

Prep year and the Child Care Act 2002

Fact sheet

Introduction

January 2007 saw the introduction of the Preparatory Year (Prep) into Queensland schools. There is also a six-month increase in the starting age for Year 1 from 2008.

Prep, which replaced preschool, is offered in all state primary schools and accredited non-state schools as a full time non-compulsory year of schooling. Unlike, preschool, there are no waiting lists for Prep in state schools.

Eligibility

To be eligible to attend Prep, children must turn five in the first half of that year. This will align Prep with the six-month increase in the starting year for Year 1 in 2008. From 2008 onwards, children will need to be six by 30 June in the year they enrol to attend Year 1.

Legislative changes

The *Education (General Provisions) Act 2006* and *Education (General Provisions) Regulation 2006* (administered by the Department of Education, Training and the Arts) contain the legislative arrangements relating to Prep. The Act and Regulation include amendments to the *Child Care Act 2002* and *Child Care Regulation 2003* in relation to the preparatory year. These provisions, which impact on the provision of child care services, commenced on 1 January 2007.

All references to preschool and/or preschool child have been removed. Unlike preschool children, Prep children are legislatively regarded as school children. This has a range of implications for services licensed under the *Child Care Act 2002*. From January 2007, any provisions of the Act that either refer to or apply to school children will include Prep children.

Schedule 2 of the *Child Care Act 2002* has the following definition of school child:

".....a child who regularly attends a school at which the child is enrolled."

School age care services

From January 2007, the definition of school age care service under Schedule 2 of the *Child Care Act 2002* is as follows:

".....a licensed centre based service for which, under its licence conditions, the children in care must never include a child who is not a school child."

A Prep year child must be enrolled in **and** regularly attending a school to meet the definition of school child and be eligible to attend a school age care program. Any child of the same age who is not enrolled in and attending Prep will not be recognised as a school child, or eligible to attend a school age care program.

This means that a child enrolled to attend their first year of school is ineligible to attend a licensed vacation care in December before and 1 the January of the year of enrolment.

Because Prep children are legislatively regarded as school children from January 2007, at all times care is being provided in the course of the service, there must be at least one carer to fifteen children. Transport, escorts, excursion and swimming ratios apply as for school children and may be found in Part 4 of the *Child Care Regulation 2003*.

Licences held by school age care services have been amended to remove any reference to preschool children or where limitations are placed on age groups. All school age care licences state the condition *"....to provide care for school children"*.

Family day care

Under section 92 of the *Child Care Act 2002*, a carer may provide family day care for up to 7 children, provided that:

“.....there are not more than 4 children at the home who are not yet school children” section 92(1)(b).

This section of the Act also contains the following definition of school child:

“.....a child who is not yet attending school but is enrolled to attend a school in that year” section 92(5).

This is different to the general definition provided in Schedule 2 of the Act and applies specifically in relation to Family Day Care (a similar provision is found in section 101 (4) of the Act and applies in relation to stand alone care).

Therefore, children who are enrolled in **but not yet attending** Prep are regarded as school children for the purposes of determining the maximum number of children in a family day care home. However, any child of the same age who is not enrolled in Prep is not recognised as a school child for these purposes.

Centre based services other than school age care

As Prep is non-compulsory, children who do not attend Prep are eligible to attend centre based child care services. In addition, Prep children are eligible for school age care at these centres, provided the centre is appropriately licensed.

The staff: child ratios applicable to groups in child care centres as specified in Schedule 1 of the *Child Care Regulation 2003* remain the same.

It should also be noted that section 429A of the *Education (General Provisions) Act 2006* makes it an offence for a licensee under the *Child Care Act 2002* to use the following terms to describe child care:

- “preparatory year”;
- “prep year”;
- “prep”.

Current licensees have one year from October 2006 to comply with this provision.

Schools offering Pre-prep services

As preschool no longer exist, any pre-prep services for children provided by schools will need to meet the licensing requirements under the *Child Care Act 2002*.

This fact sheet has been prepared by the Department of Communities to assist users of the *Child Care Act 2002* and the *Child Care Regulation 2003* in understanding the requirements of important provisions. If there are any inconsistencies between this document and the legislation, the legislation must be followed. You should refer to the legislation to properly understand its requirements.

For a list of Department of Communities regional office contacts please call the Child Care Information Service on 3224 4225 or freecall outside of Brisbane 1800 637 711.

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