

Organisation Level Licensing Manual

For Non-Government Organisations
Providing Care Services

Version 5 – October 2022



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Part 1 — Licensing introduction

1. What does this manual cover?

This manual provides an overview of the steps a non-government organisation must follow to apply for, and maintain, a licence to provide care services in Queensland under the *Child Protection Act 1999* (the Act).

A glossary of terms used in this manual is provided in Appendix 1.

2. Who needs to be licensed?

Incorporated organisations delivering services that have the primary purpose of providing care services to children subject to statutory child protection intervention are required to be licensed.

Care services (also known as placement services) can be family-based foster and kinship services or non-family-based residential care services with a number of different service delivery models under each service type.

More information on the department's [care service delivery models](https://www.csyw.qld.gov.au/about-us/partners/child-family/our-community-partners/placement-services) is available at <https://www.csyw.qld.gov.au/about-us/partners/child-family/our-community-partners/placement-services>

2.1 How does the department identify a service's primary purpose?

In assessing a service's primary purpose the department will consider if:

- the care service is made available specifically for departmental child safety referrals
- the majority of placements with the service are child safety placements, or
- the majority of funding for the service is to provide or support departmental child safety placements.

A service is required to be licensed if one or more of these apply (the service may or may not receive departmental outsourced service delivery funding as shown by the examples below).

Service	Description	Required to be licensed?
Outsourced service delivery funding care services	Ministerial approved and administered through a service agreement	Yes – requirement included in service agreement.
Fee for service	Child-related costs – Placement and Support funding (CRC-PaS)	Yes – if primary function is to provide care No – if primary function is not to provide care

3. Why are organisations licensed?

Licensing helps the department ensure that organisations delivering placement services are meeting and will continue to meet legislated requirements.

This assures the Chief Executive of the department that a child placed with a licensee will be cared for in a way that meets the Chief Executive's statutory obligations as the child's custodian or guardian in accordance with the Statement of Standards, in section 122 of the Act.

4. How does the legislation influence licensing?

The legislation outlines how child protection care services are licensed.

The Act:

- states that the main principle for administering the Act is that the safety, wellbeing and best interests of the child are paramount (Section 5A)
- outlines four phases of licensing which are application, assessment, decision and monitoring of licensed care services and details the processes, timeframes and legal obligations associated with these phases, (Chapter 4, Part 2), and
- outlines the Charter of Rights for children and young people in the custody or guardianship of the Chief Executive of the department (Schedule 1).

The *Child Protection Regulation 2011* (the Regulation) details additional departmental, licensee and nominee obligations, including obtaining an independent evaluation of the care services provided, before deciding a licence application.

4.1 What are the licensee's obligations under the Act?

When a corporation is granted a licence, they become known as a 'licensee'.

Section 129A of the Act states that a licensee must ensure that:

- care services provided by the licensee comply with the standards of care stated in the statement of standards; and
- each person the licensee engages to provide care services is a suitable person; and
- for carrying on a regulated business or employing persons in regulated employment under the *Working with Children (Risk Management and Screening) Act 2000*, Chapter 8, is complied with.

4.2 What are the nominee's obligations under the legislation?

A corporation who applies for a licence, must nominate an adult to be nominee for the licence.

Section 130 of the Act makes the nominee for a licence responsible for ensuring the licensee complies with section 129A unless:

- if the nominee is in a position to influence the conduct of the licensee in relation to the licensee's compliance — the nominee took reasonable steps to ensure the licensee complied; or
- the nominee was not in a position to influence the conduct of the licensee in relation to the licensee's compliance.
- Under section 20 (b) of the Regulation a nominee must be willing and able to fulfil the above responsibilities.

5. What do I need to do before applying for a licence?

Your organisation must have Human Services Quality Framework (HSQF) certification for child protection placement services (care services) before applying for a licence. The HSQF certification audit report will then be used as the independent evaluation required under the Regulation to inform a licence application decision.

For information on the [HSQF and processes](#) that apply to organisations delivering care services required to be licensed, visit www.communities.qld.gov.au/gateway/funding-and-grants/human-services-quality-framework or telephone the HSQF team on 1800 034 022.

6. What functions can my organisation be licensed for?

A licence can cover one or more of the following three licence functions:

Licence function:	Licensed to:	Description:
1. Carers only	<ul style="list-style-type: none">Recruit, train, assess and support departmentally approved carers.	These family-based services provide support to the carer caring for children and young people in the carer's home. (Also known as foster and kinship care.)
2. Carers and direct care	<ul style="list-style-type: none">Recruit, train, assess and support departmentally approved carers.Provide additional support for the placement through the employment of direct care staff.	These family-based services provide support to the carer caring for children and young people in the carer's home and also provide direct care support, such as youth workers and therapists, to the young person. (Also known as foster and kinship care with direct care.)
3. Premises site	<ul style="list-style-type: none">Provide care at the address(es) listed on the licence.	These non-family-based services are provided by paid employees or contract workers on a rostered or live-in basis in residential premises. (Also known as residential care and includes safe houses, supported-independent living and therapeutic residential premises.)

7. What is included on a licence?

The name of the licensee and nominee, the licence commencement and expiry dates, the licence function, a list of the addresses covered by the licence, and any licence conditions, must be included on the licence.

For a care service address to be included on the licence its service delivery model must be consistent with the function stated on the licence and the organisation must be certified under the HSQF for that service delivery model.

8. How long is a licence valid?

Once granted, licences are valid for three years. Renewal effective dates commence from the expiry date of the original licence, regardless of the date the renewal is granted.

