

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

October 2014

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.

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

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 child care services.

The Standards for In Home Child Care (Carers)

In home child care refers to care within a child's primary or other residence, arranged by an organisation or agency which has been licensed as an Approved Registration Body (In Home Child Care) under the provisions of Section 10 of the *Child Care Act 2001*. The operator of an In Home Child Care service holds an ARB class 3 licence.

At this stage, the *In Home Child Care Standards (ARBs)* apply to all operators who are approved by the Australian Government to operate an In-Home Care service.

The *In Home Child Care Standards (Carers)* have been written for two main purposes. Firstly, the standards outline the roles and responsibilities of in home child carers, and the standard of care they are expected to provide. Secondly, the standards are used by an ARB in assessing applications from a person who wishes to register with, and be supported by, that ARB as an in home child carer.

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 and carers in the interpretation of the Standard, and provide details of where further information may be obtained.

Relationship of a registered carer with an ARB

The ARB is expected to provide a copy of the *In Home Child Care Standards* 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 available a copy of the ARB standards, so that the applicant can be aware of the links between the ARB licensing standards and the standards for carers.

The ARB is required to give carers a copy of all their relevant policies and procedures. To assist the carer with administration responsibilities and record keeping, the ARB is required to give each carer a range of forms, such as the *Accident or Injury Report* form.

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

The ARB enters into a contract with a family to provide care, usually within that family's own home. The ARB is also responsible for ensuring that the carer is provided with a safe work environment. Initially, the ARB and the family together do a risk assessment of the premises prior to the commencement of care, and any hazards identified during this assessment are documented, and a timeframe to attend to these hazards is set – this usually will be *before* care can commence.

The assessment tool the *In Home Child Care Environmental Checklist and Action Plan*, used for where there are children under five years, is included with the standards for carers for their information.

The ARB is required to advise families of relevant guidelines that carers are expected to follow, for example, in relation to health and safety issues, cleaning, food preparation and storage, toys and play equipment, medicines, and so on.

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I FIT AND PROPER

STANDARD

A registered in home child carer must be a fit and proper person.

Rationale

A duty of care is owed to all children placed with a registered in home child carer, and the standard of care in relation to these children is high. In order to ensure that the safety of children is maximised and their developmental needs are addressed, the registered in home child carer must be a fit and proper person.

I.1 Fit and proper

An applicant for an in home child carer registration 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) provide proof of a current Working with Children Check or a valid safety screening clearance issued by the Department of Education for sighting by the approved registration body (ARB);
- b) provide the names of two referees (who are not relatives of the applicant) who can attest that the applicant is a fit and proper person for the purposes of providing care for children;
- c) have an understanding of their legislative responsibilities under the *Child Care Act 2001*; and
- d) demonstrate an understanding of their duty of care towards children in their care and undertake to ensure that they will meet their duty of care at all times.

2 CARER KNOWLEDGE, SKILLS AND EXPERIENCE

STANDARD

In home child carers are to 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 related training which carers have undertaken.

Appropriate training, and a sound understanding of child development, facilitate the carer's ability to recognise and provide for children's needs, and to competently manage groups of children.

2.1 The carer is to have

- a) an understanding of their duty of care in relation to children in their care.
- b) experience in caring for children.
- c) an understanding that the environment provided for children needs to be safe:
 - i) physically;
 - ii) emotionally; and
 - iii) socially.
- d) a basic knowledge of child development.
- e) a basic knowledge of children's health, hygiene and nutritional and safety needs.
- f) an understanding of supervision and other preventive measures to ensure a safe environment for children.
- g)
 - 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.

2.2 Professional development

The carer is to undertake relevant professional development each year, as specified/required by the ARB.

2.3 Carer interactions with children

The carer's interactions with children in their care must ensure that the children:

- a) are guided towards positive and responsible behaviour;
- b) have the opportunity to make choices, solve problems and access learning experiences; and
- c) are encouraged and supported towards self-reliance and the development of positive self-esteem within the family cultural context.

3 CARER TO CHILD RATIO AND CARER RESPONSIBILITIES

STANDARD

The in home child carer may care for one family only at any one time.

