

Tasmanian
Licensing Standards
For
In-Home-Child Care
(ARB)

October 2014

Foreword

Child care and early childhood education are of central importance to our society and a key responsibility for Government. It is imperative that safe and developmentally appropriate children's services are available to promote the health and wellbeing of children and the families.

The *Child Care Act 2001* provides a system for the regulation of child care services that reflects the Government's desire to safeguard children through the effective licensing and registration of child care services. The ability to encompass all forms of child care ensures that the Act remains relevant to future child care provision and responsive to community expectations in a rapidly growing and changing service sector.

An Approved Registration Body (In Home Child Care) is a service which arranges, and places in home carers with children in the primary or other residence of the child, and monitors the care provided in accordance with the relevant Standards.

Section 47 of the Act provides for the issuing of Standards. Standards for Approved Registration Bodies are based on relevant sections of the National Standards for Family Day Care Co-ordination Units, endorsed in November 1999 by State, Territory and Australian Government Ministers responsible for child care.

Tasmania has an excellent record in the field of children's services and I am confident that our legislation and associated Standards will enhance that reputation.



John Smyth
Secretary

Acknowledgements

The development of the *In Home Child Care Standards* for Approved Registration Bodies (ARBs) and Carers occurred as the result of concern expressed by the services responsible for the Australian Government approved In-Home Care programs currently offered in Tasmania, that there should be appropriate standards for this type of care.

One of three pilots in Australia, an In-Home Care program was sponsored in 2000 by Mersey-Leven Child Care Services. Based on their success, the Australian Government introduced In-Home Care officially in 2001, and since then programs have been sponsored by Mersey-Leven Child Care Services, Sorell Council Children's Services and Northern Children's Network.

Grateful acknowledgement is given to representatives from these three services for their input, enthusiasm and on-going support to the Education and Care Unit during the development of these Standards.

Preface

The Department of Education through the Education and Care Unit is responsible for the administration of the *Child Care Act 2001* and the licensing of services.

Scope of the Standards for In Home Child Care (ARBs)

The *Standards for In Home Child Care (ARBs)* are effective for new ARB (In Home Child Care) licence applications and renewals of licence made after 4 October 2006. The licence held by an operator of an In Home Child Care service is known as an ARB Class 3 licence.

The Standards are applicable to ARB operators of in home child care programs as defined under the provisions of the *Child Care Act 2001*, Section 10. At this stage, the Standards apply to all operators who are approved by the Australian Government to operate an In-Home Care service.

The Standards are to be regarded as providing minimum standards. The *Child Care Act 2001*, Section 6, states:

The interests of children are to be regarded as the paramount consideration in the interpretation, enforcement and administration of this Act, the regulations and the Standards.

Changes in relation to the formatting of the Standards

In 2014, the Explanatory Notes were separated from the Licensing Standards document to form a separate Licensing Operational Guide (LOG). The purpose of the LOG is to assist services in the interpretation of the Standard, inform services regarding the practices of the Education and Care Unit in assessing the Standard, and provide details of where services may obtain further information.

Relationship to the Standards for In Home Child Care (Carer)

The *Standards for In Home Child Care (Carer)* are complementary to the *In Home Child Care (ARBs)* licensing standards, and consequently both are included in this manual.

The ARB is expected to provide a copy of the *Standards for In Home Child Care (Carer)* to each person interested in registering as an in home child carer prior to assessing that person's application for registration. The ARB must also make a copy of the ARB standards available for that person's information.

If the carer becomes a registered in home child carer, the ARB is to ensure that they have a copy of the standards and also the *Child Care Act 2001*.

These standards are available to download from the Education and Care Unit's website, www.education.tas.gov.au.

Relationship between an ARB and families using the In Home Child Care service

Whilst entering into a contract with a family, to provide a child care service generally within that family's own home, the ARB is jointly responsible for ensuring that the carer is provided with a safe environment in which to work. This can be achieved initially through a co-operative risk assessment of the family's home prior to the commencement of care, to ensure that all ARB's legislative and service responsibilities are met.