9. What is organisation level licensing?

Organisation level licensing is the department's way of translating legislated licensing requirements into practical steps which can be undertaken by organisations and the department. The department introduced organisation level licensing in 2013 to streamline licensing processes and reduce administrative burden and compliance costs for organisations.

Under organisation level licensing an organisation can apply for and maintain a single licence for all of its Queensland care services regardless of location or service delivery type.

9.1 What department roles are involved in administering licensing?

There are a number of departmental roles involved in administering organisation level licensing as outlined below.

Making licence decisions

The following decisions are made by the departmental licensing delegate/s:

- Granting or refusing a licence application.
- Amending, suspending or cancelling a licence.

Administrative and organisational support

The Child Safety Licensing team is responsible for administering licensing, advising licensing stakeholders and developing and maintaining the licensing process.

This team is also responsible for managing interactions between licensing and the HSQF, progressing licence applications, supporting the departmental licensing delegate/s, coordinating licence monitoring and issue management processes and actioning requested licence amendments.

Service level support

The department's regional staff are responsible for identifying care services required to be licensed, providing the first point of contact and support for local care services, undertaking care service monitoring inspections, and contributing to the development and maintenance of the licensing process.

9.2 How do I contact the department?

To contact the Child Safety Licensing

Phone 07 3097 5905

Post Locked Bag 3405

Brisbane Qld 4001

[Email CS_Licensing@csyw.qld.gov.au](mailto:CS_Licensing@csyw.qld.gov.au)

[Website https://www.csyw.qld.gov.au/about-us/partners/child-family/child-safety-licensing](https://www.csyw.qld.gov.au/about-us/partners/child-family/child-safety-licensing)

Where this manual asks an organisation to email a document to the Child Safety Licensing team the organisation may post the document.

To contact regional staff please see the following [web page](#):

www.csyw.qld.gov.au/contact-us/department-contacts/child-family-contacts/child-safety-regional-offices

Part 2 — Application

10. What is the application phase?

The application phase starts when your organisation is invited to apply for an organisational care service licence (following HSQF certification). It finishes when the department accepts your application as properly made against the requirements of section 125 of the Act.

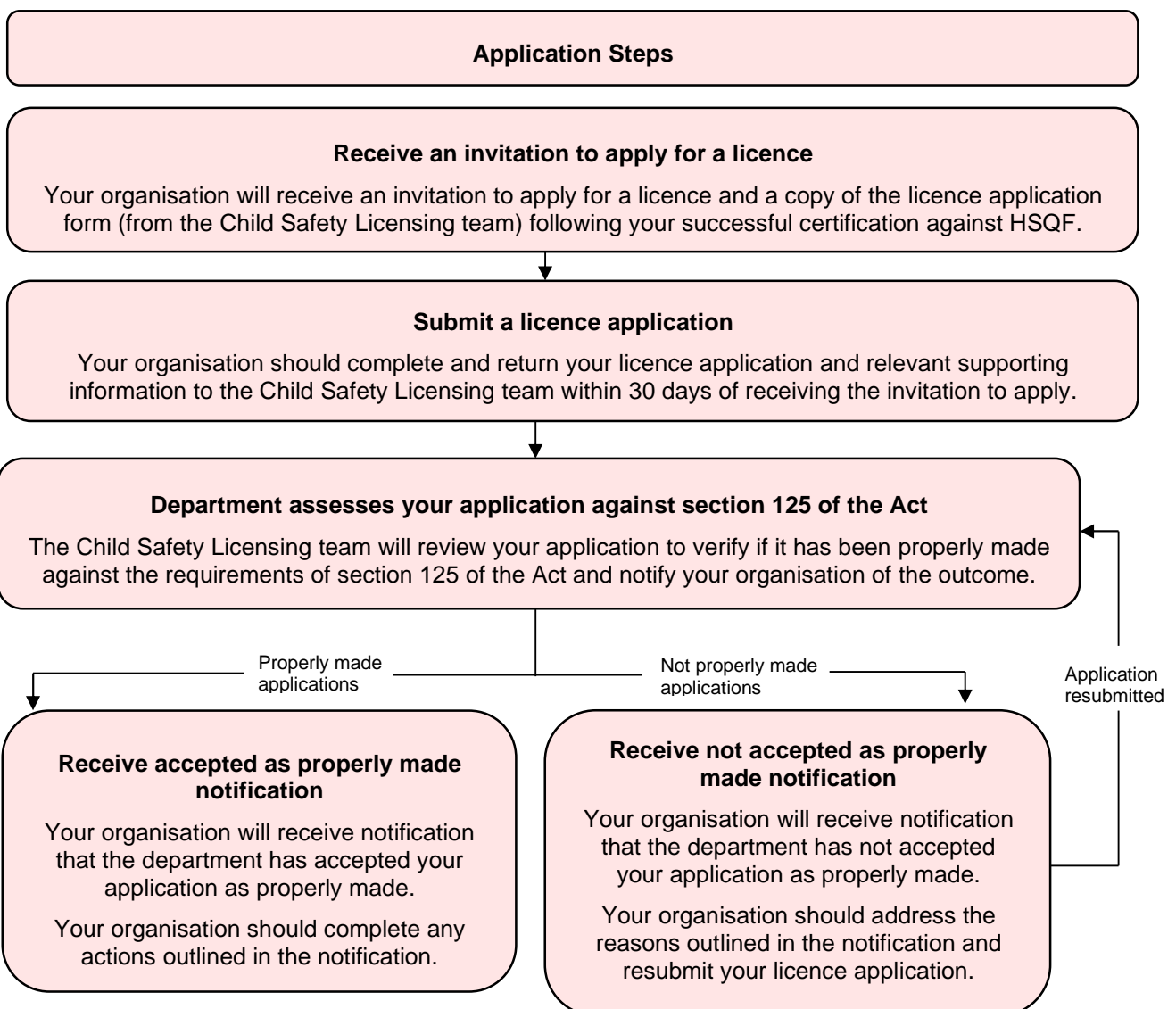
10.1 What timeframes are associated with applying for a licence?

