

# Portfolio Procedures

Department of Communities

Disability Services Queensland

---

**Title:** Licensing Home Based Services  
**Related Policy No.:** 463-1  
**Policy Category:** Child care and family support > child care

---

**Date of approval:** 16 June 2005  
**Date of operation:** 19 June 2006  
**Date to be reviewed:** 1 July 2007

---

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

---

## Purpose:

These procedures detail the steps and processes for licensing (including renewal of licences) for home based child care services in accordance with the legislative requirements, and 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 Commonwealth Quality Assurance process may be sufficient to meet the activities and experiences requirements of the licensing process.

## Attachments

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

## Delegations:

Manager, Community Capacity & Service Quality are the delegated decision-makers for issuing licences for home based services, except provisional licences.

Regional Directors are the delegated decision maker for issuing a provisional licence to home based services.

## LINKS:

### Related legislation or standards

*Child Care Act 2002*

*Child Care Regulation 2003*

## ATTACHMENT 1

# DETERMINING AN APPLICATION FOR A NEW LICENCE TO OPERATE A HOME BASED CHILD 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 and be accompanied by the prescribed fee.

## 2. Deciding the Licence

The decision maker must decide the licence within 90 days of receiving the application form, prescribed fee and other required information being received.

The decision maker must 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 home based 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 approved or not approved. If the licence application is approved a licence will be issued to the applicant.

## 3. Requirements for operating a home based service.

The decision maker must be satisfied that the applicant demonstrates that the requirements for the operation of a home based service are met prior to a licence being issued. The requirements include:

### (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*. 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 staff members hold a current positive suitability notice issued by the *Commission for Children and Young People & Child Guardian*, or the licensee, or their employer has made application for a suitability notice and the application has not been withdrawn by the staff member. The authorised officer will inspect the original, or certified copies of current positive suitability notices, or copies of 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 must demonstrate an understanding to the authorised officer of his/her obligations under the *Commission for Children and Young People & Child Guardian Act 2000*.

(c) Suitability of carers

The decision maker must be satisfied that all carers at the service hold a current positive suitability notice issued by the *Commission for Children and Young People & Child Guardian*. The authorised officer will inspect original or certified copies of current positive suitability notices kept by the licensee, as required (sections 27 and 74 of the Act).

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

(d) Suitability of other persons in the home

The decision maker must be satisfied that a licensee ensures that a carer does not provide child care in the carer's home, unless each adult occupant of the home has a current positive suitability notice (adults who have turned 18 years of age must make an application for a suitability card immediately they turn 18 years). The authorised officer will inspect certified copies of the suitability notices or copies of the application made to the *Commission for Children and Young People & Child Guardian* that the licensee is required to keep (section 97 of the Act).

(e) Qualifications

The decision maker must be satisfied that the licensee has engaged appropriately qualified staff to meet the functions of a coordinator. The decision maker must receive information about the qualifications of coordinators together with the licence application. The authorised officer will inspect evidence of the certified copies of the qualifications that the licensee is required to keep, as required (section and 72 of the Act).

(f) Role Statements

The decision maker must be satisfied 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 the coordinator, carer and other staff engaged 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) First Aid

The decision maker must be satisfied the licensee has ensured that each carer in the service has the prescribed first aid competency. The authorised officer will inspect certified copies of the first aid qualifications that the licensee is required to keep, as required (sections 69 and 72 of the Act).

(h) 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).

(i) Policies

The decision maker must be satisfied that the licensee has policies addressing the matters required under section 76 of the Act. The decision maker must receive with the licence application 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.

(j) Activities and Experiences

The decision maker must be satisfied that the licensee is meeting or capable of meeting the activities and experience requirements, as outlined in sections 98 of the Act and sections 65, 66, 67 of the *Regulation*. The decision maker must receive with the licence application, examples of the written format proposed to be used and setting out, in a general way, the types of activities and experiences that children in the service can expect to have. A written document must be received with the licence application that includes a statement of:

- the services 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 for the licensee to demonstrate compliance, the authorised officer may also discuss with the service any additional information required about the activities and experiences. An authorised officer will review the activities and experiences during a monitoring visit to the service and carers, and following the issue of a licence, as required.

#### **4. Suitability of a home based service and its facilities**

In order to issue a licence, the decision maker must be satisfied that the licensee is willing and able to ensure the homes and facilities used, or proposed to be used, in the course of the service are safe and suitable for use in providing child care under the licence (section 29 of the *Act*).

The decision maker must be satisfied that the homes and facilities used, or proposed to be used for the provision of child care, are safe and suitable. This can be determined by a range of factors including the following:-

- Appropriate beds and bed linen to meet the needs of the children in care;
- There must be a telephone;
- Safe outdoor play area that has enough shade and is fenced;
- Facilities that are adequate and appropriate with regard to the number of children ordinarily cared for at the home, and the ages of the children; and
- Poisonous plants and plants posing a danger to children are not accessible to children.