This also provides the ARB with a unique opportunity to provide the family with relevant information about safety products, health and nutrition matters and so on.

It is anticipated that the *Standards for In Home Child Care* and associated documentation will be reviewed from time to time, and ARB (IHCC) services will be invited to participate in any future review.

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I FIT AND PROPER

STANDARD

The Approved Registration Body (ARB) and all persons connected with the ARB who have regular contact with the children must be fit and proper persons.

Rationale

The standard of duty of care required in relation to children in an in home child care program is high. In order to ensure that the safety of these children is maximised and their developmental needs are addressed, the ARB must ensure that all carers registered with it, staff and those who have regular contact with children on behalf of the ARB, are a fit and proper person(s). This includes persons (for example, members of the sponsor body/management committee, volunteers and students) who are in the presence of those children on a regular basis.

I.1 Fit and Proper

The licence applicant/holder and other persons connected with the ARB must meet the following criteria in order to be assessed as a fit and proper person, in conjunction with the provisions of the *Child Care Act 2001*:

- a) **The licence applicant/holder (where the applicant is a body, or government agency, rather than an individual, at least two representatives, must meet the following criteria) must:**
 - i) satisfactorily meet all requirements of the 'Fitness and Propriety' check conducted by the licensing authority;
 - ii) maintain a current Tasmanian Working with Children Check or a valid safety screening clearance issued by the Department of Education;
 - iii) demonstrate an understanding of their legislative authority and responsibilities under the *Child Care Act 2001*; and
 - iv) demonstrate an understanding of their duty of care, and undertake to ensure that they will meet their duty of care at all times.
- b) **All staff, including the person in charge (as defined in the Act), and carers registered with the ARB, must:**
 - i) satisfactorily meet all the requirements of the 'Fitness and Propriety' check conducted by the licensing authority (as applicable);
 - ii) maintain a current Tasmanian Working with Children Check or a valid safety screening clearance issued by the Department of Education; and
 - iii) demonstrate an understanding of duty of care towards children in care, and undertake to ensure that they will meet their duty of care at all times.
- c) **Persons who are volunteers, students, or regular visitors 18 years and older, must:**
 - i) maintain a current Tasmanian Working with Children Check or a valid safety screening clearance issued by the Department of Education; and
 - ii) understand the need for, and maintain, the confidentiality of client, carer and staff information.

2 QUALIFICATIONS FOR STAFF AND PERSONNEL OF THE ARB

STANDARD

ARB staff and personnel must possess appropriate knowledge, skills and experience.

Rationale

Research demonstrates that the most significant variable which influences the quality of care provided is the level of relevant training which carers and child care service personnel have undertaken.

Those who have an advisory role with the in home child carers or contact with children are to have appropriate training and a sound understanding of child development, in order to facilitate carers' abilities to recognise and provide for children's needs.

2.1 Qualifications of the person in charge of the ARB

The person in charge must demonstrate an understanding of:

- a) their legislative responsibilities (refer to Standard 1: Fit & Proper);
- b) their duty of care (refer to Standard 1: Fit & Proper); and
- c) the In Home Child Care standards for ARB and carers, and licensing conditions.

Note¹: It is highly desirable that the person in charge hold an appropriate qualification and/or have relevant experience.

Note²: If the ARB wishes to have a job-share or part-time arrangement for the position of person in charge, it must demonstrate how it will manage the situation to ensure that duty of care will continue to be met.

2.2 Positions requiring an approved child care qualification

- a) Each person whose primary role is advising registered carers about direct child care provision is to hold an approved qualification (refer to Schedule).
- b) Any staff member who has regular contact with children must hold:
 - i) a current approved first aid qualification; and
 - ii) a current approved emergency asthma management qualification; and
 - iii) a current approved anaphylaxis management qualification; and
 - iv) a current approved CPR qualification, (which must include child CPR and be updated annually).

Note: First Aid qualifications must comply with the First Aid qualifications as set out from time to time and published on Education and Care Unit's website.