Your organisation should submit your licence application within 30 days of receiving an invitation to apply from the department.

There are no legislative timeframes for applying for a new licence; however, the Act requires licence renewal applications to be made at least 30 days before the licence expiry date.

If a properly made renewal application is not received from your organisation within this timeframe, your licence will end once the expiry date is reached.

11. What steps are involved in applying for a licence?



11.1 What if my organisation doesn't receive an invitation to apply?

If your organisation does not receive an invitation to apply for a licence, and a copy of the 'Application for a new/renewal care service licence LCS Form-1' within 14 days of receiving HSQF certification, please contact the Child Safety Licensing team.

11.2 How does my organisation prepare and submit an application?

Your organisation must complete and submit your licence application, within 30 days of receiving an invitation to apply, by:

- completing the sections of the LCS Form-1 relevant to your licence application type
- gathering supporting documents/evidence as requested on the LCS Form-1 for your application type, and any verification of HSQF major non-conformance (MNC) closure by your certification body
- ensuring your organisation's nominee signs and dates the relevant section of the LCS Form-1
- scanning a copy of the LCS Form-1 signed by you organisation's nominee and supporting evidence into a single non-editable document (such as PDF)
- emailing your completed scanned LCS Form-1 to the Child Safety Licensing team.

11.3 What are the requirements of section 125 of the Act?

For your application to be accepted as properly made against section 125 of the Act, it must:

- be made by a corporation
- be made using the approved application form
- be made at least 30 days before the licence expiry date if it is a renewal application
- nominate an adult to be the licence nominee
- be signed by the nominee, and
- advise if people involved in the delivery of service to children and young people have blue cards or blue card applications.

11.4 What does my organisation need to do next?

The Child Safety Licensing team will advise your organisation of actions you need to undertake following review of your application.

When your application is accepted as properly made you will be advised to progress child protection and personal history screening applications and blue card or exemption applications for relevant managers, staff and volunteers associated with any previously unlicensed care services.

For more information on this process, please see [Suitability and screening requirements for child safety licensed care services: A guide for non-government organisations](https://www.csyw.qld.gov.au/about-us/partners/child-family/child-safety-licensing/licensing-resources), located at www.csyw.qld.gov.au/about-us/partners/child-family/child-safety-licensing/licensing-resources.

