



Importantly, this information sheet provides a simple interpretation of current legislation, and is not intended to constitute legal advice.

Why are certain “crèches” excluded from licensing requirements?

Crèche services that meet the criteria specified in Regulation 4(2) of the *Child Care Services Regulations 2007* are excluded from the meaning of child careⁱ in the *Child Care Services Act 2007*, and therefore are excluded from the requirement to obtain a licence.ⁱⁱ

Parents’ responsibilities

For crèches to be excluded from licensing requirements, parents must remain nearby and be available to attend to their children’s immediate physical needs,ⁱⁱⁱ such as comforting, feeding or nappy changes, if required.

Consider the following suggestions —

- Ensure parents are aware of this responsibility.
- Staff may attend to children’s needs if they are able to do so in a timely manner, without disrupting the supervision of the remaining children
- Develop an effective method for contacting parents. For example, intercom, PA system, beepers/pagers – whatever system works best for your service.
- Know exactly where each child’s parent is within the facility. Ask parents to write on the attendance sheet exactly where they will be – eg, aerobic room, meeting room.
- Develop a written policy explaining parents’ responsibility and ensure all parents and crèche staff are aware of and understand the policy.
- Include a statement explaining parents’ responsibility on enrolment form and ask parents to sign this statement acknowledging their agreement.

Children’s attendance

Young babies under 2 months of age must be excluded from unlicensed crèche services.^{iv}

Individual children must only attend crèche for up to 3 hours in one care session^v and up to 12 hours in one week.^{vi}

Individual children must only attend 2 care sessions for up to 3 hours each in one day, and must spend at least one hour in the care of their parents between those two sessions.^{vii}

It is recommended that crèche operators —

- Use an enrolment form for each child attending to record date of birth details as well as other important information for the care of children.
- Maintain daily/weekly attendance registers to record the dates of children’s attendance and also children’s arrival and departure times.
- Check with their insurers about storing attendance records.

Staff

At least one of the staff members caring for children must be 21 years of age or older.^{viii} It may be the person in charge, another staff member or a volunteer.

Unlicensed crèches

There must be at least one caregiver on duty with a current first aid qualification.⁹ Contact the Child Care Licensing and Standards Unit for details of currently approved first aid providers and qualifications.

It is recommended that crèche providers consider the following suggestions —

- Facilitate first aid training for all caregivers. Some training organisations offer first aid courses specifically targeted to carers of young children. Encourage others from your organisation to join the training. There may be cost savings for larger groups.
- Obtain and record (maintaining confidentiality) evidence of dates of birth of crèche staff.
- Maintain a record of staff first aid qualifications, including expiry dates.

Emergencies

If at any time an unlicensed crèche service has only one staff member caring for children, that staff member must be able to access adult assistance in an emergency.¹⁰

Strategies to consider include —

- Develop an emergency plan and include details of a nominated person (ensure that person is at least 18 years of age) available to assist in an emergency.
- Include in the emergency plan how a single staff member might call for assistance. For example, a duress button linked to an audible alarm. In a small service, a loud cry for help might be easily heard and acted upon.
- Each service should assess its own situation and develop a workable and effective system, put it in writing, educate all staff and parents, and practise this system to test its effectiveness (similar to practising fire drills).

Signage

From 1 March 2007 all unlicensed crèche services must prominently display a sign informing parents of the licensing status of the service.¹¹ This will allow parents to make informed choices when making care arrangements for their children.

The sign must state clearly that the crèche is not a licensed child care service and therefore not subject to the licensing requirements of the *Child Care Services Act 2007*. A template notice is available from our website www.childcare.wa.gov.au.

Locate the sign in an easy-to-see location at or near the entrance to the service.

Further advice

The Child Care Licensing and Standards Unit can be contacted on telephone 6210 3333 or Freecall STD 1800 199 383.

*The references below are to the current legislation applicable to crèche services —
Child Care Services Act 2007 and the Child Care Services Regulations 2006*

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- i The Act, s.4 – Meaning of “child care service”
 - ii The Act, s.9 – Offence to provide child care service without a licence
 - iii Regulation 4(2)(b)
 - iv Regulation 4(2)(a)
 - v Regulation 4(2)(c)
 - vi Regulation 4(2)(d)
 - vii Regulation 4(2)(e)
 - viii Regulation 4(2)(g)(i), (h)(i)
 - 9 Regulation 4(2)(g)(ii), (h)(ii)
 - 10 Regulation 4(2)(g)(iii)
 - 11 Regulation 4A(2), (3)