SCHEDULE TO STANDARD 2: QUALIFICATIONS

1 Approved qualifications include

A minimum of a two-year full-time or equivalent accredited post-secondary education or tertiary qualification in child care (early childhood) or education (early childhood); or, if appropriate, in school-aged care or recreation.

2 Other qualifications

2.1 Other qualifications approved for child care licensing purposes prior to July 1997 included:

- a) Mothercraft Nursing;
- b) NNEB (National Nursery Examination Board, England); and
- c) SRN (Nursing).

2.2 Persons holding a qualification approved for licensing purposes prior to July 1997, as per 2.1, will maintain their qualified status:

- a) while they maintain continuity of employment in the child care profession, including home based care, or
- b) where a break from employment in the child care profession is no greater than five years.

2.3 Persons holding a qualification approved for licensing purposes prior to July 1997, as per 2.1, and who have had a break of five or more years in their child care employment, will be required to obtain certification from a recognised competency assessment organisation, stating that their competencies meet the required current approved qualification standard.

3. Persons without an approved qualification

The Department of Education may approve a person who does not hold an approved qualification as detailed in **1. Approved Qualifications** to occupy a qualified position under the following conditions:

- a) they undertake training leading to the attainment of an approved qualification (highly desirable); and
- b) the qualification is completed within a time frame agreed with the Education and Care Unit, and reviewed by the Unit, at least every 12 months; and
- c) where relevant, the person participates in a mentorship program approved by the Education and Care Unit.

3 ADMINISTRATION AND RECORDS

STANDARD

The ARB (In Home Child Care) must develop administrative practices which support and inform families and in home child carers, ensure that the ARB's duty of care is met, and that records are appropriately maintained.

Rationale

Clear communication, accurate record keeping and efficient and effective management strategies are important determinants of quality care. Access to information about the organisation allows parents to make informed decisions about the appropriateness of the service in relation to their individual family needs.

The ARB is to:

- a) Develop practices to ensure confidentiality of records and information obtained about the children, their families, carers and their families.
- b) Comply with relevant privacy principles when developing forms which obtain personal information about children, families, carers, staff, and students.
- c) Ensure that information regarding families is updated regularly.

3.1 Access to information

- a) The ARB is to prominently display the current licence.
- b) The ARB is to have clearly written:
 - i) organisational structure;
 - ii) office hours; and
 - iii) grievance procedure for staff, in home child carers and parents.
- c) The following must be readily available for parents and in home child carers, at the office of the ARB:
 - i) the philosophy of the ARB;
 - ii) policies, procedures and practices, with a covering index;
 - iii) the *Child Care Act 2001* and the *In Home Child Care Standards* (ARB and In Home Child Carers); and
 - iv) telephone number and address of the Education and Care Unit.

3.2 Insurance

The ARB is to maintain current public liability, workers' compensation and any other insurance policies required by law.

3.3 Disciplinary action

- a) In accordance with Sections 10 (1) (g) and 47 (3) (g) of the *Child Care Act 2001*, the ARB is authorised to take disciplinary action against an in home child carer registered with that ARB, including one or more of the following:
 - i) the issuing of a letter of censure;
 - ii) the amendment of a registration;
 - iii) the suspension of a registration;
 - iv) the cancellation of a registration.

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- b) The ARB may take disciplinary action if satisfied that:
- either:** the carer registered with that ARB has contravened the *Child Care Act 2001*, the regulations, the *In Home Child Care Standards* or a condition of registration;
 - or:** that carer is no longer a fit and proper person to hold the registration.

3.4 Responsibility for records and record keeping

- a) The ARB must have appropriate procedures in place for the storage, retention and disposal of records.
- b) The ARB must advise each registered in home child carer about the carer's responsibility with regard to maintaining records appropriately, including the storage, retention and disposal of records.