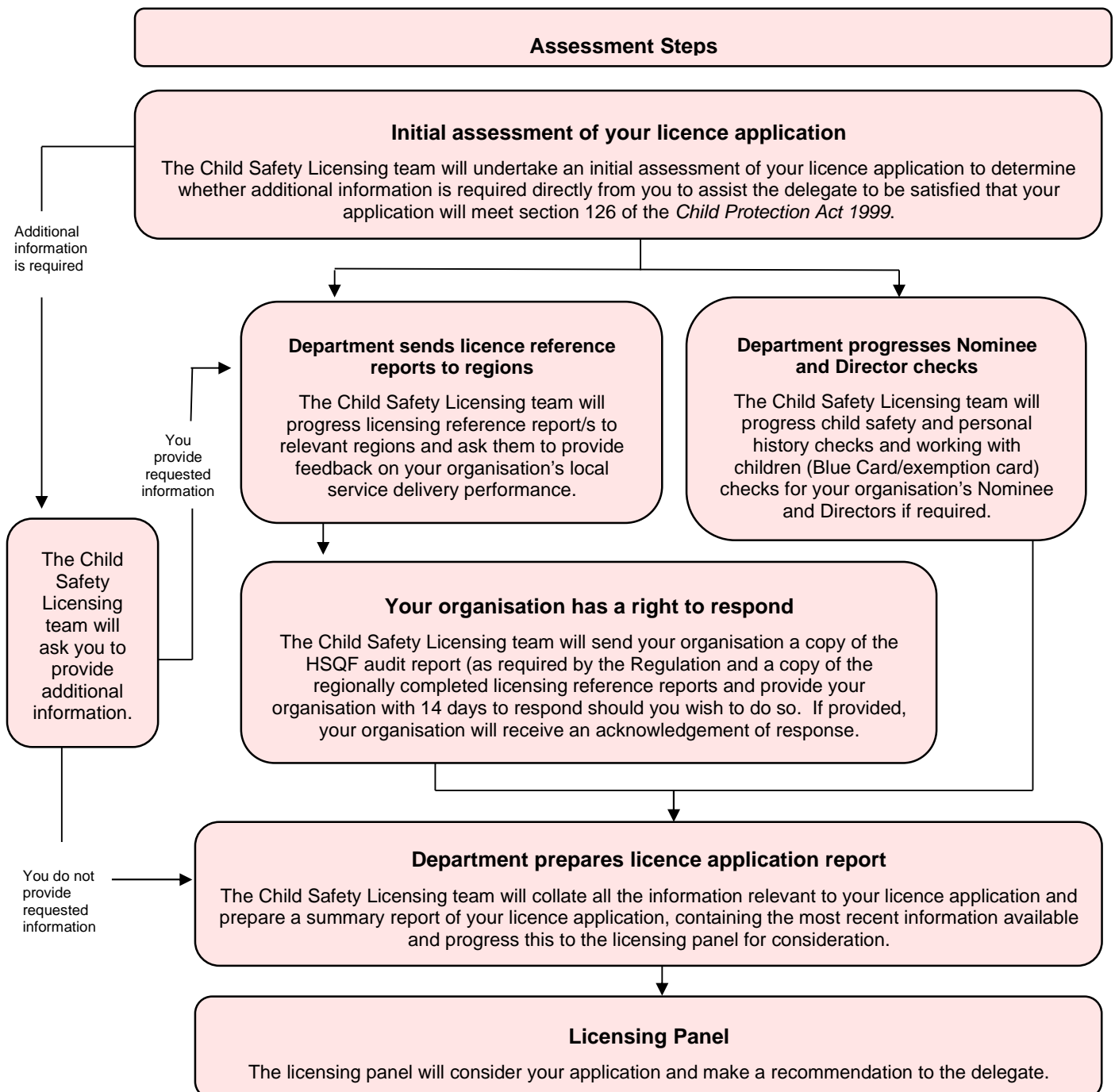
Part 3 — Assessment

12. What is the assessment phase?

The assessment phase starts once your application has been accepted as properly made and finishes when a recommendation is made to the departmental licensing delegate.

During this phase the department assesses your organisation’s ability to meet the requirements outlined in section 126 of the Act.

13. What steps are involved in the licence assessment?



13.1 What is the department's initial assessment?

The department will conduct an initial assessment of your organisation's licence application to determine if:

- a **HSQF certification audit report** is available as the independent advice required under the Regulation
- the **licence type** you are applying for is consistent with the service delivery model assessed under the HSQF certification
- the **care service addresses** covered by the application are provided and are consistent with the HSQF certification assessment, and
- a **HSQF action plan** or evidence of MNC closure is included, as relevant.

If any of the above is not included with your application the Child Safety Licensing team will contact your organisation to request the additional information required and agree the timeframe within which it should be provided.

13.2 What if my organisation can't provide additional information?

If you cannot provide the information within the agreed timeframe your application will be progressed directly to the licensing panel. The panel will consider recommending that the licensing delegate refuses your application as this information is necessary for the delegate to be satisfied that your application will meet section 126 of the Act.

13.3 How does my organisation provide additional information?

Your organisation must provide any requested additional information (for example updated staff lists) by emailing the Child Safety Licensing team.

13.4 What happens if my application passes the initial assessment?

Once your application meets the requirements of the initial assessment, the Child Safety Licensing team will forward child protection and personal history screening applications, plus blue card or exemption applications for directors and nominees, to the department's Central Screening Unit if required, and seek licensing reference reports from relevant regions.

13.5 What are licensing reference reports?

Licensing reference reports capture feedback on your organisation's local service delivery from relevant regional departmental staff.

13.6 Can I respond to the audit and licensing reference reports?

When completed licensing reference reports are received from the regions, the Child Safety Licensing team will send them to your organisation, along with a copy of the HSQF certification audit report, and give you 14 days to respond if you wish to.

Your organisation can provide a response to the HSQF certification audit report or regional licensing reference reports by emailing the Child Safety Licensing team.

The Child Safety Licensing team will acknowledge your response, if provided, and will include it in the licence application report for consideration by the licensing panel and departmental licensing delegate.

13.7 What is the licence application report?

The licence application report is prepared by the Child Safety Licensing team and presented to the licensing panel for consideration. The report contains relevant information applicable to your licence application including:

- information from the LCS Form-1
- information from regionally completed licensing reference reports
- compliance management, standards of care concern and complaints history
- the HSQF certification audit report and any relevant updates, and
- any response your organisation provided to the certification audit or licensing reference reports.

This report summarises the assessment undertaken by the Child Safety Licensing team of whether your organisation meets the requirements of s126 of the Act, and helps the delegate determine whether your organisation should be granted a licence.

13.8 What is the licensing panel?

The licensing panel, also known as the state-wide licensing panel (SWLP), is a group of internal senior officers with specialist child protection and/or licensing knowledge. The panel meets monthly and supports the departmental licensing delegate by considering the licence application report and supporting information, and making recommendations to grant or refuse applications.

The panel also moderates the department's approach in regard to a licensed care service identified as not complying with licensing requirements and makes recommendations on possible improvements to the licensing system.

Part 4 — Decision

14. What is the decision phase?

The decision phase starts once a recommendation is made, by the licensing panel, to the departmental licensing delegate and finishes when the departmental licensing delegate advises the organisation of the decision to grant or refuse a licence application.

The departmental licensing delegate considers the application, recommendation from the panel and all other available information and grants a licence if satisfied that the organisation meets the requirements of section 126 of the Act.

