

Care Regulation Part 6, Division 4, Subdivision 1 - Accreditation

Current provisions	Summary of proposals
<p>Application for accreditation (cl 45)</p>	<p>Public Service agencies or not-for-profit providers may apply for accreditation as a designated agency.</p> <p>Organisations that are not Public Service agencies and are seeking accreditation as a designated agency, must have at least four members of the agency's governing body who are independent of the agency (that is, not employed or engaged by the agency in a paid or voluntary capacity).</p> <p>The agency must be able to demonstrate that the principal officer has relevant qualifications and/or experience in delivering services to children and young people.</p> <p>Add a provision that an agency whose accreditation has been shortened or cancelled is not eligible to apply for accreditation within 2 years of that decision taking effect, even if the agency is constituted as a new entity within the two-year period.</p> <p>Remove requirement to submit a behaviour management policy statement with an application for accreditation as a designated agency.</p> <p>Add a provision to allow the Children's Guardian to determine the priority of accreditation applications for assessment, in accordance with the objects and principles of this Act, the Children and Young Persons (Care and Protection Act and the Adoption Act, and to publish information about how applications are prioritised.</p>
<p>Taking over an application for accreditation (cl 46)</p>	<p>Remove this provision</p>
<p>47 Deferral of determination of application to renew accreditation (cl 47)</p>	<p>Where a determination of an application for accreditation is deferred, the agency must participate in a risk management program approved by the Children's Guardian.</p>

	<p>If a determination on an application for accreditation has been deferred for two years, the application is automatically refused, unless the Children’s Guardian is satisfied that the risk management program should be extended for a further period.</p> <p>The Children’s Guardian may defer determining an application for full accreditation where the agency held provisional accreditation immediately before its application for full accreditation.</p>
<p>48 Accreditation criteria (cl 48)</p> <p>(section 80E, CG Act, commencing 1 September 2022)</p>	<p>Clarify that accreditation standards and other criteria must address practices that promote the safety, welfare and wellbeing of children and young people. This will replace the current approach of identifying specific matters that must be addressed.</p>
<p>Determination of application for accreditation (cl 49)</p>	<p>Include the applicant’s compliance with its responsibilities under the Children’s Guardian Act and regulations under that Act and the <i>Children and Young Persons (Care and Protection) Act 1998</i> and the regulations under that Act, as matters which the Children’s Guardian is to consider when granting an applicant’s application for accreditation, in addition to the accreditation criteria.</p>
<p>Accreditation notice (cl 50)</p>	<p>Policy change</p> <p>For provisionally accredited agencies, the date the decision takes effect is the date on which the agency first makes arrangements to provide statutory OOHC or adoption services in the case of an accredited adoption service provider.</p>
<p>Public information about accreditations (cl 50A)</p>	<p>No policy change</p>
<p>Children’s Guardian may set aside decision not to accredit (cl 51)</p>	<p>No policy change</p>

52 Requirements where only provisional accreditation granted (cl 52)	No policy change, noting proposal that the date on which the agency first makes arrangements for the provision of OOHC is also the date on which provisional accreditation commences.
P Progression from provisional accreditation to full accreditation (cl 53)	No policy change
Accreditation criteria must be wholly satisfied (cl 54)	No policy change

Care Regulation Part 6, Division 4, Subdivision 2 – Transfer of accreditation

Current provisions	Summary of proposals
Application of Subdivision (cl 55)	No policy change
Application for transfer of accreditation (cl 56)	No policy change
Transfer of accreditation (cl 57)	No policy change
When transfer takes effect (cl 58)	No policy change
Transfer guidelines (cl 59) (Section 80F, CG Act, commencing 1 September 2022)	No policy change Guidelines would include that the transferee can demonstrate that it can meet the same standards, accreditation criteria and application requirements that apply to designated agencies. That is, the Children's Guardian would have to be satisfied that the transferee would have satisfied accreditation criteria and requirements, if it had applied for accreditation.
Consequences of transfer of accreditation (cl 60)	No policy change

Care Regulation Part 6, Division 4, Subdivision 3 – Accreditation administration

Current provisions	Summary of proposals
Form and accreditation period (cl 61)	The Children's Guardian may grant an accreditation period of 3 or 5 years to a designated agency being granted full

