

Portfolio Procedures

Department of Communities

Disability Services Queensland

Title: Licensing Centre Based School Age Care Services
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Policy Category: Child care and family support > child care

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Office: Program Management Directorate
Help Contact: Office for Children – 3224 4557

Purpose:

These procedures detail the steps and processes involved for licensing (including renewal of licences) centre based school age care services in accordance with the legislative requirements, to ensure consistency in the licensing of services across the State.

Process:

The *Chief Executive* or delegated decision maker (the decision maker) has the discretion to issue a licence and to determine any conditions that will apply to a licence.

The decision maker will:

1. Ensure that the processes and considerations outlined in the attachments to this document are adopted and applied in the determination of any application for a new licence and any application for renewal of a licence; and
2. Consider all submissions and information provided within the required timeframes by an applicant prior to determining an application.

The Department will provide all reasonable assistance to applicants and licensees in completing an application for a new licence or renewal of a licence, and will streamline the licensing process to ensure applications are dealt with in a reasonable manner. Where possible, the Department will endeavour to minimise duplication in the provision of information by the licensee, for example, satisfactory completion of the Outside School Hours Care Quality Assurance process may be sufficient to meet the programming requirements of the licensing process.

Attachments

1. Determining an application for a new licence to operate a centre based school age care service
2. Determining an application for renewal of a licence to operate a centre based school age care service
3. Determining licence conditions
4. Determining an application for the transfer of a licence
5. Determining a provisional licence

Delegations:

Managers, Community Capacity & Service Quality are the delegated decision-makers for issuing licences for centre based school age care services, except provisional licences.

Regional Directors are the delegated decision maker for issuing a provisional licence to centre based school age care services.

LINKS

Related legislation or standards

Child Care Act 2002

Child Care Regulation 2003

Queensland Development Code (Part 22: Child Care Centres)

ATTACHMENT 1 DETERMINING AN APPLICATION FOR A NEW LICENCE TO OPERATE A SCHOOL AGE CARE SERVICE

1. The Application

In order to issue a licence an application must be received by the *Chief Executive* or delegated decision maker, ie the Manager in each Region.

The application must be received in the approved form (Child Care Form 1) and be accompanied by the prescribed fee.

2. Deciding the Licence

The application must be decided within 90 days of receiving the required information by issuing the licence or refusing to issue the licence.

The decision-maker may request any other relevant information and documents required to decide the application.

Where the information provided by the applicant is insufficient to decide the application, additional information must be requested by the department. For example, the department may seek more detailed information about the service's policies.

An authorised officer will conduct at least one visit to a school age care service to be satisfied that the licensee meets all requirements prior to a licence being issued.

Once the licensing process is complete, the authorised officer will make a recommendation to the decision maker that the application be decided by issuing the licence or refusing to issue the licence. If the licence application is approved a licence will be issued to the applicant.

3. Requirements for operating a school age care service

The decision maker must be satisfied that the applicant (referred to in this document as the licensee) has demonstrated that the requirements of the legislation have been met or will be met on the day on which the licence starts.

4. Transitional provisions for school age care services

Section 187 of the *Act* outlines the transitional provisions for school age care services that were operating immediately prior to the commencement of the *Act* on 1 September 2003. These include:

- 5 years to comply with the building standards for child care centres (until 31 August 2008)
- 5 years before staff are required to meet qualification requirements (until 31 August 2008)

The transitional provisions apply only to services operating immediately prior to the commencement of the *Act*. Services commencing from 1 September 2003 are required to meet all legislative standards prior to a licence being issued. The transitional provisions do not apply to services that began operation on or after 1 September 2003.

Services that were operating vacation care programs prior to the commencement of the *Act* and wish to provide before and/or after school care are considered as new services and need to meet the required standards before offering the new service/s.

The decision maker will assess the following requirements in the application for a licence:

- (a) Suitability of licensee and related persons
The decision maker must be satisfied that the licensee and related persons including executive officers and nominees hold a current positive suitability notice issued by the *Commission for Children and Young People and Child Guardian*. The decision maker must receive certified copies of current positive suitability notices with the licence application (section 26 of the Act).

(b) Suitability of staff members

The decision maker must be satisfied that all carers and all staff members engaged by the licensee in providing care at a service, comply with the *Commission for Children & Young People & Child Guardian Act 2000*. The authorised officer will inspect original or certified copies of notices and /or applications made to the *Commission for Children and Young People & Child Guardian*, as required (sections 27 and 74 of the Act).

