

BABYSITTING SERVICES

Managing Hospitality Risk

WHAT'S AT RISK?

Today, more than ever, hotels must accommodate travelers with small children and infants. Since 2000, the number of people bringing their children on business trips grew by more than 50%. These mobile parents will, from time to time, ask for the hotel to provide or recommend a babysitting service. According to industry sources, 12% of hotels offer child care services directly to their guests.

While it is a tremendous service to offer, hotels who take on this responsibility will be held accountable to a high standard of care for the children. Even if you are only recommending an outside babysitting service, the parents are relying on the hotel's recommendation and the hotel is not completely relieved of the responsibility and risk involved. Whether providing or recommending the service, the hotel may be exposed to allegations of negligence, criminal assault, or sexual abuse charges. Claims of this nature are extremely costly and the publicity can damage public relations significantly.

WHAT ARE YOUR LEGAL OBLIGATIONS?

If you choose to avoid this risk altogether, you can make it hotel policy to not get involved with child care. As diplomatically as possible, deliver this message to all guests. If the hotel does get involved, your legal obligations increase with the degree of your direct involvement. Hotel operators may refer guests to outside services, contract with an outside service to provide on-site child care services, or provide on-site child care services using hotel employees. Your liability increases if you decide to use your facilities and/or your employees to provide child care services. If the hotel's child services are construed



legally to be the same as operating a childcare facility, then strict state laws regulate their operations. You should consider the risk and loss control measure for each alternative in your decision making process.

Even if you decide not to offer any type of child care services for your guests, you will still want to ensure that your hotel and guest rooms are safe for children. It is a good idea to offer child safety travel tips and/or special childproof rooms for adults traveling with children. Safety considerations include covering electrical outlets, regulating tap water temperature, covering sharp edges on furniture, repairing or replacing cribs that are in poor condition, upgrading inadequate railings on balconies, limiting window openings, and protecting infants from drapery cords, carpet tacks, and glassware.

HOW CAN YOU BETTER PROTECT YOUR ORGANIZATION?

For some suggestions designed to assist you in developing sound policies and procedures for your organization, please turn this document over and review the attached checklist.

For more information about this and other hospitality risk management topics, please contact:

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Checklist: Babysitting Services

OUTSIDE CONTRACTOR REFERRALS

- Provide your guests with a list of several babysitting services in the area and let the guest choose which one to use. By not endorsing one specific service, you are placing the final responsibility of selecting a child care service on the parents or guardians.
- Provide a disclaimer on the list of services stating that you do not guarantee any of the services and that you are not responsible for any negligence that may occur. Notify parents or guardians that they are responsible for evaluating child care services.
- Ensure that all the services/organizations on your list have adequate insurance coverage(s).

ON-SITE CONTRACTED SERVICES

- As with the outside contractor referrals option, you should ensure that the contractor you hire has adequate insurance coverage and is licensed by the state as applicable.
- In addition, you should have your attorneys review any legal waivers and releases, such as a hold harmless agreement, with the contracted service. The hold harmless agreement could release your hotel from specific responsibilities.
- You will also need to provide a safe place in your hotel to host the child care services. Some of the steps necessary include:
 - Cover all electrical outlets.
 - Protect children from radiators, pipes, and other electrical and/or heat generating devices
 - Protect / Cover / Pad sharp edges on furniture and other items
 - Tie up long drapery and blind cords to keep them out of reach of children
 - Ensure that toys are in good condition and appropriate for different age groups
 - Keep a first aid kit in the area

- Keep a telephone and all emergency phone numbers in the area
- Conduct regular, documented inspections of the area
- Limit access to the area
- Place the facility on the ground level or lowest level possible to facilitate emergency evacuation procedures

ON-SITE CHILD CARE SERVICES

- In addition to controls listed above, you must screen employees who will provide the child care. Conduct reference checks and criminal background checks for all employees who will provide child care.
- Train employees, including training on first aid, CPR, standard operating procedures, and child abuse recognition and prevention.
- Establish procedures to protect children from child abuse. If at all possible, do not allow one staff member to be alone with a child. If you do allow a staff member to supervise a child alone, conduct periodic, random, documented checks of the area to help ensure that everything is fine.
- Use a child information sheet to gather information about the child from the child's parent or guardian.
- Consider purchasing several beeper and offering them to parents to make it easy to contact them in an emergency situation.
- Establish check-in and check-out procedures for the child care center.
- Establish SOP's for handling emergency situations, sick children, outside activities, and other unusual occurrences.
- Follow all state licensing requirements, as applicable.

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