	<p>accreditation if the agency did not hold provisional accreditation immediately before being granted full accreditation.</p> <p>The Children's Guardian may grant an accreditation period of 3 years to a designated agency being granted full accreditation if the agency held provisional accreditation immediately before being granted full accreditation.</p>
Accreditation extended after designated agency becomes an accredited adoption service provider (cl 61A)	No policy change
Accreditation extended on deferral until application to renew determined (cl 62)	Add provision for accreditation of a provisionally accredited agency that has applied for full accreditation to be extended until application for full accreditation is determined.
Accreditation extended until decision not to re-accredit takes effect (cl 63)	No policy change
Accreditation extended to accommodate changes (cl 64)	No policy change
<p>Conditions on accreditation and process of accreditation (cl 65)</p> <p>(Sections 80A, 80B, CG Act, commencing 1 September 2022).</p>	<p>Amend schedule 3 to provide that care may not be provided to a child or young person in a private home unless the care is provided by a person authorised under clause 30 or clause 31 of the Care Regulation.</p> <p>Clarify that a designated agency must at any time allow the Children's Guardian or an authorised person under the Children's Guardian Act to information relating to whether and how the agency is meeting the requirements of the accreditation criteria, the Children's Guardian Act and regulations and the Children and Young Person's (Care and Protection) Act and regulation, including</p> <p>access and inspect of information held by the agency, including digital information,</p> <p>Access and inspect premises where care is provided, except where care is provided by carers authorised under clause 30</p>

	<p>or 31 of the Children and Young Person's (Care and Protection) Regulation.</p> <p>Speak to and request information from employees, members of governing bodies, authorised carers and children and young people in the agency's care and young people previously in the agency's care.</p>
<p>Accreditation – shortening, suspension and cancellation (cl 66)</p> <p>(Section 80C, CG Act, commencing 1 September 2022).</p>	<p>Remove provision for Children's Guardian to suspend accreditation. Provide for the Children's Guardian to shorten or cancel an agency's accreditation.</p>
<p>Designated agencies with suspended accreditations (cl 67)</p> <p>(Section 80D, CG Act, commencing 1 September 2022).</p>	<p>Remove provision (if proposed amendment to cl 66 is supported).</p>
<p>Designated agencies with shortened accreditation periods (cl 68)</p>	<p>No policy change</p>

Children's Guardian Act Part 7, Division 2 – Adoption service providers accreditation

Current provisions	Summary of proposals
Operation of part (s. 111)	No policy change
Accreditation and review of adoption service providers (s. 112)	No policy change
Accreditation criteria (s.113)	No policy change

(Section 13A, CG Act, commencing 1 September 2022).	
Children's Guardian Act Part 8, Division 5 - Functions	
Current provisions	Summary of proposals
Functions of Children's Guardian (s. 128)	Provide for the Children's Guardian to accredit designated agencies and to monitor and investigate the carrying out of agencies' responsibilities under the CG Act and regulations and the Care and Protection Act and regulations.

Adoption Regulation Part 2, Division 1 - Accreditation	
Current provisions	Summary of proposals
Adoption services that may be specified by Children's Guardian (cl 5)	No policy change
Application for accreditation (cl 6)	<p>Retain provisions limiting accreditation to charitable or not-for-profit organisations.</p> <p>Organisations seeking accreditation as an accredited adoption service provider, must have at least four members of the agency's governing body who are independent of the agency (that is, not employed or engaged by the agency in a paid or voluntary capacity).</p> <p>The agency must be able to demonstrate that the principal officer has relevant skills and experience in delivering services to children and young people.</p> <p>An agency whose accreditation has been shortened or cancelled is not eligible to apply for accreditation within 2 years of that decision taking effect, even if it is constituted as a new entity within the two-year period.</p> <p>Provide for the Children's Guardian to exercise discretion in determining the priority of accreditation applications for assessment, in accordance with the objects and principles of</p>