3.5 Records of carer registration and re-registration

The ARB must:

- a) keep a written record of the registration/re-registration assessment of each carer and all related certification;
- b) issue an assessment report to the carer and an action plan with due dates for completion;
- c) issue an In Home Child Care identification to each carer registered with the ARB;
- d) ensure each carer has a copy of the *Child Care Act 2001*, the *In Home Child Care (Carer) Standards*, and relevant ARB policies;
- e) ensure each carer is issued with relevant proformas and checklists (see Schedule to this standard); and
- f) keep a record of the visits made to the carer.

3.6 Registration of families

The ARB must:

- a) assess a premises prior to the commencement of care, using the *In Home Child Care Environment Checklist and Action Plan* ⁽¹⁾;

Note: The ARB must include written procedures to cover:

1. situations where care is provided in other than the family home, e.g. in a hotel, or in an emergency, i.e. where it is not possible or appropriate for the ARB to conduct a check of the premises prior to care commencing; and
 2. situations where the family proposes to renovate, repair or extend their home/premises.
- b) develop an Action Plan around any hazards identified during assessment;
- c) develop a hazard identification and management checklist specific to each care situation, for use by the carer;
- d) advise each family of relevant guidelines for carers;
- e) ensure it updates information about the families registered with it at least every 12 months; and
- f) keep a record of the visits made to each family.

⁽¹⁾ The *In Home Child Care Environment Checklist and Action Plan* is an assessment tool developed by the Education and Care Unit for use by an ARB.

3.7 Children's records

a) Enrolment, contact and child information

- i) The ARB must develop an appropriate enrolment proforma, ensuring that all the criteria specified in the Schedule to this standard (1.1) are included.
- ii) The ARB must ensure that each carer has a copy of the completed enrolment form and relevant information for each child placed in their care, prior to that child commencing care, according to service policy.
- iii) The ARB is to ensure that child information records are retained for at least six years, unless an incident occurs as a result of any of the matters listed in the Schedule (1.1), in which case all of the child's enrolment and information records are to be retained until that child is 25 years old, consistent with the requirements of the *Tasmanian Limitation Act, 1974*.

b) Record of hours of care provided

- i) The ARB is to develop an appropriate proforma for use by carers, ensuring that all the criteria specified in the Schedule to this standard (1.2) are included.
- ii) The ARB is to ensure that these records are retained for at least six years.

c) Parent permissions

- i) The ARB is to develop an appropriate proforma to enable the carer to maintain, for each child, written parent permission for:
 - a. emergency medical, hospital and ambulance treatment;
 - b. child to be transported in any situation;
 - c. child to be taken on routine and non-routine excursions or escorted to or from a specified place; and
 - d. special arrangements for the transference of a child which have been authorised by the parent(s).
- ii) The ARB is to ensure that parent permissions are retained for at least six years.

d) Authorisation and administration of medication

- i) The ARB is to develop an appropriate proforma to enable the carer to maintain for each child:
 - a. a record of a parent's written authorisation of medication to be administered to their child while the child is in care, using the criteria specified in the Schedule to this standard (1.3); and
 - b. a record of the administration of medication to that child, using the criteria specified in the Schedule to this standard(1.3).
- ii) If an incident occurs as the result of the administration of medication, then those records must be kept until that child turns 25 years of age, consistent with the requirements of the *Tasmanian Limitation Act 1974*
- iii) Other than ii), records of the authorisation and administration of medication must be retained for at least six years.

e) Child accident or injury report form

- i) The ARB is to develop an appropriate proforma, using the criteria specified in Schedule to this standard (1.4) to maintain, for each child, a record of accident or injury.
- ii) Where medical attention other than first aid administered by the carer has been given to a child, the ARB is to keep a copy of the carer's report.

