

INSTITUTIONS FOR WELFARE AND
PROTECTION OF CHILDREN

REGULATIONS 2000

under the

CHILD PROTECTION ACT

English/French

THE CHILD PROTECTION ACT

Regulations made by the Minister under section 21 of the Child Protection Act

1. These regulations may be cited as the Institutions for Welfare and Protection of Children Regulations 2000.

2. In these regulations -

“authorised officer” means an officer authorised by the Minister;

“certificate” means a certificate of registration issued under regulation 4;

“child-care giver” means an employee of an institution looking after children and includes a home child-care giver and an assistant child-care giver;

“Child” means a child who is not more than 3 years old;

“formal child-care service providers’ includes –

- (a) private individuals who set up an institution on a commercial basis;
- (b) private organisations which run an institution on a profit or non-profit basis;
- (c) non-governmental organisations that run institutions;
- (d) institutions run by local authorities.

“home child-care giver” means any person providing child-care services at his residence to children on a commercial basis;

“institution” –

- (a) means any establishment providing child-care services including custodial, development care and educational services to children; and
- (b) includes any day care centre, crèche, garderie, playgroup, play centre, kindergarten, nursery, or formal and informal child-care service provider;

“manager” means the persons responsible for running an institution;

“registered institution” means an institution registered under these regulations.

3. No institution shall operate unless it has been registered under these regulations.

4. (1) An application for registration of an institution shall be made to the Permanent Secretary on a form set out in the first Schedule by the manager of such institution, no later than 3 months preceding the date on which the institution is to begin to function.

(2) Subject to regulation 5(1), on receipt of an application under paragraph (1), the Permanent Secretary may issue a certificate of registration to the institution or refuse to register the institution.

5. (1) The Permanent Secretary shall not issue a certificate under regulation 4 unless the institution has complied with the requirements set out in the Second Schedule.

(2) Where a certificate has been refused to an institution, the applicant may appeal to the Minister within 21 days of the date of which he has been notified to the refusal.

(3) In determining an appeal made under paragraph (2), the Minister may cause an enquiry to be carried out by an authorised officer and, on being satisfied that the institution has complied with the requirements set out in the Second Schedule, he may allow the appeal the direct the Permanent Secretary to issue a certificate of registration.

(4) A certificate issued under these regulations shall be valid for a period of 2 years and may be renewed for further periods of 2 years.

6. (1) In every registered institution there shall not be enrolled at any time any child aged under 3 months.

(2) Where a registered institution fails to comply with any requirement set out in the Second Schedule the Permanent Secretary may suspend or cancel the registration.

7. (1) No person shall act as manager of an institution unless he is registered at the Ministry as manager.

(2) An application for registration as manager shall be made to the Permanent Secretary on a form approved by the Minister.

(3) A manager shall not be responsible for more than one institution except with the approval of the Minister.

(4) Every institution shall keep -
(a) an admission register;

- (b) an individual card for each child which shall include details regarding the health, nutritional habits, background and overall development of the child;
- (c) a staff register;
- (d) an inspection register;
- (e) a cash book;
- (f) an inventory of all items of equipment and furniture;
- (g) a time-table;
- (h) a visitor's book;
- (i) any other document which the Permanent Secretary may from time to time require the institution to keep.

(5) The manager of every institution shall by the end of the month of February in every year, submit to the Permanent Secretary a list of children enrolled at the institution as well as a list of members of the staff, and inform the Permanent secretary of any change in the list occurring during that year.

8. (1) No child-care giver shall work in an institution unless he is registered at the Ministry as a child-care giver.

(2) A person who wishes to be registered as a child-care giver shall apply to the Permanent Secretary on a form approved by the Minister.

(3) No person shall be registered as child-care giver unless he produces -

- (a) evidence that he has such basic qualifications or experience as appropriate for a child-care giver;
- (b) a medical certificate to the effect that he is physically and mentally fit to work with children; and
- (c) a Certificate of Morality issued by the Director of Public Prosecutions.

(4) Every child-care giver shall keep an individual diary for each child under his care indicating the daily behaviour of the child.

(5) Every child-care giver shall keep a daily record of his work at the institution.

9. An authorised officer may at any reasonable time -

- (a) visit and inspect an institution;
- (b) verify that the requirements specified in the Second Schedule are being complied with; and
- (c) inspect any document kept under regulation 7(4).

10. An institution which, immediately before the date of commencement of these regulations, was operational may continue to operate without being registered under these regulations -

- (a) during the period of 6 months beginning with that date; or
- (c) if, within that period, application is made for registration, until that application is finally disposed of or withdrawn.

