation regarding imposing conditions on a carer's approval, pending the outcome of an investigation into concerns regarding provision of care by an approved carer and the review of the carer's approval.
- If a moderate or serious care concern is raised against a carer, a condition will ordinarily be imposed restricting the carer from providing out of home care pending an investigation of the care concern and outcome.
- The carer will be informed in writing of any change in approval conditions and the reasons. DfE must also be informed of the change in approval conditions.
- Having assessed relevant information, CARU will make a recommendation regarding the continuing carer approval and conditions of approval.
- If there are concerns regarding the carer's ongoing approval and cancellation of approval is recommended, see 'Carer cancellation' within this procedure.

4.4.3 Review application and determine whether to approve applicant and approval conditions

Where carer approval will be ongoing, a Carer Approval Confirmation form/letter (generated in C3MS) will be signed by the delegated role within CARU and sent to DfE. A copy will be provided to the carer by DfE.

4.4.4 Record review outcome and finalise in C3MS

CARU will finalise the review (within the carer profile 'Review Tab' in C3MS) and ensure record of approval conditions is accurate.

4.4.5 Complete and send carer review documentation to DfE and record in C3MS

CARU will send the Carer Approval Confirmation form/letter to DfE and upload the information into C3MS.

4.5 Carer cancellation

4.5.1 Provide written notice of intention to cancel carer approval

The Chief Executive (or delegate) may cancel a carer's approval if the Chief Executive reasonably suspects that:

- a child or young person is not being adequately cared for
- carer has contravened a provision of the CYPs Act
- carer has refused or failed to comply with a condition of their approval
- carer is a prohibited person

- carer does not have a current DHS Working With Children Check, or
- it is otherwise appropriate that the approval be cancelled.

Where the Manager, CARU recommends the cancellation of approval based on the carer's request (voluntary cancellation), or the carer does not oppose cancellation of their approval, CARU will provide a brief to the Executive Director Out of Home Care identifying the recommendation and reasons for the carer's cancellation. The Executive Director, Out of Home Care (as delegate of the Chief Executive – [see delegations guide](#)) may cancel approval of a GFDC carer if the carer requests or does not oppose cancellation of their approval to provide GFDC care (voluntary cancellation).

Where the Manager, CARU recommends cancellation of a carer's approval based on concerns regarding the suitability of the carer to provide out of home care, CARU will provide a brief to the Executive Director, Out of Home Care identifying the recommendation and reasons for the carer's cancellation.

In accordance with section 74(2) of the CYPs Act, the approved carer will be given at least 28 days' notice in writing of the Executive Director or delegate's intention to cancel the carer's approval to provide GFDC, except in instances where the person is a prohibited person under the *Child Safety (Prohibited Persons) Act 2016*.

The notice will include reasons for the proposed cancellation of the carer's approval. In instances where the carer is a prohibited person, the carer and DfE will be informed that the carer's approval to provide GFDC will be cancelled and the reason.

4.5.2 Consider response to notice of intention to cancel and provide confirmation of decision

Any information provided in response to a notice to cancel approval within the 28-day period will be saved by CARU to the carer file and considered prior to a decision regarding cancellation of approval being made by the Executive Director, Out of Home Care.

If the Executive Director decides to cancel the approval of a carer, a letter from the Executive Director, Out of Home Care to the carer (with a copy provided to DfE) will inform the carer of the decision, the reasons and the carer's right to seek an internal review of the decision.

4.5.3 Send notice and record in C3MS

CARU will send the notice of cancellation of approval to the carer, and ensure record of the notice is uploaded in C3MS.

4.5.4 Finalise cancellation of approval in C3MS and send cancellation advice to DfE

CARU will record the cancellation of approval in C3MS, send advice of the cancellation to DfE and ensure that all relevant documentation is uploaded in C3MS.

4.6 Complaints and Internal Review

It is important that decisions regarding approval of carers are accurately recorded, including the date the decision was made, the legislative provision the decision was made under, information considered in making the decision, detailed reasons for the decision and how the decision was communicated to the carer.

Decisions should only be made by a person with authority to make the decision (such as a delegate of the Chief Executive).

DCP's decisions regarding approval of carers, conditions placed upon approval or cancellation of an approval may be subject to Internal Review. Carers and others affected by a decision about carer approval should be advised that they may contact the [DCP Complaints and Feedback Management Unit](#) for information about DCP complaints processes. Complaints may also be addressed to the Ombudsman SA or the Health and Community Services Complaints Commissioner. In some cases, a carer may make an application to the South Australian Civil and Administrative Tribunal (SACAT) for an external review.

For further information on complaints and internal review, please refer to DCP's [Complaints and Feedback Management Procedure](#) and [Internal Review Procedure](#). Carers can be referred to DCP's [Internal reviews](#) page for further information.

5. Compliance, monitoring and evaluation

In line with the governance arrangements outlined within the MoAA, a Steering Committee and Operational Group have been established. The Steering Committee meets quarterly to oversee the implementation of the MoAA. The operational group meets every 6-8 weeks to monitor and resolve any operational issues of the GFDC program.

Through consultation with DfE this procedure will be reviewed every three years, or more frequently if required.

6. Related documents

Related documents, forms and templates
Application for Carer Approval - Guardianship Family Day Care
Reporting a suspicion a child or young person is at risk procedure

Document control

Reference No./ File No.			
Document Owner	Lead Writer (name, position)		
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Accountable Director: Executive Director Out of Home Care			
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14 February 2022	V2.1	Minor amendment to principles
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