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- iii) The ARB must ensure that accident and injury report forms are retained until that child turns 25 years of age, consistent with the requirements of the *Tasmanian Limitation Act, 1974*.
- f) Excursions**
- i) The ARB is to develop an appropriate proforma, using the criteria specified in Schedule to this standard (1.5) to maintain a record of excursions for each child.
 - ii) The ARB must ensure that excursion records are retained for at least six years.
- g) Death of a child**
- i) If a child dies while in care, or as the result of an accident while in care, the record of the details surrounding the death is to be retained by the ARB for a period of six years, consistent with the requirements of the *Tasmanian Limitation Act, 1974*.
 - ii) The ARB is to ensure that the Secretary, Department of Education, is notified no later than the next working day of the circumstances of the injury or death, and provided with a written report within three working days.
- h) Illness and cases of notifiable disease**
- i) The ARB is to maintain a record of illnesses which have been notified to relevant health authorities.
 - ii) The ARB is to retain these records for at least six years.

3.8 Personnel Records

- a) The ARB is to keep a copy of the following for each staff member:
 - i) evidence of a current Tasmanian Working with Children Check or valid safety screening clearance*;
 - ii) approved qualifications/documentation to validate staff member's progress towards an approved qualification, if applicable;
 - iii) first aid qualifications (refer to Standard 2.2), if applicable; and
 - iv) driving licence, if applicable.
- b) The ARB is to keep a copy of the following for each registered in home child carer:
 - i) evidence of a current Tasmanian Working with Children Check or valid safety screening clearance for the carer, and where applicable, family members and/or regular/long stay visitors;
 - ii) first aid qualifications (refer to Standard 2.2);
 - iii) evidence of professional development, as per IHCC Standard 2.2; and
 - iv) driving licence(s) and relevant vehicle certificates and documentation.

3.9 Maintenance of records

- a) Records are to be kept up to date, and in a safe and secure area.
- b) Records are to remain confidential.

SCHEDULE to STANDARD 3: ADMINISTRATION and RECORDS**I.1 Enrolment, contact and child information**

The enrolment, contact and child information proforma is to contain the following information:

- a) name, date of birth and gender of child;
- b) child's residential address;
- c) name, address, contact telephone numbers and place of employment of parent(s);
- d) name, address and contact telephone numbers of any person authorised by the parent(s) to collect or release the child from care;
- e) name, address and contact telephone numbers of any person who may be contacted in an emergency if child's parent(s) are not available;
- f) name, address and contact telephone numbers for the child's medical practitioner;
- g) details of allergies;
- h) other relevant medical history or details including emergency action plans for children with asthma, anaphylaxis or similar conditions;
- i) immunisation status;
- j) special requirements notified by a parent(s) regarding culture, religion or special needs;
- k) primary language spoken by child, or if child has not learned to speak, the child's parent(s); and
- l) instructions relating to any court order pertaining to a family or child.

I.2 Record of the hours of care provided

- a) The proforma which records the hours of care provided is to detail:
 - i) full name of child;
 - ii) time of carer's arrival;
 - iii) time of carer's departure; and
 - iv) signature of person transferring the child into and out of the care of the in home carer;
- b) The proforma is also to enable recording of any special arrangements for the transference of a child which are authorised by the parent(s).

I.3 Authorisation and administration of medication

- a) The proforma for the authorisation of medication is to detail:
 - i) the name of the child;
 - ii) the name of the medication, the date(s), and the time the dosage is to be administered;
 - iii) a doctor's/pharmacist's ¹ instructions relating to the dosage and its administration, as applicable;
 - iv) the time the medication was last administered; and
 - v) the parent(s') signature.

¹ Under the *Poisons Regulations 2008*, medication may also be prescribed by dentists, authorised optometrists, optometrists and authorised nurse practitioners.

- b) The proforma for the carer to record the administration of medication is to detail:
 - i) the name of the child;
 - ii) the name of the medication, the date and the time the dosage was administered;
 - iii) whether the parent's authorisation is consistent with instructions on the medication label;

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- iv) the dosage administered as per doctor's/pharmacist's instructions;
 - v) the name and signature of the person who measured and administered the dosage;
and
 - vi) written acknowledgement of the record of the administration of the medication by the person collecting the child.