	<p>this Act, the Children and Young Persons (Care and Protection Act and the Adoption Act, and to publish information about how applications are prioritised.</p>
<p>Taking over an application for accreditation (cl 7)</p>	<p>Remove provision</p>
<p>Deferral of determination of application to renew accreditation (cl 8)</p>	<p>Where a determination of an application for accreditation is deferred, the accredited adoption service provider must participate in a risk management program approved by the Children’s Guardian.</p> <p>If a determination on an application for accreditation has been deferred for two years, the application is automatically refused, unless the Children’s Guardian is satisfied that the risk management program should be extended for a further period.</p> <p>The Children’s Guardian may defer determining an application for full accreditation where the accredited adoption service provider held provisional accreditation immediately before its application for full accreditation.</p>
<p>Determination of application for accreditation (cl 9)</p>	<p>Include the applicant’s compliance with its responsibilities under the Children’s Guardian Act and regulations under that Act and the <i>Adoption Act 2000</i> and the regulations under that Act, as matters which the Children’s Guardian is to consider when granting an applicant’s application for accreditation, in addition to the accreditation criteria.</p>
<p>Accreditation notice (cl 10)</p>	<p>Policy change</p> <p>For provisionally accredited adoption service providers, the date the decision takes effect is the date on which the adoption service provider first makes arrangements to provide adoption services.</p>
<p>Public information about accreditations (cl 11)</p>	<p>No policy change</p>
<p>Children’s Guardian may set aside decision not to accredit (cl 12)</p>	<p>No policy change</p>

Requirements where only provisional accreditation granted (cl 13)	No policy change, noting proposal that the date on which the accredited adoption service provider first makes arrangements for the provision of adoption services is also the date on which provisional accreditation commences.
Progression from provisional accreditation to full accreditation (cl 14)	No policy change
Accreditation criteria must be wholly satisfied (cl 15)	No policy change
Adoption Act Part 2, Division 2- Transfer of accreditation	
Current provisions	Summary of proposals
Application of division (cl 16)	No policy change
Application for transfer of accreditation (cl 17)	No policy change
Transfer guidelines (cl 18) (Section 113C, CG Act, commencing 1 September 2022).	No policy change Guidelines would include that the transferee can demonstrate that it can meet the same standards, accreditation criteria and application requirements that apply to accredited adoption service providers. That is, the Children’s Guardian would have to be satisfied that the transferee would have satisfied accreditation criteria and requirements, if it had applied for accreditation.
Transfer of accreditation (cl 19)	No policy change
When transfer takes effect (cl 20)	No policy change
Consequences of transfer of accreditation (cl 21)	No policy change
Adoption Regulation Part 2, Division 3 – Accreditation administration	
Current provisions	Summary of proposals
Form and accreditation period (cl 22)	The Children’s Guardian may grant an accreditation period of 3 or 5 years to an accredited adoption service provider being

	<p>granted full accreditation if the agency did not hold provisional accreditation immediately before being granted full accreditation.</p> <p>The Children's Guardian may grant an accreditation period of three years to an accredited adoption service provider being granted full accreditation if the agency held provisional accreditation immediately before being granted full accreditation.</p>
Accreditation period extended after adoption service provider becomes a designated agency (cl 23)	No policy change
Accreditation extended on deferral until application to renew determined (cl 24)	Add provision for accreditation of a provisionally accredited adoption service provider that has applied for full accreditation to be extended until application for full accreditation is determined.
Accreditation extended until decision not to re-accredit takes effect (cl 25)	No policy change
Accreditation extended to accommodate changes (cl 26)	No policy change
Conditions on accreditation and process of accreditation (cl 27)	<p>Amend schedule 1 to clarify that an accredited adoption service provider must at any time allow the Children's Guardian or an authorised person under the Children's Guardian Act to information relating to whether and how the agency is meeting the requirements of the accreditation criteria, the Children's Guardian Act and regulations and the <i>Adoption Act 2000</i> and regulation, including</p> <p>access and inspect of information held by the agency, including digital information,</p> <p>Speaking to and requesting information from employees, members of governing bodies, adoptive applicants and children and young people in the agency's care and young people previously in the agency's care.</p>

<p>Accreditation – shortening, suspension and cancellation (cl 28)</p> <p>(Sections 113B, CG Act, commencing 1 September 2022).</p>	<p>Remove provision for Children’s Guardian to suspend accreditation. Provide for the Children’s Guardian to shorten or cancel an accredited adoption service provider’s accreditation.</p> <p>Add a provision that an accredited adoption service provider whose accreditation has been shortened or cancelled is not eligible to apply for accreditation within two years of the decision taking effect.</p>
<p>Accredited adoption service providers with suspended accreditations (cl 29)</p>	<p>Remove provision (if proposed amendment to cl 28 is supported).</p>
<p>Accredited adoption service providers with shortened accreditation periods (cl 30)</p>	<p>No policy change</p>
<p>Cessation of provision of adoption services (cl 31)</p>	<p>No policy change</p>