The decision maker must be satisfied that where staff have not yet been engaged, the licensee can demonstrate an understanding to the authorised officer of his/her obligations under the *Commission for Children and Young People & Child Guardian Act 2000*.

(c) Staffing

The decision maker must be satisfied that the licensee has demonstrated that he/she has engaged or will engage adequate and suitable staff to meet the requirements of the *Act and Regulation*, with regard to the proposed licensed capacity and the ages of the children that will be accommodated in the service. This must be demonstrated through the decision maker receiving an example of a weekly staffing roster; information about staff qualifications; details of proposed number of school age children and preschool age children that will attend the service and staff/child ratios with the licence application.

(d) First Aid

The decision maker must be satisfied that the licensee has demonstrated whenever child care is being provided at a place under a licence for a school age care service, at least 1 staff member with the prescribed first aid competency is present at the place. The decision maker must receive a copy of the staff roster that shows that at all times there is a staff member who has current first aid qualifications and also reflects planning for contingencies, eg absence of the staff member due to illness or holidays. This evidence and the capacity to comply with the first aid qualification requirements must be demonstrated prior to the licence commencing. The authorised officer will inspect original copies or certified copies of the first aid qualification that the licensee is required to keep, as required. (sections 66 and 72 of the Act)

(e) Qualifications

- For school age care services that began operating after the commencement of the Act on 1 September 2003:
The decision maker must be satisfied that the licensee has demonstrated that he/she has employed or will engage appropriately qualified staff to meet all qualification requirements for positions of coordinator and carers. The decision maker must receive information about the qualifications of staff and the date of initial employment and the date of commencement of study for staff who are not suitably qualified, together with the application, or prior to the licence commencing. The authorised officer will inspect the certified copies of relevant qualification documents, including evidence of enrolment that the licensee is required to keep, as required. (sections 72 and 73 of the Act)
- Adults without a qualification may be engaged in a school age care service for the purpose of meeting the qualified staff/child ratio, provided they commence a relevant course within 6 months of starting in the position requiring the qualification and complete the course within the 'prescribed finishing period'.

(f) Role Statements

The decision maker must be satisfied that the licensee has prepared and kept up to date a role statement for each position in the service (section 77 of the Act). Each role statement must include key duties and responsibilities for each carer and staff member employed by the licensee to ensure the proper conduct of the service. Copies of role statements must be received by the decision maker with the licence application.

(g) Insurance

The decision maker must be satisfied that the licensee has ensured there is in force, for the service, the insurance cover prescribed under the Regulation (section 124). Evidence of a current public liability insurance policy of \$10,000,000 must be received by the decision

maker with the licence application, or prior to the licence commencing (section 82 of the Act).

(h) Policies

The decision maker must be satisfied that the licensee has policies addressing the matters required under section 76 of the Act. Copies of the policies the service proposes to use and written information to demonstrate how staff members and carers will be made aware of these policies must be received with the licence application.

(i) Harmful Plants

The decision maker must be satisfied that the premises to be licensed does not have any plants accessible to children that are poisonous or otherwise pose an unacceptable danger to the children. The licensee must provide evidence of the policies and procedures implemented to demonstrate awareness and management of harmful plants. Licensees should consult Queensland Health's Queensland Poisons Information Centre (website <http://www.health.qld.gov.au/PoisonsInformationCentre>) for information about harmful plants.

(Section 54 of the Regulation.)

(j) Programming

The decision maker must be satisfied that that the licensee is meeting or capable of meeting the programming requirements, as outlined in sections 10 – 13 of the *Child Care Regulation 2003*. The decision maker must receive with the licence application, examples of programming including samples of formats used or proposed to be used and a written document that includes a statement of:

- The service's philosophy in relation to learning and child development outcomes and how it is intended the outcomes will be achieved; and
- The goals relating to the knowledge and skills to be developed through the program.

In order to demonstrate compliance, the authorised officer may also discuss with the coordinator or carer, any additional information required about the program. An authorised officer will review programming at the centre during a monitoring visit following the issue of a licence, as required (section 89 of the Act)

If the service has undertaken Outside School Hours Care Quality Assurance with the National Childcare Accreditation Council, evidence of current accreditation may satisfy the requirements relating to programming by providing a copy of the summary of accreditation report.

4. Suitability of a child care centre and its facilities

The decision maker must be satisfied that a school age care service and the facilities used, or proposed to be used, are suitable for the provision of safe and suitable care and for the type of child care to be provided under the licence (section 28 of the Act).