I.4 Child accident or injury report form

The accident or injury report proforma is to detail:

- a) full name and age of child;
- b) date, time and circumstances of accident or injury;
- c) location where the accident or injury occurred;
- d) nature of any injury sustained;
- e) number of persons on premises when the accident or injury occurred;
- f) name of witnesses, if applicable;
- g) action taken, including administration of first aid;
- h) signature of the carer and the date;
- i) time of child's departure from the premises and the signature of person transferring the child out of the care of the in home carer;
- j) signature of parent(s) and date, as acknowledgement that they have been notified of the child's accident or injury; and
- k) carer's name and address.

I.5 Excursion (non-routine) permission form

The non-routine excursion proforma is to detail:

- a) the date/times;
- b) the proposed destination;
- c) the method of transport;
- d) activities/purpose of the excursion; and
- e) any hazards and management of these hazards.
- f) written permission from the parent(s).

I.6 Risk assessment

The ARB is to develop an appropriate proforma for use of the carer to assess and manage risk.

4 PHILOSOPHY, POLICIES AND PROCEDURES

STANDARD

The ARB must develop appropriate policies to ensure staff, carers and families are well informed, duty of care is met, and clear practices and procedures are maintained by all parties.

Rationale

The provision of clear, written policies and procedures which reflect current professional practice and community expectations assists in quality assurance and service accountability.

Written policies and procedures provide tangible evidence of intended practices which are consistent with the philosophy of the service, and must be regularly reviewed, evaluated and updated.

4.1 Philosophy

The ARB philosophy is to contain the values and beliefs about the care and rights of children and any other matters of ethical importance to the ARB.

4.2 Policies

The ARB is to implement written policies and/or written procedures for each of the following areas:

a) Emergency situations and evacuation/invacuation:

Relevant emergencies, including the removal of a child from a care situation in an emergency.

b) Registration, support and monitoring of registered in home child carers:

- i) recruitment and assessment of carers, and members of carers' families, if appropriate;
- ii) registration and re-registration in accordance with these *In Home Child Care Standards*;
- iii) monitoring the quality of care provision and appropriate means to support carers, e.g. through home visits;
- iv) development of carers' knowledge and skills, including:
 - a. pre-service and in-service training,
 - b. professional development, and
 - c. networking;
- v) ensuring that the needs of children are met, having regard to
 - a. the development, best interests and wellbeing of the individual child
 - b. the views of the child's parent(s), and
 - c. advice provided by specialist advisers.

c) Breaches of the Act, the Regulations, the In Home Child Care Standards, or Conditions of Registration requiring disciplinary action, including suspension or de-registration

- i) an outline of situations/circumstances which may result in the ARB taking disciplinary action;
- ii) notification of disciplinary action to the carer;
- iii) the nature of the disciplinary action;
- iv) the steps in the disciplinary process;

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- v) appropriate grounds for referring the situation to other authorities, including the Department of Education (Education and Care Unit), or Tasmania Police;
 - vi) grounds for reinstatement of registration, where relevant; and
 - vii) any review process available to the carer.
- d) ARB staff members**
- i) the selection, induction, professional development, and employment conditions of staff; and
 - ii) occupational health and safety.
- e) Administration and General**
- i) effective administration of the ARB;
 - ii) storage, retention and disposal of records;
 - iii) placement of carers with families, including establishment and maintenance of a safe environment for children and carers;
 - iv) appropriate referral procedures in order to meet the needs of children and families;
 - v) liaison with parents, carers, community agencies and government bodies;
 - vi) complaints/grievance procedures for families, staff and registered carers; and
 - vii) confidentiality/privacy.