11. These regulations shall come into operation on the date of publication.
Made by the Minister on 8 December 2000

FIRST SCHEDULE
(Regulation 4)

Application Form for Registration of Institution

1. **Name of Institution:**
2. **Address:**
.....
3. **Tel:** **Fax:**
(Please annex site-plan)
4. **Date of Operation:**
5. **Name of Manager/Owner:**
6. **Address of Manager/Owner:**
7. **Name of Assistant Manager:**
8. **Tel:** **Fax:**
9. **Total number of Babies/Infants:**

Age Group (years)	Boys	Girls	Total	Children/Caregiver Ratio
0<1				
1<2				
2<3				
Total				

Total number of employees:*

Care-Givers	Male	Female	Both sexes	Non-Caregivers	Male	Female	Both sexes
Manager				Maidservant			
Assistant Manager				Attendant			
Child Caregiver				Cleaner			
Assistant Child Caregiver				Driver			
Other (specify)							

(*Please attach details of qualifications of each employee)

10. Building and Premises-Space available

(a) Please state the number of rooms available and specify the area of each room:

No. of Rooms	Size / Area

(b) Please state whether the following facilities are available:

Facilities	Yes	No	If Yes, Specify Area
Park			
Kitchen			
Toilet			
Bathroom			

Playground			
Other (specify)			

11. Equipment & Furniture

- (i) No. of cots:
- (ii) No. of tables:
- (iii) No. of chairs:
- (iv) No. of cupboards:
- (v) Pedagogical toys (*please attach list*)
- (vi) Fire-extinguisher:
- (vii) Mattresses:
- (viii) First Aid box:
- (ix) Other (*please specify*):

12. Please state whether clearance has been obtained from:

- (a) Ministry of Health Yes No
- (b) Local Authority Yes No

13. Days and hours of operation:

.....
.....

14. Services provided

(Please tick as appropriate):

- | | | | |
|---|--------------------------|--|--------------------------|
| Care | <input type="checkbox"/> | Transport | <input type="checkbox"/> |
| Development activities
<i>(Please attach list)</i> | <input type="checkbox"/> | Indoor activities
<i>(Please attach list)</i> | <input type="checkbox"/> |
| Bath | <input type="checkbox"/> | Medical Services* | <input type="checkbox"/> |
| Meal | <input type="checkbox"/> | Psychological Services* | <input type="checkbox"/> |
| Washing and Ironing | <input type="checkbox"/> | Other (<i>specify</i>) | <input type="checkbox"/> |

*Please indicate whether there is a visiting Doctor? Yes No

If yes, state frequency:

*Please indicate whether there is a visiting Psychologist? Yes

If yes, state frequency:

15. Is there a Parents Caregivers Association? Yes No

If yes, please state:

(i) Name of President:

Address of President:

(ii) Name of Secretary:

Address of Secretary:

16. Monthly fees per head

(Please indicate if different fees are claimed under the same age group)

Age group	Rs
0<1	
1<2	
2<3	

17. Books/Records available

(Please tick as appropriate):

Children's Medical Card	<input type="checkbox"/>	Cash book	<input type="checkbox"/>
Children's Diary	<input type="checkbox"/>	Inventory of equipment & furniture	<input type="checkbox"/>
Admissions Register	<input type="checkbox"/>	Programme of daily activities	<input type="checkbox"/>
Attendance Register (<i>children</i>)	<input type="checkbox"/>	Visitor's Book	<input type="checkbox"/>
Staff register	<input type="checkbox"/>	Daily menu	<input type="checkbox"/>
Inspection Register	<input type="checkbox"/>	Other (<i>specify</i>)	<input type="checkbox"/>

Date: Signature of Manager:

Office Use Only

Date of visits:

1.
2.
3.

Name of officer:

Signature of officer:

SECOND SCHEDULE

[regulation 5(1)]

Requirements in respect of an institution

1. Building and Premises

- (1) The building and premises, including the kitchen, laundry and sanitary facilities, of an institution shall be in accordance with the Health and Safety regulations in force.
- (2) The indoor space requirement shall be 3.25 sq. metres of unencumbered space per child. Only areas designated for child play activities and sleep shall be counted when calculating available space. Hallways, toilets, staff rooms, kitchens shall not be counted.
- (3) The manager shall make special separate provision for children under 2 years of age.
- (4) The outdoor space requirement shall be 7 square metres of useable play space per child). This does not include outdoor buildings.
- (5) For every 15 children or part thereof there shall be -
 - (a) a junior toilet or adult toilet with a step and junior seat;
 - (b) a hand basin with a step or placed at a height accessible to children; and
 - (c) at least one potty for every 5 children.
- (6) Where there are 15 or more children there shall be a separate area for bathing and toileting of children.
- (7) There will be a minimum of 2 toilets and 2 hand basins for children in each centre but where there are less than 10 children in care, the requirements for the number of toilets and hand basins may be adjusted at the discretion of the Minister.
- (8) There shall be at least one change table, bench or couch, of standard height with a washable top for every 10 children.
- (9) The manager shall ensure that the building or buildings, grounds and all equipment and furnishings used in the care services are maintained in a safe, clear, hygienic condition and are in good state of repair at all times.
- (10) The building or buildings and grounds shall be kept free of vermin.

- (11) Any animal or bird kept on the premises shall be maintained in clean and healthy conditions.