- New school age care services must demonstrate that the relevant provisions of the *Queensland Development Code Part 22: Child Care Centres* are met. The decision maker must receive a certificate of classification (9b) as evidence of compliance with building standards prior to a licence being issued (section 28(6) of the Act). A certified copy of the service plans must be received by the decision maker with the licence application. These must indicate the available indoor and outdoor space used by the service. All indoor and outdoor space on the premises that may be accessed on any occasion that the service operates, must be included on the plan. For example, the service may access the school hall or oval on occasions. These spaces would be considered licensed areas even if only used occasionally. Should the space be shared and it is in addition to the required amount of space for the service, the shared area may be licensed and the service can then use the area when other groups are not utilising the space. An appropriately qualified person (eg – architect, draftsman, building certifier) must have certified the measurements.

The decision maker has the discretion to determine the suitability of a school age care service and must take into account a range of factors including:

- Condition of the overall premise including the building and facilities;
- Outdoor play space that is safe & suitable for children to use; and
- Whether the service is located in a hazardous area.

While existing school age care services have until 1 September 2008 to comply with the *Queensland Development Code Part 22: Child Care Centres*, the decision maker must be satisfied that the facilities are safe and suitable for the provision of school age care (see section 28 of the Act). Additional information may be requested from the licensee to determine suitability. For example a risk assessment report and management plan may be requested where a possible risk is identified. After assessing a risk, services will need to develop, document and implement procedures to minimise risks to an acceptable level. For example:

- toilets may not be close to the indoor play space and may be accessible to the public,
- outdoor play areas may be a distance from the indoor play space and will require specific strategies to maintain adequate supervision at all times,
- the outdoor play space may be open for public use,
- parent/teacher vehicle access may be close to the outdoor play space,
- other physical hazards such as dams, creeks or ponds and busy roads may be in close proximity to the outdoor play space.

5. Transporting children

If the service provides transportation for children, details of numbers of children, staff, times children are transported and vehicle used to transport children must be received with the licence application in order for the decision maker to be satisfied that the licensee is meeting these requirements.

6. Other criteria

The decision maker, in making a decision, must have regard to other criteria outlined in section 31 of the Act and the Guiding Principles (section 9) of the *Child Care Act 2002*. The Guiding Principles outline the principles under which licensed services are to be conducted and the *Child Care Act 2002* is to be administered.

ATTACHMENT 2

DETERMINING AN APPLICATION FOR RENEWAL OF A LICENCE TO OPERATE A SCHOOL AGE CARE SERVICE

The renewal process outlined below is used when a centre based school age care service is due for a licence renewal. (A licence renewal occurs at the end of the term stated on the licence, generally every 3 years.)

1. Timeframes in the renewal process

Five (5) months before the licence expires, the department must provide the licensee with relevant documentation to be completed for renewal of a licence.

If the application received by the decision maker is still current on the expiry day and has not been decided because all required information has not been received, the licence does not expire. The department, within 5 working days, will forward a letter to the licensee requesting the required information in 14 days, after the requirement is made.

2. Information relevant to the renewal

To enable the licence renewal application to be decided, the decision maker must be satisfied that all of the requirements assessed in the initial application for a licence have been maintained by the licensee (*see Determining an application for a licence to operate a centre based school age care service – Attachment 1*).

The decision maker must receive from the licensee all required information, including documents and copies of documents, requested in the application for renewal form in order for the application for renewal to be properly considered. In addition to satisfying himself/herself that the legislative standards have been maintained, the decision maker will have regard to the following issues in determining the renewal application: -

(a) Programming

The decision maker will accept evidence, if provided by the licensee, of current accreditation under the National Outside School Hours Care Quality Assurance system to satisfy the department that the programming requirements in the legislation are being met (eg by providing the department with a copy of the validation report for the service). However, if the department has received a complaint during the term of the licence, or for any other reason the authorised officer has concerns in respect of the programming for the service, the department may request additional information, eg copies of programming materials, or, an authorised officer will conduct a specific visit to the service to observe the implementation of the program prior to deciding the renewal application, as required.

(b) Standard requirements

The decision maker must receive with the licence application an example of a weekly staff roster, or other evidence if that is available, to demonstrate that the standard requirements are being met. In order to satisfy the decision maker that the regulatory requirements are being met, the information provided must include:-

- the number of children in attendance;
- the number of preschool and school age children;
- the involvement of qualified coordinators and carers (for new services that opened after 1 September 2003 and for existing services from 1 September 2008) ; and
- any related matters about adult supervision of the children in care.