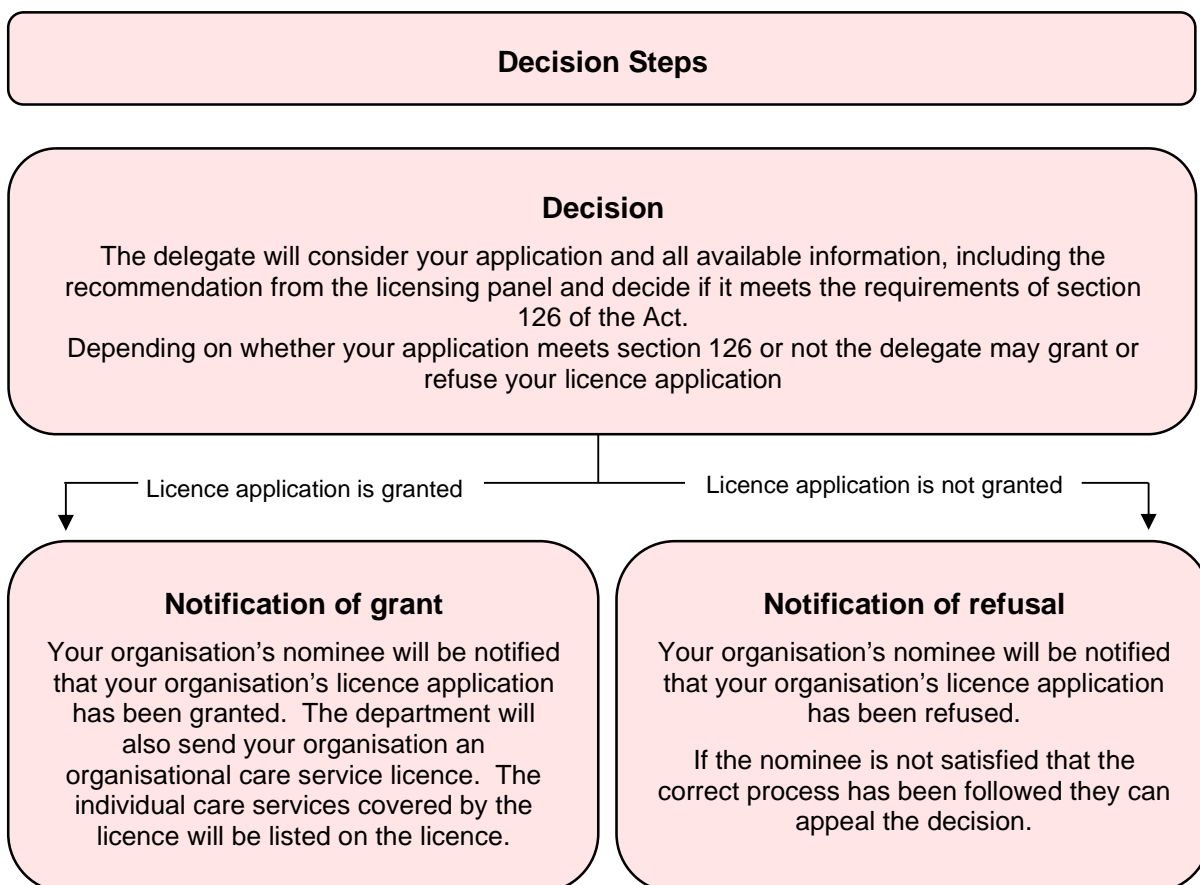
14.1 How long will it take to decide my licence application?

For **new licence applications**, the department must decide a licence application within 90 days of it being properly made.

The Act allows this timeframe to be extended through written agreement between the department and licence applicant. If the department does not decide a new application within 90 days, or within the agreed extension time, the application is taken to be refused and the applicant licensee taken to be notified.

For **renewal applications**, as long as a renewal application is properly made at least 30 days before the licence expiry date the authority to provide care services continues until a decision is made by the delegate.

15. What steps are involved in the licence decision?



15.1 What information is used to decide a licence application?

The Act prevents the departmental licensing delegate from granting a licence application unless he or she is satisfied that the requirements set out in section 126(a) to (h) are met.

An overview of the typical information required is provided below. Additional information may be considered by the departmental licensing delegate where available and relevant.

Section	Paraphrased Requirement	Typical information informing a decision
S126(a)	Your organisation is a suitable entity to provide care	<ul style="list-style-type: none"> • HSQF certification assessment of your organisation's governance arrangements • Your LCS Form-1 and completed reference reports
S126(b)	Your organisation's directors, nominee, managers and persons engaged to provide care are suitable as defined in Part 7 of the Regulation	<ul style="list-style-type: none"> • Outcome of child safety and personal history checks • HSQF certification assessment of your organisation's suitability arrangements • Your LCS Form-1 and completed reference reports
S126(c)	Your organisation's directors and nominees hold blue cards or exemptions	<ul style="list-style-type: none"> • Outcome of working with children — blue card/exemption card checks
S126(d)	Your organisation will comply with chapter 8 of the <i>Working with Children (Risk Management and Screening) Act 2000</i>	<ul style="list-style-type: none"> • HSQF certification assessment of your organisation's human resources management arrangements • Your LCS Form-1
S126(e)	The standard of care provided by your organisation complies and will continue to comply with the statement of standards in section 122 of the Act	<ul style="list-style-type: none"> • HSQF certification assessment of your organisation's management and delivery of care services • Standards of Care Concerns information • Your LCS Form-1 and completed reference reports
S126(f)	Your organisation's methods for the selection, training and management of people engaged to provide care are suitable	<ul style="list-style-type: none"> • HSQF certification assessment of your organisation's human resources and training arrangements
S126(g)	Primary function is related to care of children in the chief executive's custody or guardianship	<ul style="list-style-type: none"> • Department's assessment of scope of licensing for each care service included on the licence application
S126(h)	Your organisation has a suitable right to occupy premises you use to provide care	<ul style="list-style-type: none"> • HSQF certification assessment of your right to occupy premises covered by your licence application

15.2 What happens if my licence application is refused?

The departmental licensing delegate will notify your organisation that your licence application has been refused within 10 days of making the decision.

The departmental licensing delegate will also provide your organisation with information on how to apply to have the decision reviewed if you disagree with the process used to make the decision.

15.3 What happens if my licence application is granted?

The departmental licensing delegate will notify your organisation that your licence application has been granted and will issue your licence.

Part 5 — Monitoring

16. What is the monitoring phase?

The monitoring phase starts when a licence is granted and continues while the licence remains in effect.