2. Hours of operation

- (1) The opening hours of an institution shall be from 7.30 a.m. up to 5.30 p.m. on weekdays and from 7.30 a.m. to 1 p.m. on Saturdays.
- (2) The opening hours of an institution on Sundays and public holidays and beyond the time prescribed for weekdays and Saturdays shall be at the discretion of the manager.
- (3) Primary and pre-primary schools vacations shall not apply to the institutions and the latter shall continue their operation during such vacations as provided under subparagraphs (1) and (2).
- (4) In the event of an early dismissal by an institution for any valid reason on any specific day, the manager shall so inform the parents at least 2 days in advance.

3. Facilities

- (1) The manager shall ensure that a parent or guardian of a child can -
 - (a) enter the institution at any time during the hours of operation,
 - (b) exchange information about his child with the staff.
- (2) The manager shall ensure that a parent or guardian has access to all written policies of the institutions.
- (3) The manager shall conspicuously display at an institution a notice setting out -
 - (a) hours and days of operation;
 - (b) emergency evacuation procedures;
 - (c) procedures for dealing with parents or guardians concerns;
 - (d) procedures for delivering and collecting children;
 - (e) a list of institution's policies.
- (4) The institution shall ensure that sufficient information on the parents or guardians, particularly as regards immediate contacts in case of emergencies is available at the institution.
- (5) The institution shall have an operating telephone which is readily accessible to staff.

- (6) The institution shall obtain and keep current a policy of insurance that will adequately meet liability of the institution in respect of care services.
- (7) The institution shall ensure that there is a programme policy and implementation strategy and these are in accordance with child development practices.
- (8) The programme developed shall be so designed as to stimulate each child's social, emotional, physical, intellectual, language and creative development.
- (9) The programme shall have a balance between indoor and outdoor activities.
- (10) The manager shall ensure that adequate equipment, toys and other pedagogical items are available to meet the needs of the children and the programme devised.
- (11) The institution shall have at least one bed or mattress for every 2 children who are between the ages 2-3 years.
- (12) The institution shall have at least one cot or other appropriate bedding for each child under the age of 2 years.
- (13) The institution shall have individual bed linen and blanket for each child.
- (14) The manager shall ensure that a scale for children is available at the institution at all times.
- (15) The manager shall ensure that adequate facilities are available for children with slight disabilities.

4. Staffing

- (1) The proportion of number of child-care givers should be as follows -
 - (a) **1 to 4** in the 3 months - 1 year age group;
 - (b) **1 to 6** in the 1 year - 2 years age group;
 - (c) **1 to 10** in the 2 years - 3 years age group;
- (2) At any time and in any case there shall be a minimum of 1 child-care giver on duty at an institution.
- (3) In addition to the child-care giver, extra staff shall be employed to -
 - (a) prepare meals for children where meal preparation is part of the service offered;

(b) undertake all cleaning and maintenance duties.

5. Health and Safety

- (1) All paddling pools, water troughs or other water containers shall be emptied after use and stored to prevent the collection of water.
- (2) When children have access to water containers, bathrooms and toilets, they shall be supervised all times.
- (3) All heating and cooling units shall be adequately guarded to prevent accidental contact with hot surfaces and sparks or flames.
- (4) Fans in children's rooms shall be placed out of the reach of children.
- (5) Electrical outlets on walls shall be covered and no electrical cords shall be plugged in and left around for children to play with.
- (6) The manager shall ensure that children shall not have access to the kitchen or laundry.
- (7) Hot water outlets to the children's bathroom shall have security taps and the temperature controlled to avoid scalding.
- (8) Hot water pipes shall be out of the reach of children.
- (9) The equipment in the outdoor areas must not constitute a hazard for children on account of -
 - (a) lack of soft surface around the equipment;
 - (b) the height from which the child can fall;
 - (c) the likelihood that a child can be trapped, crushed or struck by the equipment and sharp edges, rust or other hazard.
- (10) The manager shall identify and ensure that no poisonous vegetation is accessible to children.
- (11) The manager shall ensure that there is no animal, bird or livestock present which is a likely source of infection or which may be detrimental to the well-being of children.
- (12) The manager shall obtain a fire clearance from the fire authority.
- (13) All staff shall be fully conversant with all emergency and evacuation procedures.
- (14) The manager shall ensure that the procedures are practiced regularly, at least every term and a record thereof be kept.

- (15) The manager shall ensure that each child has its Medical and Immunisation card.
- (16) The manager shall ensure that there is a medical practitioner available on call to provide emergency services.
- (17) The manager shall ensure that there are regular visits of medical, paramedical and dental officers at his Institution.
- (18) The manager shall ensure that all toys and play materials are not hazardous to the health and safety of children.

6. Food and Nutrition

- (1) The manager shall ensure that food provided at the institution is nutritious, adequate in quantity, varied and offered at frequent intervals.
- (2) The manager of an institution which serves food shall have a food policy which considers special dietary requirements of children.
- (3) The manager shall ensure that drinking fluids are available to children.
- (4) The manager shall ensure that food is kept fresh and served warmed to children.
- (5) The manager shall ensure that food given to a child takes account of the child's feeding habits.