Note: 'Family' refers to members of one family, i.e. brothers and sisters, including step brothers and sisters, foster children and near relatives who normally reside together.

Rationale

A major determinant of quality care is the number of children cared for or supervised by each carer. Family grouping promotes stability and the ongoing development of close relationships.

3.1 General Ratio

A carer may provide care for one family only at any one time.

3.2 Carer responsibilities

- a) Whenever a child/ren are signed into care, the carer is responsible for the child/ren, whether or not the parent(s) are on the premises.
- b) When the child is out of the carer's direct supervision¹, and in the care of the parent(s) while still on the premises or another part of the property (e.g. in a workshop), the child must be signed out of care.

3.3 Carer responsibilities when on excursions

- a) The carer is responsible for the child/ren in care at all times, whether or not accompanied by the parent(s) on an excursion.
- b) The carer must consider any known hazards when choosing destinations that are appropriate to the ages and the number of children in the family.
- c) When the parent takes the child/ren on an outing or, for example, to a swimming or music lesson off the premises, without the carer accompanying them, the child/ren must be signed out of care.

Note: For further details about excursions, refer to Standard 4: Transport and Excursions.

¹ **The agreed definitions of 'supervision' are –**

- (a) **Supervision** - the carer's primary task is to provide help or assistance to the child/ren who may have difficulty performing activities. The carer is present and available whether or not assistance is actually provided.
- (b) **Direct supervision** - the carer is in close proximity to the child/ren and is able to give help or assistance immediately if required by the child/ren. The carer is able to see and hear the child/ren to determine the need for any help.

4 EXCURSIONS AND TRANSPORT

STANDARD

The safety and wellbeing of children must be maintained during excursions and vehicular travel.

Rationale

Children clearly benefit from excursions that provide the opportunity to experience a broad range of environments and to explore their local community. Child safety and meeting duty of care must be of primary consideration.

The carer is to recognise that planning for excursions must incorporate the possibility of increased risks when children are in unfamiliar environments.

4.1 Parental permission for excursions

- a) No child is to leave the premises without a parent(s)' written authorisation.
- b) Written authorisation for a child to participate in routine excursions is to be obtained from the parent(s) when the care situation commences, and updated as required, as a record of the agreed routine excursions.
- c) The carer is to give the parent(s) specific information about each non-routine excursion using the ARB excursion proforma.
- d) Written permission must be obtained from the parent(s) prior to each non-routine excursion taking place.

4.2 Hazard identification and management

The carer is to identify, assess and manage any hazards to ensure the safety of the children.

4.3 Safety of children on excursions

On excursions, the carer must:

- a) supervise at all times;
- b) always have a first aid kit suitable for the excursion;
- c) have emergency information, e.g. information about a child's allergic reactions, etc; and
- d) have a mobile phone or means of emergency contact, e.g. with the ARB or with emergency services, e.g. ambulance.

4.4 Adult to child ratio on excursions

- a) The carer is responsible for the children in care at all times the children are signed into care, whether or not accompanied by the parent(s) on an excursion.
- b) The adult to child ratio is to be determined according to:
 - i) any identified hazard;
 - ii) the individual needs of children; and
 - iii) the composition/dynamics of the group of children.

4.5 Excursions with a significant hazard, and activities which involve a high level of risk, e.g. activities such as swimming, horse-riding, bike riding, etc.

a) Risk management

For any excursion or activity which has a high level of risk, the carer will always:

- i) be present and maintain the overall responsibility;
- ii) identify, assess and manage any hazards to ensure the safety of the children; and
- iii) be able to see the children at all times and to assist children immediately if required.

b) Excursions to bodies of water/swimming and water sports/activities

Note: The ARB may have policies around swimming and water sports/activities, which the carer must follow.

Given the high risks, the carer must assess and manage the situation carefully, and consider factors such as the number and ages of the children, their swimming skills and experience, proposed location/water conditions and the carer's own swimming and lifesaving skills.

- i) If the children are to swim, the carer will document a hazard management plan; and
- ii) Swimming in dams or similar bodies of water is *not* permitted.