(c) Suitability of school age care service and its facilities

The decision maker must be satisfied by the licensee that the facilities and equipment at the service are in good condition, workable order and suitable for the number and ages of children accommodated by the service. If there are any matters that require attention the authorised officer must be informed how the licensee will address each identified matter. If the authorised officer is concerned that the equipment does not meet minimum requirements the authorised officer must

request a copy of the centre's equipment inventory in order to demonstrate that the service has facilities that are adequate and appropriate for the ages and numbers of children in care. This inventory must reflect the departmental guidelines on adequate and appropriate facilities.

The *Resource Tool: Building standards for child care centres* is to be used in conjunction with the Queensland Development Code: Part 22: Child Care Centres to provide a guide for the different building requirements for school age care.

(d) Emergency care provision

The decision maker must be satisfied that the licensee has complied with requirements to keep details of all occasions that emergency care has been used at the service. The authorised officer will inspect emergency care records during a visit to the service.

(e) Transporting children

If the service provides transportation for children, details of numbers of children, staff, times children are transported and the vehicle used to transport children must be received with the licence application to enable the decision maker to be satisfied the licensee is meeting all requirements.

An authorised officer must visit the service during the re-licensing process. The purpose of the visit is to verify information provided in the application for renewal and to ensure that there are no outstanding licensing issues. The visit will include a walk through of the licensed premises and the authorised officer may inspect all or a sample of documentation and records held at the centre. The authorised officer may require the licensee to produce other documentation or records at a specified time and place.

3. Other criteria

The decision maker, in making a decision, must have regard to other criteria outlined in section 31 and the Guiding Principles of the *Child Care Act 2002*. The Guiding Principles outlines the principles under which licensed services are to be conducted and the *Child Care Act 2002* is to be administered.

ATTACHMENT 3

DETERMINING LICENCE CONDITIONS FOR A SCHOOL AGE CARE SERVICE

Licences to operate school age care services will include mandatory conditions in respect of:

1. the licensed capacity of the service;
2. the ages of the children; and
3. the hours of operation of the service; and
4. the programs provided.

Additional optional conditions may also be included in respect of the following:

5. overnight care;
6. any other conditions that may be relevant.

1. Licensed capacity

School age care services

The decision maker will take into consideration that the number of children in care may fluctuate from day to day. The licensed capacity will be set at an upper limit, ie a figure that may exceed the actual number of children that generally use the service but reflects appropriate capacity taking into account the facilities, staffing and other attributes of the service. If a school age care service operates during school holidays, the decision maker will specify a licensed capacity for the school term and a different licensed capacity for the school holidays. The licence capacity of the service will appear on the licence.

For new school age care services that commenced operating from 1 September 2003, the licensed capacity for a service will be set at a figure that, considering the range of factors referred to above will ensure compliance with the indoor and outdoor space and other facility requirements set out in the *Queensland Development Code: Part 22: Child Care Centres*.

For existing school age care services operating before 1 September 2003, the decision maker must be satisfied that the school age care service is safe and suitable for the number of children attending (section 28 of the *Child Care Act 2002*).

2. Ages of the children that may be provided with care

The department will specify two options for children to be accommodated in the school age care service as a condition on the licence. The options are;

- “from 4 years to school age including school children”, or
- “from 5 years to school age including school children”.

School age care services can accept a child who is a “school child” or a “preschool child” as follows:

- A child is of “school age” if the child is 6 years or is a school child.
- A “school child” means a child, other than a preschool child, who regularly attends a school, at which the child is enrolled.
- A “preschool child” means a child who regularly attends a school, at which the child is enrolled, to receive preschool education, and
- For the purposes of the *Child Care Act 2002*, a child who attends the “preparatory year” at a school is a preschool child.

Note: There must be at least 1 carer for each 15 school children with preschool children being cared for in a separate group of 1 carer to 13 preschool children. The school children and preschool children may also be cared for in a mixed age group with at least 1 carer for each 13 children.

The decision maker must be satisfied that the licensee has demonstrated that the he/she meets all of the requirements for licensing under the legislation for the age group that will be accommodated in the centre.

3. Hours of operation of the service

For school age care services, the hours of operation will be stated as follows:

The service may operate –

- before school and /or after school care, and
- before and / or after school and during school holidays.