Monitoring assures the departmental licensing delegate that care services covered by a licence are continuing to comply with legislative requirements and conditions on the licence, allows potential issues to be identified and acted on as soon as possible, and informs the licence renewal process.

16.1 How does the legislation influence monitoring?

Section 147 of the Act requires the department to regularly inspect each licensed residential facility to assess whether the care provided meets the statement of standards.

Additionally, under section 145 of the Act, an authorised officer may require the production of a licence or a document and section 146 gives the department authority to enter and inspect licensed premises.

Sections 7, 8 and 9 of the Regulation sets out specific record keeping requirements for licensed organisations and gives the department authority to inspect these records during normal business hours.

16.2 Which care services need to be monitored?

All care services included on an organisational care service licence must be monitored, regardless of whether they have current placements.

16.3 How does the department monitor services?

Monitoring is both formal and informal and occurs on a cyclic basis.

Formal monitoring includes:

- HSQF certification, recertification or maintenance audits
- Monitoring planning meeting
- Annual announced and unannounced care service inspections
- Licence monitoring meetings, and
- Annual licensing summary report.

Informal monitoring includes:

- Standards of Care reviews
- Critical incident report reviews
- Review of information received from relevant stakeholders such as community visitors, complainants, client relations officer, HSQF certification bodies and other care services
- Regular discussions with relevant regional staff, and
- Funding assessments and processes.

17. What steps are involved in monitoring?

Monitoring Steps

Monitoring Planning Meeting

The Child Safety Licensing team will arrange a monitoring planning meeting with your organisation within 30 days of a new licence application being granted. The Child Safety Licensing team will develop a monitoring schedule for your licence in negotiation with your organisation.

Organisation Level Monitoring and Care Service Inspections

The Child Safety Licensing team will monitor your compliance with organisation level requirements including child protection, personal history and blue card screening in line with the agreed schedule.

Regional staff will undertake annual announced inspections of any family based and non-family based care services in line with the agreed schedule and annual unannounced inspections of any non-family based residential care service.

Any issues or concerns will be investigated in line with the non-compliance management process and may result in additional monitoring inspections as required.

Licence Monitoring Meetings

Annual organisation meetings with your organisation will be arranged by the Child Safety Licensing team to inform the preparation of the annual licensing summary report for the delegate. Six-monthly licensing meetings will be arranged by relevant regions where required to discuss any issues or concerns identified at a care service level.

Additional meetings may be held on an as-needed basis as required by your organisation or the department.

Annual Licensing Summary Reports

The Child Safety Licensing team will collate relevant corporate governance and care service level licensing information for your organisation and prepare an annual summary report for the delegate, outlining your organisation's performance against licensing requirements. Your organisation's nominee and licence contact (if not the nominee) and relevant departmental regions will receive a copy of the draft report for discussion at the annual organisation meeting, prior to the final report being issued.

17.1 What is a monitoring planning meeting?

The monitoring planning meeting is a meeting between your organisation and the department to provide your organisation with an overview of monitoring and develop a monitoring schedule for your new licence.

The meeting will be organised by the Child Safety Licensing team within 30 days of a new licence being granted and can be face-to-face or by telephone.

17.2 What is a monitoring schedule?

The monitoring schedule outlines the key monitoring activities for your licence as well as the time range within which they should occur. The schedule is designed to allow a flexible approach to be taken for individual announced care service inspections to accommodate local service delivery arrangements.

For a newly granted licence, proposed dates for announced inspections and service meetings can be negotiated at the monitoring planning meeting or at separate meetings between regional departmental staff and your organisation's care service representatives. For organisations that have been granted a renewed licence, the approach to developing a schedule will be addressed as an agenda item at an annual organisation meeting.

Once finalised, the Child Safety Licensing team will distribute the monitoring schedule to relevant regions.

17.3 How often will my organisation's care services be inspected?

As a licensed organisation, the department will inspect your care services to ensure they continue to meet legal requirements.

Regional departmental staff will undertake regular inspections of individual care services as follows:

- Family-based care services will receive an annual announced inspection in line with the agreed schedule.
- Non-family based residential care services will receive an annual announced inspection in line with the agreed schedule, and an annual unannounced inspection to see the normal day-to-day care environment. An unannounced inspection may require a follow-up visit to inspect material that was not available without notice.
- Where an announced inspection of a non-family based care service coincides (within three months either side) with a planned HSQF maintenance audit of that care service, and the premises is included in the maintenance audit sample, the HSQF audit may replace the departmental inspection. This does not apply to family based services. Nor does it apply to a HSQF recertification audit.
- Additional monitoring inspections may be required when non-compliances have been identified. These monitoring inspections may be announced or unannounced as required.

17.4 What are licence monitoring meetings?

Licence monitoring meetings are periodic meetings between your organisation and the department during the course of your licence.

Regional staff will arrange six monthly service meetings with representatives from your organisation's local service delivery. These meetings will be used to discuss the findings of site inspections and any other local licensing issues and will not need to occur where issues or concerns have not been identified. Where they do not need to occur the region will communicate findings of inspections and provide the opportunity to discuss via other methods such as email, skype or telephone.

The Child Safety Licensing team will arrange an annual organisation meeting to discuss your organisation's overall performance and to inform the preparation of your organisation's annual licensing summary report.

Additional meetings may be held as required by either your organisation or the department.

17.5 What is an annual licensing summary report?

An annual licensing summary report is prepared by the Child Safety Licensing team for the departmental licensing delegate and summarises your organisation's performance against licensing requirements over a 12 month period. Your organisation's nominee and the department's regional staff will receive a copy of this report.