4.3 Policies and procedures for use by carers registered with the ARB

In consultation with the registered carers, the ARB is to develop written policies and/or procedures for use by carers, for each of the following areas:

a) Emergency situations and evacuation

- i) emergency evacuation plan for the care situation;
- ii) invacuation;
- iii) accidents and incidents;
- iv) death of a child;
- v) lost child;
- vi) abandoned child; and
- vii) arrangements for overnight care (if applicable).

b) Health, hygiene and safety

- i) Medication
 - paracetamol;
 - the administration of medication in emergencies;
 - the storage and disposal of medication
 - ARB position on PIC authorising carers to administer medication;
- ii) infectious diseases and exclusion practices;
- iii) immunisation;
- iv) child protection (with reference to relevant legislation);
- v) carer health;
- vi) alcohol, drugs and smoking;
- vii) carers' occupational health and safety;
- viii) food and nutrition;
- ix) hygiene, including handwashing, and laundry;
- x) general cleaning and maintenance;

- x) storage of poisons, dangerous items and chemicals, etc;
 - xii) excursions and transport;
 - xiii) weather/sun protection;
 - xiv) animals; and
 - xv) plants and vegetation.
- c) Administration**
- i) bookings, cancellations, and fees;
 - ii) arrangements for the transfer of the child/ren into and out of care, including delays in handover arrangements;
 - iii) confidentiality and privacy;
 - iv) parent access to child; and
 - v) complaints/grievance procedures for parents.
- d) General**
- i) carer/child interactions;
 - ii) behaviour guidance;
 - iii) supervision;
 - iv) diversity and inclusion;
 - v) equity and anti-bias issues; and
 - vi) planning for children.

4.4 Maintenance of policies

The ARB is to have procedures to review and update policies and procedures.

GLOSSARY

‘ancillary staff’ means persons employed in respect of a child care service otherwise than as child carers;

‘applicant’ means a person who has applied for a licence under section 13;

‘approved premises’ means premises approved by the Secretary, or premises of a class approved by the Secretary, under subsection (2);

‘approved registration body’ means a person who holds a registration body approval licence;

‘approved registration body licence’ means a licence granted under section 16 that authorises one or more of the activities specified in section 10;

‘authorised officer’ means a person appointed as an authorised officer under section 72;

‘carer’ see child carer;

‘centre based child care licence’, means a centre-based child care licence granted under section 16 that authorises the activity specified in section 11;

‘child’ means a person who has not attained the age of 13 years;

‘child care’ has the meaning given by section 4;

‘child care centre’ means premises, other than a person’s primary residence or approved premises or the primary or other residence of the child, at which a child may be provided with child care;

‘child care service’ means

- a) the operation by an approved registration body of any business that involves one or more of the activities authorised by the licence; and
- b) the operation by the holder of a centre-based child care licence of any business that involves one or more of the activities authorised by the licence; and
- c) the operation by the holder of a home-based child care licence of any business that involves one or more of the activities authorised by the licence;
- d) the provision of child care by a registered carer;

‘child care service provider’ means

- a) an approved registration body; and
- b) a holder of a centre-based child care licence; and
- c) a holder of a home-based child care licence;
- d) a registered carer;

‘child carer’, in respect of a child who is being provided with child care, means a person who, for fee or other material benefit, cares for the child

- a) in that person’s own primary residence; or
- b) in that person’s approved premises; or
- c) in the child’s primary or other residence; or
- d) in premises in which child care is provided under a centre-based child care licence;

‘close relative’, in relation to a person, means

- a) another person who resides with that person; and
- b) another person who is a guardian of that person; and

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- c) another person who, in the opinion of the Secretary, may have frequent or extended contact with a child for whom that person is operating or providing or may operate or provide a child care service;

‘director’, in relation to a body corporate

- a) if the body corporate is a corporation within the meaning of the *Corporations Act*, has the meaning as in the *Corporations Act*; and
- b) if the body corporate is not a corporation within the meaning of the *Corporations Act*, means a person holding a position in the body corporate that is equivalent to or substantially the same as the position of director in a corporation, within the meaning of the *Corporations Act*;

‘employ’ means employ for payment or other reward and includes engage the services of, whether as an employee or an independent contractor or otherwise;

‘extended family’ has the same meaning as in the *Children, Young Persons and Their Families Act 1997*;

‘guardian’ has the same meaning as in the *Children, Young Persons and Their Families Act 1997*;

‘home-based child care’ means the provision of child care

- a) in the child’s primary or other residence; or
- b) in the child carer’s primary residence; or
- c) in the approved premises of the child carer;