4.6 Carer's vehicle

Where a carer's own vehicle is used to transport children in their care:

- a) the carer must provide evidence that the vehicle is roadworthy and regularly serviced;
- b) the carer must provide evidence, e.g. certificates, that the vehicle complies with the appropriate transport regulations, including:
 - i) current valid vehicle registration;
 - ii) seating for each child; and
 - iii) appropriate child restraints, correctly installed.
- c) when the carer is the driver, the carer must:
 - i) hold a valid driving licence for the vehicle;
 - ii) not be required to display provisional licence plates;
 - iii) have a zero blood alcohol content; and
 - iv) not be adversely affected by drugs or medication.
- d) parents' written permission must be given prior to children travelling with the carer in the carer's vehicle;
- e) children are never to be left unattended;
- f) loose objects, such as luggage, or items on the parcel shelf, are to be stored safely and securely; and
- g) animals must be secured safely.

4.7 Family's vehicle

The ARB may have policies in place in relation to the use of the family vehicle.

5 ACTIVITIES AND EXPERIENCES FOR CHILDREN

STANDARD

Activities and experiences that support each individual child's development, and allow for age-appropriate leisure and recreational activities, are to be provided in a safe and supportive environment.

Rationale

A supportive learning environment, with opportunities for imaginative play, self-expression and creative thought, is fundamental to the development of young children.

The provision of sufficient and varied opportunities for play enhances each child's growth and individuality. Such opportunities must be culturally appropriate and offer experiences that facilitate each child's individual development.

Carers are expected to plan, provide and evaluate a range of experiences that are developmentally appropriate and support each child's needs through the natural rhythms and routines of the day and night.

Carers are expected to have sufficient evidence to inform parents of their children's planned experiences, such as communication book/journal, photographs, samples of children's work, a folder or scrap book for a child.

5.1 Activities and Experiences

- a) The carer is to take into account:
 - i) family routines;
 - ii) the weather and the physical environment; and
 - iii) quiet/active times and settings.
- b) The carer is to offer children the opportunity to:
 - i) explore a variety of experiences, both indoor and outdoor;
 - ii) pursue their own interests;
 - iii) be spontaneous; and
 - iv) freely choose activities, and solve problems.
- c) The carer is to promote the dignity and rights of each child at all times, by:
 - i) using positive guidance techniques and encouraging children towards positive and responsible behaviour; and
 - ii) respecting the child's family's culture and values.

6 HEALTH AND SAFETY

STANDARD

Children’s health and development is to be nurtured within a safe indoor/outdoor environment and supported through appropriate nutrition, health and hygiene practices. The carer will be protected through the provision of a safe working environment.

Rationale

Children need exposure to a wide variety of challenges and experiences within an environment that is safe, creative and stimulating. Such an environment requires a carer to have an understanding of hazard identification, supervision and other preventative strategies.

It is also important that a carer models positive health practices, and appropriately supervises, assists and encourages children in their daily health and hygiene routines.

As the child care setting is usually the child’s home, care must also be taken to provide the carer with a safe, clean and hygienic work environment. It is the responsibility of the ARB to ensure that the environment is safe (refer to ARB, Standard 4). This will be achieved through a co-operative risk assessment by the ARB and the family of the premises, using the *In Home Child Care Environment Checklist and Action Plan* prior to the commencement of care. Any hazards will be identified on an Action Plan, to be addressed by the family within an agreed timeframe.

The ARB is to provide the carer with a *Hazard Identification and Management Checklist and Action Plan* tailored to the specific care situation, and agreed between the ARB and the family prior to the commencement of care. This is for the carer’s regular use, i.e. at the commencement of each care shift.

The ARB will advise the family of relevant guidelines for carers in relation to health and safety, toys and equipment, outdoor play equipment, safe food preparation and storage, medicines and medicinal products, storage, and children’s access to vehicles.

6.1 Safe environment: Carer’s responsibility/risk management

- a) The carer is to complete the agreed hazard identification and management checklist, each time care commences, for indoors and outdoors, and take any appropriate action.
- b) Where any agreed guidelines/procedures are not being followed, the matter must be discussed between carer and family, or referred to the ARB.
- c) The carer is to:
 - i) observe health and hygiene practices which reflect current community standards and guidelines; and
 - ii) encourage children to follow appropriate safety and health practices.