18. How do I maintain my licence?

To maintain your licence your organisation must comply with legislative requirements and conditions on your licence, meet suitability and screening requirements, apply to make amendments to your licence if necessary and notify the department of changes which may affect your licence.

18.1 What suitability and screening requirements do I need to meet?

The Act requires that certain people are suitable, as defined in part 7 of the Regulation, to be involved with licensed care services and that the licensee complies with screening requirements of the *Working with Children (Risk Management and Screening) Act 2000*, located at:

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2000-060>

For more information on complying with suitability and screening requirements please see *Suitability and screening requirements for child safety licensed care services: A guide for non-government organisations*, located at <https://www.csyw.qld.gov.au/about-us/partners/child-family/child-safety-licensing/licensing-resources>

18.2 What changes do I need to notify the department about?

As outlined under the conditions of your licence, your nominee must notify the department of changes that may affect your licence. The changes that you are required to advise are categorised below:

Amending a care service licence

- The nominee for the licence
- The organisation named on the licence
- The licence function or
- The care services or service delivery sites listed on the licence

To apply to amend your licence with any of the above changes, your nominee must complete and sign the 'LCS4A – Application to amend a care service licence under S137' form and send the scanned notification to the Child Safety Licensing team.

An application to add a new care service to the licence should be progressed to the Child Safety Licensing team within 30 days of the service commencing. In order to meet this timeframe, an organisation should contact regional departmental staff upon commencement of the care service to arrange for an inspection to occur. Organisations should also seek to remove a care service from their licence within 30 days of the service ceasing to operate.

The LCS4A form is available from the department's website, or by contacting the Child Safety Licensing team. The Child Safety Licensing team will send your organisation an acknowledgement when the amendment has been approved.

Notifying changes which affect the basis under which the care service was licensed

- organisational details (other than organisation name)
- incorporation status
- public liability insurance
- new director appointed or director exiting
- service contact details, or
- any other relevant change

To notify the department of a change, your licence nominee must complete and sign the 'LCS4B – Notification of change affecting a care service licence' form and send the scanned notification to the Child Safety Licensing team.

The form is available from the department's website, or by contacting the Child Safety Licensing team. The Child Safety Licensing team will send your organisation an acknowledgement when the changes have been completed.

Changes to personal circumstances of nominee, director, staff and volunteers

- Criminal history
- Change related to being a respondent in a domestic violence matter
- Traffic history
- Change of address
- Child protection history, including standards of care concerns – including interstate and international
- Change related to blue card/exemption card or application

To notify the department of a change, your licence nominee must complete and sign the 'LCS6 – Change in personal circumstances' form and send the scanned notification to the Child Safety Licensing team (NB: for changes relating to a person's name or address, the LCS6 may be completed and signed by the licence nominee *or* a delegated person).

The form is available from the department's website, or by contacting the Child Safety Licensing team. The form will be sent to Central Screening Unit for their action. Child Safety Licensing will confirm receipt of this information via email.

18.3 What happens to my application for amendment?

The Child Safety Licensing team will progress your application to the departmental licensing delegate for consideration and notify your organisation's nominee of the departmental licensing delegate's decision.

If the departmental licensing delegate grants your amendment request, the Child Safety Licensing team will arrange for an amended licence to be issued and sent to the nominee.

If the departmental licensing delegate decides to refuse the amendment request, the departmental licensing delegate will notify the nominee of the decision and the reasons for refusal within 10 days and provide advice on how to apply to have the decision reviewed.

18.4 Can I surrender my licence if I no longer need it?

A licensee can surrender a licence at any time by giving the department written notification of intent to surrender. The surrender of a licence does not come into effect until 21 days after the department receives the surrender notification. A longer timeframe may be provided in the surrender notification, in which case the surrender comes into effect on the date provided in the notification.

If your organisation decides to surrender your licence, your organisation must:

- assist with the transition of any children, young people or carers associated with your care services, and
- return all client records to the department in line with the department's record keeping procedure.

19. How does the department manage non-compliance?

The Child Safety Licensing team and regional staff will investigate any issues or concerns raised to determine if your organisation has not complied with the legislation.

Depending on the nature of the issue, the investigation may occur at a local care service level or at an organisational level and may include requests for information or records, unannounced inspections, meetings with staff and collection of other evidence.

If the investigation finds that non-compliance has occurred, the Child Safety Licensing team or regional staff may require your organisation to develop an action plan or, depending on the nature of the non-compliance, recommend action be taken against your licence.

19.1 What is an action plan?

An action plan is a document prepared by your organisation outlining the strategies you will undertake to address the issue/s.

The department will advise your organisation of how quickly the action plan must be developed and submitted to the department (based on the department's risk assessment of the non-compliance). The action plan must identify the specific actions to be taken as well as the timeframes for completion.

19.2 What actions can be taken against my licence?

The Act authorises the departmental licensing delegate to amend, suspend or cancel a licence and sets out the circumstances and timings under which these actions can be taken. The delegate will consider amending a licence to remove an underperforming service before taking action to suspend or cancel an organisational care service licence where appropriate.

19.3 When can the department amend my licence?

The Act allows the Chief Executive to amend a licence at any time if he or she deems the amendment necessary. The departmental licensing delegate may consider amending your licence to remove a non-compliant care service/s where the non-compliance is confined to that care service/s.

If the departmental licensing delegate considers it necessary or desirable to amend your licence, the nominee will be notified and will be given at least 28 days to show cause why the licence should not be amended as proposed.

At the end of the show cause period, the departmental licensing delegate will consider any representation from the nominee, and any other information, to decide whether to amend the licence. The departmental licensing delegate will notify the nominee of the outcome, within 10

days after making the decision, and advise how to have the decision reviewed if the licence is amended.