Note: A service that cares for school age children during school holidays only is not required to hold a licence under the *Act*.

The decision maker will impose a condition restricting the hours of operation of a service in appropriate circumstances, such as;

- where the decision maker decides there is a risk to children in operating outside of those hours eg crop dusting of nearby fields takes place weekly between the hours of 7 and 8 am on a Tuesday morning then the licence condition will stipulate that care of children is not to be provided at those times, or
- where the decision maker is not satisfied the licensee is able to meet the requirements for providing care outside of those hours, eg the licensee is unable to demonstrate the presence of two staff members between the hours of 6am and 7 am, the licence will stipulate that the centre will not provide care for children before 7am in the morning.

4. Overnight care

The Department must stipulate licence conditions where a licensee intends operating a service between the hours of 10pm and 5am (or any part of that time). The conditions applying during the period (section 62(2) of the *Act*) where a service is operating overnight (or, for part of the night) must specify the following details:

- (a) the number of qualified and unqualified staff required at the centre during the night (for new school age care services);
- (b) the configuration of children in groups during the night, including reference to rooms in the centre that may be suitable to accommodate the children overnight; and
- (c) any other matters that are relevant to the supervision of the children during the night.

In determining applications for the provision of overnight care, the decision maker will take into account overnight security, overnight fire drill procedures, sleep monitoring procedures for children, programming and equipment, age appropriate meals and snacks provided to children.

The Authorised Officer must provide details regarding the overnight care application to the Manager, Statewide Quality Team for child care licensing, who will inform the Director-General of the details that are to include;

- name of applicant, and
- service name and address, and
- details of current licence (if applicable), and
- the ages of children.

5. Other conditions

Division 4, sections 23 to 31, sets out the relevant factors when determining what conditions should apply to a licence. The department will impose additional conditions on the licence where the particular circumstances require it to ensure that the child care is properly provided.

The decision maker will consider any compliance matters and other factors that would impact on the licensee's ability to provide safe and suitable care to children.

ATTACHMENT 4

DETERMINING AN APPLICATION FOR THE TRANSFER OF A LICENCE

1. The application

- Section 51 of the *Child Care Act 2002* allows a person to apply to the department for the transfer of a licence to another person.
- The application must be received in the approved form (Child Care Form 10 – Application for a transfer of licence) and be accompanied by the prescribed fee and other required information.

2. Deciding the licence application

- The current licensee must give written consent for the transfer of the licence.
- The decision maker decides the licence based on the application form, information and documentation provided by the applicant within 20 days of the application form, fee and other required information being received. The applicant for the licence must advise the department of the preferred transfer date.
- Where the information provided by the applicant is insufficient to decide the application, additional relevant information will be requested by the decision maker. For example, the decision maker may seek more detailed information about the equipment proposed to be provided at the centre.
- When the application fee, form and all required information is received by the decision maker, the decision maker will consider the application.
- Once the licensing process is complete, the authorised officer will make a recommendation to the decision maker that the application should be approved or not approved. If the licence application is approved a licence will be issued to the applicant.
- The licence cannot be transferred until the decision maker has approved the application.
- Following the transfer of the licence a letter will be sent to the previous licensee advising that the transfer has occurred.
- Within two weeks of the licence being transferred, an authorised officer will visit the service to complete a licence report. (Child Care Form 4a – Licence Report – school age care).

3. Requirements for operating a school age care service

The decision maker must be satisfied that the applicant (referred to in this document as the licensee) has demonstrated that the requirements of the legislation have been met or will be met on the day on which the licence starts.

The decision maker will assess the requirements as outlined in Attachment 1 when deciding the application for a licence.

4. Other criteria

The decision maker, in making a decision, must have regard to other criteria outlined in section 31 and the Guiding Principles of the *Child Care Act 2002*. The Guiding Principles outlines the principles under which licensed services are to be conducted and the *Child Care Act 2002* is to be administered.

ATTACHMENT 5

DETERMINING A PROVISIONAL LICENCE

To determine an application for a new licence – see attachment 1.

Before finally deciding an application for a licence the decision maker may issue a provisional licence if one or more minor matters are still to be resolved and are able to be resolved within the term of a provisional licence.

The provisional licence is issued for a maximum of 3 months.

The applicant must agree to the issue of the provisional licence.

- The applicant must complete an agreement form (Child Care Form 8).
- The applicant must pay the prescribed fee.

The decision maker will decide whether or not to issue the provisional licence