Note: The ARB may have policies/procedures around these matters for guidance.

6.2 Nutrition

In partnership with parents, and respecting the family’s cultural, religious or health related dietary needs, the carer is to:

- a) promote children’s awareness of food and nutrition;
- b) prepare, handle and store food in a safe and hygienic manner;
- c) provide meals and snack times on a regular schedule, with flexibility where

- possible to accommodate children's individual needs;
- d) ensure food is developmentally appropriate for the child and encourages independent eating; and
- e) ensure drinking water is made available to children at all times.

6.3 Notifiable diseases

If the carer is exposed to a notifiable disease, the carer is to notify the ARB.

6.4 Weather protection

The carer is to ensure that:

- a) children are protected against the adverse effects of weather; and
- b) the carer and children follow sun protection practices, based on current community standards and health guidelines, and any ARB policies/procedures.

6.5 Carer health

- a) A carer's ability to care for children is not to be impaired by:
 - i) poor health status;
 - ii) any medical condition;
 - iii) dependency on any medication; and
 - iv) dependency on any substance.
- b) A carer is to provide a medical certificate indicating their ability to carry out full duties if requested at any time by the ARB.
- c) The carer must neither be adversely affected by, nor consume alcohol or drugs (except those required for legitimate medical reasons) during the hours children are in care.

6.6 Smoking

A smoke-free environment must be provided for carers and children during the hours children are in care.

6.7 Medical/emergency treatment

- a) If a child has an accident/injury or becomes ill while in care, the child must be kept under the carer's/ARB's supervision until the child's parent(s), or a person nominated by the parent(s), or emergency services personnel take charge of the child.
- b) If a child requires immediate medical aid, the carer must take all reasonable steps to secure that aid.
- c) If medical treatment is sought off the premises, relevant information is to be taken with the child.
- d) If emergency treatment/medical aid is sought, the parent(s) are to be notified as soon as possible.

7 ADMINISTRATION AND RECORDS

STANDARD

The in home child carer is to ensure their duty of care is met, and is to maintain records appropriately.

Rationale

It is important that the carer keeps accurate records, and has effective administrative procedures.

7.1 Access to information

The in home child carer is to carry with them:

- a) their In Home Child Care ID and current registration certificate, issued by the ARB;
- b) the telephone number, address and other relevant information of the ARB;
- c) a copy of the *Child Care Act 2001*; and
- d) all relevant policies, procedures and practices of the ARB.

7.2 Insurance

The in home child carer must be covered by a current public liability policy.

7.3 Records

Note: The ARB must supply the carer with relevant proformas, which satisfy ARB Standard 3, including Enrolment, Contact and Child Information, Record of Hours of Care Provided, Parent Permissions, Authorisation and Administration of Medication, Child Accident or Injury Report, Notifiable Disease, Risk Assessment/Safety Management.

- a) The carer must use, and keep the completed proformas, as per ARB policy.
- b) Records for registration as an in home child carer
The carer is to keep the original of the following documents:
 - i) evidence of current Tasmanian Working with Children Check, or a valid safety screening clearance issued by the Department of Education;
Note: Where the ARB policy allows for a carer's family members to accompany the carer to the care situation, the carer must also keep evidence of Tasmanian Working with Children Checks or valid safety screening for each relevant family member and/or regular/long stay visitors, as applicable.
 - ii) proof of current first aid qualifications, as set out in Standard 2.1.
 - iii) approved qualifications/documentation to validate carer's progress towards an approved qualification; and
 - iv) driving licence(s) and relevant vehicle certificates and documentation as per Standard 4.6, if applicable.

7.4 Maintenance and retention of records

The carer must:

- a) ensure that any required records are kept up to date, and remain confidential;
- b) keep records (see 7.3 (a) and (b)) for the periods specified in the ARB policy about the retention of records.

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;

‘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 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
- 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
 - 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.

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

‘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*.