19.4 When can the department suspend or cancel my licence?

A licence may be suspended for a specified period of time or cancelled if:

- a director, nominee, manager of a care service, or staff member providing a care service is not a suitable person
- the licensee is not meeting the standards required under the Act
- the licensee has contravened a provision in the Act
- the licence was issued because of materially false or misleading information provided by the licensee
- it is inappropriate for the licensee to continue to hold a licence because of information given to the department under the *Working with Children (Risk Management and Screening) Act 2000*
- for reasons prescribed in a Regulation, or
- a director, nominee, manager of a care service, or staff member providing a care service does not have a current positive prescribed notice or exemption notice (blue card or exemption card).

Where a suspension or cancellation is being considered, it is likely that the departmental licensing delegate has:

- serious concerns about the safety and wellbeing of children and young people in a care service associated with the licence
- an amendment to the licence will not address the concerns (for example, removing a residential site from a licence), or
- the licensee has indicated an unwillingness to comply with licensing requirements and to work cooperatively with the department to ensure those requirements are met.

Before suspending or cancelling a licence under section 139, the departmental licensing delegate will notify the nominee of their intention, outline the grounds for the proposed suspension or cancellation and give the nominee at least 28 days to show cause why the licence should not be suspended or cancelled.

At the end of the show cause period, the departmental licensing delegate will consider any representation from the nominee, and any other information, and decide whether to suspend or cancel the licence. The departmental licensing delegate will notify the nominee of the decision within 10 days from it being made and advise how to have the decision reviewed if the licence was suspended or cancelled.

19.5 When can the department immediately suspend my licence?

The departmental licensing delegate must as soon as practicable (without a show cause process) suspend a licence if a prohibiting event happens to the licence nominee or a director of a licensee.

The Act defines a prohibiting event as being when a person is issued with or given a negative prescribed notice (blue card), the suspension of a positive notice, or the withdrawal of an application for a prescribed notice.

The departmental licensing delegate will notify the nominee (and the director if relevant) stating the reason for suspension.

19.6 When can the department immediately cancel my licence?

The departmental licensing delegate can immediately (without a show cause process) cancel a licence in instances where:

- a relevant person for the licence (nominee or director) is issued with a negative prescribed notice (blue card) or negative exemption notice and that relevant person:
 - remains associated with the licence and
 - does not apply for a review of the decision within the reviewable period or
 - does apply for a review of the decision, and the decision is upheld (cancellation can occur on the day the review decision is upheld).

Cancellation results in the permanent withdrawal of a licence and a licensee's authority to provide a licensed care service.

19.7 Can my organisation have a decision reviewed?

The following are reviewable decisions under the Act:

- Refusing an application for or renewal of a licence under section 129 of the Act for a reason other than because a person mentioned in section 126(b)(i) or (ii) does not have a current positive prescribed notice or current positive exemption notice (blue card/exemption card).
- Refusing an application to amend a licence under section 137.
- Amending a licence under section 138.
- Suspending or cancelling a licence under section 140.
- Cancelling a licence under section 140AH

If your organisation disagrees with the process used to make one of these decisions you can apply to the Queensland Civil and Administrative Tribunal, within 28 days of receiving notification of the decision, to have the decision reviewed.

The President of the Tribunal may at any time extend the time for filing the application, if they are satisfied the reason for the delay is reasonable.

Please refer to the [Queensland Civil and Administrative Tribunal website](https://www.csyw.qld.gov.au/about-us/partners/child-family/child-safety-licensing) for information about how to seek a review of the department's decisions by the Tribunal.

Part 6 — Appendices

Appendix 1 — Glossary

- The **Act** is the [Child Protection Act 1999](https://www.legislation.qld.gov.au/view/html/inforce/current/act-1999-010) which can be viewed at <https://www.legislation.qld.gov.au/view/html/inforce/current/act-1999-010>
- A **care service** is the point where residential care is provided to a child under the protection of the department or from where a family-based care service is coordinated. A care service is known as an outlet under the Human Services Quality Framework.
- A **certification body** is an independent assessor, approved to undertake audits under the Human Services Quality Framework.
- The **Chief Executive** is the Director-General of the Department of Child Safety, Youth and Women.
- **Close out** is verification, by a certification body, that an organisation has implemented effective corrective action/s to address a non-conformance or major non-conformance identified during an audit.
- A **day** is a calendar day unless specified otherwise.
- **Legislation**, for the purpose of licensing, refers to the Act and the *Child Protection Regulation 2011* collectively.
- A **departmental licensing delegate** is a departmental officer delegated authority under the Act to make decisions about a licence or licence application.
- The **department** is the Department of Child Safety, Youth and Women.
- The **Human Services Quality Framework (HSQF)** is the department's quality system for funded service providers.
- A **licence** is an organisation care service licence administered under the Act and the *Child Protection Regulation 2011*.
- A **licensee** is a corporation that has been granted a licence to provide a care service in Queensland and refers to the holder(s) of the licence collectively.
- **Licensee representatives** are the identifiable individuals associated with the corporation (see licensee above).
- A **nominee** is a designated and accountable individual within a licensed organisation with particular responsibilities relevant to a licence.
- An **organisation**, for the purpose of licensing, is part of the corporation identified by the applicant licensee as managing and administering all of the Queensland care services delivered by the corporation.
- An application is **properly made**, under the Act, if it meets the requirements of section 125 of the Act.
- The **Regulation** is the [Child Protection Regulation 2011](https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2011-0245) which can be viewed at <https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2011-0245>