

## Frequently Asked Questions *Children and Community Services Act 2004*

### **“Creche” questions**

PLEASE NOTE: The answers provided for the following questions give a simple interpretation of the *Children and Community Services Act 2004* and associated regulations. The answers are intended as a guide only and do not constitute legal advice.

**1. *I operate a “crèche” at my health club. Will I need to apply for a child care licence?***

The *Children and Community Services Regulations 2006* details the criteria for exclusion from the child care licensing provisions in the new Act. Many “crèches” run similar services to child care centres and will be required to become licensed. The Department has developed a step-by-step self-assessment process to assist services determine their status.

On assessment if a service which has been operating as a “crèche” determines it should be licensed as a child care service, it will be able to continue operating so long as it notifies the Department of provision of the service within 12 months. A Notification form has been provided for this purpose. The service provider must then apply for a child care centre licence within 24 months of the commencement of the Act.

All new services that do not meet the criteria for exclusion from the regulations after the commencement of the Act must become licensed as a child care service prior to operation.

**2. *Which care services will be excluded from the child care licensing provisions of the new Act?***

The *Children and Community Services Regulations 2006* specifies the criteria services must meet. Regulations can be purchased from the State Law Publisher or viewed online at [www.slp.wa.gov.au](http://www.slp.wa.gov.au).

**3. *Our local neighbourhood learning centre runs a craft workshop each Thursday morning and provides a crèche. Will we now have to apply for a licence to operate the crèche?***

It is not the intention of the Act to license short term care services where parents are nearby and able to supervise their children. The *Children and Community Services Regulations 2006* exclude such services from licensing requirements. It is expected that most services provided at community or learning centres will fit the criteria of “care that is not child care” contained in the Regulations and therefore be able to operate without a licence.

**4. *We operate a “crèche” and are confused about whether new Act and Regulations mean the crèche now has to be licensed. Who can help us?***

Your local Children’s Services Officer is available to provide advice. Children’s Services Officers (CSOs) are located at each Department for Community Development District Office. Information is also available on the Department’s web site – [www.community.wa.gov.au](http://www.community.wa.gov.au)

**5. We provide a crèche for children of parents attending our church for Sunday worship. Will we require a licence for our crèche?**

It is not the intention to license these types of services if parents or family members are nearby and care is only provided for a short period of time.

**6. Can babies attend a “crèche” service that is excluded from being licensed?**

Yes but they must be over two months of age. This is a criterion for determining whether or not a service must be licensed. Babies under two months of age must attend licensed child care services.

**7. We plan to run a parent education course and offer a crèche. The course will go from 9am to 3pm each day for one week. Will we need a licence to operate the crèche?**

Yes, if children will be attending for more than 3 hours in each care session or for more than 12 hours in one week, then the service will not fit the criteria for “care that is not child care” contained in the *Children and Community Services Regulations 2006*. You could re-structure the course so that it runs for shorter sessions over a longer period – say 3 hours each morning for no more than 4 days in one week.

**8. I work at a “crèche”. Can my own children attend?**

Only if you work in the crèche and your child attends the crèche for no more than 3 hours in one care session and no more than 12 hours in one week.

**9. How many caregivers should there be at a “crèche” and do they have to be qualified?**

Services that meet the criteria of “care that is not child care” contained in the *Children and Community Services Regulations 2006* and excluded from licensing requirements, must have at least one care giver who:

- has reached 21 years of age
- has current first aid qualifications, and
- if that person is the only care giver, there must be another person who has reached 18 years of age available to provide assistance in an emergency situation.

Parents using these services must always be available to attend to their children’s immediate physical needs.

Those services which do not meet the criteria for exclusion must be licensed under the child care provisions and comply with minimum staff requirements in the regulations.

**10. We have completed a self-assessment of our service and have worked out that we meet the criteria for “care that is not child care” and therefore do not need to be licensed. What do we do now?**

Keep a record of the self-assessment as a first measure. You should also undertake a further self-assessment should your operating circumstances change at any time in the future.

From 1 March 2007 all unlicensed “crèche” services must display prominently a notice informing parents that the crèche is not a licensed child care service.

The Department will be developing a new publication to support crèche services excluded from licensing. It is important crèche services make every effort to ensure the safety and well being of the children.

**11. *We have completed the self-assessment for our “crèche” service and determined that we DO NOT meet the criteria for “care that is not child care”. What do we do now?***

You need to provide written notification of the provision of your service to the Department within 12 months of the commencement of the Act and apply for a licence within 24 months of commencement. That is, notify by 28 February 2007; apply for a licence by 29 February 2008.

A notification form is available from the Child Care Licensing and Standards Unit or at [www.community.wa.gov.au](http://www.community.wa.gov.au).

If your assessment has not occurred within 12 months of the commencement of the *Children and Community Services Act 2004* you will be required to apply for a licence to conduct a child care service and cease operation of the service until such time an application is approved.

**12. *How will parents know whether the crèche their children attend is licensed?***

“Crèche” services that are granted a child care licence must display that licence in a prominent position at or near the entrance to the service. Parents will be required to complete an enrolment form for each child who attends.

From 1 March 2007 all unlicensed “crèche services must display prominently a notice informing parents that the service is not a licensed child care service.