‘home-based child care licence’ means a licence granted under section 16 that authorises one or more of the activities specified in section 12;

‘licence’ means

- a) an approved registration body licence; and
- b) a centre-based child care licence; and
- c) a home-based child care licence;

‘licence applicant’ means the individual or body that is applying to hold a licence to operate or provide a child care service;

‘licensee or licence holder’ means the individual or body to whom a licence to operate or provide a child care service has been issued;

‘licensee representative’ means the person nominated by the service operator to represent all members of the service operator on licensing matters where the service operator holds the licence. This person is expected to have a higher level of understanding about the operation of the child care service and its adherence to the Licensing Standards;

‘may’ indicates that the power may be exercised or not exercised; with discretion;

‘must’ indicates that the power is required to be exercised;

‘parent’ includes a stepmother, stepfather and guardian;

‘person in charge’

- a) in relation to the child care service operated or provided by an approved registration body, the person who is directly in charge of the day-to-day coordination of the child care service; and
- b) in relation to a child care service operated or provided by the holder of a centre-based child care licence or a home-based child care licence, the person who –
- i) is physically at the centre, residence or other facility or premises where children are provided with child care by that service; and

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- ii) is in charge of the day-to-day running and supervision of that service or centre, residence or other facility or premises, whether the person referred to in paragraph (a) or (b) is the holder of the licence under which the child care service operates or is provided, or an individual employed by that holder;

‘potential child carer’ means a person who is desirous of obtaining employment as a child carer;

‘premises’ includes –

- a) a vehicle, vessel and other means of transport; and
- b) a part of premises;

‘registered carer’ means a person who has been registered as a child carer by an approved registration body;

‘registration’ means registration of a person as a child carer by an approved registration body in accordance with the relevant Standards;

‘regulations’ means the regulations made and in force under this Act;

‘responsible person’ means:

- a) the individual, other than the person in charge of the service, to whom is assigned by the licensee the general responsibility for, and supervision of the operations of, the provision of child care under the licence; or
- b) any other body or individual, other than the person in charge of the child care service, who has the authority to give directions and make decisions in respect of the management of that child care service.

‘safety screening clearance’ is a crucial component in assessing whether a person is a fit and proper person. The process enabled the Conduct and Investigations Unit, Department of Education, to request information from the Police, and other government departments, e.g. Child Protection etc. It remained in place until 1 October 2014 when it was replaced by the requirement to hold a Working with Children Check under the *Registration to Work with Vulnerable People Act 2013*.

The *Registration to Work with Vulnerable People Regulations 2014* specify the dates from when individuals holding a safety screening clearance are required to hold a Working with Children Check. Therefore the safety screening clearance is only considered valid until these specified dates are reached, even though the original letter regarding the safety screening clearance from the Department of Education may state a later expiry date.

‘service operator’ is the name of the organisation/management body that provides the service from the child care centre. It may be a community based management committee or incorporated body, a company, registered business, a partnership, a government agency or an individual who owns the service. The service operator may choose to hold the licence or may authorise an individual employee to hold the licence;

‘spouse’, in relation to a person, includes a person who, although not legally married to that person –

- a) is generally recognised as the de facto husband or wife of that person; or
- b) has a relationship with that person that is of a marital nature;

‘staff member’ means an individual employed by the service operator and:

- a) is likely to have contact with children in care at the service; or
- b) operates in a capacity that would indicate to children that this person is a ‘friend’ and not a stranger of whom to beware, for example, ancillary staff.

'standards' means the Child Care Standards issued under section 47, as amended or substituted from time to time;

'under school age child/ren' means child/ren less than 5 years;

'under school age care setting' was previously known as CBCI;

'volunteer' means a person who undertakes duties authorised by the service, as a voluntary worker, and who receives no remuneration or compensation in money or other consideration, e.g. parents who participate in fundraising activities or working bees, or committee members.

'Working with Children Check' means a registration to work with children in the regulated activity of child care services under the *Registration to Work with Vulnerable People Act 2013*.