The decision maker must receive with the licence application, evidence of a checklist that the licensee uses to assess each carer's home, before child care is provided in the home. The checklist must include facilities, equipment, health and hygiene.

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.)

#### **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 *Act*. 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 2

### DETERMINING AN APPLICATION FOR RENEWAL OF A LICENCE TO OPERATE A HOME BASED CHILD CARE SERVICE

The renewal process outlined below is used when a home based 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 the required information has not been received, the licence does not expire. The , within 5 working days will forward a letter to the licensee, requesting the required information within a stated time. The stated time must be reasonable, and in any case, at least 14 days. A further notice may be issued extending the stated time. If the licensee does not comply within the stated time, or the extension, the application lapses.

#### 2. Information relevant to the renewal

To enable the licence renewal application to be decided, the decision maker must be satisfied that the licensee has maintained all of the requirements assessed in the initial application for a licence. (see *Determining an Application for a Licence to Operate a Home Based Child 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 particular regard to the following issues in determining the renewal application: -

##### (a) Activities and Experiences

The decision maker will accept evidence, if provided by the licensee, of current accreditation under the Commonwealth *Quality Improvement and Accreditation System*, in order to satisfy the Department that the requirements relating to activities and experiences (set out in section 65, 66, 67 of the *Regulation*) in the legislation are being met (eg by providing the Department with a copy of the accreditation 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 activities and experiences offered in a home or homes in the service, the Department may request additional information, eg copies of materials, or an authorised officer may conduct a specific visit to a home or the service to observe a carer or coordinators prior to deciding the renewal application.

##### (b) Emergency care

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 in the service. Copies of emergency care records must be provided for inspection to an authorised officer during a visit to the service.

##### (c) Transporting children

The decision maker must be satisfied that during transportation, the driver of the vehicle must carry emergency contact information for each of the children in the vehicle. Parents must be notified about the restraints fitted to the vehicle and their permission must also be obtained. This information will be inspected during the authorised officer's visit to the service.

#### 3. Service Visit

During the re-licensing visit to the service, usually the scheme, the authorised officer will complete the sections relevant to the service visit of Child Care Form 5 – Licensing Report, Home Based Service. The authorised officer may inspect all or a sample of documentation and records held by the service and may require the licensee to produce other documentation or records at a specified time and place.

#### **4. Visits to carers**

An authorised officer will conduct announced visits of not more than two hours each, to a minimum of 6% of the homes where care is conducted, to confirm the information provided by the Licensee in the application for renewal.

Prior to visiting the carer, the authorised officer must inform the carer of the intended visit in writing. In order to prepare the carer for the visit, the authorised officer must include in the letter, a copy of the section of Form 5 (Information Verified- Carer visit). The authorised officer will also telephone the carer to make an appointment to conduct the visit at a convenient and reasonable time. At the time of visiting the carer, the authorised officer will confirm the information relevant to the section in Form 5 (Information Verified- Carer visit). Any matters of non-compliance will be brought to the attention of the Licensee.

The decision maker may request further information to assist in determining whether the licensee complies with all provisions of the legislation and to decide the renewal application. Once the decision maker receives all required information, the application can be processed and decided.

## **ATTACHMENT 3**

### **DETERMINING LICENCE CONDITIONS**

#### **1. Coordinator hours**

Section 67(3) of the Act requires the licence conditions for a home based service to state the number of coordinator hours that must be completed each week for a home based service.

The decision-maker will take into account the following in determining the appropriate number of coordinator hours to specify on the licence:

- (a) the number of children in the service;
- (b) the number of carers in the service;
- (c) the distance that must be travelled by coordinators to link with all carers;
- (d) any special needs of the children or carers in the service, eg whether there is a high proportion of children with special needs in the service, whether there is a high proportion of new carers in the service;
- (f) the average number of coordinator hours completed over 52 weeks; and
- (g) any other relevant matter.

#### **2. Prescribed limit on the maximum number of children in particular homes**

Where a carer has exceeded the legislative maximum, the Dept will impose a limit on the number of children in a particular home in a licensed home based care service in circumstances where it would be in the best interests of the children in care. The decision maker will have regard to the number of times the number of children in the home has exceeded the legislative maximum (Section 93 of the *Act*).

Where the limit is to be imposed, the decision maker must ensure that the carer in the service will be identified by name and address on the licence. The prescribed limit for the home will also appear on the licence.

#### **Other conditions**

The decision maker will impose additional conditions on a licence to operate a home based service where those conditions are necessary to ensure that the needs of the children who use the service are met.

## 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 application is insufficient to decide the application, additional relevant information will be requested by the decision maker. For example, the decision maker may need more information about the processes in place to ensure that the licensee is aware of regular periods of combined care.
- 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 the licence will be transferred 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 5, Licence Report – home based service.

#### 3. Requirements for operating a home based child 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.

#### 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.

#### LINKS

*Child Care Act 2002*

*Child Care Regulation 2003*

## **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